

## Summary of Findings 調查結果摘要

### Introduction

In order to investigate business peoples' attitudes towards intellectual property rights, the Intellectual Property Department (IPD) had commissioned Mercado Solutions Associates Ltd. to conduct the first round survey among the business establishments between 15<sup>th</sup> February and 16<sup>th</sup> March 2004. In total, 1 204 business establishments were successfully enumerated by means of mail survey. The response rate achieved was 50.2%. This executive summary highlights the major findings of the survey.

### Knowledge and Attitudes toward IPR

Majority of the business establishments (90% or more) were aware that intellectual property had covered trademarks (99.9%), copyright (99.5%), patents (97.2%) and designs (89.3%).

Of the specific aspects, most of the establishments were aware that Intellectual property rights is protecting

- Logos and marks for goods (95.6%)
- Technological inventions (87.7%)
- Computer programs (86.8%)
- Authors' writing (83.2%)
- Designs of logos & marks (80.5%)
- Right to manufacture goods (74.6%)

Majority of the business establishments (95.0%) considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong. Only 2.3% of the establishments considered the opposite.

### 前言

為了解商界人士對保護知識產權的意識，知識產權署委託米嘉道資訊策略有限公司（米嘉道）於二零零四年二月十六日至三月十六日進行了第一輪商業機構統計調查，透過郵寄問卷形式成功訪問了 1 204 間商業機構，回應率達到 50.2%。本摘要概述了主要的調查結果。

### 對知識產權的認識及觀念

大部份商業機構 (90%或以上) 認知到知識產權包括商標 (99.9%)、版權 (99.5%)、專利權 (97.2%) 及外觀設計 (89.3%)。

就個別權利而言，大部份的商業機構均認知到知識產權能夠保護：

- 產品的品牌標誌 (95.6%);
- 技術上 / 科技上的發明 (87.7%);
- 電腦程式 (86.8%);
- 寫作 (83.2%);
- 標誌的設計 (80.5%); 及
- 製造產品的權利 (74.6%)。

大部份商業機構 (95.0%) 認為知識產權在香港的商業社會是非常有需要 / 頗需要受到保護。只有 2.3%的機構持相反意見。

Close to three quarters (72.9%) of the establishments considered the situation of IP rights infringement in the business environment of Hong Kong was very / quite serious. In particular, about one-tenth (9.9%) considered the situation was very serious. Nevertheless, about one-fifth (19.8%) of the establishments considered the opposite.

Majority of the business establishments (92.9%) were aware that there is legislation on protecting copyright, trademarks, patents and designs in Hong Kong.

When establishments were asked whether they considered the protection of IP rights in the business environment of Hong Kong was adequate, while two-fifths (39.8%) of the them considered the intellectual property protection in the business environment of Hong Kong was very / quite adequate, more than half (54.6%) of the establishments considered the opposite demonstrating that improvement was necessary to strengthen the protection of IP rights.

In regarding the most effective way to reduce IP infringement in Hong Kong, it was observed that most of the establishments suggested “lowering the price of genuine goods” (87.1%), followed by “raising awareness of IP rights protection / strengthening education” (77.8%). More than half of the establishments also mentioned “full-scale enforcement action against the sale of pirated and counterfeit goods” (54.4%) and “increasing penalties” (51.2%) as means for improving the situation of IP infringement in Hong Kong.

近四分之三 (72.9%) 的機構認為在現時香港商業社會中侵犯知識產權的情況是非常嚴重 / 頗嚴重。尤其是約有十分之一 (9.9%) 認為情況是非常嚴重。雖然如此，仍有約五分之一 (19.8%) 的機構持相反意見。

大多數商業機構 (92.9%) 知道香港有保障版權、商標、專利權及外觀設計的法例。

被問及是否認為知識產權的保護在香港商業社會中是足夠時，五分之二 (39.8%) 的機構認為知識產權的保護在香港商業社會中是非常足夠 / 頗足夠，而多於半數 (54.6%) 則持相反意見，顯示出知識產權的是有需要被加強保護。

對於認為最有效改善香港侵犯知識產權情況的方法，發現大部份機構建議「正版貨品價錢下降」(87.1%)，其次是「提高保護知識產權意識 / 加強教育」(77.8%)。此外，亦有多於一半機構提及以「全力掃蕩銷售盜版及冒牌貨品」(54.4%) 及「加重刑罰」(51.2%) 作為改善香港侵犯知識產權情況的方法。

Establishments were asked which stakeholder was most important in reducing IP rights infringement in Hong Kong. While more than half (58.9%) of the establishments considered the government played an important role, about equal proportions of establishments considered the consumers and copyright owners played an equal importance in reducing IP rights infringement in Hong Kong (15.0% and 14.2% respectively).

