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BY EMAIL AND BY POST
Intellectual Property Department
The Government of HKSAR
25th Floor, Wu Chung House
213 Queen's Road East
Hong Kong
Attn : Ms Ada Leung

Dear Ada,

Madrid – Consultation Paper

I had hoped that APAA would be able to produce independent submissions and comments on the Consultation Paper produced last year. Unfortunately, in view of the limited time and the work commitment of those who would otherwise have prepared submissions, it has not proved possible to prepare comprehensive submissions in time.

I do not wish the time limit to just pass without making some comment. We have had the benefit of reading the comprehensive submissions forwarded by the Law Society of Hong Kong. We have also had the benefit of reading the submissions of the Hong Kong Institute of Trade Mark Practitioners (HKITMP). We agree with the issues highlighted in those submissions and in the conclusions drawn. The issues are considerably more complicated than the Consultation Paper seems to anticipate – particularly the numerous issues surrounding the fact that Hong Kong is not (and can never be) a “contracting state” or a “contracting organization” under the terms of the Madrid Protocol.

Our Trade Mark Committee is still considering the position (and considering in detail the submissions made by the Law Society and HKITMP). If other issues arise following these further deliberations, I propose that APAA will write and draw these to your attention (although I appreciate the time limit for doing so will have technically expired).

Whatever the position, APAA still wishes to remain involved in consultations concerning the further development (if any) of moves towards adopting the Madrid Protocol.

Yours sincerely,


T. J. Hancock
President – Hong Kong Group of APAA