

L.N. 89 of 2025

Rules of the High Court (Amendment) (No. 2) Rules 2025

Contents

Rule	Page
------	------

Part 1

Preliminary

- | | | |
|----|---------------------------------------|-------|
| 1. | Commencement | B3231 |
| 2. | Rules of the High Court amended | B3231 |

Part 2

Amendments relating to Proceedings under Trade Marks Ordinance (Cap. 559)

- | | | |
|----|-----------------------------|-------|
| 3. | Order 100 substituted | B3233 |
|----|-----------------------------|-------|

Order 100

Trade Marks Ordinance (Cap. 559)

- | | | |
|----|--|-------|
| 1. | Interpretation (O. 100, r. 1) | B3233 |
| 2. | Application (O. 100, r. 2) | B3235 |
| 3. | Application under the Ordinance (O. 100,
r. 3) | B3235 |
| 4. | Application under section 23 or 25 (O. 100,
r. 4) | B3235 |

Rule		Page
5.	Proceedings for infringement of registered trade marks: defendants may contest registration etc. (O. 100, r. 5)	B3237
6.	Reference to Court under section 77(1)(b) etc. (O. 100, r. 6)	B3239
7.	Service of documents on owners of registered trade marks (O. 100, r. 7)	B3243
8.	Filing of orders etc. with Registrar of Trade Marks (O. 100, r. 8)	B3245
9.	Transitional (O. 100, r. 9)	B3245

Part 3

Amendments relating to Proceedings under Patents Ordinance (Cap. 514)

4.	Order 33, rule 4 amended (determining the place and mode of trial)	B3249
5.	Order 62, First Schedule amended	B3249
6.	Order 103 substituted	B3249

Order 103

Patents Ordinance (Cap. 514)

I. Preliminary

1.	Interpretation (O. 103, r. 1)	B3251
2.	Application (O. 103, r. 2)	B3253

Rule	Page
------	------

II. Originating Proceedings

3.	Proceedings to be begun by originating summons (O. 103, r. 3)	B3253
4.	Supplementary provisions relating to originating summons (O. 103, r. 4)	B3261

III. Who may Apply for Standard Patent

5.	Reference under section 13(1) or 37H(1) (determination before grant as to who may apply) (O. 103, r. 5)	B3263
6.	Reference under section 14(5) or 37K(7) (right to be granted licence etc.) (O. 103, r. 6)	B3269

IV. Provisions on Patents after Grant

7.	Application under section 46(2) (application to amend specification of patent after grant) (O. 103, r. 7)	B3271
----	---	-------

V. Property in Patents and Applications; Registration

8.	Application for purposes of section 53(1) (application for rectification of register) (O. 103, r. 8)	B3279
9.	Reference under section 55(1) (determination of right to patent after grant) (O. 103, r. 9)	B3279

Rule	Page
10. Reference under section 56(5) (right to be granted licence etc. after transfer under section 55) (O. 103, r. 10)	B3281
VI. Compulsory Licences for Standard Patents	
11. Application under section 64(1) (grant of compulsory licence) or 66(3) (variation etc. of compulsory licence) (O. 103, r. 11)	B3283
VII. Import Compulsory Licences for Patented Pharmaceutical Products	
12. Application under section 72J(2) (order for payment of remuneration) (O. 103, r. 12)	B3289
13. Application under section 72J(6) (review of grant of import compulsory licence, its terms or conditions, termination, etc.) (O. 103, r. 13)	B3289
14. Application under section 72J(8) (application by proprietor of patent for termination of import compulsory licence) (O. 103, r. 14)	B3293
VIII. Export Compulsory Licences for Patented Pharmaceutical Products	
15. Application under section 72R(1) (review of grant of export compulsory licence, its terms or conditions or termination) (O. 103, r. 15)	B3297

Rule	Page
16. Application under section 72R(5) (application by proprietor of patent for termination of export compulsory licence) (O. 103, r. 16)	B3299
IX. Infringement, Revocation and Putting Validity in Issue	
17. Patent infringement proceedings (O. 103, r. 17)	B3303
18. Groundless threats of infringement proceedings (O. 103, r. 18)	B3307
19. Application for revocation under section 91(1)(a) (on ground of contrary to public order (“ordre public”) or morality) (O. 103, r. 19)	B3309
20. Proceedings in which validity of patent is put in issue (O. 103, r. 20)	B3313
21. Restrictions on admission of evidence of user of machinery or apparatus (O. 103, r. 21)	B3319
22. Discovery of documents (O. 103, r. 22)	B3321
23. Experiments (O. 103, r. 23)	B3327
X. General Provisions on Amendment of Patents	
24. Application for purposes of section 102 (application to amend specification of patent in infringement or revocation proceedings) (O. 103, r. 24)	B3331

Rule	Page
------	------

XI. Proceedings Arising from References by Registrar of Patents

25.	Proceedings for the purposes of section 44(5), 48(4), 49(2)(b), 127E(3) or 133(1)(b) (O. 103, r. 25)	B3337
-----	--	-------

XII. Miscellaneous

26.	Appointment of scientific adviser (O. 103, r. 26)	B3343
27.	Service of documents on proprietors and applicants (O. 103, r. 27)	B3343
28.	Filing of orders etc. with Registrar of Patents (O. 103, r. 28)	B3347
29.	Transitional (O. 103, r. 29)	B3347

Part 4

Amendments relating to Proceedings under Registered Designs Ordinance (Cap. 522)

7.	Order 62, First Schedule amended	B3351
8.	Order 122 added	B3351

Order 122

Registered Designs Ordinance (Cap. 522)

1.	Interpretation (O. 122, r. 1)	B3351
2.	Application (O. 122, r. 2)	B3353
3.	Proceedings to be begun by originating summons (O. 122, r. 3)	B3353

Rule	Page
4. Supplementary provisions relating to originating summons (O. 122, r. 4)	B3355
5. Reference under section 41(1) (determination of rights after registration) (O. 122, r. 5)	B3357
6. Reference under section 42(5) (right to be granted licence etc. after transfer under section 41) (O. 122, r. 6)	B3359
7. Proceedings for purposes of section 44(3) or 61(1)(b) (O. 122, r. 7)	B3361
8. Application for revocation under section 45 (on ground of public order (“ordre public”) or morality) (O. 122, r. 8)	B3365
9. Proceedings for revocation under section 45 or 46(1) (O. 122, r. 9)	B3369
10. Application under section 53(1) or 54(1) (order for delivery up or disposal) (O. 122, r. 10)	B3371
11. Application for purposes of section 66(1) (rectification of Register) (O. 122, r. 11)	B3373
12. Registration contested or rectification or revocation sought by defendant (O. 122, r. 12)	B3373
13. Appointment of scientific adviser (O. 122, r. 13)	B3375
14. Service of documents on owner of registered design (O. 122, r. 14)	B3375

Rule	Page
15. Filing of orders etc. with Registrar of Designs (O. 122, r. 15)	B3379
16. Transitional (O. 122, r. 16)	B3379

Rules of the High Court (Amendment) (No. 2) Rules 2025

(Made by the Rules Committee of the High Court under section 54 of
the High Court Ordinance (Cap. 4))

Part 1

Preliminary

1. Commencement

These Rules come into operation on 1 October 2025.

2. Rules of the High Court amended

The Rules of the High Court (Cap. 4 sub. leg. A) are amended
as set out in Parts 2, 3 and 4.

Part 2

Amendments relating to Proceedings under Trade Marks Ordinance (Cap. 559)

3. Order 100 substituted

Order 100—

Repeal the Order

Substitute

“Order 100

Trade Marks Ordinance (Cap. 559)

1. Interpretation (O. 100, r. 1)

(1) In this Order—

Court (法院) means the Court of First Instance;

the Ordinance (《條例》) means the Trade Marks Ordinance (Cap. 559);

the Trade Marks Rules (《商標規則》) means the Trade Marks Rules (Cap. 559 sub. leg. A).

(2) In this Order, a section referred to by number means the section so numbered in the Ordinance.

(3) Expressions used in this Order that are used in the Ordinance have the same meaning in this Order as in the Ordinance.

2. Application (O. 100, r. 2)

These rules apply to proceedings brought before the Court under or for the purposes of the Ordinance subject to the provisions of this Order.

3. Application under the Ordinance (O. 100, r. 3)

- (1) Subject to rules 4 and 5, an application to the Court under the Ordinance must be made by—
 - (a) writ; or
 - (b) originating summons in Form No. 8, 10 or 11 in Appendix A.
- (2) If an application is made in accordance with paragraph (1), the plaintiff or the plaintiff's agent must serve a copy of the writ or originating summons by which the application is made on the Registrar of Trade Marks within 7 days after the issue of the writ or originating summons.

4. Application under section 23 or 25 (O. 100, r. 4)

- (1) An application under section 23 or 25 must be made by—
 - (a) originating summons in Form No. 8, 10 or 11 in Appendix A;
 - (b) if the application is made in a pending action—summons in that action; or
 - (c) including the application in a writ, statement of claim or counterclaim.
- (2) If an application under section 25 is made in accordance with paragraph (1) in respect of any infringing goods, material or articles (*infringing item*)—

- (a) the applicant must give a written notice of the application to all persons who have an interest in the infringing item so far as reasonably ascertainable at the same time when the application is served under these rules on the party against whom the application is made; and
 - (b) a person who has an interest in the infringing item (whether or not a notice mentioned in subparagraph (a) is given to the person) is entitled to appear in proceedings in respect of the application.
- (3) A reference in paragraph (2) to a person who has an interest in an infringing item includes a person in whose favour an order could be made in respect of the item under—
 - (a) section 25;
 - (b) section 54(1) of the Registered Designs Ordinance (Cap. 522); or
 - (c) section 111 or 231 of the Copyright Ordinance (Cap. 528).

5. Proceedings for infringement of registered trade marks: defendants may contest registration etc. (O. 100, r. 5)

- (1) If in any proceedings begun by writ in respect of a registered trade mark a claim is made for relief for infringement of the trade mark, the defendant—
 - (a) may contest the registration of the trade mark in the defence; and
 - (b) may make a counterclaim for any one or more of the following reliefs—

- (i) an order for the revocation of the registration of the trade mark;
 - (ii) a declaration of invalidity of the registration of the trade mark;
 - (iii) an order for the variation of the registration of the trade mark;
 - (iv) an order for rectification of the register.
- (2) The defence or counterclaim must include particulars of the objections to the registration of the trade mark on which the defendant relies.
- (3) The defendant—
 - (a) must serve a copy of the defence or counterclaim on all other parties to the proceedings; and
 - (b) if the defendant makes a counterclaim for a relief under paragraph (1)(b)—must serve a copy of the counterclaim on the Registrar of Trade Marks at the same time of filing the counterclaim.
- (4) If the Registrar of Trade Marks takes part in the proceedings, the Registrar of Trade Marks need not serve any pleading unless ordered to do so by the Court.