是次調查也問到各機構認為在改善香港侵犯知識產權情況中哪一方面應擔當最重要的角色。多於半數 (58.9%) 人士認為政府應該擔當最重要的角色。另外，同時有相若比例的機構認為消費者及版權擁有者應該在改善香港侵犯知識產權情況中擔當最重要角色 (分別佔 15.0%及 14.2%)

Majority of the business establishments (95.0%) considered intellectual properties (e.g. invented products / technology, logo or brand name) were valuable assets of a company. Only 5% of the establishments considered the opposite.

大部份的商業機構 (95%) 認為知識產權 (例如發明的產品 / 技術、品牌標誌或名稱) 是公司的寶貴資產。只有 5%的機構持相反意見。

#### Business Operation in relating to Intellectual Property Rights

#### 有關知識產權的業務運作

While more than one-tenth (12.5%) of the business establishments claimed they had registered trademark, patent or design in Hong Kong, the majority of the business establishments (87.5%) had not done so.

只有多於十分之一 (12.5%) 的商業機構表示已經在香港註冊了商標、專利或外觀設計，而大部份的商業機構 (87.5%) 則表示沒有。

Among those establishments who had registered trademark, patent or design, about three-quarters (74.5%) had registered 1 trademark, patent or design and 13.2% had 2 – 3 registered trademarks, patents or designs and the remaining 12.3% had more than 3 registered trademarks, patents or designs.

在哪些已經在香港註冊了商標、專利或外觀設計的機構中，約四分之三 (74.5%) 註冊了一個商標、專利或外觀設計，另有 13.2%註冊了 2 至 3 個。而餘下 12.3%則註冊了 3 個以上的商標、專利或外觀設計。

While majority of the business establishments (90.0%) did not have any employees specifically responsible for intellectual property management, about one-tenth (10.0%) of the establishments had staffs specifically responsible for managing intellectual property matters.

大部份商業機構 (90.0%) 均沒有員工專責從事知識產權管理的工作，另有約一成 (10.0%) 的機構則表示有員工專責管理知識產權事宜。

Majority of the business establishments (88.4%) considered that protecting / registering intellectual property rights was beneficial to the company. Only about one-tenth (11.6%) of the establishments considered the opposite.

大部份商業機構 (88.4%) 認為保護 / 註冊知識產權對公司是有好處的。只有十分之一 (11.6%) 的機構持相反意見。

Among the establishments who considered protecting / registering IP rights was beneficial to the company, more than three-quarters (78.6%) claimed the main benefit was to prevent others from copying / using the company's intellectual property, followed by enable the company to build up reputation or goodwill (70.6%) and earning income from the company's intellectual property (40.9%).

在哪些認為保護 / 註冊知識產權對公司是有好處的機構中，多於四分之三 (78.6%) 指出最主要的好處是預防他人複製 / 使用公司的知識產權，其次是有助建立公司聲譽 (70.6%) 及公司可藉著知識產權以賺取收入 (40.9%)。

About two-thirds (67.5%) of the business establishments considered Hong Kong as an important place to register trademark, patent or design while the remaining one-third (32.5%) considered the opposite.

約三分之二 (67.5%) 的商業機構認為香港是一個重要地點去註冊商標、專利或外觀設計，而餘下三分之一 (32.5%) 則持相反意見。

While most of the business establishments (67.4%) did not carry out research and development in Hong Kong and about one-quarter (25.5%) claimed their business had no such need, only 7.1% of the business establishments had carried out research and development in Hong Kong. Among these establishments most of them (80.9%) would search the patent register to ensure that they would not infringe other's inventions.

