

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

CEDB(CIT)158

Head: 78 Intellectual Property
Department

Subhead (No. & title):

Question Serial No.

2735

Programme: (2) Protection of Intellectual Property

Controlling Officer: Director of Intellectual Property

Director of Bureau: Secretary for Commerce and Economic Development

Question:

It is mentioned under "Matters Requiring Special Attention in 2011-12" that the Intellectual Property Department will support the business community in strengthening their IP protection in the Mainland through the "Guangdong/Hong Kong Expert Group on the Protection of IP Rights". What specific measures with implementation schedule have been included and what is the amount of expenditure involved for each measure respectively?

Asked by: Hon. LAM Tai-fai

Reply:

The Intellectual Property Department (IPD) conducts promotion and publicity activities in collaboration with intellectual property (IP) departments of Guangdong on a regular basis under the framework of the "Guangdong/Hong Kong Expert Group on the Protection of IP Rights". Cooperation items include the organisation of symposia and talks on specific topics and regular efforts to enrich the contents of our IP database and websites¹, with a view to helping the business community (including Hong Kong small and medium enterprises operating in the Mainland) better understand legal provisions pertaining to the protection of intellectual property rights. For instance, in late 2010, we have added to the database and websites information about the merits of the "Guangdong Provincial Famous Trademarks" scheme. In 2011, we will also add further information about IP enforcement in Guangdong, Hong Kong and Macao to the database and websites.

The two sides also jointly organise exchange programmes from time to time to facilitate networking between the local business sector and IP practitioners in the Mainland. In 2011-12, we will set aside some \$80,000 for a number of activities in collaboration with the Guangdong side. These include:

- Guangdong/Hong Kong exchange programme for enterprises in the copyright industry, scheduled to be held in Hong Kong in April 2011; and
- "Seminar on Intellectual Property and the Development of Small and Medium Enterprises" scheduled to be held in Zhaoqing, Guangdong in June 2011.

Furthermore, subject to enactment of the Trademark Law (the Third Amendment) of the Mainland in 2011-12, we plan to hold a seminar in Hong Kong for apprising industry players about the new law. We have set aside some \$220,000 for staging this seminar.

¹ Examples include the Intellectual Property Database for Guangdong, Hong Kong and Macao <www.ip-prd.net>, the Mainland Enterprises Corner <www.ipd.gov.hk/eng/mainland_networking.htm> and the Guangdong/Hong Kong IP Cooperation Corner <http://www.ipd.gov.hk/eng/ip_cooperation_corner.htm>.



Signature _____

Name in block letters Stephen SELBY

Post Title Director of Intellectual Property

Date 15.3.2011

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

CEDB(CIT)159

Head: 78 Intellectual Property
Department

Subhead (No. & title):

Question Serial No.

1383

Programme: (1) Statutory Functions

Controlling Officer: Director of Intellectual Property

Director of Bureau: Secretary for Commerce and Economic Development

Question:

While the estimated financial provision for this programme amounts to \$74.8 million in 2011-12 which is 3.5% higher than the revised estimate for 2010-11, and the Intellectual Property Department pledges to continue to meet the challenges associated with the increased filing of trademark applications in the provision of quality registration services to the public, it is anticipated that there will be a drop across the board for indicators concerning trademarks under the Trade Marks Ordinance, patents under the Patents Ordinance, designs under the Registered Designs Ordinance and copyright licensing bodies under the Copyright Ordinance in 2011. Would the Department advise on the reasons for that?

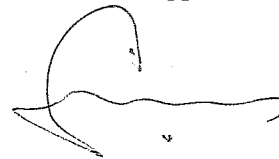
Asked by: Hon. LEUNG Kwan-yuen, Andrew

Reply:

Providing quality and responsive trademark, patent and designs registration services to the public is one of the missions of the Intellectual Property Department (IPD). The estimated financial provision of \$74.8 million for statutory functions under programme (1) is \$2.5 million (3.5%) higher than the revised estimate for last year. This is mainly due to the full-year effect of filling vacancies, salary increments for existing staff and the upgrading of two Senior Solicitor posts in the Hearings Team to Assistant Principal Solicitor posts to strengthen the Department's capacity in the discharge of its quasi-judicial function. The increase does not involve any manpower growth of Intellectual Property Examiners in the Registries. Taking into account the workload and manpower of the Registries, we have made a more pragmatic forecast for the 2011 indicators. Apart from processing new applications, the Trade Marks Registry, Patents Registry and Designs Registry under IPD also have to handle applicants' representations and replies, and deal with post-registration issues such as assignments. With the number of applications and post-registration cases spiraling, the workload in this regard also increases continuously.