6. Reference to Court under section 77(1)(b) etc. (O. 100, r. 6)

- (1) This rule applies if—
 - (a) the Registrar of Trade Marks refers to the Court under section 77(1)(b) an application on a question concerning a registered trade mark or an application for registration of a trade mark; and

- (b) the Registrar of Trade Marks has given to the parties and the Court written notice of the decision of such reference (*notice of decision*) of an application (*original application*) under rule 51A(2) of the Trade Marks Rules.
- (2) If the person who made the original application wishes to commence proceedings before the Court in relation to the original application, the person must—
 - (a) within the specified period, take out an originating summons in Form No. 10 or 11 in Appendix A; and
 - (b) within 7 days after the issue of the originating summons, serve a copy of the originating summons on the Registrar of Trade Marks.
- (3) Proceedings commenced under paragraph (2) in relation to an original application are to be treated as the continuation of the original application.
- (4) As soon as practicable after being served with a copy of the originating summons, the Registrar of Trade Marks must, for the purpose of the proceedings commenced under paragraph (2), file with the Court any document or other thing that was filed with the Registrar of Trade Marks for the purpose of the original application.
- (5) In this rule—

specified period (指明限期) means—

 - (a) a period of 1 month after the date of the notice of decision given under rule 51A(2) of the Trade Marks Rules; or

- (b) such period as may be extended by the Registrar of Trade Marks under rule 94(1) of the Trade Marks Rules.

7. Service of documents on owners of registered trade marks (O. 100, r. 7)

- (1) This rule applies to the service of a document on the owner of a registered trade mark in any proceedings relating to the trade mark before the owner has provided an address for service in an acknowledgement of service under Order 12, rule 3(2).
- (2) For the service of an originating process, or any other document that is required to be or may be served in accordance with Order 10, on the owner of a registered trade mark—
 - (a) Order 10 has effect as if in rule 1(2) of that Order—
 - (i) the reference to service on a defendant were a reference to service on the owner; and
 - (ii) the reference to the usual or last known address of the defendant were a reference—
 - (A) to the usual or last known address of the owner; or
 - (B) to the owner's address for service as shown in the register in relation to the trade mark; and

- (b) Order 65 has effect as if, in rule 3(2) of that Order, the reference to Order 10, rule 1(2) were a reference to that rule 1(2) as construed in accordance with subparagraph (a).
- (3) For the service of a document other than those mentioned in paragraph (2) on the owner of a registered trade mark, Order 65 has effect as if the addresses specified in rule 5(2)(a), (b), (c) and (d) of that Order included the owner's address for service as shown in the register in relation to the trade mark.
- (4) A document served on the owner of a registered trade mark at the owner's address for service as shown in the register in relation to the trade mark in accordance with this rule is treated as having been duly served within the jurisdiction on the owner even if the owner is not within the jurisdiction on the date of service mentioned in Order 10, rule 1(3)(a).

8. Filing of orders etc. with Registrar of Trade Marks (O. 100, r. 8)

If the Court has made an order or a declaration, or has granted a certificate, under the Ordinance in favour of a person, the person or, if there is more than one such person, the person directed by the Court, must file a sealed copy of the order, declaration or certificate with the Registrar of Trade Marks within 14 days after the date of sealing the order, declaration or certificate.

9. Transitional (O. 100, r. 9)

For proceedings that are brought under the Ordinance but are pending before the Court immediately before the commencement date of the Rules of the High Court (Amendment) (No. 2) Rules 2025 (*new rules*), the Court

may, of its own motion or on application of a party to the proceedings, give directions that the new rules, or any part of it, are to be applied to the further conduct of the proceedings.”.

Part 3

Amendments relating to Proceedings under Patents Ordinance (Cap. 514)

4. Order 33, rule 4 amended (determining the place and mode of trial)

Order 33, rule 4—

Repeal paragraph (4).

5. Order 62, First Schedule amended

(1) Order 62, First Schedule, Part II, paragraph 4(2)—

Repeal

“rule 27”

Substitute

“, rule 26”.

(2) Order 62, First Schedule, Part II, paragraph 4—

Repeal sub-paragraph (3).

6. Order 103 substituted

Order 103—

Repeal the Order

Substitute

“Order 103

Patents Ordinance (Cap. 514)

I. Preliminary

1. Interpretation (O. 103, r. 1)

(1) In this Order—

Court (法院) means the Court of First Instance;

filing date of the patent application (專利申請提交日期) means—

- (a) for a standard patent (R), the deemed date of filing of the application for the patent, within the meaning of section 38;
- (b) for a standard patent (O) or a short-term patent, the date of filing of the application for the patent;

patent infringement proceedings (侵犯專利法律程序) means any proceedings brought under section 80 or 88;

the Ordinance (《條例》) means the Patents Ordinance (Cap. 514);

the Patents Rules (《專利規則》) means the Patents (General) Rules (Cap. 514 sub. leg. C).

- (2) In this Order, a section referred to by number means the section so numbered in the Ordinance.
- (3) Expressions used in this Order that are used in the Ordinance have the same meaning in this Order as in the Ordinance.

2. Application (O. 103, r. 2)

These rules apply to proceedings brought before the Court under or for the purposes of the Ordinance subject to the provisions of this Order.

II. Originating Proceedings**3. Proceedings to be begun by originating summons (O. 103, r. 3)**

- (1) Proceedings under a provision of the Ordinance specified in column (A) of the Table, which relates to a matter the general description of which is set out in column (B) of the Table opposite to that provision, must be begun by originating summons in Form No. 8, 10 or 11 in Appendix A.

Table

Column (A)	Column (B)
Provision of the Ordinance	General description of matter to be brought before the Court
13(1)(a)	Question as to whether a person is entitled under section 12 to apply for grant of standard patent (R) for invention.
13(1)(b)	Question as to whether any right in or under an application for standard patent (R) should be transferred or granted to any other person.

Column (A) Provision of the Ordinance	Column (B) General description of matter to be brought before the Court
14(5)	Question as to whether a person is entitled to be granted a licence or whether the period or terms of the licence are reasonable following an order for transfer of application for standard patent (R).
37H(1)(a)	Question as to whether a person is entitled to apply for grant of standard patent (O) for invention.
37H(1)(b)	Question as to whether any right in or under an application for standard patent (O) should be transferred or granted to any other person.
37K(7)	Question as to whether a person is entitled to be granted a licence or whether the period or terms of the licence are reasonable following an order for transfer of application for standard patent (O).
46(2)	Application to amend specification of patent.
53(1)	Application for rectification of register.

Column (A) Provision of the Ordinance	Column (B) General description of matter to be brought before the Court
55(1)	Question of proprietorship of patent after it has been granted.
56(5)	Question as to whether a person is entitled to be granted a licence or whether the period or terms of the licence are reasonable following a transfer of patent under section 55.
58(1) or (2)	Application by employee for compensation.
59(7)	Application for variation, discharge, etc., of order for compensation made under section 58.
63(4)	Application for variation of terms or conditions of certain contracts or licences.
64(1)	Application for compulsory licence under standard patent.
66(3)	Application for variation or cancellation of compulsory licence.
72(1)	Dispute as to Government use.

Column (A) Provision of the Ordinance	Column (B) General description of matter to be brought before the Court
72J(1)	Application for determination of amount of remuneration payable under section 72E(2).
72J(2)	Application for payment of remuneration under section 72E(2).
72J(6)	Application for review of grant of import compulsory licence, terms or conditions of the licence, apportionment of the amount of remuneration or termination of the licence.
72J(8)	Application for termination of import compulsory licence by proprietor of patent.
72R(1)	Application for review of grant of export compulsory licence, terms or conditions of the licence or termination of the licence.
72R(5)	Application for termination of export compulsory licence by proprietor of patent.
91(1)	Application for revocation of patent.

- (2) Paragraph (1) does not apply to a matter to be brought before the Court in proceedings that are pending before it.
- (3) Proceedings mentioned in rule 25(2) must be begun by originating summons in Form No. 10 or 11 in Appendix A.

4. Supplementary provisions relating to originating summons (O. 103, r. 4)

- (1) An originating summons by which any proceedings under or for the purposes of the Ordinance are begun must, in addition to any other information required to be included by other provisions of this Order, include—
 - (a) a concise statement setting out the nature of the question referred to, or of the matter brought before, the Court;
 - (b) a summary of the facts, laws and nature of the evidence on which the person who takes out the originating summons relies in support of the proceedings; and
 - (c) the order or relief sought.
- (2) Except as otherwise provided in this Order, Order 10 applies to the service of a copy of an originating summons required to be served under this Order as Order 10 applies to the service of an originating process.

III. Who may Apply for Standard Patent

5. Reference under section 13(1) or 37H(1) (determination before grant as to who may apply) (O. 103, r. 5)

- (1) In any proceedings in which a question is referred to the Court under section 13(1)(a) or 37H(1)(a), the plaintiff or applicant must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Patents within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to each of the persons mentioned in paragraph (2) at the person's usual or last known address—
 - (i) for inter-partes proceedings—at the same time when the originating summons is served under these rules on the defendant; or
 - (ii) for ex-parte proceedings—within 7 days after the issue of the originating summons.
- (2) The persons are—
 - (a) every other person whom the plaintiff or applicant alleges is entitled to apply for a standard patent for the invention to which the proceedings relate; and
 - (b) every person whom the plaintiff or applicant believes to be the inventor or joint inventor of the invention.
- (3) In any proceedings in which a question is referred to the Court under section 13(1)(b) or 37H(1)(b), the plaintiff or applicant must—

- (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Patents within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to each of the persons mentioned in paragraph (4) at the person's usual or last known address—
 - (i) for inter-partes proceedings—at the same time when the originating summons is served under these rules on the defendant; or
 - (ii) for ex-parte proceedings—within 7 days after the issue of the originating summons.
- (4) The persons are—
 - (a) every joint proprietor of the application for a standard patent for the invention to which the proceedings relate who has not indicated consent to the making of the order sought;
 - (b) every person whom the plaintiff or applicant alleges any right in or under the application for a standard patent should be transferred or granted; and
 - (c) every person whom the plaintiff or applicant believes to be the inventor or joint inventor of the invention.
- (5) If an application for a standard patent for the invention has been made and published at the time when the originating summons is issued, the plaintiff or applicant must give a written notice of the proceedings to every person who is shown in the register as having a right in or under the application at the person's usual or last known address—

- (a) for inter-partes proceedings—at the same time when the originating summons is served under these rules on the defendant; or
 - (b) for ex-parte proceedings—within 7 days after the issue of the originating summons.
- (6) If an application for a standard patent for the invention has been made but has not been published at the time when the originating summons is issued, the plaintiff or applicant must give a written notice of the proceedings to—
 - (a) every applicant of the application; and
 - (b) every person who has a right in or under the application as shown in an application, or a notice, that is mentioned in section 46(1) of the Patents Rules.
- (7) A written notice required to be given to a person under paragraph (6)—
 - (a) must be given to the person—
 - (i) for inter-partes proceedings—at the same time when the originating summons is served under these rules on the defendant; or
 - (ii) for ex-parte proceedings—within 7 days after the issue of the originating summons; and
 - (b) must be given to the person at the following address—

- (i) for a person mentioned in paragraph (6)(a)—the person’s address for service communicated to the plaintiff or applicant under section 91A(3) of the Patents Rules; and
 - (ii) for a person mentioned in paragraph (6)(b)—the person’s address communicated to the plaintiff or applicant under that section.
- (8) Paragraph (1)(b), (3)(b), (5) or (6) does not require a written notice to be given to a person who is a party to the proceedings.

