

Summary of Findings 調查結果摘要

Introduction

In order to keep track of the public's awareness of the intellectual property rights, the Intellectual Property Department (IPD) has been conducting surveys on Public Awareness of Intellectual Property Right (IPR) Protection since 1999. Mercado Solutions Associates Ltd. (MSA) was commissioned to conduct the survey among the general public between 30th October and 13th November 2008. In total, 1 003 respondents aged 15 or above were successfully enumerated by telephone. The response rate achieved was 51.5%. This executive summary highlights the major findings of the survey.

Knowledge and Attitudes toward IPR

The findings were consistent with the previous surveys, with 49.4% of the general public considered IPR as “copyright / copyright piracy”, some said “patent” (15.2%), “trademark / trademark counterfeiting” (13.1%) and “invention or creation” (12.8%). However, still 21.5% claimed “don't know / hard to say”, demonstrating that more publicity about IPR should be done.

When asked whether thought that “buying a genuine CD and then convert to MP3” and “someone copies part of books / newspapers / magazines for distribution to staff for internal reference” are infringement of IP rights, only 40.7% and 59.2% of people respectively claimed “yes”, while 44.6% and 29.0% considered not.

The majority of the public (96.3%) considered that it was very / quite necessary to protect the IP rights in Hong Kong. When asked for the reason, it was observed that the proportions who mentioned “protecting the interest of inventors / encouraging creativity” (74.6%) and “for the sake of morality / incorrect to

前言

為持續跟進公眾對保護知識產權的意識，知識產權署自一九九九年進行了多個公眾對保護知識產權意識的調查。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十三日進行了公眾調查，透過電話成功訪問了 1 003 名 15 歲或以上人士，回應率達到 51.5%。本摘要概述了主要的調查結果。

對知識產權的認識及觀念

調查發現結果與以往歷次相若，有 49.4% 的公眾人士認為知識產權所指的是「版權 / 盜版」，部分認為是「專利權」(15.2%)、「商標 / 冒牌」(13.1%) 及「發明或創作」(12.8%)。但仍有 21.5% 表示「不知道 / 很難說」，顯示政府需要舉辦更多有關知識產權的推廣活動。

當被問到是否認為「購買正版光碟，然後轉為 MP3」及「將參考書、報紙或雜誌影印一部份，在公司分發作業務之用」是侵犯知識產權的行為，分別只有 40.7% 及 59.2% 的人士認為「是」，而 44.6% 及 29.0% 則認為不是。

絕大部分的公眾 (96.3%) 均認為知識產權在香港非常有需要 / 頗有需要受到保護。被問及其原因時，發現提及需要「保護原創人利益 / 鼓勵創作」(74.6%) 及「基於道德上的原因 / 侵犯知識產權是不對的」(9.3%) 的比例較過去幾年的為高。

infringe IP rights” (9.3%) were higher than those of the previous surveys.

Regarding the reasons for IP infringement activities, many people (68.5%) considered that it was due to “cheaper price of pirated / counterfeit products / genuine goods being too expensive”, followed by “greediness / improper public mentality / lack of self-discipline” (26.4%) and “unethical businessmen reaping excessive profits” (19.6%).

In terms of the dominant role in improving the situation of IP rights infringement in Hong Kong, 34.4% of the people considered that “the Government” should play a dominant role, the proportion was relatively lower than those of the previous surveys (over 45%). It was followed by “the general public” (24.9%) and “education institutions” (20.5%).

More than four-fifths of the people were aware of the legislation on protecting copyright (87.4%), trademarks (84.9%) and patents (84.7%), while relatively fewer people were aware of the legislation on protecting designs in Hong Kong (46.0%).

56.1% of the people considered that the IP rights protection measures imposed by the Government in the past two years improved the IP rights infringement in Hong Kong a lot / a little, while 35.0% thought that there was no change.

Besides, as compared to previous surveys, more and more people considered that the most effective ways to improve the situation of IP infringement in Hong Kong were “raising awareness of IP rights protection / strengthen education” (40.7%; vs. 32% or below in past years) and “increase penalties” (32.9%; vs. 26% or below in past years). Other commonly mentioned ways include “lower price of genuine goods” (23.4%), and “government should increase propaganda” (20.3%).

