

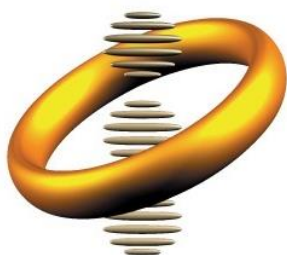
# Survey on Public Awareness of Intellectual Property Right Protection 2016

香港市民保護知識產權意識調查 2016

- Summary of Findings -

- 調查結果摘要 -

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知識產權署

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# 1 Summary of Findings 調查結果摘要

## Introduction

The Intellectual Property Department (IPD) has been conducting surveys on Public Awareness of Intellectual Property (IP) Right Protection regularly since 1999, in order to keep track of the public's awareness of the intellectual property rights. Aristo Market Research and Consulting Company Limited (Aristo) was commissioned to conduct the public survey between 18<sup>th</sup> November and 9<sup>th</sup> December 2016. A total of 1,005 respondents aged 15 or above were successfully enumerated by telephone. The response rate was 50.1%. This summary highlights the major findings of the Survey.

## Knowledge and Attitude toward IP Rights

In terms of IP rights, majority of respondents managed to associate with correct terms and concepts. About half of them mentioned "copyright / copyright piracy" (49.1%) followed by "invention or creation" (21.1%), "trade mark / trade mark counterfeiting" (20.7%) and "patent" (15.4%), whereas, one-quarter (25.1%) declared that they did not know or found it hard to associate with any term.

With regard to respondents' judgement on the infringement of IP rights in different specified scenarios, majority of the respondents were able to identify most purchasing and selling acts as infringement of IP rights which was consistently aligned with the findings of previous years. In addition, over half of respondents considered "a student photocopying a whole reference book for the purpose of self-study" (53.1%) and "using the cartoon character from movie / TV / publication / internet for design of food style in cooking class" (51.6%) without authorisation as infringement of IP rights.

## 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 1999 年起定期進行了多個公眾對保護知識產權意識的調查。珩峰市場研究有限公司 (珩峰) 受委託於 2016 年 11 月 18 日至 12 月 9 日進行公眾調查，透過電話成功訪問 1,005 名 15 歲或以上受訪者，回應率為 50.1%。本摘要概述重要的調查結果。

## 對知識產權的認識及觀念

就受訪者被問及知識產權時所聯想到的術語和概念，約半數受訪者表示知識產權是指「版權 / 盜版」(49.1%)，其次是「發明或創作」(21.1%)、「商標 / 冒牌」(20.7%)、「專利權」(15.4%) 及兩成半受訪者(25.1%) 表示不知道或有困難提出任何相關的術語。

受訪者在不同情況是否侵犯知識產權作出判斷時，大多數受訪者能指出購買和售賣冒牌 / 高仿貨貨品的行為識別為侵犯知識產權，結果與過往的調查相若。亦有過半數的受訪者認為，在沒有獲授權的情況下，「一個學生將整本參考書影印作為自己溫習之用」(53.1%)及「使用電影/ 電視/ 刊物/ 網絡的卡通人物造型，作為烹飪班食品款式的設計」(51.6%)是侵犯知識產權。

Similar to the findings in previous years, a predominately large proportion of respondents (93.9%) considered that it was very / quite necessary to protect IP rights in Hong Kong. The top three reasons mentioned by the respondents, were to “protect the interest of inventors / encourage creativity” (78.4%), to “protect the interest of manufacturers / genuine IP rights owners” (18.0%), and to “protect private property” (14.1%).

Respondents had suggested the reasons for committing IP infringement activities which included “lower price of pirated / counterfeit products / genuine goods are too expensive” (43.1%), “unethical businessmen reaping excessive profits” (34.4%) and “greediness / improper public mentality / lack of self-discipline” (29.6%).

More than four-fifths of respondents revealed their awareness of the existence of legislation protecting IP rights in Hong Kong. Breaking down to each protection category, 85.8% of respondents noticed the protection of copyright; 88.4% noticed the same for trade marks and 87.6% for patents. Similar to the previous round, the awareness level was kept above 80%.

Relatively low proportion (50.4%) of respondents were aware of the existence of legislation protecting designs which remained stable when compared with the previous surveys.

