

L.N. 91 of 2025**Registered Designs (Amendment) Rules 2025****Contents**

Section	Page
1. Commencement	B3569
2. Registered Designs Rules amended	B3569
3. Heading before section 37 amended	B3569
4. Section 37 substituted	B3569
37. References to Registrar under section 44(1) of Ordinance.....	B3569
5. Section 37A added	B3573
37A. Notice of intention to oppose by person other than registered owner of design	B3573
6. Section 38 substituted	B3575
38. Notice of opposition by person other than registered owner of design	B3575
7. Section 38A added	B3579
38A. Notice of opposition by registered owner of design	B3579
8. Section 39 repealed (counter-statement)	B3583
9. Sections 40, 41 and 42 substituted	B3583
40. Evidence in support of reference	B3583

Section	Page
41. Evidence in support of opposition.....	B3585
42. Additional evidence in reply to opposition	B3587
10. Section 42A added.....	B3589
42A. Filing of evidence that requires leave of Registrar.....	B3589
11. Section 43 substituted	B3591
43. Directions by Registrar	B3591
12. Section 44 amended (notice of decision)	B3591
13. Section 45 amended (costs in unopposed cases)	B3591
14. Section 46 substituted	B3593
46. Reference to court under section 44(3) of Ordinance.....	B3593
15. Heading before section 47 amended	B3595
16. Section 47 amended (service on Registrar of applications).....	B3595
17. Section 47A added.....	B3597
47A. Reference to court under section 61(1)(b) of Ordinance.....	B3597
18. Section 48 amended (filing of court orders, declarations or certificates)	B3599
19. Sections 49A and 49B added	B3601
49A. Stay of proceedings.....	B3601

Section	Page
49B. Taxation of costs.....	B3601
20. Section 50 amended (service on Registrar of applications under section 66 of Ordinance)	B3601
21. Section 67 amended (recognition of agents)	B3601
22. Section 73 amended (extension of time)	B3605
23. Section 74 amended (fees).....	B3605
24. Heading before section 75 amended	B3607
25. Section 76 added.....	B3607
76. Transitional provisions relating to Registered Designs (Amendment) Rules 2025	B3607
26. Schedule amended (fees).....	B3609

Registered Designs (Amendment) Rules 2025

(Made by the Registrar of Designs under sections 79, 80, 81 and 82 of the Registered Designs Ordinance (Cap. 522))

1. Commencement

These Rules come into operation on 1 October 2025.

2. Registered Designs Rules amended

The Registered Designs Rules (Cap. 522 sub. leg. A) are amended as set out in sections 3 to 26.

3. Heading before section 37 amended

Heading before section 37—

Repeal

“46”

Substitute

“46, 61”.

4. Section 37 substituted

Section 37—

Repeal the section

Substitute

“37. References to Registrar under section 44(1) of Ordinance

- (1) A reference to the Registrar under section 44(1) of the Ordinance of the question mentioned in that section (which is, whether, having regard to section 7 of the Ordinance, a design is a registrable design) must be made by filing in accordance with this

section an application in the specified form (*reference application*).

- (2) The reference application must be filed with the Registrar and accompanied by a statement setting out—
 - (a) the question on which the applicant intends to seek the determination of the Registrar;
 - (b) the determination and order that the applicant intends to seek in relation to the question; and
 - (c) the full particulars of the grounds and facts on which the applicant relies.
- (3) The applicant must—
 - (a) at the same time as the reference application is filed with the Registrar, send a copy of the reference application and of the accompanying statement to the registered owner of the design; and
 - (b) within 3 days after the date of filing the reference application, notify the Registrar in writing that the applicant has complied with the requirements of paragraph (a).
- (4) The reference application is to be treated as not having been filed in accordance with this section if the applicant fails to comply with subsection (3).
- (5) The Registrar must as soon as practicable after the applicant has complied with subsection (3)—
 - (a) enter in the Register a notice of the reference application; and
 - (b) advertise the fact of the filing of the reference application by notice in the official journal.”.