As regards the registration of copyright licensing bodies, by end-2010, five major copyright licensing bodies in the music and publishing industries have been registered with the Copyright Licensing Bodies Registry. IPD has not been informed of any application to be filed by other copyright licensing bodies in 2011. Therefore, no new case is anticipated for both "application received" and "application successfully registered".

Signature



Name in block letters

Stephen SELBY

Post Title

Director of Intellectual Property

Date

15.3.2011

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

CEDB(CIT)160

Head: 78 Intellectual Property
Department

Subhead (No. & title):

Question Serial No.

3221

Programme:

Controlling Officer: Director of Intellectual Property

Director of Bureau: Secretary for Commerce and Economic Development

Question:

Regarding the estimates of expenditure of the information technology management unit of the department:

- a. What is the estimated expenditure for 2011-12? What is the change compared with the actual expenditure for 2010-11? What account for this change in expenditure?
- b. What specific initiatives are involved in the estimates of expenditure for 2011-12? Which of them are ongoing and new initiatives respectively? What are the staff number, cost and implementation timetable of each initiative? Among the staff involved, how many of them are civil servants, non-civil service contract staff and outsourced staff respectively?
- c. Have any funds been reserved for promoting computerised civic participation and access to public information? If yes, what are the specific details, including the titles and particulars of the initiatives, the manpower and cost involved, and the implementation timetable? If not, what are the reasons and will consideration be given to introducing the initiatives in the future?
- d. What are the permanent establishment and the number of existing staff and vacancies of the information technology unit? Is manpower expected to increase in the coming year? If yes, how many additional posts will be created? What ranks will be involved? Will they be permanent posts? Will they be appointed on civil service terms? If there will be no increase in manpower, what are the reasons?
- e. Has there been any comprehensive review of the effectiveness of the information and technology unit? If yes, what are the results and the specific improvement measures involved? If not, what are the reasons and will a review be conducted in the future?

Asked by: Hon. TAM Wai-ho, Samson

Reply:

- a. Information technology (IT) services in IPD are provided by a contractor. The estimated expenditure for the relevant services provided by the contractor and for the procurement of IT equipment, etc is \$9.291 million in 2011-12. The above represents a 9.4% decrease from the estimated actual expenditure in 2010-11 at \$10.256 million. The main reasons for the decrease are as follows : the higher expenditure in 2010-11 involved one-off expenses incurred in (i) upgrading two IT systems and (ii) making a back payment to the contractor for an increase in service charge due to changes in the consumer price index as stipulated in the contract.
- b. The IT items to be pursued in 2011-12 are of an on-going nature, mainly involving the management, maintenance and support of existing systems. The work is undertaken by seven staff members of the contractor.

Apart from the expenses under Head 78 of the Department, we will implement the following computerisation project under Head 710 A007GX of the Capital Works Reserve Fund in 2011-12:

Item	Manpower Requirement in 2011-12			Estimated Expenditure for 2011-12	Implementation Timetable
	Civil Servant	Non-civil Service Contract Staff	Outsourced Staff		
Revamp of Network Infrastructure for the IPD	-	-	-	\$3.482 million	2011-12 to 2013-14

- c. The IPD has been proactively providing various e-services since 2003. These include online search for trademark, patent and design records, online publication of public notices, e-filing of applications, and so on. Since the relevant services and information have been fully computerised, there is no plan to roll-out any new e-services at the moment.
- d. Our IT services will continue to be provided by the contractor. A total of seven outsourced staff members namely one senior project manager, two system analysts, one programmer and three operators are involved. The department will work on one new project in the coming year. As the project has yet to call for tender, manpower involved is not available at this stage.
- e. As set out in the contract between the IPD and the contractor, a management committee composed of management-level representatives from the two parties meets regularly to review the effectiveness and service standards of the IT unit. To gauge the quality of services provided, an annual "Customer Satisfaction Survey" is conducted both internally and externally in accordance with the contract. These surveys aim at ensuring service effectiveness and enhancing service quality. Overall speaking, the services provided by the contractor have met the requirements of the department and the users.

Signature 

Name in block letters Stephen SELBY

Post Title Director of Intellectual Property

Date 15.3.2011