與過往調查結果相若，絕大部分的受訪者 (93.9%)認為知識產權在香港非常有需要 / 頗有需要受到保護。受訪者認為需要保護知識產權的首三項主要因為：「保護原創人利益 / 鼓勵創作」(78.4%)、「保障生產商 / 正版商的利益」(18.0%) 及「保障私人財產」(14.1%)。

受訪者提及造成侵犯知識產權活動的主要原因包括「盜版及冒牌貨品價錢便宜 / 正版貨品太貴」(43.1%)、「不道德商人謀取暴利」(34.4%) 及「市民貪小便宜 / 社會風氣差 / 欠自律」(29.6%)。

逾八成受訪者知道香港有法例保障知識產權。當中包括保障版權、商標及專利分別佔 85.8%、88.4%及 87.6%。與上次的調查結果相若，均保持 80%以上。

較少受訪者(50.4%)得知香港有保障外觀設計的法例。儘管如此，仍與前數年的調查結果相若。

## **Online behaviour and IP rights protection in a digital environment**

Among the respondents having the habit of surfing the Internet, the websites that they frequently browsed were “search engines” (29.9%), “news websites” (29.4%) and “social networking” (22.1%).

Amongst these respondents, 40.8% of them had inclination to pay to listen to songs, watch movies online or to download songs / movies / computer software / games / e-books from authorised websites. This proportion maintained an upward trend since 2008 (2012: 36.0% vs. 2014: 38.8%).

The main reasons quoted for their willingness to pay included “respect IP rights” (35.7%), “give support to the creative industries” (24.8%) and “for better quality” (24.6%). On the other hand, the major reasons given for not willing to pay tended to be need or desire driven. The top reason was “don’t have a habit of listening to songs / watching movies / playing electronic games / reading (23.4%), followed by “seldom / never download any files” (14.9%) and “other channels for listening / watching online are available” (14.6%).

## **網上活動情況及在數碼環境中的知識產權保護**

有上網習慣的受訪者中，他們最常瀏覽的網站首三個為「網絡搜尋器」(29.9%)、「報紙網站」(29.4%)及「社交網站」(22.1%)。

有上網習慣的受訪者中，40.8% 的受訪者表示絕對會 / 可能會付款在獲正式授權網站線上收聽歌曲、觀看影片或下載歌曲 / 影片 / 電腦軟件 / 遊戲 / 電子書，自 2008 年開始保持上升趨勢 (2012: 36.0% vs. 2014: 38.8%)。

表示傾向付款的主要原因包括：「尊重知識產權」(35.7%)、「支持創意工業」(24.8%)及「為了得到更佳質素」(24.6%)。另一方面，未必會 / 絕對不會付款的主要原因建基於是否需要。最主要原因是「沒有聽歌 / 觀看電影 / 玩電子遊戲 / 閱讀的習慣」(23.4%)，其次是「很少 / 從不下載任何檔案」(14.9%)及「有其他途徑可以網上收聽 / 觀看」(14.6%)。

## **Behaviours involving in infringement of IP Rights**

## **參與侵權活動的行為**

Given the popularity of the internet nowadays, the Survey investigated the frequency of involving in the online infringement activities amongst the respondents who were active internet users. The respective proportions of respondents involved in a “often/ sometimes/ seldom” manner were listed below:

- Downloading music / movies / TV shows / computer software / games / e-books from online communities / unauthorised websites and then sharing the files with friends (10.8%);
- Downloading music / movies / TV shows / computer software / games / e-books from online communities / unauthorised websites and then uploading them to the Internet for downloading by others (2.5%);
- Downloading music / movies / TV shows / computer software / games / e-books from online communities / unauthorised websites for one’s own use (40.3%);
- Without the authorisation of copyright owner, re-editing movie posters, comics or pictures and then uploading them to the Internet or social networking websites for sharing purpose (5.6%); and
- Listening to pirated music / watching pirated movies / TV shows online (27.6%).

When compared with last survey, there were significant drops in terms of the proportions of respondents who downloaded files from the internet for either sharing with others or others’ downloading, dropping from 20.9% to 10.8% and from 7.1% to 2.5% respectively.