5. Section 37A added

After section 37—

Add

“37A. Notice of intention to oppose by person other than registered owner of design

- (1) If a reference is made by an application filed in accordance with section 37 (*reference application*), any person (other than the registered owner of the design) who intends to oppose the reference under section 44(5) of the Ordinance may file in accordance with this section a notice indicating the person's intention to oppose the reference in the specified form (*notice of intention to oppose*).
- (2) The notice of intention to oppose must be filed with the Registrar within 28 days after the date on which the filing of the reference application is advertised in the official journal under section 37(5) (*filing period*).
- (3) A person who files with the Registrar a notice of intention to oppose (*intending opponent*) must—
 - (a) at the same time as the notice is filed, send a copy of the notice to—
 - (i) the person who filed the reference application (*applicant*); and
 - (ii) the registered owner of the design; and
 - (b) within 3 days after the date of filing the notice, notify the Registrar in writing that the intending opponent has complied with the requirements of paragraph (a).

- (4) The notice of intention to oppose is to be treated as not having been filed in accordance with this section if the intending opponent fails to comply with subsection (3).
- (5) On receiving a copy of a notice of intention to oppose sent by an intending opponent under subsection (3)(a)(i), the applicant must, within 14 days after the expiry of the filing period—
 - (a) send a copy of the reference application and of the accompanying statement filed under section 37 to the intending opponent; and
 - (b) notify the Registrar in writing that the applicant has complied with the requirements of paragraph (a).
- (6) The applicant is to be treated as having abandoned the reference if the applicant fails to comply with subsection (5).”.

6. Section 38 substituted

Section 38—

Repeal the section

Substitute

“38. Notice of opposition by person other than registered owner of design

- (1) If—
 - (a) a reference is made by an application filed in accordance with section 37 (*reference application*);

- (b) a person (*intending opponent*) has filed a notice of intention to oppose in accordance with section 37A; and
 - (c) a copy of the reference application and of the accompanying statement has been sent to the intending opponent under section 37A(5),
the intending opponent may, within 2 months after the expiry of the 14-day period specified in section 37A(5), oppose the reference under section 44(5) of the Ordinance by filing with the Registrar a notice of opposition in the specified form.
- (2) The notice of opposition must set out—
- (a) the grounds on which the intending opponent relies in support of the opposition;
 - (b) the facts alleged in the reference application that the intending opponent admits, denies or is unable to admit or deny; and
 - (c) if the intending opponent denies a fact alleged in the reference application, the reasons for the denial.
- (3) The intending opponent must—
- (a) at the same time as the notice of opposition is filed with the Registrar, send a copy of the notice to—
 - (i) the person who filed the reference application (*applicant*); and
 - (ii) the registered owner of the design; and
 - (b) within 3 days after the date of filing the notice of opposition, notify the Registrar in writing that the intending opponent has complied with the requirements of paragraph (a).

- (4) The intending opponent is to be treated as having abandoned the intention to oppose the reference if the intending opponent—
 - (a) does not file a notice of opposition under subsection (1); or
 - (b) fails to comply with subsection (3).
- (5) If the applicant receives from more than one intending opponent a copy of the notice of opposition sent under subsection (3) (*received copy*), the applicant must, within 3 days after the expiry of the 2-month period specified in subsection (1)—
 - (a) send a copy of the received copy that the applicant received from each intending opponent to the other intending opponents; and
 - (b) notify the Registrar in writing that the applicant has complied with the requirements of paragraph (a).
- (6) The applicant is to be treated as having abandoned the reference if the applicant fails to comply with subsection (5).”.

7. **Section 38A added**

After section 38—

Add

“38A. Notice of opposition by registered owner of design

- (1) If a reference is made by an application filed in accordance with section 37 (*reference application*), the registered owner of the design may oppose the reference under section 44(5) of the Ordinance by

filing with the Registrar a notice of opposition in the specified form—

- (a) if a notice of intention to oppose is filed in accordance with section 37A in respect of the reference—within 2 months after the expiry of the 14-day period specified in section 37A(5); or
 - (b) if no notice of intention to oppose is filed in accordance with section 37A in respect of the reference within the 28-day period specified in section 37A(2)—within 2 months after the expiry of that period.
- (2) The notice of opposition must set out—
- (a) the grounds on which the registered owner of the design relies in support of the opposition;
 - (b) the facts alleged in the reference application that the registered owner admits, denies or is unable to admit or deny; and
 - (c) if the registered owner denies a fact alleged in the reference application, the reasons for the denial.
- (3) The registered owner of the design must—
- (a) at the same time as the notice of opposition is filed with the Registrar, send a copy of the notice to—
 - (i) the person who filed the reference application; and
 - (ii) if a notice of intention to oppose is filed in accordance with section 37A in respect of the reference, the person who filed the notice of intention to oppose; and