6. Reference under section 14(5) or 37K(7) (right to be granted licence etc.) (O. 103, r. 6)

- (1) In any proceedings in which a question is referred to the Court under section 14(5) or 37K(7), the plaintiff must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Patents within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to each of the following persons at the person’s usual or last known address at the same time when the originating summons is served under these rules on the defendant—
 - (i) a person in whose name the application for a patent is to proceed;

- (ii) a person who, to the plaintiff's knowledge, claims to be entitled to be granted a licence under section 14(3) or 37K(3) or (4) (as the case requires).
- (2) Paragraph (1)(b) does not require a written notice to be given to a person who is a party to the proceedings.

IV. Provisions on Patents after Grant

7. Application under section 46(2) (application to amend specification of patent after grant) (O. 103, r. 7)

- (1) This rule applies to an application to the Court under section 46(2) to amend the specification of a patent.
- (2) The proprietor of a patent who wishes to make an application under section 46(2) (*intending applicant*) must publish in the Gazette an advertisement (*specified advertisement*) that—
 - (a) identifies the patent;
 - (b) states that on the intending applicant being given prior notice, the full particulars of the amendment that the intending applicant intends to seek in the application are available for inspection within 28 days after publication of the specified advertisement during ordinary business hours at a place in Hong Kong designated by the intending applicant;
 - (c) states that on request made by a person to the intending applicant, a copy of the specification of the patent with the amendment marked on it is to be provided free of charge to the person;

- (d) sets out the intending applicant's address for service in Hong Kong;
 - (e) sets out the matters provided for in paragraph (3); and
 - (f) sets out the fact that, subject to paragraph (8), the person who sends a notice under paragraph (3) will be named as a defendant in the proceedings.
- (3) If a person intends to oppose the application, the person must, within 42 days after publication of the specified advertisement, send a notice by registered post to the intending applicant at the intending applicant's address for service set out in the specified advertisement—
 - (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.
- (4) The proceedings must be commenced within 28 days (*relevant period*) after the expiry of the period specified in paragraph (3).
- (5) The relevant period is not extendable.
- (6) However, if the intending applicant fails to commence the proceedings within the relevant period, the intending applicant—
 - (a) may publish in the Gazette another advertisement (*new advertisement*) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person who has sent a notice of intention to oppose

under paragraph (3) at the person's address for service specified in the notice,

and paragraphs (3), (4) and (5) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).

- (7) If a notice has been sent under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (6)(a), the intending applicant is to be the plaintiff and, subject to paragraph (8), the person who sent the notice is to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.
- (8) If a person has sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) but fails to send a fresh notice in accordance with paragraph (3) in response to the new advertisement published under paragraph (6)(a), the intending applicant need not name the person as a defendant in the proceedings.
- (9) If no notice has been sent under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (6)(a), the intending applicant is to be the applicant in the originating summons by which the ex-parte proceedings are begun.
- (10) The originating summons must be accompanied by a copy of the specification of the patent showing in coloured ink the amendment sought.

- (11) The plaintiff or the applicant must, within 7 days after the issue of the originating summons, serve on the Registrar of Patents a copy of the originating summons.
- (12) If the Court makes an order allowing the specification of a patent to be amended, the plaintiff or the applicant must, within 14 days after the date of sealing the order, file with the Registrar of Patents—
 - (a) a sealed copy of the order; and
 - (b) subject to paragraph (13), a new specification as amended, which must be prepared in accordance with—
 - (i) section 12 of the Patents Rules if the patent is a standard patent (R);
 - (ii) section 31Q of the Patents Rules if the patent is a standard patent (O); or
 - (iii) section 62 of the Patents Rules if the patent is a short-term patent.
- (13) The Court may order that the filing of a copy of the specification with the amendment marked on it is sufficient compliance with the requirement under paragraph (12)(b).
- (14) The Registrar of Patents must cause a copy of the order to be published at least once in the official journal.

V. Property in Patents and Applications; Registration

8. Application for purposes of section 53(1) (application for rectification of register) (O. 103, r. 8)

- (1) In any proceedings relating to an application for the purposes of section 53(1), the applicant must, within 7 days after the issue of the originating summons by which the proceedings are begun, serve on the Registrar of Patents a copy of the originating summons.
- (2) If an application for the purposes of section 53(1) is made by way of counterclaim in patent infringement proceedings that are pending before the Court, the applicant must, at the same time of filing the counterclaim, serve a copy of the counterclaim on the Registrar of Patents.

9. Reference under section 55(1) (determination of right to patent after grant) (O. 103, r. 9)

- (1) In any proceedings in which a question is referred to the Court under section 55(1), the plaintiff must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Patents within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to the following persons at the same time when the originating summons is served under these rules on the defendant—
 - (i) every person registered as the proprietor of the patent concerned or as having a right in or under the patent;

- (ii) every person who is alleged in the originating summons to be entitled to a right in or under the patent.
- (2) A written notice required to be given to a person under paragraph (1)(b) must be given to the person at the following address—
 - (a) for a person mentioned in paragraph (1)(b)(i)—the person’s address for service; or
 - (b) for a person mentioned in paragraph (1)(b)(ii)—the person’s usual or last known address.
- (3) Paragraph (1)(b) does not require a written notice to be given to a person who is a party to the proceedings.
- (4) In this rule—
address for service (供送達地址), in relation to a person registered as the proprietor of a patent, means the person’s address for service as shown in the register in relation to the patent.

10. Reference under section 56(5) (right to be granted licence etc. after transfer under section 55) (O. 103, r. 10)

- (1) In any proceedings in which a question is referred to the Court under section 56(5), the plaintiff must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Patents within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to the following persons at the same time when the originating summons is served under these rules on the defendant—

- (i) every new proprietor of the patent concerned;
 - (ii) every person who, to the plaintiff's knowledge, claims to be entitled to be granted a licence under section 56(3) or (3A) to continue working or to work the invention concerned.
- (2) A written notice required to be given to a person under paragraph (1)(b) must be given to the person at the following address—
 - (a) for a person mentioned in paragraph (1)(b)(i)—the person's address for service; or
 - (b) for a person mentioned in paragraph (1)(b)(ii)—the person's usual or last known address.
- (3) Paragraph (1)(b) does not require a written notice to be given to a person who is a party to the proceedings.
- (4) In this rule—

address for service (供送達地址), in relation to a person registered as the proprietor of a patent, means the person's address for service as shown in the register in relation to the patent.

VI. Compulsory Licences for Standard Patents

11. Application under section 64(1) (grant of compulsory licence) or 66(3) (variation etc. of compulsory licence) (O. 103, r. 11)

- (1) This rule applies to—
 - (a) an application to the Court under section 64(1) for a licence under a standard patent; or

- (b) an application to the Court under section 66(3) for an order for the variation or cancellation of a licence granted under an order made under section 64 or 65.
- (2) A person who wishes to make an application under section 64(1) or 66(3) (*intending plaintiff*) must publish in the Gazette an advertisement (*specified advertisement*) that sets out—
 - (a) the particulars of the order that the intending plaintiff intends to seek in the application;
 - (b) the intending plaintiff's address for service in Hong Kong;
 - (c) the matters provided for in paragraph (4); and
 - (d) the fact that, subject to paragraph (9), the person who sends a notice under paragraph (4) will be named as a defendant in the proceedings.
- (3) The intending plaintiff must, within 3 days from the date of publication of the specified advertisement, send a copy of the specified advertisement to the following persons by registered post at their addresses for service as shown in the register—
 - (a) every other person who is registered as the proprietor of the patent concerned;
 - (b) every other person who is shown in the register as having a right in or under the patent.
- (4) If a person intends to oppose the application, the person must, within 28 days after publication of the specified advertisement, send a notice by registered post to the intending plaintiff at the intending plaintiff's address for service set out in the specified advertisement—

- (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.
- (5) The proceedings must be commenced within 28 days (*relevant period*) after the expiry of the period specified in paragraph (4).
- (6) The relevant period is not extendable.
- (7) However, if the intending plaintiff fails to commence the proceedings within the relevant period, the intending plaintiff—
 - (a) may publish in the Gazette another advertisement (*new advertisement*) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person who has sent a notice of intention to oppose under paragraph (4) at the person's address for service specified in the notice,and paragraphs (4), (5) and (6) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).
- (8) Subject to paragraph (9), the person who sent a notice under paragraph (4) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (7)(a) is to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.

- (9) If a person has sent a notice under paragraph (4) in response to the specified advertisement published under paragraph (2) but fails to send a fresh notice in accordance with paragraph (4) in response to the new advertisement published under paragraph (7)(a), the intending plaintiff need not name the person as a defendant in the proceedings.

VII. Import Compulsory Licences for Patented Pharmaceutical Products

12. Application under section 72J(2) (order for payment of remuneration) (O. 103, r. 12)

- (1) This rule applies to proceedings relating to an application to the Court under section 72J(2) for an order for payment of remuneration under section 72E(2).
- (2) The plaintiff must, within 7 days after the issue of the originating summons by which the proceedings are begun, serve on the Director of Health a copy of the originating summons.
- (3) In the proceedings, the Director of Health is entitled to appear before the Court or be represented and be heard, and must appear before the Court if so directed by the Court.