In spite of a high percentage of respondents downloading unauthorised files for own use, 77.3% of respondents agreed that “it is morally wrong to download music / movies / TV shows from online communities / unauthorised websites even knowing that it is an infringement of the IP rights” which was higher than the proportion (69.5%) found in the 2014

現今互聯網的普遍促使是次調查對有上網習慣的受訪者網上侵犯知識產權的活動作出研究，其習慣(經常/ 間中/ 很少)的百分比如下：

- 在網上社群或未經授權的網站下載音樂/ 電影/ 電視節目/ 電腦軟件/ 遊戲/ 電子書，然後傳送給朋友一同分享 (10.8%);
- 在網上社群或未經授權的網站下載音樂/ 電影/ 電視節目/ 電腦軟件/ 遊戲/ 電子書，然後放上網供他人下載 (2.5%);
- 在網上社群或未經授權的網站下載音樂/ 電影/ 電視節目/ 電腦軟件/ 遊戲/ 電子書自用 (40.3%);
- 未得版權擁有人同意，將電影海報、漫畫或圖片等改圖，然後放上網或社交網站與他人分享 (5.6%); 及
- 直接在網絡上收聽盜版音樂 / 觀看盜版電影/ 電視節目 (27.6%)。

相比上次的調查，受訪者在網絡上下載檔案後，再與朋友一同分享或供他人下載的百分比有顯著下降，分別由 20.9%下降至 10.8%及 7.1%下降至 2.5%。

雖然有頗多受訪者會下載未經授權的檔案自用，但 77.3%受訪者認同「在明知侵犯知識產權的情況下，仍然在網上社群/ 未經授權網站下載音樂/ 電影 / 電視節目是不道德的行為」，較 2014 年的調查結果(69.5%)高。

survey.

Meanwhile, another large proportion (64.5%) of respondents revealed in agreeing with the statement - "it is morally wrong to listen to the music or watch the movies / TV shows online even knowing that they were pirated versions". This was an obvious increase from 59.4% in the 2014 survey.

Apart from the morality issues, some respondents practically concerned the possible risks to individuals or families involved in dealing with online pirated files and files downloaded from unauthorised websites. The top three risks mentioned were "computer may get virus" (28.2%), "violating the law" (26.0%) and "being prosecuted" (25.9%).

With respect to the habit of buying pirated or counterfeit goods, 25.5% of the respondents declared that they often / sometimes / seldom bought pirated or counterfeit goods, which was the lowest proportion ever. Likewise, 70.9% of the respondents said they had never bought.

Among those who admitted that they had bought pirated or counterfeit goods, 32.9% expressed that the items which they mostly bought were "clothing and accessories", followed by "music CD / movie DVD or VCD" (32.2%) and "toys / stationery / accessories" (13.1%). The top three most purchased pirated or counterfeit goods remained the same as those from the 2014 survey but the ranking had changed slightly. "Clothing and accessories" had taken over the place of "music CD / movie DVD or VCD" to become the most purchased categories in this regard.

The most frequent channel of buying pirated or counterfeit products was physical "shops / stores" (47.3%), followed by "stalls" (35.0%).

與此同時，有較多(64.5%)的受訪者表示同意「在網絡上收聽或觀看明知是盜版的音樂/電影/電視節目是不道德的行為」，較2014年顯著增加(59.4%)。

除道德問題上的看法外，一些受訪者亦關注處理線上盜版和未經授權的網頁下載檔案可能涉及對個人或家人的風險。首三個最多被提及的風險是「電腦或會中毒」(28.2%)、「違法」(26.0%)及「被檢控」(25.9%)。

關於購買盜版或冒牌貨品的習慣，經常 / 間中 / 很少購買盜版或冒牌貨品的受訪者持續減少達歷年新低(25.5%)；而受70.9%的受訪者則表示他們從來沒有買過。

曾購買盜版或冒牌貨品的受訪者當中，32.9%表示他們買得最多的盜版或冒牌貨品為「衣服 / 手飾」，其次是「聲音 / 影片光碟」(32.2%)及「玩具 / 文具 / 精品」(13.1%)。首三類購買得最多的盜版或冒牌貨品與2014年調查相同，只是排序有少許改變。「衣服 / 首飾」於今年取代「聲音 / 影片光碟」成為最多人購買的盜版或冒牌貨品。

本次調查亦對最多購買盜版或冒牌貨品的渠道進行研究，發現實體「商舖」(47.3%)為最多人使用的渠道，其次是「街上攤檔」(35.0%)

74.0% of the respondents agreed that “it is morally wrong to buy pirated / counterfeit goods knowing that it is an infringement of IP rights” which was higher than that of the 2014 survey (67.4%).

