

1. 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 third round of the survey among the business establishments in 2006. In total, 1,201 business establishments were successfully enumerated by means of mail survey. The overall response rate achieved was 50.0%. This executive summary highlights the major findings of the survey.

Knowledge and Attitudes toward IPR

Majority of the business establishments (more than 85.0%) were aware that intellectual property had covered copyright (99.8%), trademarks (98.8%), patents (98.5%) and designs (87.0%).

Majority of the business establishments (96.7%) considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong. While more than two-thirds (67.6%) of the establishments considered the situation of IP rights infringement in the business environment of Hong Kong was very / quite serious, still one-fifth of them (22.9%) considered the opposite.

Majority of the business establishments (94.2%) were aware that there is legislation on protecting copyright, trademarks, patents and designs in Hong Kong.

While more than two-fifths (42.2%) of the establishments considered the IP protection in the business environment of Hong Kong was very / quite adequate, more than half (51.0%) considered the opposite demonstrating that improvement was necessary to strengthen the protection of IP rights.

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於二零零六年進行了第三次商業機構統計調查，透過郵寄問卷形式成功訪問了 1 201 間商業機構，回應率達到 50.0%。本摘要概述了主要的調查結果。

對知識產權的認識及觀念

大部分商業機構（超過 85.0%）認知到知識產權包括版權（99.8%）、商標（98.8%）、專利（98.5%）及外觀設計（87.0%）。

大部分商業機構（96.7%）認為知識產權在香港的商業社會是非常有需要 / 頗需要受到保護的。超過三分之二（67.6%）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 / 頗嚴重的，但仍有約五分之一（22.9%）的機構持相反意見。

大多數商業機構（94.2%）知道香港有保障版權、商標、專利及外觀設計的法例。

多於五分之二（42.2%）的機構認為知識產權的保護在香港商業社會中非常足夠 / 頗足夠，而過半數（51.0%）則持相反意見，顯示的確有需要加強保護知識產權。

Regarding the most effective way to reduce IP infringement in Hong Kong, it was observed that four-fifths of the establishments suggested “lowering the price of genuine goods” (81.9%), followed by “raising awareness of IP rights protection / strengthening education” (76.7%) and “full-scale enforcement action against the sale of pirated and counterfeit goods” (60.9%). In addition, more than half of the establishments also considered “increase penalties” (52.4%) as means for improving the situation of IP infringement in Hong Kong.

For the stakeholder which was considered the most important in reducing IP rights infringement in Hong Kong, more than half (55.9%) of the establishments considered the government should play the most important role, while about equal proportions of establishments considered the copyright owners and educational institutions should play the most important role in reducing IP rights infringement in Hong Kong (14.1% and 14.0% respectively).

Majority of the establishments (97.1%) considered intellectual properties (e.g. invented products / technology, logo or brand name) were valuable assets of a company.

Business Operation in relating to IP Rights

Establishments were asked whether they considered the statement “after I have obtained a business or company registration in Hong Kong, no-one else can use my company name as a trademark in Hong Kong” is true. While more than half (54.3%) of the establishments wrongly considered the statement is true, still 45.6% awared that is not true.

Three out of ten (30.0%) of the business establishments claimed they had registered trademark, patent or design in Hong Kong, which was significantly higher than the past two years (22.9% in 2005 and 12.5% in 2004). The majority of the business establishments (69.9%) had not done so.

對於認為最有效改善香港侵犯知識產權情況的方法，五分之四的機構認為「正版貨品價錢下降」(81.9%) 最有效，其次是「提高保護知識產權意識 / 加強教育」(76.7%) 及「全力掃蕩銷售盜版及冒牌貨」(60.9%)。此外，亦有多於一半機構提及以「加重刑罰」(52.4%) 作為改善香港侵犯知識產權情況的方法。

至於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，超過一半 (55.9%) 機構認為政府應該擔當最重要的角色。同時有相若比例的機構認為版權擁有者及教育團體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 14.1% 及 14.0%)。

大部分機構 (97.1%) 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。

有關知識產權的業務運作

各機構均被問到認為「當我在香港取得商業 / 公司註冊後，沒有人能夠在香港採用本公司名稱作為註冊商標」的說法是否正確。超過一半 (54.3%) 的機構誤以為此句子是正確的，但同時仍有 45.6% 知道這並不正確。

約三成 (30.0%) 的商業機構表示已經在香港註冊了商標、專利或外觀設計，比例較前兩年有明顯上升 (二零零五年有 22.9%；二零零四年有 12.5%)。而大部分的商業機構 (69.9%) 則表示沒有。

Among those establishments which had trademark, patent or design registered, about three-fifths (59.4%) had registered 1 trademark, patent or design and 28.9% had registered 4 or more trademarks, patents or designs and the remaining 9.8% had registered 2 to 3 trademarks, patents or designs.

While majority of the business establishments (77.3%) did not have any employee specifically responsible for IP management, about one-fifth (22.6%) had deployed staffs specifically responsible to do so, which was higher than in the past two years (18.9% in 2005 and 10.0% in 2004).