13. Application under section 72J(6) (review of grant of import compulsory licence, its terms or conditions, termination, etc.) (O. 103, r. 13)

- (1) This rule applies to proceedings relating to an application to the Court under section 72J(6) for a review of—
 - (a) the grant of an import compulsory licence;

- (b) the terms or conditions of an import compulsory licence;
 - (c) the apportionment of the amount of remuneration; or
 - (d) the termination of an import compulsory licence.
- (2) The plaintiff must, within 7 days after the issue of the originating summons by which the proceedings are begun, serve on the Director of Health a copy of the originating summons.
- (3) If the application is for a review of a matter mentioned in paragraph (1)(a), (b) or (d), the plaintiff must give a written notice of the proceedings to the import compulsory licensee concerned (if not a party to the proceedings) at the licensee's usual or last known address at the same time when the originating summons is served under these rules on the defendant.
- (4) If the application is for a review of the apportionment of the amount of remuneration, the plaintiff must give a written notice of the proceedings to every proprietor of the patent concerned (if not a party to the proceedings) at the proprietor's address for service at the same time when the originating summons is served under these rules on the defendant.
- (5) In the proceedings, the Director of Health is entitled to appear before the Court or be represented and be heard, and must appear before the Court if so directed by the Court.

(6) In this rule—

address for service (供送達地址), in relation to a person registered as the proprietor of a patent, means the person's address for service as shown in the register in relation to the patent.

14. Application under section 72J(8) (application by proprietor of patent for termination of import compulsory licence) (O. 103, r. 14)

- (1) This rule applies to an application by the proprietor of a patent to the Court under section 72J(8) for an order to terminate an import compulsory licence.
- (2) The proprietor of a patent who wishes to make an application under section 72J(8) (***intending plaintiff***) must publish in the Gazette an advertisement (***specified advertisement***) that sets out—
 - (a) the particulars of the order that the intending plaintiff intends to seek in the application;
 - (b) the intending plaintiff's address for service in Hong Kong;
 - (c) the matters provided for in paragraph (3); and
 - (d) the fact that, subject to paragraph (8), the person who sends a notice under paragraph (3) will be named as a defendant in the proceedings.
- (3) If a person intends to oppose the application, the person must, within 28 days after publication of the specified advertisement, send a notice by registered post to the intending plaintiff at the intending plaintiff's address for service set out in the specified advertisement—
 - (a) indicating an intention to oppose; and

- (b) specifying the person's address for service in Hong Kong.
- (4) The proceedings must be commenced within 28 days (**relevant period**) after the expiry of the period specified in paragraph (3).
- (5) The relevant period is not extendable.
- (6) However, if the intending plaintiff fails to commence the proceedings within the relevant period, the intending plaintiff—
 - (a) may publish in the Gazette another advertisement (**new advertisement**) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person who has sent a notice of intention to oppose under paragraph (3) at the person's address for service specified in the notice,and paragraphs (3), (4) and (5) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).
- (7) Subject to paragraph (8), the person who sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (6)(a) is to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.
- (8) If a person has sent a notice under paragraph (3) in response to the specified advertisement published

under paragraph (2) but fails to send a fresh notice in accordance with paragraph (3) in response to the new advertisement published under paragraph (6)(a), the intending plaintiff need not name the person as a defendant in the proceedings.

- (9) The plaintiff must, within 7 days after the issue of the originating summons, serve on the Director of Health a copy of the originating summons.
- (10) In the proceedings, the Director of Health is entitled to appear before the Court or be represented and be heard, and must appear before the Court if so directed by the Court.

VIII. Export Compulsory Licences for Patented Pharmaceutical Products

15. Application under section 72R(1) (review of grant of export compulsory licence, its terms or conditions or termination) (O. 103, r. 15)

- (1) This rule applies to proceedings relating to an application to the Court under section 72R(1) for a review of—
 - (a) the grant of an export compulsory licence;
 - (b) the terms or conditions of an export compulsory licence; or
 - (c) the termination of an export compulsory licence.
- (2) The plaintiff must, within 7 days after the issue of the originating summons by which the proceedings are begun, serve on the Director of Health a copy of the originating summons.

- (3) The plaintiff must give a written notice of the proceedings to the export compulsory licensee concerned (if not a party to the proceedings) at the licensee's usual or last known address at the same time when the originating summons is served under these rules on the defendant.
- (4) In the proceedings, the Director of Health is entitled to appear before the Court or be represented and be heard, and must appear before the Court if so directed by the Court.

16. Application under section 72R(5) (application by proprietor of patent for termination of export compulsory licence) (O. 103, r. 16)

- (1) This rule applies to an application by the proprietor of a patent to the Court under section 72R(5) for an order to terminate an export compulsory licence.
- (2) The proprietor of a patent who wishes to make an application under section 72R(5) (*intending plaintiff*) must publish in the Gazette an advertisement (*specified advertisement*) that sets out—
 - (a) the particulars of the order that the intending plaintiff intends to seek in the application;
 - (b) the intending plaintiff's address for service in Hong Kong;
 - (c) the matters provided for in paragraph (3); and
 - (d) the fact that, subject to paragraph (8), the person who sends a notice under paragraph (3) will be named as a defendant in the proceedings.
- (3) If a person intends to oppose the application, the person must, within 28 days after publication of the specified advertisement, send a notice by registered

post to the intending plaintiff at the intending plaintiff's address for service set out in the specified advertisement—

- (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.
- (4) The proceedings must be commenced within 28 days (***relevant period***) after the expiry of the period specified in paragraph (3).
- (5) The relevant period is not extendable.
- (6) However, if the intending plaintiff fails to commence the proceedings within the relevant period, the intending plaintiff—
- (a) may publish in the Gazette another advertisement (***new advertisement***) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person who has sent a notice of intention to oppose under paragraph (3) at the person's address for service specified in the notice,
- and paragraphs (3), (4) and (5) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).
- (7) Subject to paragraph (8), the person who sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under

paragraph (6)(a) is to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.

- (8) If a person has sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) but fails to send a fresh notice in accordance with paragraph (3) in response to the new advertisement published under paragraph (6)(a), the intending plaintiff need not name the person as a defendant in the proceedings.
- (9) The plaintiff must, within 7 days after the issue of the originating summons, serve on the Director of Health a copy of the originating summons.
- (10) In the proceedings, the Director of Health is entitled to appear before the Court or be represented and be heard, and must appear before the Court if so directed by the Court.

IX. Infringement, Revocation and Putting Validity in Issue

17. Patent infringement proceedings (O. 103, r. 17)

- (1) This rule applies to patent infringement proceedings if they are begun by writ.
- (2) A party to the proceedings who alleges any infringements of a patent in the party's pleading must include in the pleading particulars of the infringements on which the party relies in support of the alleged infringement.
- (3) In proceedings under section 80, the particulars of the infringements must—

- (a) specify which of the claims in the specification of the patent are alleged to have been infringed; and
 - (b) give at least 1 instance of each type of infringement alleged.
- (4) In proceedings under section 88, the particulars of the infringements must—
 - (a) specify which of the claims in the specification of the patent and which of the claims in the specification of the published request to record or the published patent application are alleged to have been infringed; and
 - (b) give at least 1 instance of each type of infringement alleged.
- (5) Paragraph (6) applies if a party to the proceedings (*relevant party*) alleges, as a defence to the infringement alleged by the proprietor or exclusive licensee of the patent concerned, that—
 - (a) at the time of the alleged infringement, there was in force—
 - (i) a contract relating to the patent made by or with the consent of the proprietor or exclusive licensee; or
 - (ii) a licence under the patent granted by the proprietor or exclusive licensee or with the consent of the proprietor or exclusive licensee; and
 - (b) the contract or the licence contains a condition or term that is void because of section 62.
- (6) The relevant party must include in the party's pleading—

- (a) particulars of the date of, and parties to, the contract or licence; and
- (b) particulars of the void condition or term.

18. Groundless threats of infringement proceedings (O. 103, r. 18)

- (1) This rule applies to proceedings under section 89 if they are begun by writ regarding a threat to bring patent infringement proceedings.
- (2) Paragraph (3) applies if a party to the proceedings alleges in the party's pleading that—
 - (a) at the time of the alleged infringement, there was in force—
 - (i) a contract relating to the patent made by or with the consent of the proprietor or exclusive licensee of the patent concerned; or
 - (ii) a licence under the patent granted by the proprietor or exclusive licensee or with the consent of the proprietor or exclusive licensee; and
 - (b) the contract or the licence contains a condition or term that is void because of section 62.
- (3) The party must include in the party's pleading—
 - (a) particulars of the date of, and parties to, the contract or licence; and
 - (b) particulars of the void condition or term.

- (4) A party to the proceedings who relies on section 89A(1)(a), (2)(a) or (4)(a) in the party's pleading must include in the pleading the particulars of the infringement on which the party relies in support of the pleading.
- (5) The particulars of the infringement must—
 - (a) specify the acts in respect of which the patent infringement proceedings were threatened that constitute or, if done, would constitute the infringement of the patent concerned;
 - (b) specify which of the claims in the specification of the patent are alleged to have been infringed; and
 - (c) give at least 1 instance of each type of infringement alleged, if the acts have been done.

19. Application for revocation under section 91(1)(a) (on ground of contrary to public order (“ordre public”) or morality) (O. 103, r. 19)

- (1) This rule applies to an application to the Court for an order to revoke a patent for an invention on the ground that the invention is not a patentable invention by reason of a matter specified in section 9A(5).
- (2) A person who wishes to make an application for the purposes of section 91(1)(a) (*intending plaintiff*) must publish in the Gazette an advertisement (*specified advertisement*) that sets out—
 - (a) the particulars of the order that the intending plaintiff intends to seek in the application;

- (b) brief particulars of the ground on which the intending plaintiff relies in support of the application;
 - (c) the intending plaintiff's address for service in Hong Kong;
 - (d) the matters provided for in paragraph (3); and
 - (e) the fact that, subject to paragraph (8), the person who sends a notice under paragraph (3) will be named as a defendant in the proceedings.
- (3) If a person intends to oppose the application, the person must, within 28 days after publication of the specified advertisement, send a notice by registered post to the intending plaintiff at the intending plaintiff's address for service set out in the specified advertisement—
 - (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.
- (4) The proceedings must be commenced within 28 days (*relevant period*) after the expiry of the period specified in paragraph (3).
- (5) The relevant period is not extendable.
- (6) However, if the intending plaintiff fails to commence the proceedings within the relevant period, the intending plaintiff—
 - (a) may publish in the Gazette another advertisement (*new advertisement*) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person

who has sent a notice of intention to oppose under paragraph (3) at the person's address for service specified in the notice,

and paragraphs (3), (4) and (5) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).

