

Summary of Findings 調查結果摘要

Introduction

In order to provide insight into Government's policy in establishing intellectual property as a vital driving force towards a knowledge-based economy, the Intellectual Property Department (IPD) has been conducting surveys on Business Attitudes to Intellectual Property since 2004. Mercado Solutions Associates Ltd. (MSA) was commissioned to conduct the survey between 30th October and 28th November 2008. In total, 1 001 business establishments were successfully enumerated by means of mail survey. The overall response rate achieved was 30.3%. This executive summary highlights the major findings of the survey.

Knowledge and Attitudes toward IPR

The majority of the business establishments were aware that intellectual property (IP) covered "copyright" (96.3%), "trademarks" (95.0%), "patents" (92.1%) and "designs" (78.0%), the percentages were slightly lowered as compared with the previous surveys (more than 85%).

Yet, when comparing to the last survey (4.1%), largely higher proportion of establishments were aware that "layout-design of integrated circuits" (22.1%) were also covered in intellectual property.

When asked whether thought that "copying newspaper articles / articles from books without authorization for distribution to staff for internal reference" was an infringement of IP rights, only 50.5% of the establishments claimed "yes".

98.3% of business establishments considered intellectual properties (e.g. patents for invented products / technology, design, logo or brand name) were valuable assets of a company, which was quite consistent to the last survey.

前言

為向政府提供有關商業機構的統計資料，以配合政府建立知識產權為知識型經濟的重要推動力，知識產權署自二零零四年起進行了多個香港商業機構對知識產權的意識調查。米嘉道資訊策略有限公司 (米嘉道) 受委託於二零零八年十月三十日至十一月二十八日進行了調查，透過郵寄問卷形式成功訪問了 1 001 間商業機構，回應率達到 30.3%。本摘要概述了主要的調查結果。

對知識產權的認識及觀念

大部分商業機構均知道知識產權包括「版權」(96.3%)、「商標」(95.0%)、「專利」(92.1%)及「外觀設計」(78.0%)，比例較過去幾年的調查結果 (超過 85%) 略有下降。

然而，與上一次調查 (4.1%) 比較，知道「集成電路布圖設計」(22.1%) 亦屬於知識產權的一種的比例則有所增加。

當被問到是否認為「未經授權而複製報章 / 書籍文章發放給員工工作內部參考」是侵犯知識產權的行為，只有 50.5% 的機構認為「是」。

98.3% 的商業機構均認為知識產權 (例如發明的產品 / 技術、外觀設計、標誌或品牌) 是公司的寶貴資產，結果與上一次調查頗一致。

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” was true. 65.0% of the establishments misunderstood that the statement was true, which was higher than the previous surveys (below 55%). However, still 35.0% considered that was not true.

28.6% of the business establishments claimed that they had registered trademark, patent or design in Hong Kong, while 71.4% had not done so. The rate of doing so was similar to that of the last survey.

Among those establishments which had trademark, patent or design registered, 52.1% had registered 1 trademark, patent or design; 11.1% had registered 2 – 3; and 30.8% had registered 4 or more.

80.6% of the business establishments considered Hong Kong as an important place to register trademark, patent or design, which was quite similar as compared to the last survey.

72.6% of the business establishments were not aware that there were licensing schemes (administered by copyright owners) authorizing copying of local newspaper articles and books for use in business, while only 27.4% were aware of it.

54.3% 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 automatically be protected in Hong Kong” was false, which was similar to the past surveys. The remaining (45.7%) considered the opposite.

49.5% of the business establishments had heard about the newly amended Copyright Ordinance – regarding the criminal liability that directors / partners may attract if their

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。65.0% 的機構誤以為此是正確的，比例較以往幾年 (55% 以下) 有所上升。但仍有 35.0% 知道這句子並不正確。

28.6% 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 71.4% 則表示沒有。有這樣做的比率與上一次調查的差不多。

在那些已經在香港註冊了商標、專利或外觀設計的機構中，52.1% 註冊了一個商標、專利或外觀設計；11.1% 註冊了 2 – 3 個；另有 30.8% 註冊了 4 個或以上。

80.6% 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，與上一次調查的差不多。

72.6% 的商業機構均不知道有特許計劃 (由版權擁有者執行) 授權公司複製本地報章報導 / 書籍內容供業務中使用。只有 27.4% 對此有認知。

54.3% 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，將自動地於香港受到保護」的說法是錯誤的，與以往幾年調查的結果相若。而餘下的 (45.7%) 則並不知道。

49.5% 的商業機構有聽過最新修訂版權條例中，有關董事 / 合夥人可能因為公司在業務中管有盜版軟件，須負上刑責。

companies possess pirated software for business use.