Among those establishments that had employees specifically responsible for IP management, most of the staffs were responsible for the registration of trademarks, patents or designs (67.6%), followed by monitoring employees' using of other people's IP rights (58.5%), monitoring the IP rights of the company (47.8%) and licensing / trading IP rights of the company to others (35.6%).

While close to three-fifths of the establishments (58.0%) claimed they prohibited their staff from using the company computers in uploading or downloading files for personal use during the office hours, about seven out of ten (70.8%) prohibited their staff from installing or using pirated computer software during office operation. The proportions were significantly higher than in the past years.

A vast majority of the business establishments (92.5%) considered that protecting / registering IP rights was beneficial to the company. Among them, 86.5% 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" (69.5%) and "earning income from the company's intellectual property" (39.9%).

在那些已經在香港註冊了商標、專利或外觀設計的機構中，約六成 (59.4%) 註冊了一個商標、專利或外觀設計，另有 28.9% 註冊了 4 個或以上。而餘下的 9.8% 則註冊了 2 至 3 個商標、專利或外觀設計。

大部分的商業機構 (77.3%) 均沒有員工專責從事知識產權管理的工作，約五分之一 (22.6%) 則表示有委任員工專責這些事務，比例較過去兩年的為高 (二零零五年有 18.9%；二零零四年有 10.0%)。

在那些有員工專責管理知識產權事宜的機構中，大多數的員工都是負責申請註冊商標、專利或外觀設計 (67.6%)，其次是監察員工使用其他人的知識產權 (58.5%)、監察公司的知識產權 (47.8%) 及處理公司知識產權的專利授權 / 交易事宜 (35.6%)。

近六成 (58.0%) 的機構指出她們會禁止員工在辦公時間內使用公司電腦上載或下載檔案作私人用途，大約七成 (70.8%) 表示她們有禁止員工在工作上安裝或使用盜版電腦軟件。兩者的比例均較往年有所增加。

絕大部分商業機構 (92.5%) 認為保護 / 註冊知識產權對公司是有好處的。他們之中有 86.5% 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」(69.5%) 及「公司可藉著知識產權以賺取收入」(39.9%)。

About four-fifths (80.4%) of the establishments considered Hong Kong as an important place to register trademark, patents or designs, while one-fifth (19.5%) considered the opposite.

約五分之四 (80.4%) 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，而五分之一 (19.5%) 則持相反意見。

More than half (57.9%) of the business establishments know that the statement “If I have a trademark, patent or design registered in the National Trademark or Patent Registry of PRC, it will be protected in HK” is false, while the remaining (42.0%) considered the opposite.

超過一半 (57.9%) 的商業機構知道「於中華人民共和國商標或專利註冊處註冊的註冊商標、專利或外觀設計，在香港是將會受到保護的」的說法是錯誤的，而餘下 (42.0%) 的商業機構則並不知道。

While about two-fifths (43.4%) of the establishments would not check the Hong Kong trademark register before using / adopting their own trademark for their goods / services, more than half (54.6%) would do so.

約五分之二 (43.4%) 機構表示不會在使用商標於產品 / 服務前檢索商標是否有註冊過，而超過一半 (54.6%) 則表示會這樣做。

While more than three-fifths of the establishments (63.4%) did not carry out research and development in Hong Kong and about one quarter (26.6%) claimed their business had no such need, only 9.9% of the business establishments had carried out research and development in Hong Kong. Among these establishments, most of them (69.7%) would search the patent register to ensure that they would not infringe other's inventions and most of these establishments (71.1%) agreed that the search of the patent register would find useful ideas for developing into new inventions.

超過五分之二的機構 (63.4%) 沒有在香港進行“研究及開發”，另有大約四分之一 (26.6%) 機構表示公司業務沒有此需要，只有 9.9% 的商業機構曾經在香港進行“研究及開發”。在這些機構中，大多數 (69.7%) 會檢索專利註冊，以確保不會侵犯他人的發明，這些機構亦大部分 (71.1%) 同意從檢索專利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 more than one quarter of the establishments (27.1%) considered the most serious consequence was loss of money invested in the business / infringing goods, followed by damaged to company's reputation / goodwill (21.8%) and civil liability (large amount of compensation paid; 20.0%).

對於侵犯他人知識產權的後果嚴重程度先後次序，超過四分之一的機構 (27.1%) 認為最嚴重的後果是公司損失投資在業務上 / 該項侵權產品上的資金，其次是公司的聲譽受損 (21.8%) 及要負上民事責任 (支付大額的賠償; 20.0%)。

Attitudes towards Long-term Development for IP Rights

In terms of the long-term development for IP rights, most of the business establishments (89.8%) considered that the protection of IP rights was very / quite helpful to the development of local creative industries. Furthermore, nearly three quarters (74.9%) of the establishments considered the protection of IP rights was very / quite helpful for enhancing the creation of business opportunity and wealth and the overall development of Hong Kong's economy (72.9%).