Section 8

- (b) within 3 days after the date of filing the notice of opposition, notify the Registrar in writing that the registered owner has complied with the requirements of paragraph (a).
- (4) The reference is treated as unopposed by the registered owner of the design if the registered owner—
 - (a) does not file a notice of opposition under subsection (1); or
 - (b) fails to comply with subsection (3).”.

8. Section 39 repealed (counter-statement)

Section 39—

Repeal the section.**9. Sections 40, 41 and 42 substituted**

Sections 40, 41 and 42—

Repeal the sections**Substitute****“40. Evidence in support of reference**

- (1) A person who makes a reference by an application filed in accordance with section 37 (***applicant***) must file evidence in support of the reference with the Registrar within 3 months after the expiry of the 2-month period specified in section 38(1) or 38A(1)(a) or (b), whichever is applicable.
- (2) The applicant must—
 - (a) at the same time as the evidence is filed under subsection (1), send a copy of the evidence to—

- (i) the registered owner of the design; and
 - (ii) if a notice of opposition is filed under section 38(1) in respect of the reference, the person who filed the notice; and
- (b) within 3 days after the date of filing the evidence, notify the Registrar in writing that the applicant has complied with the requirements of paragraph (a).
- (3) The applicant is to be treated as having abandoned the reference if the applicant fails to comply with subsection (1) or (2).

41. Evidence in support of opposition

- (1) This section applies if—
 - (a) a notice of opposition is filed by a person (*opponent*) under section 38(1) or 38A(1) in respect of a reference made by an application filed in accordance with section 37 (*reference application*); and
 - (b) evidence in support of the reference is filed under section 40(1) by the person who filed the reference application (*applicant*).
- (2) The opponent may, within 3 months after the date of the applicant's filing of evidence under section 40(1), file with the Registrar—
 - (a) evidence in support of the opposition; or
 - (b) a statement to the effect that the opponent does not intend to file any evidence.
- (3) The opponent must—

- (a) at the same time as the evidence or statement is filed under subsection (2), send a copy of the evidence or statement to—
 - (i) the applicant;
 - (ii) any other person who has filed a notice of opposition under section 38(1) in respect of the reference; and
 - (iii) if the opponent is not the registered owner of the design, the registered owner of the design; and
 - (b) within 3 days after the date of filing the evidence or statement, notify the Registrar in writing that the opponent has complied with the requirements of paragraph (a).
- (4) The evidence or statement is to be treated as not having been filed under subsection (2) if the opponent fails to comply with subsection (3).

42. Additional evidence in reply to opposition

- (1) This section applies if evidence is filed by an opponent under section 41(2) in support of the opponent's opposition to a reference made by an application filed in accordance with section 37 (*reference application*).
- (2) The person who filed the reference application (*applicant*) may, within 3 months after the expiry of the 3-month period specified in section 41(2), file with the Registrar—
 - (a) additional evidence in support of the reference; or

- (b) a statement to the effect that the applicant does not intend to file additional evidence.
- (3) The additional evidence filed under subsection (2) must be confined to matters strictly in reply to the evidence filed under section 41(2).
- (4) The applicant must—
 - (a) at the same time as the additional evidence or statement is filed under subsection (2), send a copy of the additional evidence or statement to—
 - (i) the registered owner of the design; and
 - (ii) if a notice of opposition is filed under section 38(1) in respect of the reference, the person who filed the notice; and
 - (b) within 3 days after the date of filing the additional evidence or statement, notify the Registrar in writing that the applicant has complied with the requirements of paragraph (a).
- (5) The additional evidence or statement is treated as not having been filed under subsection (2) if the applicant fails to comply with subsection (4).”.

10. Section 42A added

After section 42—

Add

“42A. Filing of evidence that requires leave of Registrar

Except as provided in section 40, 41 or 42, no evidence or further evidence may be filed by a party to the proceedings without the leave of the Registrar.”.

