

# **Survey on Business Attitudes to Intellectual Property 2005**

- Summary of Findings -

## **香港商業機構對知識產權的 意識調查 2005**

- 調查結果摘要 -

*Prepared for:*

**Intellectual Property Department**

*Prepared by:*



**Mercado Solutions Associates Ltd.**

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# 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 second round of the survey among the business establishments between 14<sup>th</sup> February and 14<sup>th</sup> March 2005. In total, 1 206 business establishments were successfully enumerated by means of mail survey. The overall response rate achieved was 50.3%. This executive summary highlights the major findings of the survey.

## Knowledge and Attitudes toward IPR

Majority of the business establishments (85.0% or more) were aware that intellectual property had covered copyright (99.8%), trademarks (98.7%), patents (98.3%) and designs (88.2%).

Of the specific aspects, most of the establishments were aware that Intellectual property rights is protecting

- Logos or marks for goods (93.6%);
- Designs of logos or marks (89.1%);
- Technological inventions (88.2%);
- Computer programs (82.6%); and
- Author's writing (81.5%).

Majority of the business establishments (95.6%) considered that it was very / quite necessary to protect IP rights in the business environment of Hong Kong. While more than two-thirds (69.8%) of the establishments considered the situation of IP rights infringement in the business environment of Hong Kong was very / quite

## 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二零零五年二月十四日至三月十四日進行了第二次商業機構統計調查，透過郵寄問卷形式成功訪問了 1 206 間商業機構，回應率達到 50.3%。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 (85.0%或以上) 認知到知識產權包括版權 (99.8%)、商標 (98.7%)、專利權 (98.3%) 及外觀設計 (88.2%)。

就個別權利而言，大部分的商業機構均認知到知識產權能夠保護：

- 產品的品牌標誌 (93.6%)；
- 標誌的設計 (89.1%)；
- 技術上 / 科技上的發明 (88.2%)；
- 電腦程式 (82.6%)；及
- 寫作 (81.5%)。

大部分商業機構 (95.6%) 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 (69.8%) 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 (21.9%) 的機構持相反意見。

serious, still one-fifth of them (21.9%) considered the opposite.

Majority of the business establishments (92.0%) were aware that there is legislation on protecting copyright, trademarks, patents and designs in Hong Kong.

While more than one-third (37.4%) of the establishments considered the intellectual property protection in the business environment of Hong Kong was very / quite adequate, more than half (55.7%) of the establishments considered the opposite demonstrating that improvement was necessary to strengthen the protection of IP rights.

In 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” (80.5%), followed by “raising awareness of IP rights protection / strengthening education” (76.4%) and “Strengthen enforcement action against the sale of pirated and counterfeit goods” (62.2%). Besides, more than half of the establishments also considered “increase penalties” (52.1%) as means for improving the situation of IP infringement in Hong Kong.

Furthermore, findings also revealed that more establishments considered full-scale enforcement action against the sale of pirated and counterfeit goods was the effective way to reduce IP infringement in Hong Kong as compared to the previous round.

大多數商業機構 (92.0%) 知道香港有保障版權、商標、專利權及外觀設計的法例。

多於三分之一 (37.4%) 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, 而多於半數 (55.7%) 則持相反意見, 顯示的確有需要加強保護知識產權。

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」(80.5%) 最有效, 其次是「提高保護知識產權意識 / 加強教育」(76.4%) 及「全力掃蕩銷售盜版及冒牌貨」(62.2%)。此外, 亦有多於一半機構提及以「加重刑罰」(52.1%) 作為改善香港侵犯知識產權情況的方法。

與往年結果比較, 發現有較多商業機構認為全力掃蕩銷售盜版及冒牌貨品是有效改善香港侵犯知識產權情況的方法。

For the stakeholder which was considered the most important in reducing IP rights infringement in Hong Kong, more than half (54.9%) of the establishments considered the government should play the most important role, 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 (14.2% and 13.8% respectively).

Majority of the establishments (96.1%) considered intellectual properties (e.g. invented products / technology, logo or brand name) were valuable assets of a company.

### **Business Operation in relating to Intellectual Property Rights**

In this year, 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 (53.1%) of the establishments wrongly considered the statement is true, still 46.9% awared that is not true.

While more than one-fifth (22.9%) of the business establishments claimed they had registered trademark, patent or design in Hong Kong, the majority of the business establishments (77.1%) had not done so.

