

Ninth Meeting of Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights (IPRs)

Progress of Guangdong/Hong Kong exchanges and cooperation on intellectual property (IP)

1. Signing of the “2009-2010 Agreement on Guangdong/Hong Kong Co-operation on Intellectual Property” and the “Framework Agreement on Hong Kong/Guangdong Co-operation”

After the 12th Plenary of the Hong Kong/Guangdong Co-operation Joint Conference held on 19 August 2009, both sides signed the “2009-2010 Agreement on Guangdong/Hong Kong Co-operation on Intellectual Property”. All cooperation items in the agreement have been completed.

With the efforts of both sides, IP cooperation between Guangdong and Hong Kong was incorporated in the Framework Agreement on Hong Kong/Guangdong Co-operation as an independent item. The agreement was signed by the People’s Government of Guangdong Province and the Government of Hong Kong Special Administrative Region in Beijing on 7 April 2010.

2. Co-organising the “Symposium on Patent Law Amendment and Implementation of the Mainland” in Hong Kong

To further the understanding of the third amendment to the Patent Law of the People’s Republic of China among the IP industry, enterprises, science and technology institutes as well as the academics, the “Symposium on Patent Law Amendment and Implementation of the Mainland” was jointly organised in Hong Kong by the Guangdong Intellectual Property Office (GDIPO) and the Intellectual Property Department of the Government of the Hong Kong Special Administrative Region (IPD) in March 2010. Mr Yin Xintian, Director General, Legal Affairs Department of the State Intellectual Property Office (SIPO), attended the Symposium and lectured on topics including the establishment and development of the patent system and the major amendments to the Patent Law of China. Representatives from IP industry and enterprises in Guangdong also shared new developments and experiences brought about by the amended Patent Law. The Symposium was well-received by about 300 participants.

3. To continue organising roving seminars on intellectual property and development of small and medium enterprises (SMEs)” in Guangdong

The “Guangdong/Hong Kong Seminar on IP and Development of SMEs” jointly organised by

Guangdong and Hong Kong was held in Guangzhou in June 2010. To tie in the new trend of socio-economic development in both places, the theme of the Symposium was changed from “IP as a Tool in Developing Business Opportunities” as adopted in previous years to “IP as a Tool for Facilitating Restructuring and Upgrading of Enterprises”. Mr Lv Guoliang, Director General, International Cooperation Department of SIPO, officiated at the opening ceremony and delivered a keynote speech. Issues including latest development of IP systems in the Mainland and Hong Kong, experience sharing of enterprises in development and effective protection of IPRs, practices of IP protection by Customs administrations and IP strategies for enterprises to expand to overseas markets were introduced by representatives of IP authorities, enterprises and IP professionals of Guangdong and Hong Kong. About 250 participants attended the seminar.

4. To continue strengthening the Guangdong/Hong Kong co-ordination mechanism for IP-related cases

Positive results were yielded in the cooperation on IP protection between the Customs administrations of Guangdong and Hong Kong. From July 2009 to June 2010, the two Customs administrations exchanged 62 pieces of information, conducted 4 rounds of parallel operation and a total of 47 suspected infringement cases were effected.

With the contributions from both sides, new breakthroughs have been achieved to strengthen the Guangdong/Hong Kong co-ordination mechanism for IP-related cases. The Customs and Excise Department of the Government of the Hong Kong Special Administrative Region (Hong Kong Customs) has developed communication networks with the Guangdong Sub-Administration of China Customs (Guangdong Customs), the Guangdong Provincial Public Security Department (GDPSD), the Guangdong Provincial Administration for Industry and Commerce (GDAIC) and the Copyright Bureau of Guangdong Province respectively. Coordination and instant exchange of information in routine enforcement actions between IPR enforcement agencies of both sides were made available for fighting against infringement activities.

5. To continue promoting the “No Fakes Pledge” Scheme in Guangdong and Hong Kong

The two sides are committed to promote the “No Fakes Pledge” Scheme. Over 500 merchants from the pilot cities joined the “No Fakes Pledge” Scheme in Guangdong as at 30 July 2010.

Besides, an exchange meeting for the “No Fakes Pledge” Scheme was jointly organised by both sides in Shenzhen in May 2010 for sharing of experiences in the implementation of the scheme

among representatives from the issuing bodies of the Hong Kong side, organisers and participating merchants of the scheme in the Guangdong side.