11. Section 43 substituted

Section 43—

Repeal the section

Substitute

“43. Directions by Registrar

In the proceedings concerning a reference application mentioned in section 37(1), the Registrar may, either on the initiative of the Registrar or on request of a party to the proceedings, give any directions that the Registrar considers appropriate to regulate any part of the procedure including the subsequent procedure to be followed.”.

12. Section 44 amended (notice of decision)

Section 44(1)—

Repeal

“an application under section 37”

Substitute

“a reference application filed in accordance with section 37”.

13. Section 45 amended (costs in unopposed cases)

Section 45—

Repeal

“an application under section 37”

Substitute

“a reference made by an application filed in accordance with section 37”.

14. Section 46 substituted

Section 46—

Repeal the section

Substitute

“46. Reference to court under section 44(3) of Ordinance

- (1) This section applies if—
 - (a) a person (*applicant*) has filed a reference application in accordance with section 37 seeking the Registrar’s determination on a question mentioned in that section (*original reference*); and
 - (b) the Registrar decides to refer the question to the court for determination under section 44(3) of the Ordinance (*reference to court*).
- (2) The Registrar must, as soon as practicable after deciding to make the reference to court, give written notice of the decision to—
 - (a) every party to the original reference known to the Registrar at the time of making the decision; and
 - (b) the Registrar of the High Court.
- (3) If the applicant wishes to commence proceedings before the court in relation to the original reference, the applicant must commence the proceedings within 1 month after the date of the written notice given under subsection (2).
- (4) If the applicant fails to commence proceedings in relation to the original reference under subsection (3), the applicant is to be treated as having abandoned the original reference.

- (5) As soon as practicable after being served with a copy of the originating summons by which proceedings in relation to the original reference are commenced under subsection (3), the Registrar must file with the court any document or other thing that was filed for the purpose of the original reference with the Registrar.
- (6) The Registrar must also—
 - (a) enter in the Register a notice of the reference to court; and
 - (b) advertise the fact of the reference to court by notice in the official journal.
- (7) Sections 37A, 38, 38A, 40, 41 and 42 do not apply after the Registrar has given written notice under subsection (2).”.

15. Heading before section 47 amended

Heading before section 47—

Repeal

“Court”

Substitute

“Court etc.”.

16. Section 47 amended (service on Registrar of applications)

Section 47(1)—

Repeal

“shall forthwith”

Substitute

“must, within 7 days after the day on which the application is made,”.

17. Section 47A added

After section 47—

Add**“47A. Reference to court under section 61(1)(b) of Ordinance**

- (1) This section applies if—
 - (a) a person (*applicant*) has made an application to the Registrar under the Ordinance on a question concerning a registered design or an application for registration of a design (*original application*); and
 - (b) the Registrar decides to refer the original application to the court under section 61(1)(b) of the Ordinance (*reference to court*).
- (2) The Registrar must, as soon as practicable after deciding to make the reference to court, give written notice of the decision to—
 - (a) every party to the original application known to the Registrar at the time of making the decision; and
 - (b) the Registrar of the High Court.
- (3) If the applicant wishes to commence proceedings before the court in relation to the original application, the applicant must commence the proceedings within 1 month after the date of the written notice given under subsection (2).
- (4) If the applicant fails to commence proceedings in relation to the original application under subsection (3), the applicant is to be treated as having abandoned the original application.

- (5) As soon as practicable after being served with a copy of the originating summons by which proceedings in relation to the original application are commenced under subsection (3), the Registrar must file with the court any document or other thing that was filed for the purpose of the original application with the Registrar.
- (6) The Registrar must also—
 - (a) enter in the Register a notice of the reference to court; and
 - (b) advertise the fact of the reference to court by notice in the official journal.”.

18. Section 48 amended (filing of court orders, declarations or certificates)

- (1) Section 48, Chinese text, heading—

Repeal

“聲明”

Substitute

“宣布”.

- (2) Section 48—

Repeal subsection (1)

Substitute

- “(1) If the court has made an order or 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.”.

19. Sections 49A and 49B added

After section 49—

Add

“49A. Stay of proceedings

- (1) The Registrar may, if the Registrar considers it appropriate to do so, stay any proceedings before the Registrar involving 2 or more parties on any term that the Registrar considers appropriate.
- (2) The Registrar may do so either on the initiative of the Registrar or on request of a party to those proceedings.