- (7) Subject to paragraph (8), the person who sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (6)(a) is, in addition to the proprietor of the patent, to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.
- (8) If a person has sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) but fails to send a fresh notice in accordance with paragraph (3) in response to the new advertisement published under paragraph (6)(a), the intending plaintiff need not name the person as a defendant in the proceedings.
- (9) The plaintiff must, within 7 days after the issue of the originating summons, serve on the Registrar of Patents a copy of the originating summons.

20. Proceedings in which validity of patent is put in issue (O. 103, r. 20)

- (1) This rule applies to proceedings in which the validity of a patent is put in issue as described in section 101(1).

- (2) A party to the proceedings who puts the validity of a patent in issue must—
 - (a) include particulars of the objections to the validity of the patent concerned in support of the party's allegation of invalidity—
 - (i) in the originating summons or in the party's affidavit evidence (if the proceedings are begun by originating summons); or
 - (ii) in the party's pleading (if the proceedings are begun by writ); and
 - (b) serve on the Registrar of Patents (whichever of the following has the particulars included under subparagraph (a))—
 - (i) within 7 days after the issue of the originating summons, a copy of the originating summons;
 - (ii) at the same time of filing the affidavit evidence, a copy of the affidavit evidence; or
 - (iii) at the same time of filing the pleading, a copy of the pleading.
- (3) The particulars of the objections mentioned in paragraph (2)(a) must—
 - (a) state the grounds on which the validity of the patent is put in issue; and
 - (b) include particulars that clearly define every issue that the party to the proceedings intends to raise.

- (4) If the validity of a patent is put in issue on the ground that the invention is not a patentable invention because it is not new or does not involve an inventive step, the particulars of the objections must—
- (a) state the manner, time and place of the prior publication or the prior user relied on to support that ground; and
 - (b) if prior user is alleged—
 - (i) specify the name of every person alleged to have made such user;
 - (ii) state whether such user is alleged to have continued until the filing date of the patent application or, if priority is claimed, the earliest priority date of the claim in question or of the invention (as may be appropriate) and, if not, the earliest and latest date on which such user is alleged to have taken place;
 - (iii) contain a description accompanied by drawings, if necessary, that is sufficient to identify such user; and
 - (iv) if such user relates to machinery or apparatus, state whether the machinery or apparatus is in existence and where it can be inspected.
- (5) If the validity of a patent is put in issue on the ground that the invention is not a patentable invention because it does not involve an inventive step, a party to the proceedings who intends to establish that the invention involves an inventive step

by relying on the commercial success of the patent must—

- (a) if the proceedings are begun by writ—state the facts of the commercial success in the party’s pleading; or
- (b) if the proceedings are begun by originating summons—state the facts of the commercial success and provide the relevant evidence in the party’s affidavit evidence.

21. Restrictions on admission of evidence of user of machinery or apparatus (O. 103, r. 21)

- (1) In any proceedings relating to a patent, if a party alleges that—
 - (a) any machinery or apparatus has been used before the filing date of the patent application or priority date mentioned in rule 20(4)(b)(ii); and
 - (b) the machinery or apparatus is in existence at the date of service of the particulars of the objections mentioned in rule 20(2)(a),

evidence of the user of the machinery or apparatus before that filing date of the patent application or priority date is not admissible unless the matters mentioned in paragraph (2) are proved.
- (2) The matters are—
 - (a) if the machinery or apparatus is in the party’s possession—the party offered inspection of the machinery or apparatus to the other parties to the proceedings; and

- (b) if the machinery or apparatus is not in the party's possession—the party used all reasonable endeavours to obtain inspection of the machinery or apparatus for the other parties to the proceedings.

22. Discovery of documents (O. 103, r. 22)

- (1) This rule applies to the following proceedings if they are begun by writ—
 - (a) patent infringement proceedings (whether or not relief in relation to any other matter is claimed);
 - (b) proceedings under section 89;
 - (c) proceedings in which a declaration in relation to a patent is sought under section 90;
 - (d) proceedings in which the validity of a patent is put in issue.
- (2) Subject to the modifications set out in paragraph (3), Order 24 applies to any proceedings to which this rule applies.
- (3) The modifications are—
 - (a) the list of documents mentioned in Order 24, rule 2, must be served by each party to the proceedings within 21 days after the pleadings are deemed to be closed under Order 18; and
 - (b) documents from any of the following classes (*exempt class*) are not required to be listed—
 - (i) subject to the condition set out in paragraph (4), for proceedings involving an alleged infringement of a patent by a product or process—documents showing the nature and characteristics of the

- product or process and relating to the issue of whether the product or process falls within the claims in the specification of the patent;
- (ii) documents relating to any ground on which the validity of a patent is put in issue, except documents that came into existence within the period beginning 2 years before the filing date of the patent application or, if priority is claimed, the earliest claimed priority date and ending 2 years after that date;
 - (iii) documents relating to the issue of commercial success of a patent.
- (4) The condition set out for paragraph (3)(b)(i) is that, before serving a list of documents, the party against whom the allegation of infringement is made has served on the other parties full particulars of the product or process, including, if necessary, drawings or other illustrations, that are verified by a statement of truth in accordance with Order 41A.
- (5) If the issue of commercial success relating to an article or product arises in any proceedings, the proprietor of the patent concerned must, within the period specified in paragraph (3)(a), serve on the other parties to the proceedings a schedule containing—
- (a) an identification of the article or product (for example by product code number) that the proprietor asserts has been made in accordance with the claims in the specification of the patent;

- (b) a summary by convenient periods of sales of any such article or product;
 - (c) a summary for the equivalent periods of sales, if any, of any equivalent prior article or product marketed before the article or product mentioned in subparagraph (a); and
 - (d) a summary by convenient periods of any expenditure on advertising and promotion that supported the marketing of the articles or products mentioned in subparagraphs (a) and (c).
- (6) If the issue of commercial success relating to the use of a process arises in any proceedings, the proprietor of the patent concerned must, within the period specified in paragraph (3)(a), serve on the other parties to the proceedings a schedule containing—
 - (a) an identification of the process that the proprietor asserts has been used in accordance with the claims in the specification of the patent;
 - (b) a summary by convenient periods of the revenues received from the use of the process;
 - (c) a summary for the equivalent periods of the revenues, if any, received from the use of any equivalent prior process used before the process mentioned in subparagraph (a); and
 - (d) a summary by convenient periods of any expenditure that supported the use of the processes mentioned in subparagraphs (a) and (c).
- (7) Despite paragraphs (2) and (3), a party may apply to the Court under Order 24, rule 3 or 7, for an order

for discovery of any document in an exempt class, but the Court may only make the order if it considers it just to do so.

- (8) If a party (***Party A***) who produces for inspection a document that belongs to an exempt class is requested in writing by any other party (***Party B***) to serve a supplementary list of all other documents that belong to the same class as the document produced for inspection, Party A must serve on Party B the supplementary list within 14 days after receiving the request unless the Court otherwise orders.
- (9) This rule does not create any privilege from production in a document that belongs to an exempt class.
- (10) This rule does not limit the Court's power to limit the discovery of documents on any other ground.
- (11) In this rule—

convenient period (便利時期), in relation to an article, a product or a process, means a period of time for the convenient illustration of the commercial success of a patent relating to the article, product or process;

equivalent period (對等時期), in relation to a convenient period, means a period that is equivalent to the convenient period.

23. Experiments (O. 103, r. 23)

- (1) This rule applies to—
 - (a) patent infringement proceedings (whether or not relief in relation to any other matter is claimed);
 - (b) proceedings under section 89;

- (c) proceedings in which a declaration in relation to a patent is sought under section 90; and
 - (d) proceedings in which the validity of a patent is put in issue.
 - (2) A party to any proceedings that are begun by writ who wishes to establish any facts by experimental proof must, within 21 days after being served with a list of documents under rule 22, serve on any other party a notice to establish facts.
 - (3) A party to any proceedings that are begun by originating summons who wishes to establish any facts by experimental proof must serve on any other party a notice to establish facts within 21 days after—
 - (a) if affidavit evidence in reply is served before the expiry of the period for the service of such affidavit evidence (*specified period*)—the date on which it is served; or
 - (b) if no affidavit evidence in reply is served before the expiry of the specified period—the expiry of the specified period.
 - (4) A notice to establish facts must—
 - (a) state the facts that the party wishes to establish; and
 - (b) give full particulars of the experiments by which the party proposes to establish the facts.
 - (5) A party on whom a notice to establish facts is served (**Party A**) must, within 21 days after service of the notice, serve a notice in reply on the party who served the notice to establish facts (**Party B**).

- (6) A notice in reply mentioned in paragraph (5) must, in respect of each fact specified in the notice to establish facts, state whether the fact is admitted or not.
- (7) Party A may request Party B to show or carry out any of the experiments identified in the notice to establish facts in presence of Party A or a person designated by Party A.

X. General Provisions on Amendment of Patents

24. Application for purposes of section 102 (application to amend specification of patent in infringement or revocation proceedings) (O. 103, r. 24)

- (1) An application by the proprietor of a patent (*applicant*) to amend the specification of the patent in any proceeding in which the validity of the patent is put in issue for the purposes of section 102 must be made by summons.
- (2) The applicant must state in the summons—
 - (a) whether the applicant will contend that the patent is valid based on the claims in the specification; and
 - (b) if so, that the application is made as an alternative if the contention fails.
- (3) Within 7 days after the issue of the summons, the applicant must serve on the Registrar of Patents and the other parties to the proceedings—
 - (a) a copy of the summons;
 - (b) a copy of the specification of the patent showing in coloured ink the amendment sought; and

- (c) any translation that the Court may require.
- (4) The applicant must, within 1 month after the issue of the summons or within a further period that the Court may direct, publish in the Gazette an advertisement that—
 - (a) identifies the patent concerned;
 - (b) states that on giving prior notice to the applicant, the full particulars of the amendment that the applicant intends to seek in the application are available for inspection within 28 days after publication of the advertisement during ordinary business hours at a place in Hong Kong designated by the applicant;
 - (c) states that on request made by a person to the applicant, a copy of the specification of the patent with the amendment marked on it is to be provided free of charge to the person;
 - (d) sets out the applicant's address for service in Hong Kong; and
 - (e) sets out the matters provided for in paragraphs (5) and (6).
- (5) If a person (other than a party to the proceedings) intends to oppose the application, the person must, within 42 days after publication of the advertisement, send a notice by registered post to the applicant at the applicant's address for service set out in the advertisement—
 - (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.