Among them, the major channels of learning about the content of the provision were TV / radio API (67.7%) and print ad. in newspapers / magazines (42.4%).

IP Compliance

While 57.8% of the establishments would not check the Hong Kong trademark register before using / adopting their own trademark for their goods / services, 42.2% would do so, which was lower than that in the last survey (54.6% in 2006).

Only 15.5% of the business establishments had deployed staff specifically responsible for IP management. Among them, many claimed that the staffs were responsible for “the registration of trademarks, patents or designs” (62.2%), followed by “monitoring employees’ use of other people’s IP rights” (53.1%), “monitoring the IP rights of the company” (41.0%) and “licensing / trading IP rights of the company to others” (37.2%).

48.4% of the establishments claimed that they prohibited their staff from using the company computers in uploading or downloading files for personal use during the office hours. Besides, 71.6% claimed that they prohibited their staff from installing or using pirated computer software.

Among the 48.4% and 71.6% of establishments, the common measures taken were: “setting up internal rules / guidelines” (78.8% and 76.4% respectively), “by company’s monitoring” (43.5% and 52.4% respectively) and “regular checking of computer hard disks” (29.3% and 32.8% respectively).

64.0% of the business establishments did not carry out research and development in Hong Kong and 26.7% claimed that their business had no such need, only 9.2% had carried out

在他們之中，主要得知條例內容的渠道是電視 / 電台廣告 (67.7%) 及刊登於報章 / 雜誌的廣告 (42.4%)。

遵守知識產權的法例規定

57.8% 的機構表示不會在使用商標於產品 / 服務前檢索商標是否已有同樣的商標註冊過，而 42.2% 則會這樣做，比例較上一次調查減少了 (2006 年有 54.6%)。

只有 15.5% 的商業機構有委任員工專責從事知識產權管理的工作。在他們之中，很多都表示員工是負責「申請註冊商標、專利或外觀設計」(62.2%) 的，其次是「監察員工使用其他人的知識產權」(53.1%)、「監察公司的知識產權」(41.0%) 及「處理公司知識產權的專利授權 / 交易事宜」(37.2%)。

48.4% 的機構指出它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。另外，71.6% 表示它們有禁止員工在工作上安裝或使用盜版電腦軟件。

在該 48.4% 及 71.6% 的機構中，普遍採取的措施是：「訂立公司內部規定 / 指引」(分別有 78.8% 及 76.4%)、「由公司監察」(分別有 43.5% 及 52.4%) 及「定期檢查電腦的硬碟」(分別有 29.3% 及 32.8%)。

64.0% 的商業機構沒有在香港進行研究及開發，另有 26.7% 表示公司業務沒有此需要，只有 9.2% 有在香港進行研究及開發。結果與以往幾年的調查頗相似。

research and development in Hong Kong. The findings were quite similar to the previous surveys.

Among the 9.2%, most of them (78.1%) would search the patent register to ensure that they would not infringe other's inventions.

Perception of IPR Situation in HK

93.7% of the business establishments considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong, which was quite similar to the previous surveys.

When being asked whether agree that the measures of the Government have been effective in improving the protection for IP rights in Hong Kong in the past two years, most of the establishments (68.6%) "strongly agree / agree", while 10.7% considered the opposite. The remaining 20.7% claimed "don't know / hard to say".

For the stakeholder which was considered the most important in reducing IP rights infringement in Hong Kong, more than two-fifths of the establishments (46.0%) considered that "the Government" should play the most important role, while some others considered that "educational institutions" (19.1%) and "copyright owners" (17.8%) should play the most important role. It was noteworthy that the percentage for "the Government" was decreased as compared to the previous surveys (about 55% or more).