49B. Taxation of costs

The Registrar may tax any costs awarded by the Registrar in any proceedings before the Registrar.”.

20. Section 50 amended (service on Registrar of applications under section 66 of Ordinance)

Section 50(1)—

Repeal

“shall forthwith”

Substitute

“must, within 7 days after the day on which the application is made,”.

21. Section 67 amended (recognition of agents)

- (1) Section 67(3), English text—

Repeal

“shall,”

Substitute

“must,”.

- (2) Section 67(3), after “address”—

Add

“of the premises”.

- (3) Section 67(3)—

Repeal

“, which notice shall be given in the specified form or in writing”.

- (4) Section 67(4), after “address”—

Add

“of the premises”.

- (5) Section 67(4), English text—

Repeal

“shall notify”

Substitute

“must notify”.

- (6) Section 67(4)—

Repeal

“, which notice shall be given in the specified form or in writing”.

- (7) After section 67(4)—

Add

“(4A) A notice under subsection (3) or (4) must—

Section 22

- (a) be given in the specified form or in writing; and
 - (b) contain a declaration by the person giving the notice that the person resides or carries on the person's business activities on the premises specified in the notice.
- (4B) The Registrar may require a person who gives notice under subsection (3) or (4) to, within the time specified by the Registrar, produce evidence that the person resides or carries on the person's business activities on the premises specified in the notice.”.

22. Section 73 amended (extension of time)

- (1) Section 73(1)—

Repeal

“and upon such notice to any person or party affected as he may direct”.

- (2) After section 73(1)—

Add

“(1A) If an application mentioned in subsection (1) is made in inter partes proceedings, the applicant must send a copy of the application to every other party to the proceedings.”.

23. Section 74 amended (fees)

- After section 74(3)—

Add

“(4) If the Registrar is required or authorized by any provision of the Ordinance or these Rules to do any act or thing in relation to a matter or proceeding for which a fee is required to be paid, the Registrar may,

despite that provision, refuse to do that act or thing until the fee is paid.

- (5) If a fee is paid in error or in excess of the amount specified in the Schedule, the Registrar must refund that amount paid in error or the excess amount accordingly.”.

24. Heading before section 75 amended

Heading before section 75—

Repeal

“(Section 92 of Ordinance)”.

25. Section 76 added

After section 75—

Add

“76. Transitional provisions relating to Registered Designs (Amendment) Rules 2025

- (1) Subject to subsection (2), the amendments to these Rules effected by the Amendment Rules (*amendments*) do not apply to proceedings that are pending before the Registrar on the commencement date (*pending proceedings*), and the pending proceedings are to continue as if the amendments had not been made.
- (2) If, on or after the commencement date, the Registrar—
- (a) decides to refer any pending proceedings to the court for determination under section 44(3) or 61(1)(b) of the Ordinance; and
- (b) gives written notice of the decision under section 46(2) or 47A(2),

the amendments apply to the pending proceedings after the date of the notice.

(3) In this section—

Amendment Rules (《修訂規則》) means the Registered Designs (Amendment) Rules 2025;

commencement date (生效日期) means the date on which the Amendment Rules come into operation.”.

26. Schedule amended (fees)

The Schedule, Fee No. 23—

Repeal

“39”

Substitute

“38A”.

David WONG Fuk-loi
Registrar of Designs

6 May 2025

Explanatory Note

These Rules amend the Registered Designs Rules (Cap. 522 sub. leg. A) (*principal Rules*) to provide for the legal proceedings—

- (a) for referring a question to the Registrar of Designs under section 44(1) of the Registered Designs Ordinance (Cap. 522) (*Ordinance*); and
- (b) for referring a question to the Court of First Instance under section 44(3) or 61(1)(b) of the Ordinance.

2. These Rules also—

- (a) add a new section 49A to the principal Rules to empower the Registrar of Designs to stay proceedings;
- (b) add a new section 76 to the principal Rules to provide for transitional arrangements;
- (c) make minor technical amendments to various provisions of the principal Rules; and
- (d) make a consequential amendment to the Schedule to the principal Rules.