Awareness of IPD and its' promotional activities

While most of the business establishments were aware that IPD was responsible for promoting awareness on IP rights protection (92.9%), public education about intellectual property (75.7%), registration of patents (71.9%), registration of trademarks (71.7%) and design registration (57.0%), only about half were aware that IPD was also responsible for IP law drafting (51.0%) and acted as Government's IP legal advisor (50.6%).

While close to four-fifths of the business establishments (79.7%) claimed they had not attended or visited any seminar / exhibition organized by IPD in the past 12 months, the remaining 20.1% recalled the seminar / exhibition attended.

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 (90.7%) recalled seeing IPD's advertising and promotional activities on TV, nearly half or more of the establishments claimed seeing the print ad / promotional materials (58.1%) and aware of IPD's advertising or promotional activities on radio (49.2%).

對保護知識產權長遠發展的意見

就保護知識產權的長遠發展而言，大部分商業機構 (89.8%) 均認為保護知識產權對本地創意產業發展非常有幫助 / 頗有幫助。此外，亦有接近四分之三的機構認為保護知識產權對營商者創造商機及財富 (74.9%) 及香港整體經濟發展 (72.9%) 非常有幫助 / 頗有幫助。

對知識產權署及其宣傳活動的認知

大多數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 (92.9%)、有關知識產權的公民教育 (75.7%)、專利註冊 (71.9%)、商標註冊 (71.7%) 及外觀設計註冊 (57.0%) 的，而知道知識產權署亦有負責草擬知識產權法例 (51.0%) 及擔當政府的知識產權法律顧問 (50.6%) 的比例則只有大約一半。

近八成商業機構代表 (79.7%) 聲稱他們過去 12 個月沒有出席或參觀過由知識產權署所舉辦的講座 / 展覽，而其餘 20.1% 則表示記得曾經參加過的講座 / 展覽。

當被問及曾否在過去 12 個月透過任何途徑見過 / 聽過知識產權署的廣告或宣傳活動時，大部分商業機構代表 (90.7%) 均表示記得曾在電視見過知識產權署的廣告或宣傳活動，另有接近半數或以上表示曾經從印刷廣告 / 宣傳物品 (58.1%) 及電台 (49.2%) 接觸過知識產權署的廣告或宣傳活動。

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 48.3% of the business establishments considered them very / quite effective and 43.8% 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 (87.8%) considered TV / radio were most effective, followed by newspaper / magazine (50.1%) and other promotion channels (e.g. bus, activities in shopping centres etc.) (35.9%) and Internet / website (37.4%).

Conclusion

Overall speaking, the survey findings were quite consistent with those in the last round. Majority of the business establishments were aware of intellectual property rights and considered it was valuable assets to the company.

Moreover, 96.7% of the establishments also considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong.

However, 67.6% 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 42.2% considered IP protection was very / quite adequate.

The proportion of establishments which had registered trademark, patent or design in Hong Kong was becoming higher and higher. Besides, more and more establishments had deployed employees specifically responsible for IP management, and had prohibited their staff in committing IP infringement. This illustrated that more establishments were aware that

對於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，意見頗為平均，有 48.3% 的商業機構認為很有效 / 有效，而 43.8% 則持相反意見。

最後，有關接收知識產權署消息的最有效途徑，大部分 (87.8%) 機構均認為電視 / 電台最有效，其次是報紙 / 雜誌 (50.1%) 及其他宣傳媒介 (如巴士、商場活動等) (35.9%) 和互聯網 / 網頁 (37.4%)。

總結

整體而言，是次調查的結果與上一次的頗一致。大部分商業機構對知識產權有認知，並認為知識產權是公司的寶貴資產。

此外，96.7% 的機構亦認為知識產權在香港商業社會是非常有需要 / 頗需要受到保護的。

然而，67.6% 的商業機構認為現時在香港的商業社會中侵犯知識產權的情況非常嚴重 / 頗嚴重，而只有 42.2% 認為知識產權的保護非常足夠 / 頗足夠。

商業機構有在香港註冊商標、專利或外觀設計的比例有逐年上升的趨勢。另外，愈來愈多機構有委派員工專責從事知識產權管理工作，及有採取措施禁止員工侵犯知識產權。這顯示有更多機構已意識到保護 / 註冊知識產權是對公司有好處的。

protecting IP rights/ registering IP is beneficial to the company.

Furthermore, 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 (89.6%), enhancing the creation of business opportunity and wealth (73.4%) and to the overall development of Hong Kong's economy (71.1%).

With reference to the above, it is expected that business attitudes towards IP rights protection and creation will be raised continuously.

除此之外，對於保護知識產權的長遠發展，大部分機構認為保護知識產權對本地創意產業發展 (89.6%)、營商者創造商機及財富 (73.4%) 和香港整體經濟發展 (71.1%) 均非常有幫助 / 頗有幫助。

參考以上的調查結果，可以預料商業機構對保護知識產權及創作的意識將持續提升。