Regarding the most effective ways to improve the situation of IP infringement in Hong Kong, the top four suggestions were the same as those in the previous surveys, which were: "lowering the price of genuine goods" (69.0%), "raising awareness of IP rights protection / strengthening education" (63.8%), "increase penalties" (36.7%) and "full-scale enforcement action against the sale of pirated and counterfeit goods" (36.3%).

在那 9.2% 的機構中，大多數 (78.1%) 會檢索專利註冊，以確保不會侵犯他人的發明。

對香港知識產權情況的看法

與以往幾年的調查結果相若，93.7% 的商業機構均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。

當被問到是否同意政府在過去兩年所採取的措施有效改善香港保護知識產權的情況時，多數機構 (68.6%) 均「非常同意 / 同意」，而 10.7% 持相反意見。其餘 20.7% 表示「不知道 / 很難說」。

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，超過四成的機構 (46.0%) 認為「政府」應該擔當最重要的角色，而部分機構則認為「教育團體」(19.1%) 及「版權擁有人」(17.8%) 應該擔當最重要角色。值得注意的是，認為是「政府」的百分比比較以往幾年的調查 (約 55% 或以上) 減少了。

對於認為最有效改善香港侵犯知識產權情況的方法，首四項最多提及的建議與以往幾年調查的相同，就是：「正版貨品價錢下降」(69.0%)、「提高保護知識產權意識 / 加強教育」(63.8%)、「加重刑罰」(36.7%) 及「全力掃蕩銷售盜版及冒牌貨品」(36.3%)。

92.1% of the business establishments considered that protecting / registering IP rights was beneficial to the company, which was quite similar as in the last survey.

Among them, 81.7% thought that the benefit was to “prevent others from copying / using the company’s intellectual property”, followed by “enable the company to build up reputation or goodwill” (44.3%) and “earning income from the company’s intellectual property” (32.9%).

Establishments were asked about their perceived most serious consequence for a company which infringed the IP of others. 52.9% considered the most serious consequence was “criminal liability”, which was significantly higher than that of the last survey. It was followed by “civil liability” (17.8%) and “damage to company’s reputation / goodwill” (15.6%).

In terms of the long-term development for IP rights, the majority of the business establishments considered that the protection of IP rights was very / quite helpful to enhance the development of local creative industries (84.5%), the creation of business opportunity and wealth (77.6%) and the overall development of Hong Kong’s economy (72.3%). The findings were quite consistent to the previous surveys.

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” (88.1%), “public education about IP” (69.2%), “registration of trademarks” (67.3%), “registration of patents” (66.2%) and “registration of designs” (52.9%), about two-fifths were aware that IPD was also responsible for “IP law drafting” (45.3%) and “Government’s IP legal advisor” (43.1%).

On the other hand, 51.6% misunderstood that IPD was responsible for “receiving complaints

與上一次調查的結果相若，92.1% 的商業機構均認為保護 / 註冊知識產權對公司是有好處的。

在他們當中，81.7% 認為其好處是「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」(44.3%) 及「公司可藉著知識產權以賺取收入」(32.9%)。

對於認為侵犯他人知識產權的最嚴重後果，52.9% 的機構認為最嚴重的後果是「公司要負上刑事責任」，比例明顯較上一次調查的為高。其次是「要負上民事責任」(17.8%) 及「公司的聲譽受損」(15.6%)。

就保護知識產權的長遠發展而言，大部分商業機構均認為保護知識產權對促進本地創意產業發展 (84.5%)、促進營商者創造商機及財富 (77.6%) 及促進香港整體經濟發展 (72.3%) 非常有幫助 / 頗有幫助。結果與過去幾年調查的頗一致。

對知識產權署及其宣傳活動的認知

商業機構大多都知道知識產權署是負責「宣傳 / 推廣保護知識產權」(88.1%)、「有關知識產權的公民教育」(69.2%)、「商標註冊」(67.3%)、「專利註冊」(66.2%) 及「外觀設計註冊」(52.9%) 的，而知道知識產權署亦有負責「草擬知識產權法例」(45.3%) 及「作為政府的知識產權法律顧問」(43.1%) 的比例則有大約四成。

另一方面，51.6% 誤以為知識產權署負責「接受盜版及商標冒牌的投訴」，亦有部分機構誤以

on copyright piracy and trademark counterfeiting". Some also misunderstood that IPD was responsible for "investigating into infringing activities" (46.1%), and "criminal justice of IP" (33.2%).