至於造成侵犯知識產權活動的主要原因，很多人士 (68.5%) 都認為是由於「盜版及冒牌貨品價錢便宜 / 正版貨品太貴」，其次是「市民貪小便宜 / 社會風氣差 / 欠自律」(26.4%) 及「不道德商人謀取暴利」(19.6%)。

對於認為在改善香港侵犯知識產權情況的最重要角色，有 34.4% 的人士認為「政府」應該擔當最重要的角色，比例較以往幾年調查的 (超過 45%) 為低。其次是「市民自己」(24.9%) 及「教育團體」(20.5%)。

超過八成人士均知道香港有保障版權 (87.4%)、商標 (84.9%) 及專利權 (84.7%) 的法例，而較少人士知道香港有保障外觀設計的法例 (46.0%)。

56.1% 的人士認為政府在過去兩年採取的知識產權保護措施使香港的侵權情況大有改善 / 有少許改善，而 35.0% 則認為情況沒有改變。

另外，與以往歷年比較，愈來愈多人士認為最有效改善香港侵犯知識產權情況的方法是「提高保護知識產權意識 / 加強教育」(40.7%；對比歷年的 32% 或以下) 和「加重刑罰」(32.9%；對比歷年的 26% 或以下)。而其他有較多人提及的方法包括「正版貨品價錢下降」(23.4%) 及「政府要多做宣傳」(20.3%)。

Online behaviour and IP rights protection in digital environment

In this survey, people who used Internet were asked their preference of paying for downloading songs / movies / games / e-books from authorized websites. 78.6% of the people claimed that they probably / definitely will not, with the main reason “considered troublesome in purchasing online” (47.0%). On the other hand, 21.0% claimed that they definitely / probably will do so, with the main reason “respect IP rights” (62.9%).

Behaviour of Involving in Infringement of IP Rights

Only few people involve in the infringement of copyright:

- Visit newsgroup / unauthorized websites and download music / movies / games / e-books and share the files with friends (9.4%);
- Download music / movies / games / e-books and upload them to Internet for sharing purpose (5.0%);
- Visit websites that are not authorized by the copyright owner and download music / movies / games / e-books for own use (17.0%); and
- Photocopy of the whole book (13.4%).

Conversely, each with more than 80% of the people claimed that they never involved in it. The findings were similar to those of the previous surveys.

It was also found that people aged below 30 tended to involve in the infringement of copyright, as compared to their counterparts.

In response to the question “do you agree that it is against morality for a person to visit newsgroup / unauthorized websites and download music / movies / games / e-books, knowing that he/she is infringing the IP rights of others”, 80.3% of those who use Internet “strongly agree / agree”, while 17.3% indicated “disagree / strongly disagree”.

網上活動情況及在數碼環境中的知識產權保護

在今次調查中，有上網習慣的人士均被問及他們對在合法網站付款下載歌曲 / 影片 / 遊戲 / 電子書的取向。有 78.6% 的人士表示未必會 / 絕對不會，主要原因是「網上購物太麻煩 / 複雜」(47.0%)。另一方面，有 21.0% 表示他們絕對會 / 可能會，主要原因是「尊重知識產權」(62.9%)。

參與侵權活動的行為

只有很少人士有參與侵犯版權活動：

- 在網上社群或未經授權的網站下載音樂 / 電影 / 遊戲 / 電子書，然後傳送給朋友一同分享 (9.4%)；
- 在網上下載音樂 / 電影 / 遊戲 / 電子書，然後放上網供他人下載 (5.0%)；
- 在未經版權擁有人授權的網站下載音樂 / 電影 / 遊戲 / 電子書自用 (17.0%)；及
- 將整本參考書影印 (13.4%)。

相反，每項都有多於 80% 的人士表示他們完全沒有參與。結果與以往幾年調查的相似。

調查亦發現，30 歲以下的人士比其他組別人士較傾向有侵犯版權。

對於「是否同意一位市民在明知侵犯別人知識產權的情況下，仍然在網上社群 / 未經授權網站下載音樂 / 電影 / 遊戲 / 電子書是不道德的行為」這問題的回應，80.3% 有上網習慣的人士均「非常同意 / 同意」，而 17.3% 則對此表示「不同意 / 非常不同意」。

Regarding the frequency of people buying pirated or counterfeit goods, 8.6% of the people claimed that they would often / sometimes buy pirated or counterfeit goods, and 22.6% claimed that they would seldom buy it. 67.4% had never bought pirated or counterfeit goods. The percentage of people claimed that they would buy pirated or counterfeit goods (31.2%) was decreased (over 40% in past years).

Of the people who had bought pirated or counterfeit goods, they were asked which pirated or counterfeit goods they bought the most. Many of them (56.2%) claimed that they bought music CD / movie DVD or VCD the most, which was decreased when compared to the previous surveys (about 63%). It was followed by clothing & accessories (15.0%) and computer software (14.4%).