大部份商業機構 (67.4%) 均沒有在香港進行“研究及開發”，另有約四分之一 (25.5%) 機構表示公司業務沒有此需要，只有 7.1% 的商業機構曾經在香港進行“研究及開發”。在這些機構中，大部份 (80.9%) 會檢索專利權註冊，以確保不會侵犯他人發明。

Among those who would search the patent register, they were further asked whether the search of patent register would find useful ideas for developing into new inventions. It was observed that majority of these establishments (85.3%) agreed that the search of the patent register would find useful ideas for developing into new inventions.

哪些會檢索專利權註冊的機構再被問及會否從檢索專利權註冊中找到有用的概念去發展新的發明,發現大部份機構 (85.3%) 同意從檢索專利權註冊中會找到有用的概念去發展新的發明。

Establishments were asked to rank the seriousness of the consequence for a company which infringed the intellectual property of others. It was observed that about half of the establishments (50.1%) considered the most serious consequence was criminal liability, followed by large amount of compensation paid (21.6%) and damaged to company's reputation / goodwill (14.7%).

機構人士被要求對侵犯他人知識產權的後果排列嚴重程度。發現約半數機構 (50.1%) 認為最嚴重的後果是公司要負上刑事責任,其次是支付大額的賠償 (21.6%) 及公司聲譽受損 (14.7%)。

#### Attitudes towards Long-term Development for IP Rights

#### 對保護知識產權長遠發展的意見

In terms of the long-term development for IP rights, most of the business establishments (85.4%) considered that the protection of intellectual property rights was very / quite helpful to the development of local creative industries. Furthermore, about three quarters (75.6%) of the establishments considered the protection of IP rights was very / quite helpful for enhancing the creation of business opportunity and wealth. Comparatively less establishments (67.2%) considered it very / quite helpful to the overall development of Hong Kong's economy.

就保護知識產權的長遠發展而言,大部份商業機構 (85.4%) 認為保護知識產權對本地創意產業發展是非常有幫助 / 頗有幫助。此外,約四分之三 (75.6%) 的機構認為保護知識產權對營商者創造商機及財富是非常有幫助 / 頗有幫助。相比之下,較少機構 (67.2%) 認為這對香港整體經濟發展有很大幫助 / 頗有幫助。

### Awareness of Intellectual Property Department and its' promotional activities

While most of the business establishments were aware that Intellectual Property Department is responsible for promoting the awareness on IP rights protection (86.0%), registration of patents (71.1%), registration of trademark (68.1%), public education on the impact of intellectual property (61.0%) and design registration (55.2%). Less than half of the business establishments (48.0%) were aware that IPD also acted as Government's intellectual property legal advisor.

On the other hand, more than half of the business establishments (55.2%) misunderstood that IPD is responsible for receiving complaints on copyright piracy and trademark counterfeiting. One third or more of the business establishments also misunderstood that IPD is responsible for investigating into infringing activities (46.4%), combating piracy and counterfeiting (44.4%) and enacting legislation (37.2%).

About one-tenth (11.7%) of the business establishments recalled having attended the seminar / exhibition organized by IPD in the past 12 months.

Business establishments were asked whether they had seen / heard any IPD's advertising or promotional activities in different channels in the past 12 months. While majority of the business establishments (90.5%) recalled seeing IPD's advertising and promotional activities on TV, more than half of the establishments (52.7%) claimed they were aware of IPD's advertising or promotional activities on radio and two-fifths of the establishments (40.9%) claimed seeing the print ad / promotional materials.