- (6) A person who sends a notice under paragraph (5) (*intending opponent*) is, subject to the Court's directions as to costs, entitled to be heard at the hearing of the application.
- (7) As soon as practicable after the expiry of the period specified in paragraph (5), the applicant must serve on every intending opponent—
 - (a) a copy of the summons;
 - (b) a copy of the specification of the patent showing in coloured ink the amendment sought; and
 - (c) any translation that the Court may require.
- (8) Without limiting Order 65, rule 5, service of a document on an intending opponent under paragraph (7) may be effected by sending the document by registered post to the intending opponent at the address for service specified in the notice sent under paragraph (5).
- (9) If the Court makes an order allowing the specification of the patent to be amended, the applicant must, within 14 days after the date of sealing the order, file with the Registrar of Patents—
 - (a) a sealed copy of the order; and
 - (b) subject to paragraph (10), a new specification as amended, which must be prepared in accordance with—
 - (i) section 12 of the Patents Rules if the patent is a standard patent (R);
 - (ii) section 31Q of the Patents Rules if the patent is a standard patent (O); or

- (iii) section 62 of the Patents Rules if the patent is a short-term patent.
- (10) The Court may order that the filing of a copy of the specification with the amendment marked on it is sufficient compliance with the requirement under paragraph (9)(b).
- (11) The Registrar of Patents must cause a copy of the order to be published at least once in the official journal.

XI. Proceedings Arising from References by Registrar of Patents

25. Proceedings for the purposes of section 44(5), 48(4), 49(2)(b), 127E(3) or 133(1)(b) (O. 103, r. 25)

- (1) This rule applies if—
 - (a) the Registrar of Patents—
 - (i) refers to the Court under section 44(5) an application for the revocation of a standard patent (R) made under section 44(4);
 - (ii) refers to the Court under section 48(4) a matter relating to an offer by the proprietor of a patent to surrender the patent;
 - (iii) refers to the Court under section 49(2)(b) a question of whether an invention is a patentable invention;
 - (iv) refers to the Court under section 127E(3) opposition proceedings against a request to amend the specification of a short-term patent: or

- (v) refers to the Court under section 133(1)(b)—
 - (A) a question referred to the Registrar of Patents under section 13(1), 14(5), 37H(1) or 37K(7); or
 - (B) an application to the Registrar of Patents to amend the specification of a patent under section 46(2)(b) or (c); and
 - (b) the Registrar of Patents has given to the parties and the Court written notice of the decision of such reference (***notice of decision***) under section 37A(2), 40A(2), 41AAI(2), 81W(2), 92A(2) or 92B(2) of the Patents Rules.
- (2) If the person who brought the previous proceedings (***intending plaintiff or applicant***) wishes to commence proceedings before the Court in relation to the application, matter, question or opposition proceedings, the intending plaintiff or applicant must—
 - (a) within the specified period, take out the originating summons by which the proceedings are to be begun; and
 - (b) within 7 days after the issue of the originating summons, serve a copy of the originating summons on the Registrar of Patents.
- (3) To avoid doubt, rule 5, 6, 7 or 19 does not apply to the proceedings commenced under paragraph (2) in relation to a question or an application mentioned in paragraph (1)(a)(iii) or (v).

- (4) Proceedings commenced under paragraph (2) in relation to an application, a matter, a question or opposition proceedings are to be treated as the continuation of the previous proceedings.
- (5) As soon as practicable after being served with a copy of the originating summons, the Registrar of Patents must, for the purpose of the proceedings commenced under paragraph (2), file with the Court any document or other thing that was filed with the Registrar of Patents for the purpose of the previous proceedings.
- (6) In this rule—

previous proceedings (過往法律程序) means the proceedings brought before the Registrar of Patents for determination of an application, a matter, a question or opposition proceedings under section 13(1), 14(5), 37H(1), 37K(7), 44(4), 46(2)(b) or (c), 48(1), 49(1) or 127E(2)(b) (as the case may be);

specified period (指明限期) means—

- (a) a period of 1 month after the date of the notice of decision given under section 37A(2), 40A(2), 41AAI(2), 81W(2), 92A(2) or 92B(2) of the Patents Rules (as the case may be); or
- (b) such period as may be extended by the Registrar of Patents under section 100AA of the Patents Rules.

XII. Miscellaneous

26. Appointment of scientific adviser (O. 103, r. 26)

- (1) In any proceedings under the Ordinance, the Court may at any time, either of its own motion or on application of any party, appoint an independent scientific adviser—
 - (a) to assist the Court; or
 - (b) to inquire into and report on any question of fact, or of opinion, not involving a question of law or construction.
- (2) Order 40, rules 2, 3, 4, 5 and 6 apply, with necessary modifications, in relation to an independent scientific adviser appointed under paragraph (1) and a report made by the adviser as they apply in relation to a court expert appointed under rule 1 of that Order and a report made by the expert.

27. Service of documents on proprietors and applicants (O. 103, r. 27)

- (1) This rule applies to the service of a document on—
 - (a) the proprietor of a patent in any proceedings relating to the patent before the proprietor has provided an address for service in an acknowledgement of service under Order 12, rule 3(2); or
 - (b) the applicant of a patent application in any proceedings relating to the patent application before the applicant has provided an address for service in an acknowledgement of service under that rule.

- (2) For the service of an originating process, or any other document that is required to be or may be served in accordance with Order 10, on any of the persons mentioned in paragraph (1)—
 - (a) Order 10 has effect as if in rule 1(2) of that Order—
 - (i) the reference to service on a defendant were a reference to service on the person; and
 - (ii) the reference to the usual or last known address of the defendant were a reference—
 - (A) to the usual or last known address of the person;
 - (B) to the person's address for service as shown in the register in relation to the patent or the patent application concerned; or
 - (C) if the person is an applicant of a patent application that has not been published—to the person's address for service communicated under section 91A(3) of the Patents Rules; and
 - (b) Order 65 has effect as if, in rule 3(2) of that Order, the reference to Order 10, rule 1(2) were a reference to that rule 1(2) as construed in accordance with subparagraph (a).

- (3) For the service of a document other than those mentioned in paragraph (2) on any of the persons mentioned in paragraph (1), Order 65 has effect as if the addresses specified in rule 5(2)(a), (b), (c) and (d) of that Order included the person's address for service as shown in the register in relation to the patent or the patent application concerned.
- (4) A document served on any of the persons mentioned in paragraph (1) at the person's address for service shown in the register in relation to the patent or the patent application concerned, or at the person's address for service communicated under section 91A(3) of the Patents Rules, in accordance with this rule is to be treated as having been duly served within the jurisdiction on the person even if the person is not within the jurisdiction on the date of service mentioned in Order 10, rule 1(3)(a).

28. Filing of orders etc. with Registrar of Patents (O. 103, r. 28)

Without limiting rules 7(12) and 24(9), if the Court has made an order, a direction or a declaration, or has granted a certificate under the Ordinance in favour of a person, the person or, if there is more than one such person, the person directed by the Court, must file a sealed copy of the order, direction, declaration or certificate with the Registrar of Patents within 14 days after the date of sealing the order, direction, declaration or certificate.

29. Transitional (O. 103, r. 29)

For proceedings that are brought under the Ordinance but are pending before the Court immediately before the commencement date of the Rules of the High Court

(Amendment) (No. 2) Rules 2025 (*new rules*), the Court may, of its own motion or on application of a party to the proceedings, give directions that the new rules, or any part of it, are to be applied to the further conduct of the proceedings.”.

Part 4

Amendments relating to Proceedings under Registered Designs Ordinance (Cap. 522)

7. Order 62, First Schedule amended

Order 62, First Schedule, Part II, paragraph 4(2)—

Repeal

“() shall not”

Substitute

“or Order 122, rule 13) must not”.

8. Order 122 added

After Order 121—

Add

“Order 122

Registered Designs Ordinance (Cap. 522)

1. Interpretation (O. 122, r. 1)

(1) In this Order—

Court (法院) means the Court of First Instance;

the Ordinance (《條例》) means the Registered Designs Ordinance (Cap. 522);

the Registered Designs Rules (《註冊外觀設計規則》) means the Registered Designs Rules (Cap. 522 sub. leg. A).

(2) In this Order, a section referred to by number means the section so numbered in the Ordinance.

- (3) Expressions used in this Order that are used in the Ordinance have the same meaning in this Order as in the Ordinance.

2. Application (O. 122, r. 2)

These rules apply to proceedings brought before the Court under or for the purposes of the Ordinance subject to the provisions of this Order.

3. Proceedings to be begun by originating summons (O. 122, r. 3)

- (1) Proceedings under a provision of the Ordinance specified in column (A) of the Table, which relates to a matter the general description of which is set out in column (B) of the Table opposite to that provision, must be begun by originating summons in Form No. 8, 10 or 11 in Appendix A.

Table

Column (A)	Column (B)
Provision of the Ordinance	General description of matter to be brought before the Court
40(1)	Disputes as to Government use.
41(1)	Question of right in a design after it has been registered.
42(5)	Question of entitlement to grant of licence following a transfer of registered design under section 41.

Column (A) Provision of the Ordinance	Column (B) General description of matter to be brought before the Court
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45	Application for revocation of registration of design on the ground that the design was not registrable.
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46(1)	Application for revocation of registration of design on the ground that the person registered as owner is not entitled to be so registered.
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66(1)	Application for rectification of Register.
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93(3)	Application for declaration regarding exclusive privileges and rights in design.
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(2) Paragraph (1) does not apply to a matter to be brought before the Court in proceedings that are pending before it.

(3) Proceedings mentioned in rule 7(2) must be begun by originating summons in Form No. 10 or 11 in Appendix A.

4. Supplementary provisions relating to originating summons (O. 122, r. 4)

(1) An originating summons by which any proceedings under or for the purposes of the Ordinance are begun must, in addition to any other information required to be included by other provisions of this Order, include—

- (a) a concise statement setting out the nature of the question referred to, or of the matter brought before, the Court;
 - (b) a summary of the facts, laws and nature of the evidence on which the person who takes out the originating summons relies in support of the proceedings; and
 - (c) the order or relief sought.
- (2) Except as otherwise provided in this Order, Order 10 applies to the service of a copy of an originating summons required to be served under this Order as Order 10 applies to the service of an originating process.

5. Reference under section 41(1) (determination of rights after registration) (O. 122, r. 5)

- (1) In any proceedings in which a question is referred to the Court under section 41(1), the plaintiff must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Designs within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to the following persons at the same time when the originating summons is served under these rules on the defendant—
 - (i) every person registered as an owner of the registered design concerned or as having a right in or under the registered design;
 - (ii) every person who is alleged in the originating summons to be entitled to a right in or under the registered design.

