

Preface

These Guidelines lay down the general principles and practice applied by the Registrar of Patents (“Registrar”) in examining patent cases filed under the Patents Ordinance (Cap. 514) and the Patents (General) Rules (Cap. 514C) (collectively “patent legislation”). They reflect the Registrar’s interpretation of the applicable law and practice of examination of patent cases, having regard to the relevant case law together with the prevailing patent examination guidelines/manuals of the World Intellectual Property Organization and also patent offices in other jurisdictions including Australia, Mainland China, New Zealand, Singapore and the United Kingdom.

Each case is ultimately determined by the Registrar on its own merits.

Please however note that statements made in these Guidelines are not by themselves an authority for any action by the Registrar. They also should not be regarded as the legal requirements or as a conclusive interpretation of the patent legislation.

These Guidelines recite and refer to the patent legislation as in force on 19 December 2019. They are subject to reviews and updates from time to time so as to reflect any substantive change in the patent legislation and judicial decisions. While every effort has been made to ensure the accuracy of the contents of these Guidelines, the Registrar welcomes your feedback thereon, particularly those relating to any error or any suggested refinement, by e-mail to OGPenquiry@ipd.gov.hk.