Regarding whether it was easier, the same or more difficult to buy pirated / counterfeit goods in the Hong Kong market as compared to the past two years, only 9.5% of those who had bought pirated / counterfeit goods considered that it was easier. 31.8% thought that it was more or less the same. 48.0% considered it more difficult, with the major reasons “fewer locations for buying pirated / counterfeit goods” (54.1%), “tighter enforcement of laws” (31.2%), “more eradication by the Government” (28.7%) and “fewer retailers selling pirated / counterfeit goods” (27.4%).

While 57.3% of the public mentioned that people around had bought / used pirated or counterfeit goods, the majority of them (86.1%) considered that people around were somewhat not influencing or not influencing at all on their decision of buying / using pirated or counterfeit goods. The situation was quite similar to the past years.

In response to the question “do you agree that it is against morality for a consumer to buy pirated / counterfeit goods knowing that they are infringing the IP rights of others”, 79.9% of

就市民購買盜版或冒牌貨品的習慣，有 8.6% 的人士表示他們有經常 / 間中購買盜版或冒牌貨品，另有 22.6% 表示很少購買。67.4% 則表示他們從不購買盜版或冒牌貨品。表示有購買盜版或冒牌貨品習慣的百分比 (31.2%) 有所下降 (以往幾年均超過 40%)。

在那些曾購買盜版或冒牌貨品的人士中，他們會被問及哪樣盜版或冒牌貨是他們買得最多。很多 (56.2%) 都表示他們買得最多的是音樂 CD / 電影 DVD 或 VCD，百分比比較過去幾年 (約 63%) 已有所下降。其次是衣服 / 手飾 (15.0%) 及電腦軟件 (14.4%)。

就現在較過去兩年在香港市場購買盜版或冒牌貨品是更容易、差不多還是更困難而言，在有購買盜版 / 冒牌貨品的人士中，只有 9.5% 認為是更容易，31.8% 認為情況與過去差不多；另有 48.0% 認為較困難，主要原因是「售賣盜版 / 冒牌貨品的地方減少了」(54.1%)、「政府執法較之前嚴厲」(31.2%)、「政府的掃蕩工作增加了」(28.7%) 及「售賣盜版 / 冒牌貨品的零售商減少了」(27.4%)。

有 57.3% 的公眾提及他們身邊的人士有購買 / 使用盜版或冒牌貨品，然而他們大部分 (86.1%) 都認為身邊的人士對他們選擇是否購買 / 使用盜版或冒牌貨品的影響不大 / 完全沒有影響。這情況與過去幾年的頗相似。

對於「是否同意當一個消費者在明知侵犯別人知識產權的情況下仍然購買盜版 / 冒牌貨品是不道德的行為」這問題的回應，79.9% 的人士「非常同意 / 同意」，而 16.3% 則表示「不

the people “strongly agree / agree”, while 16.3% claimed “disagree / strongly disagree”. 同意 / 非常不同意」。

Opinions towards the “No Fakes Pledge” Scheme 對「正版正貨承諾」計劃的意見

When asked whether ever heard of the “No Fakes Pledge” Scheme, 50.1% of the people said “yes”. The top channel of awareness was TV advertisements (84.5%), followed by newspapers / magazines (15.3%) and stickers / tent cards in shops (9.1%). 被問到有否聽過「正版正貨承諾」計劃，50.1%的人士表示「有」。最主要認知的渠道是電視廣告 (84.5%)，其次是報紙 / 雜誌 (15.3%) 及商戶標貼 / 座檯咭 (9.1%)。

Among those who were aware of the scheme, more than four-fifths considered that the scheme could be very / quite helpful in building the confidence of consumers and tourists in shopping in Hong Kong, or consolidating the city’s status as a shoppers’ paradise (83.9%), and promoting the public to respect IP rights (80.7%). 在那些認知計劃的人士中，有超過八成均認為計劃對增加消費者及遊客在港購物的信心或鞏固香港購物天堂的美譽 (83.9%)，以及推動尊重知識產權的風氣 (80.7%) 非常有幫助 / 頗有幫助。

Attitudes towards Long-term Development for IP Rights 對保護知識產權長遠發展的意見

Regarding the public’s attitude towards long-term development for IP rights, most of the people considered that the protection of IP rights could be very / quite helpful to the development of local creative industries (76.0%) and the overall development of Hong Kong’s economy (62.0%). 就市民對保護知識產權長遠發展的意見，大多數人士均認為保護知識產權對促進本地創意產業發展 (76.0%) 及香港整體經濟發展 (62.0%) 非常有幫助 / 頗有幫助。