Among those establishments which had trademark, patent or design registered, about two-thirds (64.0%) had registered 1 trademark, patent or design and 22.1% had registered 4 or more trademarks, patents or designs and the remaining 13.9% had

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 (54.9%) 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 14.2% 及 13.8%)。

大部分機構 (96.1%) 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**

是次調查也問到各機構認為「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 (53.1%) 的機構誤以為此句子是正確的，但同時仍有 46.9% 知道這並不正確。

約五分之一 (22.9%) 的商業機構表示已經在香港註冊了商標、專利或外觀設計，而大部分的商業機構 (77.1%) 則表示沒有。

在那些已經在香港註冊了商標、專利或外觀設計的機構中，約三分之二 (64.0%) 註冊了一個商標、專利或外觀設計，另有 22.1% 註冊了 4 個或以上。而餘下的 13.9% 則註冊了 2 至 3 個商標、專利或外觀設計。

registered 2 – 3 trademarks, patents or designs.

While majority of the business establishments (81.1%) did not have any employee specifically responsible for intellectual property management, the remaining one-fifth (18.9%) had deployed staffs specifically responsible to do so.

Among those establishments that had employees specifically responsible for intellectual property management, most of the staffs were responsible for the registration of trademarks, patents or designs (67.2%), followed by monitoring employees' using of other people's IP rights (61.7%), monitoring the IP rights of the company (45.6%) and licensing / trading IP rights of the company to others (41.4%).

While about half of the establishments (49.4%) claimed they prohibited their staff from using the company computers in uploading or downloading files for personal use during the office hours, about two-thirds (63.1%) prohibited their staff from installing or using pirated computer software during office operation.

Majority of the business establishments (93.0%) considered that protecting / registering intellectual property rights was beneficial to the company. Among them, about ninety percent (87.5%) 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 (70.5%) and earning income from the company's intellectual property (41.9%).

About four-fifths (79.5%) of the establishments considered Hong Kong as an important place to register trademark, patents or designs, which was higher as

大部分的商業機構 (81.1%) 均沒有員工專責從事知識產權管理的工作，約下五分之一 (18.9%) 則表示有委任員工專責這些事務。

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 (67.2%)，其次是監察員工使用其他人的知識產權 (61.7%)、監察公司的知識產權 (45.6%) 及處理公司知識產權的專利授權 / 交易事宜 (41.4%)。

約一半 (49.4%) 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，約三分之二 (63.1%) 表示她們有禁止員工在工作上安裝或使用盜版電腦軟件。

大部分商業機構 (93.0%) 認為保護 / 註冊知識產權對公司是有好處的。他們之中近九成 (87.5%) 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 (70.5%) 及公司可藉著知識產權以賺取收入 (41.9%)。

約五分之四 (79.5%) 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，比例較上一次調查的為高。而其餘五分之一 (20.5%) 則持相反意見。

compared to the previous round. The remaining one-fifth (20.5%) considered the opposite.

More than half (55.2%) 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 (44.8%) considered the opposite.

While half (51.2%) of the establishments would not check the Hong Kong trademark register before using / adopting their own trademark for their goods / services, another half (48.8%) would do so.

While three-fifths of the establishments (60.9%) did not carry out research and development in Hong Kong and about thirty percent (29.8%) claimed their business had no such need, only 9.3% of the business establishments had carried out research and development in Hong Kong. Among these establishments, most of them (77.9%) would search the patent register to ensure that they would not infringe other’s inventions and most of these establishments (81.0%) agreed that the search of the patent register would find useful ideas for developing into new inventions.

Establishments were asked to rank the seriousness of the consequence for a company which infringed the intellectual property of others. It was observed that about one quarter of the establishments (26.8%) considered the most serious consequence was loss of money invested in the business / infringing goods, followed by damaged to company’s reputation / goodwill (25.0%) and large amount of compensation paid (19.0%).

超過一半 (55.2%) 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、專利權或外觀設計，在香港是將會受到保護的」的說法是錯誤的，而餘下 (44.8%) 的商業機構則並不知道。

半數 (51.2%) 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，而另一半 (48.8%) 則表示會這樣做。

五分之三的機構 (60.9%) 沒有在香港進行“研究及開發”，另有大約三成 (29.8%) 機構表示公司業務沒有此需要，只有 9.3% 的商業機構曾經在香港進行“研究及開發”。在這些機構中，大部分 (77.9%) 會檢索專利權註冊，以確保不會侵犯他人的發明，這些機構亦大部分 (81.0%) 同意從檢索專利權註冊中會找到有用的概念去發展新的發明。

對於侵犯他人知識產權的後果嚴重程度先後次序，約四分之一的機構 (26.8%) 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 (25.0%) 及支付大額的賠償 (19.0%)。

### **Attitudes towards Long-term Development for IP Rights**

In terms of the long-term development for IP rights, most of the business establishments (89.6%) considered that the protection of intellectual property rights was very / quite helpful to the development of local creative industries. Furthermore, more than seventy percent (73.4%) 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 (71.1%).