### **Opinions towards the “No Fakes Pledge” Scheme**

Over half (56.2%) of the respondents have heard of the “No Fakes Pledge” Scheme this year which achieved the highest proportion since 2008.

The major channels of acquaintance were “television advertisements” (68.4%), “stickers / tent cards in shops” (34.0%) and “newspapers / magazines” (16.8%).

Among those who were aware of the Scheme, 84.0% considered that the Scheme was very / quite helpful for building the confidence of consumers and tourists in shopping in Hong Kong, or in strengthening the reputation of Hong Kong as a shoppers’ paradise. This proportion was slightly lower than that of the previous round (87.0%).

### **Opinion towards the long-term development of IP Rights**

Regarding the public’s view towards the long-term development of IP rights, most of the respondents considered that the protection of IP rights would be very / quite helpful to the development of the local creative industries (75.4%) and the overall economic development of Hong Kong (67.2%), which were higher than those in the last survey (70.9% and 63.1% respectively).

Considering the areas to which the Government should devote more resources for IP rights protection, 40.7% of respondents suggested “more promotion through the mass media”, followed by “more enforcement action” (29.3%) and “more promotion in schools (incl. primary, secondary & tertiary)” (25.6%). These 3 aspects were consistent with the results in the

74.0%的受訪者同意「在明知侵犯知識產權的情況下仍然購買盜版 / 冒牌貨品是不道德行為」，較 2014 年為高(67.4%)。

### **對「正版正貨承諾」計劃的意見**

此次錄得過半數(56.2%)受訪者曾聽過「正版正貨承諾」計劃，自 2008 年以來為歷年新高。

最主要認知此計劃的渠道分別是電視廣告 (68.4%)、商戶標貼 / 座檯咭 (34.0%) 及報紙 / 雜誌 (16.8%)。

認知此計劃的受訪者當中，有 84.0% 認為這計劃對增加消費者及遊客在香港購物的信心或鞏固香港購物天堂的美譽是非常有幫助/ 頗有幫助，較上次調查稍微下降(87.0%)。

### **對保護知識產權長遠發展的意見**

就市民對保護知識產權長遠發展的意見，大多數受訪者均認為保護知識產權對促進本地創意產業發展 (75.4%) 及香港整體經濟發展 (67.2%)非常有幫助/ 頗有幫助，較上一次的調查 (分別為 70.9%及 63.1%)略高。

對於政府應該投放更多資源在哪方面以保護知識產權， 40.7% 的受訪者建議「加強在媒體上的宣傳」，其次是「加強巡查和掃蕩」(29.3%) 及「加強在學校的宣傳(包括大、中、小學)」 (25.6%)，這三方面均與過往的調查結果相近。

last survey.

### **Awareness of IPD and its promotional activities**

The findings of this year showed a positive growth from 23.8% (2014) to 27.8% in the proportion of respondents being aware of the IPD and its role of promoting the protection of IP rights in Hong Kong. Nonetheless, still more than half (58.4%) of respondents did not know which government department was responsible for these.

Among those who were aware of IPD and its role, 49.4% could correctly point out that IPD was responsible for “promoting awareness on IP rights protection”, 19.2% mentioned “registration of trade marks” and 15.2% quoted “registration of patents”. However, some still mistakenly thought that “combating piracy and counterfeiting” (20.0%) was one of IPD’s duties which was dropped significantly when compared with the last survey (37.8%). Furthermore, 20.1% of the respondents were not aware of the exact duties of the IPD that was similar to the result in last survey (20.9%).

50.2% of the respondents encountered some IPD’s advertising or promotional activities from different channels in the past two years. 39.7% of the respondents expressed that they had seen the advertising or promotional messages on television, followed by promotions on “No Fakes Pledge” Scheme (7.3%) and print advertisement / promotional materials (6.0%).

