

Patents Registry

Intellectual Property Department

Hong Kong SAR Government

Patents Examination Guidelines

Section 13: Patent applications

Overview of patent application process

- 13.1. Under the Ordinance, two kinds of patents are granted in the Hong Kong SAR—
- (a) “standard patent” with a maximum protection term of 20 years; and
 - (b) “short-term patent” with a maximum protection term of 8 years.
- 13.2. In respect of standard patent, there are two alternative application routes for grant—
- (a) the “original grant” patent route for “standard patent (O)”; or
 - (b) the “re-registration” route for “standard patent (R)”.
- 13.3. Accordingly, to apply for protection of an invention in the Hong Kong SAR, an applicant may opt to file one of the following types of patent applications with the Registrar—
- (a) a standard patent (O) application;
 - (b) a standard patent (R) application; or
 - (c) a short-term patent application.

Standard patent (O) applications

- 13.4. A standard patent (O) application can be filed in ***Patents form OP1*** with the Registrar directly without filing any previous corresponding patent application elsewhere in support (cf. the precondition for filing a standard patent (R) application in section 13.6 of these Guidelines).

Filing

For all applications

13.89. All patent applications must be filed with the Registrar in the prescribed manner (sections 15(2) (for requests to record), 23(3) (for requests for registration and grant), 37L(1)(b) (for standard patent (O) applications) and 113(1)(b) (for short-term patent applications) of the Ordinance).

13.90. Applicants may file their applications –

(a) by hand;

(b) by post;

(c) by sending an electronic record of such applications to the designated information system by electronic means, i.e. via the e-filing system; or

(d) by fax (for standard patent (R) applications (i.e. Patents forms P4 and P5) only).

(see sections 93 to 93C of the Rules)

Translation of documents

13.91. Except as expressly provided in the Rules, where any document or part of a document which is not in one of the official languages is filed with the Registrar or sent to the registry in pursuance of the Ordinance or the Rules, it must contain a translation into the language of the proceedings, and such translation must state the name of the translator and his official capacity, if any (section 56(1) of the Rules).

13.92. The applicant may be required to provide a verification of a translation. Such verification may be made in the following form and should be duly signed by the translator and dated:

"I [name of translator] of [address of translator] being fully conversant in both [English / Chinese] and [the other language], am qualified to translate [description of the attached document] from [the other language] into [English / Chinese] and I certify that [description of the translated copy] is a complete and accurate [English / Chinese] translation of the [description of the attached document]."

Payment of fees

13.93. The applicant is required to pay the official filing and advertisement fees:

(a) (for requests to record) within one month after the earliest filing of any part of the request to record (section 15(4) of the Ordinance);