- (2) A written notice required to be given to a person under paragraph (1)(b) must be given to the person at the following address—
 - (a) for a person mentioned in paragraph (1)(b)(i)—the person’s address for service; or
 - (b) for a person mentioned in paragraph (1)(b)(ii)—the person’s usual or last known address.
- (3) Paragraph (1)(b) does not require a written notice to be given to a person who is a party to the proceedings.
- (4) In this rule—

address for service (供送達地址), in relation to a person registered as an owner of a registered design or as having a right in or under a registered design, means the person’s address for service as shown in the Register in relation to the design.

6. Reference under section 42(5) (right to be granted licence etc. after transfer under section 41) (O. 122, r. 6)

- (1) In any proceedings in which a question is referred to the Court under section 42(5), the plaintiff must—
 - (a) serve a copy of the originating summons by which the proceedings are begun on the Registrar of Designs within 7 days after the issue of the originating summons; and
 - (b) give a written notice of the proceedings to the following persons at the same time when the originating summons is served under these rules on the defendant—
 - (i) every new owner of the registered design concerned;

- (ii) every person who, to the plaintiff's knowledge, claims to be entitled to be granted a licence under section 42(3) to continue to do the act or to do the act concerned.
- (2) A written notice required to be given to a person under paragraph (1)(b) must be given to the person at the following address—
 - (a) for a person mentioned in paragraph (1)(b)(i)—the person's address for service; or
 - (b) for a person mentioned in paragraph (1)(b)(ii)—the person's usual or last known address.
- (3) Paragraph (1)(b) does not require a written notice to be given to a person who is a party to the proceedings.
- (4) In this rule—

address for service (供送達地址), in relation to a person registered as an owner of a registered design, means the person's address for service as shown in the Register in relation to the design.

7. Proceedings for purposes of section 44(3) or 61(1)(b) (O. 122, r. 7)

- (1) This rule applies if—
 - (a) the Registrar of Designs—
 - (i) refers to the Court under section 44(3) a question of whether a design is a registrable design; or
 - (ii) refers to the Court under section 61(1)(b) an application on a question concerning a registered design or an application for

registration of a design (*original application*); and

- (b) the Registrar of Designs has given to the parties and the Court written notice of the decision of such reference (*notice of decision*) under section 46(2) or 47A(2) of the Registered Designs Rules.
- (2) If the person who brought the previous proceedings wishes to commence proceedings before the Court in relation to the question or the original application, the person must—
 - (a) within the specified period, take out the originating summons by which the proceedings are to be begun; and
 - (b) within 7 days after the issue of the originating summons, serve a copy of the originating summons on the Registrar of Designs.
- (3) Proceedings commenced under paragraph (2) in relation to a question or an original application are to be treated as the continuation of the previous proceedings.
- (4) As soon as practicable after being served with a copy of the originating summons, the Registrar of Designs must, for the purpose of the proceedings commenced under paragraph (2), file with the Court any document or other thing that was filed with the Registrar of Designs for the purpose of the previous proceedings.
- (5) In this rule—

previous proceedings (過往法律程序) means the proceedings brought before the Registrar of Designs in relation to a question under section 44(1) or an original application;

specified period (指明限期) means—

- (a) a period of 1 month after the date of the notice of decision given under section 46(2) or 47A(2) of the Registered Designs Rules (as the case may be); or
- (b) such period as may be extended by the Registrar of Designs under section 73 of Registered Designs Rules.

8. Application for revocation under section 45 (on ground of public order (“ordre public”) or morality) (O. 122, r. 8)

- (1) This rule applies to an application to the Court under section 45 for an order to revoke the registration of a design on the ground that the design was not registrable by reason of section 7.
- (2) A person who wishes to make the application (***intending plaintiff***) must publish in the Gazette an advertisement (***specified advertisement***) that sets out—
 - (a) the order that the intending plaintiff intends to seek in the application;
 - (b) brief particulars of the grounds and facts on which the intending plaintiff relies in support of the application;
 - (c) the intending plaintiff’s address for service in Hong Kong;
 - (d) the matters provided for in paragraph (3); and
 - (e) the fact that, subject to paragraph (8), the person who sends a notice under paragraph (3) will be named as a defendant in the proceedings.

- (3) If a person intends to oppose the application, the person must, within 28 days after publication of the specified advertisement, send a notice by registered post to the intending plaintiff at the intending plaintiff's address for service set out in the specified advertisement—
 - (a) indicating an intention to oppose; and
 - (b) specifying the person's address for service in Hong Kong.
 - (4) The proceedings must be commenced within 28 days (*relevant period*) after the expiry of the period specified in paragraph (3).
 - (5) The relevant period is not extendable.
 - (6) However, if the intending plaintiff fails to commence the proceedings within the relevant period, the intending plaintiff—
 - (a) may publish in the Gazette another advertisement (*new advertisement*) in accordance with paragraph (2); and
 - (b) must, within 3 days after the publication under subparagraph (a), send a copy of the new advertisement by registered post to the person who has sent a notice of intention to oppose under paragraph (3) at the person's address for service specified in the notice,
- and paragraphs (3), (4) and (5) have effect in relation to the publication of the new advertisement under subparagraph (a) in the same manner as they have effect in relation to the publication of the specified advertisement under paragraph (2).

- (7) Subject to paragraph (8), the person who sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) or to the new advertisement published under paragraph (6)(a) is, in addition to the registered owner of the design, to be named as a defendant in the originating summons by which the inter-partes proceedings are begun.
- (8) If a person has sent a notice under paragraph (3) in response to the specified advertisement published under paragraph (2) but fails to send a fresh notice in accordance with paragraph (3) in response to the new advertisement published under paragraph (6)(a), the intending plaintiff need not name the person as a defendant in the proceedings.
- (9) The plaintiff must, within 7 days after the issue of the originating summons, serve on the Registrar of Designs a copy of the originating summons.

9. Proceedings for revocation under section 45 or 46(1) (O. 122, r. 9)

- (1) The originating summons by which proceedings are begun for the purposes of section 45 or 46(1) must include particulars of the objections to the registration of the design on which the plaintiff relies in support of the application concerned.
- (2) The particulars of the objections mentioned in paragraph (1) must—
 - (a) state the grounds on which the registration of the design is contested; and
 - (b) include particulars that clearly define every issue that the plaintiff intends to raise.

- (3) The plaintiff must, within 7 days after the issue of the originating summons, serve on the Registrar of Designs a copy of the originating summons.

10. Application under section 53(1) or 54(1) (order for delivery up or disposal) (O. 122, r. 10)

- (1) An application under section 53(1) or 54(1) must be made by—
 - (a) originating summons in Form No. 8, 10 or 11 in Appendix A;
 - (b) if the application is made in a pending action—summons in that action; or
 - (c) including the application in a writ, statement of claim or counterclaim.
- (2) If an application under section 54(1) is made in accordance with paragraph (1) in respect of any articles or thing (*infringing item*), the applicant must give a written notice of the application to all persons who have an interest in the infringing item so far as reasonably ascertainable at the same time when the application is served under these rules on the party against whom the application is made.
- (3) A reference in paragraph (2) to a person who has an interest in an infringing item includes a person in whose favour an order could be made in respect of the item under—
 - (a) section 54(1);
 - (b) section 111 or 231 of the Copyright Ordinance (Cap. 528); or
 - (c) section 25 of the Trade Marks Ordinance (Cap. 559).

11. Application for purposes of section 66(1) (rectification of Register) (O. 122, r. 11)

In any proceedings relating to an application for the purposes of section 66(1), the applicant must, within 7 days after the issue of the originating summons by which the proceedings are begun, serve on the Registrar of Designs a copy of the originating summons.

12. Registration contested or rectification or revocation sought by defendant (O. 122, r. 12)

- (1) A defendant in any proceedings in respect of a registered design may do any or all of the following—
 - (a) contest the registration of the design;
 - (b) seek either or both of the following orders—
 - (i) an order that the Register be rectified by deleting or varying the registration;
 - (ii) an order that the registration be revoked.
- (2) If a defendant does any or all of the matters mentioned in paragraph (1)(a) and (b), the defendant—
 - (a) must include particulars of the objections to the registration of the design on which the defendant relies in the defence, the counterclaim or the defendant's affidavit evidence (*relevant document*); and
 - (b) must, at the time of filing the relevant document, serve on the Registrar of Designs a copy of the relevant document.
- (3) The particulars of the objections mentioned in paragraph (2)(a) must—

- (a) state the grounds on which the registration of the design is contested; and
 - (b) include particulars that clearly define every issue that the defendant intends to raise.
- (4) If the Registrar of Designs takes part in the proceedings, the Registrar of Designs need not serve any pleading or affidavit evidence unless ordered to do so by the Court.

13. Appointment of scientific adviser (O. 122, r. 13)

- (1) In any proceedings under the Ordinance, the Court may at any time, either of its own motion or on application of any party, appoint an independent scientific adviser—
- (a) to assist the Court; or
 - (b) to inquire into and report on any question of fact, or of opinion, not involving a question of law or construction.
- (2) Rules 2, 3, 4, 5 and 6 of Order 40 apply, with necessary modifications, in relation to an independent scientific adviser appointed under paragraph (1) and a report made by the adviser as they apply in relation to a court expert appointed under rule 1 of that Order and a report made by the expert.

14. Service of documents on owner of registered design (O. 122, r. 14)

- (1) This rule applies to the service of a document on the owner of a registered design in any proceedings relating to the registered design before the owner has provided an address for service in an

acknowledgement of service under Order 12, rule 3(2).

- (2) For the service of an originating process, or any other document that is required to be or may be served in accordance with Order 10, on the owner of a registered design—
 - (a) Order 10 has effect as if in rule 1(2) of that Order—
 - (i) the reference to service on a defendant were a reference to service on the owner; and
 - (ii) the reference to the usual or last known address of the defendant were a reference—
 - (A) to the usual or last known address of the owner; or
 - (B) to the owner's address for service as shown in the Register in relation to the design; and
 - (b) Order 65 has effect as if, in rule 3(2) of that Order, the reference to Order 10, rule 1(2) were a reference to that rule 1(2) as construed in accordance with subparagraph (a).
- (3) For the service of a document other than those mentioned in paragraph (2) on the owner of a registered design, Order 65 has effect as if the addresses specified in rule 5(2)(a), (b), (c) and (d) of that Order included the owner's address for service as shown in the Register in relation to the design.
- (4) A document served on the owner of a registered design at the owner's address for service as shown in

the Register in relation to the design in accordance with this rule is treated as having been duly served within the jurisdiction on the owner even if the owner is not within the jurisdiction on the date of service mentioned in Order 10, rule 1(3)(a).