58.2% of the respondents considered that the promotional activities held by IPD were very / quite effective in raising the awareness of the Hong Kong public on protecting IP rights. The percentage slightly declined when compared with the finding in last survey (60.8%), whereas, 36.5% considered the promotional activities were quite / very ineffective.

Finally, most of the respondents (68.3%) still considered that television was the most

### **對知識產權署及其宣傳活動的認知**

受訪者在認知知識產權署及其負責推廣保護香港知識產權方面的工作，本年的調查錄得正面的增長，由 2014 年的 23.8% 上升至 27.8%。然而，亦有超過半數的受訪者(58.4%)仍不知道哪個政府部門負責此方面的工作。

在認知知識產權署的受訪者當中，49.4%能準確指出知識產權署是負責「宣傳/推廣保護知識產權」的，以及「商標註冊」(19.2%)及「專利註冊」(15.2%)。然而，仍有兩成受訪者誤以為知識產權署負責「打擊盜版 / 掃蕩冒牌」(20.0%)，較上次的調查 (37.8%) 有顯著的下降。另外，20.1%的受訪者並不知道知識產權署的實際工作範圍，與上次調查結果(20.9%)相若。

50.2%的受訪者在過去兩年中曾經從不同渠道認知知識產權署廣告或宣傳活動。39.7%的受訪者表示曾在電視上收看有關的廣告或宣傳訊息，其次是「正版正貨承諾」宣傳(7.3%)及印刷廣告 / 宣傳物品(6.0%)。

58.2%的受訪者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很有效 / 頗有效，較上一次的調查 (60.8%) 輕微下降。亦有 36.5%認為宣傳活動不大有效 / 完全沒有有效。

最後，大多數受訪者仍然認為電視(68.3%)是宣傳知識產權的最有效途徑。其次是報紙/雜誌



effective channel for promoting the protection of IP rights, followed by newspaper / magazine (28.4%), school (26.6%) and internet websites (25.8%). Although television had been the most mentioned channel over all these years, it was worth noticing that the popularity of digital channel had increased significantly, (2002-2012: 7%-17% vs. 2014: 22.7%).

## **Conclusion**

The Survey findings showed that the public possessed relatively limited knowledge about IPD and its work. The level of understanding measured was not too far different from the one measured in the last survey. Notwithstanding, the majority of the general public has a reasonable understanding of IP rights and the importance of protecting IP rights in the society.

Apart from downloading of unauthorised files for own use, the frequencies of involving in IP infringement activities such as sharing or redistributing unauthorised files downloaded from the Internet or buying pirated or counterfeit goods had undoubtedly dropped. It appeared that the general public morally acknowledged it was a wrong doing but at the same time still kept doing as part of a norm. On top of the knowledge level, changing their practice in this context might be of a higher priority in planning future promotional campaign.

It was worth noting the increased willingness in paying to listen to songs, watch movies online or to download songs / movies / computer software / games / e-books from authorised websites. This reflected the public who respected intellectual property would continue to increase in the upcoming future.

(28.4%)、學校(26.6%)及互聯網(25.8%)。儘管電視在過往數年為最多人提及的渠道，仍值得關注數碼渠道的普及已有明顯的增長 (2002-2012年 7% -17%; 2014年: 22.7%)。

## **總結**

此調查結果顯示香港居民對知識產權及其工作範疇的認知程度仍然有限，結果與上次調查並無太大差異。但公眾對知識產權和保護知識產權在社會中的重要性有合理的理解。

公眾涉及知識產權侵權活動如共享或轉發從互聯網下載的未經授權檔案或購買盜版或冒牌貨品的習慣無疑已減少，除下載未經授權的檔案自用。一般公眾承認侵犯版權是一個錯誤的做法，但同時仍然作為常規的一部分。建議未來的宣傳活動，應改變公眾的常規做法，而非增加公眾的知識水平為首要。

願意「付款在獲正式授權網站線上收聽歌曲、觀看影片或下載歌曲 / 影片 / 電腦軟件 / 遊戲 / 電子書」的人數上升是值得注意的，這可反映尊重知識產權的公眾人數會繼續上升。