6. Organising training in Guangdong on IP protection in conventions and exhibitions

The “Training course on IP protection in conventions and exhibitions overseas” was co-organised by the Department of Foreign Trade and Economic Cooperation of Guangdong Province, GDIPO and IPD in Yangjiang in December 2009. Over 230 participants joined the training. Mr Chen Fuli, Director, Department of Treaty and Law of the Ministry of Commerce, attended the training and delivered a keynote speech. The IP protection status in conventions and exhibitions in the Mainland and Hong Kong were explained by experts from Guangdong and Hong Kong. The training strengthened the understanding of matters relating to participation in conventions and IP protection among enterprises in both places.

7. Organising training course on the use of patent information to accelerate restructuring and upgrading for Hong Kong-invested enterprises in Guangdong

The “Training course on use of patent information for Guangdong and Hong Kong enterprises” was held in Guangzhou in December 2009. Over 130 participants from government departments, enterprises and the IP industry attended the training. Experts from SIPO and the Patent Information Centre of Guangdong Province introduced the characteristics of patent documents and the methods and techniques for searching patent documents with a view to facilitating a better grasp and use of patent information among enterprises so as to accelerate restructuring and upgrading as well as strengthen their ability to cope with the socio-economic development in both places.

8. Organising an exchange activity in Guangdong for sharing of latest IP enforcement technologies in both places

A Guangdong/Hong Kong seminar for sharing of latest technologies on criminal IP enforcement was organised by GDPSD and Hong Kong Customs in Guangzhou in June 2010. Lectures on the latest technologies and experience in respect of enforcement through the Internet were delivered by experts from both sides.

9. Joint production of the English version of “A Concise Booklet on the Intellectual Property Rights of Guangdong, Hong Kong and Macao”

In collaboration with the Economic Services of the Government of the Macao Special

Administrative Region, both sides produced the English version of “A Concise Booklet on the Intellectual Property Rights of Guangdong, Hong Kong and Macao” to help foreign readers understand the IP laws and protection in the three places. The booklet has been posted to the relevant websites for viewing and downloading by public.

10. To continue exchanges between enterprises of creative industries in Guangdong and Hong Kong

The “Guangdong/Hong Kong Exchange Programme on IP Exploitation and Management by Enterprises in Creative Industries” was organised in Guangdong by GDIPO and IPD in December 2009. The programme was supported by the Hong Kong Economic and Trade Office in Guangdong of the Government of the Hong Kong Special Administrative Region, the Create Hong Kong of the Government of the Hong Kong Special Administrative Region, various enterprises of creative industries as well as science and technology institutes. The Hong Kong delegation visited the Guangzhou Tianhe Software Park and the Huanghuagang Science and Technology Park and exchanged with members of the industry on the effective use and management of IP.

11. To continue organising exchange programme for IP intermediaries in Guangdong and Hong Kong

The third exchange programme for IP Intermediaries in Guangdong and Hong Kong was jointly organised by GDIPO and IPD in Guangzhou in June 2010. To strengthen communication and further mutual understanding, an exchange meeting on “Best practices” and “Best business models” was held for agencies in both places. The Hong Kong delegation visited three well-established IP agencies in Guangdong after the meeting.

12. The study on “The relationship between company registration and trade mark registration in Guangdong and Hong Kong and its current situation”

The study on “The relationship between company registration and trade mark registration in Guangdong and Hong Kong and its current situation” was completed after rounds of exchanges of comments, serious perusal and textual improvements by the two sides. The study report was also completed.

13. To continue updating the “IP Database for Guangdong, Hong Kong and Macao” and “Guangdong/Hong Kong IP Cooperation Corner”

Both sides kept on maintaining the database, updating the information on the websites and enriching the content. The Chinese and English versions of “A Concise Booklet on the Intellectual Property Rights of Guangdong, Hong Kong and Macao” jointly produced by the IP authorities of both sides, in collaboration with the Economic Services of the Government of the Macao Special Administrative Region, have been posted to the database and the cooperation corner for viewing and downloading by public.

14. To assist Hong Kong residents to apply for National Qualification Examination for Patent Agents at Guangzhou examination centre

The National Qualification Examination for Patent Agents was held at various examination centres in the Mainland in December 2009. IPD assisted Hong Kong residents to apply for the examination taken place at the Guangzhou examination centre and promoted the pre-examination preparatory courses in Guangzhou and Shenzhen.

15. To take forward exchanges between IP-related non-government organisations in Guangdong and Hong Kong

The governments of Guangdong and Hong Kong continued to take forward exchanges and cooperation between IP-related non-government organisations in both places. Both sides actively invited IP-related non-government organisations, such as the Hong Kong Trade and Development Council, the Federation of Hong Kong Industries, The Law Society of Hong Kong, The Hong Kong Institute of Trade Mark Practitioners, the Asia Patent Attorneys Association Hong Kong Group and the Guangdong Patent Agency Association, to participate in various activities jointly organised by both sides which served as platforms for exchanges between the parties.