When compared with the previous surveys, it was observed that the proportion of establishments which were able to give correct answer (91.4%) was similar to those of the previous surveys (ranged from 94.2% in 2004 to 97.2% in 2006).

All business establishments were asked whether they had attended any exhibition / seminar organized by IPD, or seen any IPD's advertising and promotional activities in the past two years.

11.1% of the establishments had attended IPD's exhibitions / seminars. Moreover, 72.9% had seen IPD's electronic media promotions / print ad / promotional materials, such as the API series on IP protection (60.2%), promotions on "No Fakes Pledge" Scheme 2008 (49.4%), promotions on "Copyright (Amendment) Ordinance 2007 – Anti-circumvention" (33.5%), promotions on "Software Asset Management Consultancy Programme" (30.9%) and promotions on "Beijing 2008 Olympic Games" and "Shop for Real" (20.4%).

In terms of the effectiveness of the promotional activities held by IPD in raising the awareness of Hong Kong businesses on protecting IP rights, 69.8% of the business establishments considered them "very / quite effective", which was higher than the previous surveys (below 50%). On the other hand, 20.6% considered "quite / very ineffective".

Finally, 89.6% of the establishments considered "TV / radio" as the most effective ways to gather information from IPD, followed by "newspaper / magazine" (56.2%), "Internet / website" (36.0%) and "other promotion channels (e.g. bus, activities in shopping centres etc.)" (31.7%).

為知識產權署負責「調查侵權活動」(46.1%) 及「對知識產權的刑事執法」(33.2%)。

與以往幾年比較，發現能夠給予正確答案的機構比例 (91.4%) 與以往幾年調查的相差不遠 (比例由 2004 年的 94.2% 至 2006 年的 97.2%)。

所有機構均被問及在過去兩年曾否出席 / 參觀過由知識產權署舉辦的展覽 / 講座，或見過該署的廣告及宣傳活動。

11.1% 的機構代表曾出席 / 參觀過知識產權署的展覽 / 講座。此外，72.9% 有見過該署的電子媒體宣傳 / 印刷廣告 / 宣傳物品，例如《保護知識產權》電視宣傳片系列 (60.2%)、「正版正貨承諾」計劃 2008 的宣傳 (49.4%)、《2007 年版權 (修訂) 條例 – 反規避科技措施》的宣傳 (33.5%)、《軟件資產管理諮詢計劃》的宣傳 (30.9%) 及「北京 2008 年奧運會」及「愛正版 買正貨」的宣傳 (20.4%)。

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，69.8% 的商業機構認為「很有效 / 頗有效」，較以往幾年的比例 (50% 以下) 增加了。另一方面，有 20.6% 認為「不大有效 / 完全沒有效」。

最後，89.6% 的機構認為透過「電視 / 電台」接收知識產權署消息最有效，其次是「報紙 / 雜誌」(56.2%)、「互聯網 / 網頁」(36.0%) 及「其他宣傳媒介 (如巴士、商場活動等)」(31.7%)。

Conclusion

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

They also considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong.

Furthermore, most of the establishments considered that protecting / registering IP rights was beneficial to the company, and had positive responses on the long-term development of the IP rights.

Yet, not many establishments were aware of licensing schemes (administered by copyright owners) authorizing copying of local newspaper articles and books for use in business, and had heard about the newly amended Copyright Ordinance – regarding the criminal liability that directors / partners may attract if their companies possess pirated software for business use. Further publicity may be required.

With reference to the above, it is suggested that IPD should keep using TV as a major channel for promotion, and it is expected that business attitudes towards IP rights protection and creation will be raised continuously.

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。

他們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。

除此之外，大多數的機構都認為保護 / 註冊知識產權對公司是有好處的，而且對於保護知識產權的長遠發展亦有正面的回應。

然而，知道有特許計劃（由版權擁有者執行）授權公司複製本地報章報導 / 書籍內容供業務中使用，和有聽過最新修訂版權條例中，有關董事 / 合夥人可能因為公司在業務中管有盜版軟件，須負上刑責的機構並不多，這或有需要加強宣傳。

參考以上的調查結果，建議知識產權署保持以電視作為推廣的主要途徑，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。