### 對知識產權署及其宣傳活動的認知

大部份商業機構正確認知到知識產權署是負責宣傳 / 推廣保護知識產權 (86.0%)、註冊專利 (71.1%)、註冊商標 (68.1%)、對知識產權有影響的公民教育 (61.0%) 及註冊外觀設計 (55.2%)。另外，亦有少於半數 (48.0%) 的機構知道知識產權署擔當政府的知識產權法律顧問。

另一方面，多於半數的商業機構 (55.2%) 誤以為知識產權署負責接受盜版及商標冒牌的投訴。而三分之一或以上的商業機構則誤以為知識產權署負責調查侵權活動 (46.4%)、打擊盜版 / 掃蕩冒牌 (44.4%) 以及立法 (37.2%)。

約十分之一 (11.7%) 的商業機構記起在過去十二個月曾經參加過由知識產權署所舉辦的講座 / 展覽。

商業機構人士被問及他們在過去 12 個月曾否透過任何途徑見過 / 聽過知識產權署的廣告或宣傳活動。大部份商業機構人士 (90.5%) 表示記起曾經在電視見過知識產權署的廣告或宣傳活動，另有多於半數機構 (52.7%) 表示曾經從電台聽過知識產權署的廣告或宣傳活動及五分之二 (40.9%) 表示見過印刷廣告 / 宣傳物品。

In terms of the effectiveness of the promotional activities held by IPD in raising the awareness of Hong Kong businesses on protecting IP rights, opinions were quite even split with 45.5% of the business establishments considered them very / quite effective and 47.8% considered the opposite.

Finally, establishments were asked to give suggestions on the most effective way(s) to gather information from IPD. Majority of the establishments (82.2%) considered TV / radio were most effective, followed by newspaper / magazine (51.2%) and other promotion channels (e.g. bus, activities in shopping centres etc.) (39.0%) and Internet / website (32.7%).

### Conclusion

Majority of the business establishments were aware of intellectual property rights and considered it was valuable assets to the company.

Furthermore, most of the establishments (95.0%) also considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong.

However, close to three-quarters (72.9%) of the business establishments still considered the situation of IP rights infringement in the business environment of Hong Kong was very / quite serious and only two-fifths (39.8%) of the establishments considered IP protection was very / quite adequate.

Apart from the suggestion of "lowering the price of genuine goods" (87.1%) as effective way to reduce IP infringement, many establishments also suggested "raising awareness of IP rights protection / strengthening education" (77.8%) and "full-scale enforcement action against the sale of pirated and counterfeit goods" (54.4%).

就知識產權署的宣傳活動對提升香港商界保護知識產權意識的有效程度，商界所發表的意見頗為平均，有 45.5% 的商業機構認為很有效 / 有效，而 47.8% 則持相反意見。

最後，機構被問到最有效接收知識產權署消息的途徑。大部份 (82.2%) 機構均認為電視 / 電台是最有效的途徑，其次是報紙 / 雜誌 (51.2%) 及其他宣傳媒介 (如巴士、商場活動等) (39.0%) 和互聯網 / 網頁 (32.7%)。

### 總結

大部份商業機構認知到知識產權，並認為知識產權是公司的寶貴資產。

此外，大多數機構 (95.0%) 亦認為知識產權在香港商業社會是非常有需要 / 頗需要受到保護。

另一方面，近四分之三 (72.9%) 的商業機構則認為在現時香港的商業社會中侵犯知識產權的情況是非常嚴重 / 頗嚴重，而只有五分之一 (39.8%) 認為知識產權的保護是非常足夠 / 頗足夠。

除「正版貨品價錢下降」(87.1%) 的建議外，不少機構亦建議「提高保護知識產權意識 / 加強教育」(77.8%) 及「全力掃蕩銷售盜版及冒牌貨品」(54.4%) 為有效改善香港侵犯知識產權情況的方法。

Only about one-tenth of the establishments had registered trademark, patent or design in Hong Kong and most of the establishments did not have any employees specifically responsible for intellectual property management.

只有約十分之一的機構有將商標、專利或外觀設計在香港註冊；大部份機構沒有員工專責從事知識產權管理工作。

Nevertheless, for the long-term development of the IP rights, most of the establishments considered that the protection of IP rights was very / quite helpful to the development of local creative industries (85.4%), enhancing the creation of business opportunity and wealth (75.6%) and to the overall development of Hong Kong's economy (67.2%).

雖然如此，對於保護知識產權的長遠發展而言，大部份機構認為保護知識產權對本地創意產業發展 (85.4%)、營商者創造商機及財富 (75.6%) 及香港整體經濟發展 (67.2%) 都是非常有幫助 / 頗有幫助。