

165/TMR/97 (Part V)
172/TMR/81

Intellectual Property Department
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INTELLECTUAL PROPERTY DEPARTMENT

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Registering trade mark on honest concurrent use

In any application to register a trade mark under the Trade Marks Ordinance (Cap.43) section 22 (concurrent use) knowledge of the registration of the competing mark is an important factor to be considered in assessing the honesty of the use of the applicant's mark.

In the circumstances, an applicant is advised to assert the honesty of the use of its mark in its statutory declaration filed in application or opposition proceedings **and to support the assertion with evidence** to show, as appropriate, that it devised the mark independently, or knew of the competing registered mark but honestly believed its own mark did not so resemble it as to be likely to deceive or cause confusion.

(Peter K.F. Cheung)
for Registrar of Trade Marks