

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 12th November and 12th December 2012. In total, 1 001 business establishments were successfully enumerated by means of mail survey. The overall response rate achieved was 30.1%. 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" (97.4%), "trademarks" (96.7%), "patents" (88.6%) and "designs" (82.9%). Overall speaking, the percentages were similar to the last survey (about 83% - 97%).

Moreover, a considerable proportion of establishments (38.4%) were aware that "layout-design of integrated circuits" was also covered in intellectual property, although decreased as compared to the last survey (51.2%).

Besides, most of the establishments (about 74% - 99%) were able to identify the different situations that had infringed IP rights. Yet, only 55.2% were aware that "copying newspaper articles / articles from magazines or books without authorisation for distribution to staff for internal reference" was an infringement of IP rights. The findings were quite similar 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) 受委託於二零一二年十一月十二日至十二月十二日進行了調查，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 30.1%。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」(97.4%)、「商標」(96.7%)、「專利」(88.6%)及「外觀設計」(82.9%)。整體而言，比例與上一次調查的結果 (約 83% - 97%) 差不多。

此外，有相當比例的機構 (38.4%) 知道「集成電路布圖設計 (模版)」亦屬於知識產權的一種，雖然比例較上一次調查的 (51.2%) 減少了。

另外，大多數機構 (約 74% - 99%) 都能分辨不同情況是否有侵犯知識產權。然而，只有 55.2% 知道「未經授權而複製報章 / 雜誌 / 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。結果與上一次調查的相若。

95.9% of the establishments considered intellectual properties (e.g. patents for invented products / technology, design, logo or brand name) were valuable assets of a company, which was similar to the previous surveys (about 95% - 98%).

95.9% 的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，結果與過往幾年調查的結果 (約 95% - 98%) 相似。

Establishments were asked whether they considered the statement “After my company has obtained a business registration or company registration in Hong Kong, no-one else can register my company name as a trademark in Hong Kong” was true. 73.6% of the establishments misunderstood that the statement was true, which was quite consistent to 73.5% in the last survey. However, still 26.2% aware that was not true.

各機構均被問到認為「當我的公司在香港取得商業登記 / 公司註冊後，其他人就不能在香港把我的業務名稱 / 公司名稱註冊成為商標」的說法是否正確。73.6% 的機構誤以為此是正確的，比例與上一次調查的 73.5% 頗一致。但仍有 26.2% 知道這句子並不正確。

16.0% of the establishments claimed that they had registered trademark, patent or design in Hong Kong, which was quite similar to 15.6% in the last survey. Conversely, 84.0% had not done so.

16.0% 的機構表示已經在香港註冊了商標、專利或外觀設計，比率較上一次調查的 15.6% 很相似。反之，84.4% 表示沒有。

Among those establishments which had trademark, patent or design registered, 55.6% had registered 1 trademark, patent or design; 24.6% had registered 2 – 3; and 18.5% had registered 4 or more.

在那些已經在香港註冊了商標、專利或外觀設計的機構中，55.6% 註冊了一個商標、專利或外觀設計；24.6% 註冊了 2 – 3 個；另有 18.5% 註冊了 4 個或以上。

88.5% of the establishments considered Hong Kong as an important place to register trademark, patent or design, which was similar to 86.2% in the last survey.

88.5% 的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，比例與上一次調查的 86.2% 相若。

66.1% of the establishments know that the statement “If I have a trademark, patent or design registered in the National Trademark or Patent Registry on the Mainland, it will automatically be protected in Hong Kong” was false, which was higher than those in the past surveys (about 54% - 61%). On the other hand, 33.2% misunderstood that the statement was true.

66.1% 的機構知道「所有於內地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，較以往幾年調查的結果 (約 54% - 61%) 為高。另一方面，33.2% 則誤會了句子是正確的。

70.8% of the establishments claimed that they know about the Copyright Ordinance – regarding the criminal liability that directors / partners may attract if their companies

70.8% 的機構表示知道現行版權條例中，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。比例較 2010 年及 2008 年的 58.0% 及 49.5% 為高。

possess pirated software for business use, which was higher than 58.0% and 49.5% in 2010 and 2008 respectively.

