

知識產權署 (www.ipd.gov.hk)

為銳意保護知識產權，香港政府在一九九零年七月二日成立知識產權署。知識產權署轄下設有商標、專利、外觀設計和版權特許機構四個註冊處，並就註冊相關事宜進行類似司法聆訊的工作。知識產權署就保護知識產權的政策和法例提出建議，向政府提供知識產權方面的民事法律意見，並透過教育及舉辦各種活動，加強公眾人士對保護知識產權的意識，以及促進和推廣香港成為區域知識產權貿易中心。

Intellectual Property Department (www.ipd.gov.hk)

To underline the commitment of intellectual property protection, the government established the Intellectual Property Department on 2 July 1990. The Intellectual Property Department operates the Trade Marks, Patents, Designs and Copyright Licensing Bodies Registries. It also exercises quasi-judicial functions on registration-related matters. The department makes recommendations on policy and legislation related to intellectual property protection, provides civil intellectual property legal advice to the government, and promotes public awareness of and respect for intellectual property rights through public education. It also facilitates and promotes the development of Hong Kong as a regional intellectual property trading centre.

香港海關 (www.customs.gov.hk)

香港海關負責執行一切有關侵犯知識產權的刑事工作。海關負責調查涉嫌侵犯商標、版權以及虛假說明的投訴。該部門具有頗大的搜查權和扣押權，並與海外執法機關及商標和版權擁有人合作，打擊侵犯知識產權權益的行為。該部門曾多次獲公營及私營機構表揚其工作表現。

Customs & Excise Department (www.customs.gov.hk)

The Customs and Excise Department is responsible for enforcing the criminal aspects of infringement of intellectual property rights. It investigates complaints alleging infringement of trade marks and copyright and complaints alleging false trade descriptions. The department has extensive power of search and seizure, and cooperates with overseas enforcement authorities and owners of trade marks and copyright in a concerted effort to combat infringement of intellectual property rights. The department has received many commendations for its work from both public and private institutions.



各位年宵市場的攤位檔主，你們在籌備農曆年年宵市場的攤位時，除了考慮如何佈置攤位和吸引顧客外，有否想過在買入或自行設計生產年宵市場銷售貨品時，也需要留意一些關於知識產權的知識，以免誤墮法網呢？

As a Lunar New Year Fair stall operator, you will surely focus your thoughts on how to decorate your stall and draw in customers when making the necessary preparations. Has it ever occurred to you that you also need to have some intellectual property knowledge so that you won't breach the law inadvertently when trying to purchase goods or design and produce goods for sale at the Fair?

在準備買入年宵市場銷售貨品時，要注意什麼呢？

What are the points to note when preparing to purchase goods for sale at Lunar New Year Fairs?

在準備買入附有商標的貨品時，例如某品牌或商號的貨品，要小心選擇貨源和供應商，以確保買入正牌貨品。根據《商品說明條例》，任何人士以欺詐方式使用商標，包括銷售、進口或為售賣用途而管有載有冒牌商標的物品，即屬違法，一經定罪，最高刑罰為監禁五年及罰款港幣五十萬元。因此，若你對準備買入的貨品真偽有疑問，應向有關品牌的代理商查詢。

若你準備買入的貨品屬於或涉及使用版權作品(即以「實質形式」如書面、電子媒體或菲林等方式記錄及展現的作品)，例如一些印有卡通人物圖案或造型的汽球或玩具，你應留意貨品是否由版權擁有人或由獲其授權的公司生產出售。版權作品是受版權法保護，根據《版權條例》，任何人士銷售侵犯版權複製品，即屬違法，一經定罪，最高刑罰為監禁四年及每件侵權物品罰款港幣五萬元。

For the purchase of goods bearing a trade mark, such as goods of a particular brand or retailer, caution must be exercised in sourcing the goods and choosing the supplier to ensure the purchase of genuine products. Under the Trade Descriptions Ordinance, any person fraudulently using a trade mark, including selling or importing goods bearing a forged trade mark or possessing goods bearing a forged trade mark for sale purpose, commits an offence and is liable, upon conviction, to a maximum penalty of five years' imprisonment and a HK\$500,000 fine. You should therefore verify the authenticity of the goods you are going to purchase with the agent or authorised dealer of the corresponding brand if in doubt.

If the goods you are going to purchase are or involve the use of copyright works (i.e. works that are reduced to a "material form", e.g. those recorded in writing or electronic media, or recorded on photographic film), such as balloons or toys printed with patterns or images of cartoon figures, you should check whether the goods are manufactured for sale by the copyright owner or a company authorised by the copyright owner. Copyright works are protected by copyright law. Under the Copyright Ordinance, any person dealing in an infringing copy of a copyright work commits an offence and is liable, upon conviction, to a maximum penalty of four years' imprisonment and a fine of HK\$50,000 per infringing copy.

若自行設計和生產在年宵市場銷售的貨品，又要注意什麼呢？

What then are the points to note when trying to design and produce goods for sale at Lunar New Year Fairs?

在自行設計和生產在年宵市場銷售的貨品時，切勿抄襲或複製市面上和互聯網上他人的版權作品。你亦應避免在未經版權擁有人的同意下製作版權作品的複製品作出售(例如把一個平面的圖樣改為立體的物體)，以免觸犯《版權條例》的罪行。因此，我們鼓勵你在自行設計在年宵市場銷售的貨品時發揮創意，讓自己的作品成為獨一無二的年宵貨品。



When trying to design and produce goods for sale at Lunar New Year Fairs, you should not plagiarise or copy other people's copyright works available in the market or on the internet. Making copies of copyright works (e.g. transforming a 2-dimensional graphic into a 3-dimensional object) for sale without the consent of the copyright owner, which is an offence under the Copyright Ordinance, should also be avoided. As such, we encourage you to be creative with your own design to turn it into a unique product for sale at the Lunar New Year Fair.

年宵市場的執法行動

Enforcement actions at Lunar New Year Fairs

海關人員會在年宵期間加強巡查各區的年宵市場，並採取積極執法行動，嚴厲打擊侵權貨品的活動，以保障消費者的權益。海關人員於過往曾在年宵市場中拘捕多名售賣侵權貨品的人士，而被捕人士其後各被控以售賣侵權貨品的罪名。

Customs officers will step up inspections at various Lunar New Year Fairs and take stringent enforcement actions against infringing activities to protect consumers' interests. In the past, Customs officers arrested a number of persons selling infringing goods at Lunar New Year Fairs. The arrested persons were subsequently charged with selling infringing goods.



想知更多關於知識產權的資訊，可登入知識產權署的網站：www.ipd.gov.hk。
For more information about intellectual property rights, please visit the website of the Intellectual Property Department at www.ipd.gov.hk.

市民可致電海關二十四小時熱線2545 6182，或透過舉報罪案專用電郵帳戶(crimereport@customs.gov.hk)或網上表格(eform.cefs.gov.hk/form/ced002)舉報懷疑侵權活動。

Members of the public may report any suspected infringing activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002)