### **Awareness of Intellectual Property Department and its' promotional activities**

While most of the business establishments were aware that Intellectual Property Department was responsible for promoting awareness on IP rights protection (90.5%), registration of trademarks (71.7%), public education about intellectual property (71.7%), registration of patents (71.5%), registration of designs (58.6%) and IP law drafting (52.7%), less than half of the business establishments (48.4%) were aware that IPD also acted as Government's intellectual property legal advisor.

More than three quarters of the business establishments (76.9%) claimed they had not attended or visited any seminar / exhibition organized by IPD in the past 12 months. The remaining 23.1% of the business establishments recalled the seminar / exhibition attended. The proportion was higher than that in last year.

### **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 (89.6%) 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，亦有超過七成的機構認為保護知識產權對營商者創造商機及財富 (73.4%) 及香港整體經濟發展 (71.1%) 非常有幫助 / 頗有幫助。

### **對知識產權署及其宣傳活動的認知**

大部分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 (90.5%)、商標註冊 (71.7%)、有關知識產權的公民教育 (71.7%)、專利註冊 (71.5%)、外觀設計註冊 (58.6%) 及草擬知識產權法例 (52.7%)。少於半數的機構 (48.4%) 知道知識產權署亦擔當政府的知識產權法律顧問。

超過四分之三的商业機構代表 (76.9%) 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，其餘 23.1% 則表示記得曾經參加過的講座 / 展覽，比例較去年的為高。

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 (90.4%) recalled seeing IPD's advertising and promotional activities on TV, more than half of the establishments claimed seeing the print ad / promotional materials (56.3%) and aware of IPD's advertising or promotional activities on radio (51.6%).

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 43.4% of the business establishments considered them very / quite effective and 48.5% 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 (84.2%) considered TV / radio were most effective, followed by newspaper / magazine (49.2%) and other promotion channels (e.g. bus, activities in shopping centres etc.) (35.6%) and Internet / website (35.2%).

## **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.

Furthermore, most of the establishments (95.6%) also considered that it was very / quite necessary to protect IP rights in the

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 (90.4%) 均表示記得曾在電視見過知識產權署的廣告或宣傳活動，另有多於半數表示曾經從印刷廣告 / 宣傳物品 (56.3%) 及電台 (51.6%) 接觸過知識產權署的廣告或宣傳活動。

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 43.4% 的商業機構認為很有效 / 有效，而 48.5% 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 (84.2%) 機構均認為電視 / 電台最有效，其次是報紙 / 雜誌 (49.2%) 及其他宣傳媒介 (如巴士、商場活動等) (35.6%) 和互聯網 / 網頁 (35.2%)。

## **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，大多數機構 (95.6%) 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。

business environment of Hong Kong.

However, close to seventy percent (69.8%) 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 two-fifths (37.4%) of the establishments considered IP protection was very / quite adequate.

Apart from the suggestion of “lowering the price of genuine goods” (80.5%) as effective way to reduce IP infringement, many establishments also suggested “raising awareness of IP rights protection / strengthening education” (76.4%) and “full-scale enforcement action against the sale of pirated and counterfeit goods” (62.2%).

About one-fifth of the establishments had registered trademark, patent or design in Hong Kong. Besides, most of the establishments did not have any employees specifically responsible for intellectual property management.

Nevertheless, 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%).

然而,近七成 (69.8%) 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,而只有五分之二 (37.4%) 認為知識產權的保護非常足夠 / 頗足夠。

除建議「正版貨品價錢下降」(80.5%) 外,不少機構亦認為「提高保護知識產權意識 / 加強教育」(76.4%) 及「全力掃蕩銷售盜版及冒牌貨品」(62.2%) 是有效改善香港侵犯知識產權情況的方法。

約五分之一的機構有在香港註冊商標、專利或外觀設計;另外,大部分機構沒有員工專責從事知識產權管理工作。

雖然如此,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。