

Government launches consultation on review of the patent system in Hong Kong

The Government today (October 4) issued a consultation paper seeking views from the public and stakeholders on a review of the patent system in Hong Kong.

Speaking at a press conference, the Secretary for Commerce and Economic Development, Mr Gregory So, said, "The current patent system in Hong Kong has been in place for more than a decade. To ensure that the system continues to meet present-day circumstances and that its future positioning is in alignment with our vision of developing Hong Kong into a regional innovation and technology hub, we have decided to conduct a comprehensive review of the system, taking into account the latest international developments in patent protection.

"In offering protection to technological advancements in the form of inventions, the patent system is an important tool in nurturing creativity and encouraging developments in scientific and technical fields.

"As part of the groundwork for starting the review process, we held a public forum in February this year to gauge the initial views of the stakeholders relating to whether and, if so, how the patent system should be enhanced. Their initial observations and the main issues for consideration are set out in the consultation paper published today."

To facilitate informed discussions, the Government has outlined in the consultation paper the key features of the current regime and the situations in some other jurisdictions, and has set out the possible options for addressing the issues identified together with relevant considerations.

Mr So said that the Government would gather views from the public and stakeholders through different channels and

forums during the consultation period, and called on the public to contribute to the discussion.

The major issues for consultation include:

(a) Standard patents: Whether and, if so, how Hong Kong should have its own "original grant" patent system. The other main issue is whether the current "re-registration" system should be maintained, and, if so, whether the system should be expanded to recognise the patents granted by other jurisdictions.

(b) Short-term patents: Whether the short-term patent system should be retained as a supplement to standard patents, and whether and, if so, what measures should be introduced to enhance the efficacy of the system.

(c) Regulation of patent agency services: Whether the provision of patent agency services in Hong Kong should be regulated, and, if so, what form the regulatory system should take.

"We have an open mind on how the various issues raised in the consultation paper should be addressed and also welcome suggestions on other facilitation measures that may be introduced to the patent system, in the interest of encouraging local innovation and attracting more overseas research and development centres to set up their operations in Hong Kong. We will consider the views received carefully before formulating the Government's proposals with a view to serving the overall interest and development of Hong Kong. We hope to publish the Administration's proposed way forward in the first half of 2012," Mr So said.

"Apart from such macro issues as the future positioning of the patent system, the review also involves different professional or technical considerations underpinning the patent system. Therefore, we plan to set up an advisory

committee comprising legal professionals, patent practitioners, members of the academia, research and development, and industrial sectors," Mr So added.

Having regard to the responses received from the various sectors, the advisory committee will be consulted on how the Administration should position the patent system. In addition, in the light of decisions made by the Administration on the way forward, the committee will provide advice on how best to implement the preferred changes to the system. Appointments to the advisory committee will be announced later.

The consultation period commences today and will last until December 31, 2011. The consultation paper may be obtained from the Public Enquiry Service Centres of District Offices or downloaded from the websites of the Commerce, Industry and Tourism Branch (CITB) of the Commerce and Economic Development Bureau (www.cedb.gov.hk/citb) and the Intellectual Property Department (www.ipd.gov.hk). Members of the public and stakeholders may send their views to CITB by post (23/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong), fax (2147 3065) or e-mail (patent_review@citb.gov.hk).

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