15. Filing of orders etc. with Registrar of Designs (O. 122, r. 15)

If the Court has made an order or a declaration, or has granted a certificate, under the Ordinance in favour of a person, the person or, if there is more than one such person, the person directed by the Court, must file a sealed copy of the order, declaration or certificate with the Registrar of Designs within 14 days after the date of sealing the order, declaration or certificate.

16. Transitional (O. 122, r. 16)

For proceedings that are brought under the Ordinance but are pending before the Court immediately before the commencement date of the Rules of the High Court (Amendment) (No. 2) Rules 2025 (*new rules*), the Court may, of its own motion or on application of a party to the proceedings, give directions that the new rules, or any part of it, are to be applied to the further conduct of the proceedings.”.

Made this 14th day of April 2025.

The Hon. Mr. Justice POON
Chief Judge of the High Court

The Hon. Madam Justice
KWAN, V-P

The Hon. Mr. Justice CHOW, JA

Simon KWANG
Registrar, High Court

Christopher CHAIN, S.C.

Queenie LAU, S.C.

Christopher YU

HAU Pak Sun

Louie WONG

Explanatory Note

These Rules provide for the practice and procedures to be followed in the Court of First Instance (*Court*) in proceedings under the Trade Marks Ordinance (Cap. 559) (*Cap. 559*), Patents Ordinance (Cap. 514) (*Cap. 514*) and Registered Designs Ordinance (Cap. 522) (*Cap. 522*).

Part 1—Preliminary

2. Rule 1 provides for commencement.

Part 2—Amendments relating to Proceedings under Cap. 559

3. Rule 3 repeals the existing Order 100 of the Rules of the High Court (Cap. 4 sub. leg. A) (*RHC*) and substitutes a new Order 100 (*New Order 100*) consequent on the enactment of Cap. 559.
4. Rule 2 of the New Order 100 provides that the RHC apply to all proceedings brought before the Court under or for the purposes of Cap. 559 subject to the provisions of the New Order 100.
5. Rule 3 of the New Order 100 provides for the procedures for making an application (other than an application under section 23 or 25 of Cap. 559) under Cap. 559.
6. Rule 4 of the New Order 100 provides for the procedures for making an application under section 23 of Cap. 559 (for an order for the delivery up of infringing goods, material or articles) and for making an application under section 25 of Cap. 559 (for an order for the disposal of infringing goods, material or articles).

7. Rule 5 of the New Order 100 deals with the procedures for contesting the registration of a trade mark in a defence and making a counterclaim for—
 - (a) an order that the registration of the trade mark be revoked or varied;
 - (b) an order that the register of trade marks be rectified; or
 - (c) a declaration that the registration of a trade mark is invalid.
8. Rule 6 of the New Order 100 provides for the procedures relating to a reference by the Registrar of Trade Marks to the Court under section 77(1)(b) of Cap. 559.
9. Rule 7 of the New Order 100 provides for the service of a document on the owner of a registered trade mark before the owner has provided an address for service under Order 12, rule 3(2) of the RHC.
10. Rule 8 of the New Order 100 provides for the filing of sealed copies of court orders, declarations and certificates with the Registrar of Trade Marks.
11. Rule 9 of the New Order 100 is a transitional provision to deal with proceedings brought under Cap. 559 that are pending immediately before the commencement date of these Rules.

Part 3—Amendments relating to Proceedings under Cap. 514

12. Rules 4 and 5 make related amendments to Orders 33 and 62 of the RHC.

13. Rule 6 repeals the existing Order 103 of the RHC and substitutes a new Order 103 (***New Order 103***) consequent on the enactment of Cap. 514 and the repeal of the Registration of Patents Ordinance (Cap. 42).
14. Rule 2 of the New Order 103 provides that the RHC apply to all proceedings brought before the Court under or for the purposes of Cap. 514 subject to the provisions of the New Order 103.
15. Rule 3(1) of the New Order 103 provides that certain proceedings under Cap. 514 must be begun by originating summons.
16. Rule 4 of the New Order 103 deals with information that is to be included in an originating summons and the scope of application of Order 10 of the RHC in relation to the service of an originating summons.
17. Rule 5 of the New Order 103 deals with the service of an originating summons in proceedings relating to the right to apply for standard patent under section 13(1)(a) or (b) or 37H(1)(a) or (b) of Cap. 514 and the giving of written notice of the proceedings.
18. Rule 6 of the New Order 103 deals with the service of an originating summons in proceedings relating to the right to be granted a licence etc. under section 14(5) or 37K(7) of Cap. 514 and the giving of written notice of the proceedings.
19. Rule 7 of the New Order 103 provides for the procedures relating to an application to amend the specification of a patent under section 46(2) of Cap. 514.

20. Rule 8 of the New Order 103 deals with an application for rectification of the register of patents under section 53(1) of Cap. 514.
21. Rule 9 of the New Order 103 deals with the service of an originating summons in proceedings relating to the determination of any right in relation to a patent under section 55(1) of Cap. 514 and the giving of written notice of the proceedings.
22. Rule 10 of the New Order 103 deals with the service of an originating summons in proceedings relating to the right to be granted a licence under section 56(5) of Cap. 514 and the giving of written notice of the proceedings.
23. Rule 11 of the New Order 103 provides for the procedures relating to an application for the grant of a compulsory licence under section 64(1) of Cap. 514 or the variation or cancellation of a compulsory licence under section 66(3) of Cap. 514.
24. Rule 12 of the New Order 103 provides for the procedures relating to an application for an order for payment of remuneration under section 72J(2) of Cap. 514.
25. Rule 13 of the New Order 103 provides for the procedures relating to an application for review of the grant of import compulsory licence etc. under section 72J(6) of Cap. 514.
26. Rule 14 of the New Order 103 provides for the procedures relating to an application for termination of an import compulsory licence under section 72J(8) of Cap. 514.

27. Rule 15 of the New Order 103 provides for the procedures relating to an application for review of the grant of export compulsory licence etc. under section 72R(1) of Cap. 514.
28. Rule 16 of the New Order 103 provides for the procedures relating to an application for termination of an export compulsory licence under section 72R(5) of Cap. 514.
29. Rules 17 and 18 of the New Order 103 deal with the particulars of infringements in patent infringement proceedings and groundless threats of infringement proceedings respectively.
30. Rule 19 of the New Order 103 provides for the procedures relating to an application for revocation of a patent under section 91(1)(a) of Cap. 514.
31. Rule 20 of the New Order 103 deals with the particulars of the objections to the validity of a patent.
32. Rule 21 of the New Order 103 provides for restrictions on admission of certain evidence relating to user of machinery or apparatus.
33. Rule 22 of the New Order 103—
 - (a) provides that Order 24 (discovery and inspection of documents) with certain modifications apply to certain proceedings relating to patents; and
 - (b) provides for discovery of documents in proceedings involving the issue of commercial success.
34. Rule 23 of the New Order 103 provides for the procedures relating to the establishment of facts by experimental proof in certain proceedings relating to patents.

35. Rule 24 of the New Order 103 provides for the procedures for an application to amend the specification of a patent under section 102 of Cap. 514.
36. Rule 25 of the New Order 103 provides for the procedures relating to a reference by the Registrar of Patents to the Court under section 44(5), 48(4), 49(2)(b), 127E(3) or 133(1)(b) of Cap. 514.
37. Rule 26 of the New Order 103—
- (a) empowers the Court to appoint a scientific adviser; and
 - (b) provides that Order 40, rules 2 to 6 of the RHC apply, with necessary modification, to the scientific adviser so appointed and to the reports made by the adviser.
38. Rule 27 of the New Order 103 provides for the service of a document on the proprietor of a patent or the applicant of a patent application, before the proprietor or the applicant has provided an address for service under Order 12, rule 3(2) of the RHC.
39. Rule 28 of the New Order 103 provides for the filing of sealed copies of court orders, directions, declarations and certificates with the Registrar of Patents.
40. Rule 29 of the New Order 103 is a transitional provision to deal with proceedings brought under Cap. 514 that are pending immediately before the commencement date of these Rules.

Part 4—Amendments relating to Proceedings under Cap. 522

41. Rule 7 makes a related amendment to Order 62 of the RHC.

42. Rule 8 adds a new Order 122 (*New Order 122*) to the RHC consequent on the enactment of Cap. 522.
43. Rule 2 of the New Order 122 provides that the RHC apply to all proceedings brought before the Court under or for the purposes of Cap. 522 subject to the provisions of the New Order 122.
44. Rule 3(1) of the New Order 122 provides that certain proceedings under Cap. 522 must be begun by originating summons.
45. Rule 4 of the New Order 122 deals with the information that is to be included in an originating summons and the scope of application of Order 10 of the RHC in relation to the service of an originating summons.
46. Rule 5 of the New Order 122 deals with the service of an originating summons in proceedings relating to the determination of any right in relation to a design under section 41(1) of Cap. 522, and the giving of written notice of the proceedings.
47. Rule 6 of the New Order 122 deals with the service of an originating summons in proceedings relating to the right to be granted a licence under section 42(5) of Cap. 522, and the giving of written notice of the proceedings.
48. Rule 7 of the New Order 122 provides for the procedures relating to a reference by the Registrar of Designs to the Court under section 44(3) or 61(1)(b) of Cap. 522.

49. Rules 8 and 9 of the New Order 122 provide for the procedures relating to an application for revocation of the registration of a design under section 45 or 46(1) of Cap. 522.
50. Rule 10 of the New Order 122 provides for the procedures relating to an application for an order for the delivery up of infringing articles and anything designed or adapted for making those articles, or for their disposal under section 53(1) or 54(1) of Cap. 522.
51. Rule 11 of the New Order 122 deals with an application for rectification of the Register of Designs under section 66(1) of Cap. 522.
52. Rule 12 of the New Order 122 deals with the procedures for contesting the registration of a design and seeking an order that the Register of Designs be rectified or the registration of a design be revoked.
53. Rule 13 of the New Order 122 empowers the Court to appoint a scientific adviser.
54. Rule 14 of the New Order 122 provides for the service of a document on the owner of a registered design before the owner has provided an address for service under Order 12, rule 3(2) of the RHC.
55. Rule 15 of the New Order 122 provides for the filing of sealed copies of court orders, declarations and certificates with the Registrar of Designs.
56. Rule 16 of the New Order 122 is a transitional provision to deal with proceedings brought under Cap. 522 that are pending immediately before the commencement date of these Rules.