67.4% of the establishments know about the Copyright Ordinance – regarding the criminal liability that directors / partners may attract if their companies frequently or regularly make copies of a large quantity of copyright works for business purpose, which was largely higher than 36.6% in the last survey. The remaining 32.6% were not aware of it.

44.0% of the establishments were aware that there were licensing schemes (administered by copyright owners) authorising copying of local newspaper articles and books for use in business, which was higher than 24.7% and 27.4% in 2010 and 2008 respectively. On the contrary, 56.0% were not aware.

IP Compliance

While 55.1% of the establishments would not do a trademark search to see if the trademark has been registered in Hong Kong before using a trademark for their goods / services, 44.6% would do so, which was quite consistent to that in the last survey (44.6%).

Only 6.2% of the establishments had deployed staff specifically responsible for IP management (similar to 7.8% in the last survey). Among them, many claimed that the staffs were responsible for “registration of trademarks, patents or designs” (80.2%), followed by “monitoring the IP rights of the company” (50.8%), “monitoring employees’ use of other people’s IP rights” (40.9%) and “licensing / trading IP rights of the company to others” (38.6%).

40.5% 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 (quite consistent to 41.5% in the last survey). Besides, 60.9% claimed that they prohibited their staff from installing or using pirated

67.4% 的機構知道現行版權條例中，有關董事 / 合夥人可能因為公司在業務中頻密或定期複印大量版權作品，須負上刑責，比例較上一次調查的 36.6% 有大幅上升。而其餘 32.6% 則對此並不認知。

44.0% 的機構知道有特許計劃（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，比 2010 年及 2008 年的 24.7% 及 27.4% 有所增加。相反地，56.0% 並不認知。

遵守知識產權的法例規定

55.1% 的機構表示不會在使用某一個商標於產品 / 服務前檢索該商標是否已在香港註冊，而 44.6% 則會這樣做，比例與上一次調查的 (44.6%) 頗一致。

只有 6.2% 的機構有委任員工專責從事知識產權管理的工作（與上一次調查的 7.8% 差不多）。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」（80.2%）的，其次是「監察公司的知識產權」（50.8%）、「監察員工使用其他人的知識產權」（40.9%）及「處理公司知識產權的專利授權 / 交易事宜」（38.6%）。

40.5% 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（與上一次調查的 41.5% 頗一致）。另外，60.9% 表示它們有禁止員工在工作上安裝或使用盜版電腦軟件（與上一次調查的 60.8% 頗一致）。

computer software (quite consistent to 60.8% in the last survey).

Among the 40.5% and 60.9% of the establishments, the common measures taken were: “setting up internal rules / guidelines” (62.7% and 55.3% respectively) and “monitoring by the company” (42.5% and 50.5% respectively).

71.5% of the establishments did not carry out research and development (R&D) in Hong Kong and 22.6% claimed that their businesses had no such need, only 6.0% carried out R&D in Hong Kong, which was similar to the previous surveys (about 7% - 10%).

Among the 6.0%, most of them (77.8%) would conduct a patent search to ensure that other people’s inventions would not be infringed.

Perception of IPR Situation in HK

94.8% of the 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 (about 94% - 97%).

When being asked whether agree that the measures of the Government had been effective in improving the protection for IP rights in Hong Kong in the past two years, 68.6% of the establishments “strongly agree / agree”, while 11.3% considered the opposite. The remaining 20.2% claimed “don’t know / hard to say”. The findings were similar to the last two surveys.

For the stakeholder which was considered to be the most important in reducing IP rights infringement in Hong Kong, 50.2% of the establishments considered that “the Government” should play the most important role. It was followed by “rights-owners” (23.0%; vs. 18.8% in the last survey), “education institutions” (10.9%; vs. 16.5% in the last survey) and “consumers” (8.1%; vs. 12.6% in the last survey).