83.3% of the people considered definitely / quite necessary for the Government to put more resources in protecting IP rights in the long run. They thought that the Government should put more resources on promotion in mass media (56.6%) and in schools (50.1%), followed by increasing penalty (25.8%) and more enforcement action (17.6%). 83.3% 的人士認為長遠而言，政府非常應該 / 頗應該投放更多資源在保護知識產權方面。他們認為政府應該投放更多資源加強在媒體上的宣傳 (56.6%) 及學校的宣傳 (50.1%)，其次是加重刑罰 (25.8%) 及加強巡查和掃蕩 (17.6%)。

Awareness of IPD and its promotional activities 對知識產權署及其宣傳活動的認知

Although only 17.2% of the people could spontaneously recall the Intellectual Property Department (IPD) is the Government department which is responsible for promoting 雖然只有 17.2% 的人士能正確地說出知識產權署是負責在香港推廣保護知識產權的政府部門，但比例較以往幾年已有所增加 (往年有 15% 或以下)。

the protection of IP rights in Hong Kong, the proportion was increased (15% or below in past years).

Among them, 44.5% were aware that the IPD was responsible for “promoting awareness on IP rights protection”, followed by “registration of trademarks” (13.3%) and “registration of patents” (10.4%). On the other hand, still some people misunderstood that the IPD was responsible for “combating piracy and counterfeiting” (30.6%) and claimed that they did not know the duties of the IPD (27.7%).

76.9% of the people claimed that they had seen the advertising or promotional messages on TV, followed by radio (13.1%), promotions on “No Fakes Pledge” Scheme (10.7%) and print ad / promotional materials (9.6%). Yet, 19.6% claimed that they did not remember or had never seen / heard / encountered any IPD’s advertising or promotional activities.

When comparing with the past years, the awareness level of IPD’s advertising or promotional activities (80.4%) was increased (about 69% or below in past years).

71.1% of the people considered that the promotional activities held by the IPD were very / quite effective in raising the awareness of Hong Kong citizens on protecting IP rights, the proportion was increased when comparing to the past years (below 60%).

Moreover, still most of the people thought that TV (84.6%) was the most effective channel to place the advertisements for promoting the protection of IP rights.

在他們當中，44.5% 知道知識產權署是負責「宣傳 / 推廣保護知識產權」的，其次是「商標註冊」(13.3%) 及「專利註冊」(10.4%)。另一方面，仍有部分人士誤以為知識產權署負責「打擊盜版 / 掃蕩冒牌」(30.6%) 及不知道知識產權署工作的範圍 (27.7%)。

76.9% 的人士表示有從電視見過有關的廣告或宣傳訊息，其次是電台 (13.1%)、「正版正貨承諾」計劃宣傳 (10.7%) 及印刷廣告 / 宣傳物品 (9.6%)。不過，仍有 19.6% 表示記不起或沒有看過 / 聽過 / 接觸過任何知識產權署的廣告或宣傳活動。

與過去幾年比例，知識產權署的廣告或宣傳活動的認知程度 (80.4%) 有上升 (往年約有 69% 或以下)。

71.1% 的人士認為知識產權署的宣傳活動對提升香港市民保護知識產權意識非常有效 / 頗有效，比例較過去數年 (60% 以下) 有所上升。

此外，仍然有最多人士認為電視 (84.6%) 是宣傳知識產權的最有效途徑。

Conclusion

As illustrated from the survey findings, despite the awareness level of IPD and its duties was still relatively low, majority of the general public have knowledge of IPR, they also considered that it was very / quite necessary to protect IP rights in Hong Kong.

Besides, more people considered that it was more difficult to buy pirated or counterfeit goods.

In addition, most of the people have positive responses on the development of creative culture and creative industries. As a result, if the government can put more resources in public education in protecting IP rights, especially on TV, the public awareness and attitude towards the protection of IP rights is expected to improve in the near future.

總結

以上調查結果說明，雖然對知識產權署及其工作範圍的認知程度仍然較低，但大部分公眾人士對知識產權均有認識，而且認為知識產權在香港非常 / 頗有需要受到保護。

此外，有更多人士認為現時較困難購買盜版或冒牌貨。

進一步來說，市民大多對推動創意文化及發展創意產業有正面的回應。所以，若政府能投放更多資源在加強對保護知識產權的公眾教育，尤其透過電視作為推廣媒介，市民對保護知識產權的認知及態度可望在不久的將來有明顯的改善。