

(Courtesy Translation)

**2007-2008 Agreement on Guangdong/Hong Kong Co-operation
in the Protection of Intellectual Property Rights**

To take forward the spirit of the Guangdong/Hong Kong Co-operation Joint Conference in enhancing the overall strength and competitiveness of the two places, the intellectual property rights protection and administration authorities of the governments of the Guangdong Province and the Hong Kong Special Administrative Region have decided to strengthen co-operation by actively promoting comprehensive collaboration and development between Guangdong and Hong Kong. With the consensus of the member authorities of the Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights, this Agreement is made on specific co-operation items as follows:

1. To continue to foster existing mid and long term co-operation projects and perfect the co-operation mechanism of the Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights: Where Guangdong and Hong Kong have adopted a project-based approach in taking forward co-operation in intellectual property rights protection, the concerted efforts of both parties have promoted such co-operation in a more systematic, lasting and institutional manner. The next phase shall be continuation of mid and long term co-operation projects straddling over two years as part of the

efforts to perfect the existing mechanisms. These shall include: perfecting the conference mechanism of the Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights, and strengthening the communication and exchange between both sides; further perfecting the co-ordination mechanism for cross-border intellectual property-related cases, and continuing in reinforcing enforcement co-operation; taking forward the mechanism for promoting innovation by small and medium enterprises in Hong Kong and Guangdong, and continuing to organise roving “Seminar on Intellectual Property and the Development of Small and Medium Enterprises” in the Guangdong Province; continuing to take forward the training and exchange programme for civil servants of intellectual property authorities; continuing to develop the joint information platform on intellectual property rights for Guangdong, Hong Kong and Macao, and to enrich and update the Intellectual Property Database for the three places; promoting the “No Fakes” Pledge Scheme in the two places, particularly on a wider scale in Guangdong; and continuing to conduct joint focus study as well as exchange and co-operation in promotion and education on intellectual property rights in Hong Kong and Guangdong.

2. To enhance the promotion of intellectual property rights in Hong Kong and Guangdong: The two parties shall jointly produce and disseminate in 2007 an announcement of public interest and souvenirs on intellectual property rights to further strengthen education on and public awareness of intellectual property rights in both places. Meanwhile, Guangdong personnel

shall visit Hong Kong to participate in the various phases of production of the announcement with a view to enriching the content of the announcement with the local culture of the two places.

3. To facilitate applicants of Hong Kong and Guangdong to apply for intellectual property registration in Guangdong and Hong Kong respectively: While publicity and education shall be maintained to encourage enterprises of one party to apply for registration of their intellectual property rights in the territory of the other party, both parties shall further examine ways to facilitate application for intellectual property registration in each other's territory, in particular the application by Mainland enterprises and institutions, as well as individuals, to register intellectual property rights in Hong Kong. The Guangdong Province shall seek to draw up and launch schemes to subsidise applications for grant of patents in Hong Kong. Assistance shall be provided in particular for Guangdong enterprises and institutions, as well as individuals, to acquire in Hong Kong standard patents granted by Hong Kong.

4. To launch exchange activities on intellectual property rights administration for tertiary institutions and science and technology institutes in the two places: To further promote exchange and co-operation in the administration and application of intellectual property rights among the tertiary institutions and the science and technology institutes in the two places, both parties shall organise programmes in 2007 for the intellectual property rights administration offices of their tertiary institutions and science and technology

institutes to visit each other's tertiary institutions for study tours and exchanges, with a view to enhancing effectiveness in the administration of intellectual property rights.

5. To organise Guangdong/Hong Kong forum on creative industries and intellectual property rights: To promote awareness of intellectual property rights and development of creative industries in Guangdong and Hong Kong, the two parties shall plan to organise a Guangdong/Hong Kong forum on creative industries and intellectual property rights during the Guangzhou International Design Week in end-2007.

6. To organise seminars on intellectual asset management: To enable Guangdong and Hong Kong enterprises to better grasp the concept of intellectual asset management and to promote effective intellectual property protection and intellectual asset management, Guangdong and Hong Kong shall jointly organise relevant seminars in their territories.

7. To complete the research study on the current developments of intellectual (creative) industries in Guangdong and Hong Kong: Both parties shall carry on with the project to complete the research study in 2007. The next phase shall be early completion of the research report to give a clear picture of the basic developments of the intellectual (creative) industries in Guangdong and Hong Kong, to examine their respective characteristics and inherent

problems, as well as to make recommendations and propose measures to jointly promote the development of intellectual (creative) industries in the two places.

8. To take forward the exchange between intellectual property-related non-government organisations in Hong Kong and Guangdong: Government departments shall take the lead to promote exchanges and co-operation between intellectual property-related non-government organisations in Hong Kong and Guangdong, and to enhance communication with these organisations such as the Hong Kong Productivity Council, the Hong Kong Trade Development Council, the Federation of Hong Kong Industries, the Hong Kong Coalition for Intellectual Property Rights, the Hong Kong Intellectual Property Society, etc.

9. To strengthen the administration of intellectual property rights in relation to the Beijing 2008 Olympic Games: Both parties agree to establishing a co-operation mechanism on a short-term basis for information exchange and joint production of publicity materials.

10. To strengthen the existing co-ordination mechanism for cross-border intellectual property-related cases: Both parties shall capitalise on the information obtained by their intellectual property rights protection authorities to enhance the effectiveness of enforcement co-operation. To this end, both sides shall make use of the existing co-ordination mechanism for cross-border intellectual property-related cases, and shall set up a system for effective

communication and joint investigation against the current mode of trademark infringement which is highly covert and takes to cross-boundary compartmentalisation. This shall mean that the customs of one side shall give timely notification to the other side of the names and other information of the suspected infringing enterprises which are in the administrative jurisdiction of the other side but which are involved in the cases they handle; and that notification by the Hong Kong Customs and Excise Department of any activity of a Guangdong enterprise or that of a Hong Kong enterprise in Guangdong shall be referred to the Guangdong Provincial Administration for Industry and Commerce by the Guangdong Customs for investigation by the Guangdong Provincial Administration for Industry and Commerce against the suspected infringing enterprise.

This Co-operation Agreement shall be signed in two original copies on 2 August 2007 in Hong Kong, and shall come into effect forthwith on the day of signature. Each signatory shall retain one of the copies of the Agreement.

Signed by:

Representative of the
Guangdong Province: (Signed)

Guangdong/Hong Kong Expert
Group on the Protection of
Intellectual Property Rights

Representative of the Hong
Kong Special Administrative
Region: (Signed)

Guangdong/Hong Kong Expert
Group on the Protection of
Intellectual Property Rights