在該 40.5% 及 60.9% 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 62.7% 及 55.3%) 及「由公司監察」(分別有 42.5% 及 50.5%)。

71.5% 的機構沒有在香港進行研究及開發 (研發)，另有 22.6% 表示公司業務沒有此需要，只有 6.0% 有在香港進行研發，比例與過往的調查 (約 7% - 10%) 差不多。

在那 6.0% 的機構中，大多數 (77.8%) 會進行專利檢索，以確保不會侵犯其他人的發明。

對香港知識產權情況的看法

與以往幾年的調查結果 (約 94% - 97%) 相若，94.8% 的機構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，68.6% 的機構「非常同意 / 同意」，而 11.3% 持相反意見。其餘 20.2% 表示「不知道 / 很難說」。結果與上兩次調查的相若。

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，50.2% 的機構認為「政府」應該擔當最重要的角色，其次是「版權擁有人」(23.0%；對比上一次調查的 18.8%)、「教育機構」(10.9%；對比上一次調查的 16.5%) 及「消費者」(8.1%；對比上一次調查的 12.6%)。

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: “lower price of genuine goods” (65.5%), “raising awareness of IP rights protection / strengthening education” (60.1%), “full-scale enforcement action against the sale of pirated and counterfeit goods” (51.0%) and “increase penalties” (47.2%).

90.0% of the establishments considered that protecting / registering IP rights was beneficial to the company, which was quite similar as in the previous surveys (about 88% - 94%).

Among them, 83.5% 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” (48.3%) and “can earn income from the company’s intellectual property” (39.1%).

Establishments were asked about their perceived most serious consequence for a company which infringed the IP of others. 56.8% considered the most serious consequence was “criminal liability”, which was similar to 52.7% in the last survey. It was followed by “civil liability” (18.5%) and “damage to company’s reputation / goodwill” (12.4%).

Only 3.9% of the establishments claimed that they would consider engaging in IP trading in the coming 12 months, while 96.0% considered the opposite.

Yet, most of the establishments (61.4%) considered that IP trading was very / quite helpful in enhancing the development of Hong Kong’s economy. Only 3.7% considered the opposite.

In terms of the long-term development for IP rights, the majority of establishments considered that the protection of IP rights was very / quite helpful to enhance the development of local creative industries (82.3%), the creation of business opportunity

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」(65.5%)、「提高保護知識產權意識 / 加強教育」(60.1%)、「全力掃蕩銷售盜版及冒牌貨品」(51.0%) 及「加重刑罰」(47.2%)。

與過往幾年調查的結果 (約 88% - 94%) 相若，90.0% 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，83.5% 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」(48.3%) 及「公司可藉著知識產權以賺取收入」(39.1%)。

對於認為侵犯他人知識產權的最嚴重後果，56.8% 的機構認為最嚴重的後果是「公司要負上刑事責任」，比例與上一次調查的 52.7% 相若。其次是「要負上民事責任」(18.5%) 及「公司的聲譽受損」(12.4%)。

只有 3.9% 的機構表示會考慮在未來十二個月進行知識產權貿易，而 96.0% 則持相反意見。

然而，大多數機構 (61.4%) 均認為知識產權貿易對促進香港經濟發展非常有幫助 / 頗有幫助。只有 3.7% 持相反意見。

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 (82.3%)、促進營商者創造商機及財富 (76.0%) 及促進香港整體經濟發展 (72.4%) 非常有幫助 / 頗有幫助。結果與過去幾年調查的差不多。

and wealth (76.0%) and the overall development of Hong Kong's economy (72.4%). The findings were similar to the previous surveys.

Awareness of IPD and its promotional activities

Similar to the previous surveys, most of the establishments were aware that IPD was responsible for "promoting awareness on IP rights protection" (77.8%), "registration of trademarks" (76.4%), "registration of patents" (74.6%), "registration of designs" (60.2%) and "public education about IP" (54.4%). In addition, more than one-third were aware that IPD was also responsible for "IP law drafting" (36.1%) and "Government's IP legal advisor" (35.6%).

On the other hand, considerable proportions of the establishments misunderstood that IPD was responsible for "investigating infringing activities" (38.9%), "receiving complaints on copyright piracy and trademark counterfeiting" (36.8%) and "criminal enforcement of IP" (35.4%).

The proportion of establishments which were able to give correct answers (94.6%) were similar to the previous surveys (about 91% - 97%).

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

80.4% of the establishments had seen IPD's electronic media promotions / print advertisement / promotional materials, such as promotions on "No Fakes Pledge" Scheme (58.1%), the TV and radio API of "don't sell counterfeits and pirated goods over the Internet" (59.3%), the TV API series featuring Lee Lik Chee (26.3%), Anti-Software Piracy in Business (18.1%) and others (12.9%). Moreover, about one-tenth had attended IPD's

對知識產權署及其宣傳活動的認知

與過往的調查相似，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」(77.8%)、「商標註冊」(76.4%)、「專利註冊」(74.6%)、「外觀設計註冊」(60.2%)及「有關知識產權的公民教育」(54.4%)。此外，超過三分之一知道知識產權署亦有負責「草擬知識產權法例」(36.1%)及「作為政府的知識產權法律顧問」(35.6%)。

另一方面，有一定比例的機構誤以為知識產權署負責「調查侵權活動」(38.9%)、「接受盜版及商標冒牌的投訴」(36.8%)及「對知識產權的刑事執法」(35.4%)。

能夠給予正確答案的機構比例 (94.6%) 與過往調查的 (約 91% - 97%) 差不多。

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

80.4% 的機構有見過知識產權署的電子媒體宣傳 / 印刷廣告 / 宣傳物品，例如「正版正貨承諾」計劃的宣傳 (58.1%)、《切勿在網上售賣冒牌或盜版貨品》的電視及電台宣傳片 (59.3%)、由李力持主演 (26.3%)、有關《防止於業務過程中使用盜版軟件》(18.1%) 及其他的 (12.9%) 電視宣傳片系列。此外，分別有大約一成的機構代表曾參觀過該署的展覽 (14.5%) 及瀏覽過該署的網頁 (10.4%)。

exhibitions (14.5%) and visited IPD's website (10.4%) respectively.

In terms of the effectiveness of the promotional activities held by IPD in raising the awareness of Hong Kong businesses on protecting IP rights, 65.2% of the establishments considered them "very / quite effective", which was similar to 66.6% in the last survey. On the other hand, 26.8% considered "quite / very ineffective".

Finally, 88.5% of the establishments considered "TV / radio" as the most effective ways to gather information from IPD, followed by "Internet / website" (49.2%), "newspaper / magazine" (41.9%), "other promotion channels (e.g. bus, activities in shopping centres etc.)" (24.4%) and promotion booklet / leaflet / newsletter (21.9%).

Conclusion

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

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

Moreover, 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.

Furthermore, more establishments know about the Copyright Ordinance regarding the possessing of pirated software and making copies of copyright works, as well as the licensing schemes authorising copying of local newspaper articles and books.

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，65.2% 的機構認為「很有效 / 頗有效」，比例與上一次調查的 66.6% 差不多。另一方面，有 26.8% 認為「不大有效 / 完全沒有效」。

最後，88.5% 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「互聯網 / 網頁」(49.2%)、「報紙 / 雜誌」(41.9%)、「其他宣傳媒介 (如巴士、商場活動等)」(24.4%) 及「宣傳小冊子 / 單張 / 通訊」(21.9%)。

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。

此外，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。

除此之外，更多機構知道現行版權條例中，有關管有盜版軟件和複印版權作品，以及有關特許計劃授權公司複製本地報章報導 / 書籍內容。

Although only few establishments would consider engaging in IP trading in the coming 12 months, most of the establishments considered that IP trading was helpful in enhancing the development of Hong Kong's economy.

雖然只有少數機構會考慮在未來十二個月進行知識產權貿易，但大多數機構均認為知識產權貿易對促進香港經濟發展有幫助。

Finally, while keeping to use TV as the major channel to deliver messages of protecting IP rights, as Internet / website has become the second highest perceived most effective channel, IPD may consider to enhance the promotional and educational activities through the Internet.

最後，除以電視作為發放保護知識產權訊息的主要途徑外，由於互聯網 / 網頁被認為是最有效途徑的第二位，知識產權署可考慮加強透過互聯網進行宣傳及教育活動。