



"Raymond Yiu"

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To patent_review@citb.gov.hk

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Subject Review of the patent system in Hong Kong

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Dear Sir/Madam,

I would like to share my view on the development of the patent system in Hong Kong.

First, in the era of knowledge-based economy, it is essential that Hong Kong should establish its own OGP system so that indigenous innovation would be encouraged and that an innovation ecosystem would be fostered in Hong Kong. Furthermore, an OGP system could also enable Hong Kong's transformation into a regional innovation hub. Given Hong Kong's reputation of, and long-standing practice of the rule of law, the establishment of an OGP system could exert a positive, significant impact on the development of the intellectual property-related profession in Hong Kong.

With reference to the experience of Singapore and Macao, at the beginning phase of the OGP system, an OGP system with outsourcing arrangement is preferred as it would be more cost effective. For the issue of whether or not it is desirable for Hong Kong to have its own standalone OGP system (without outsourcing arrangement), it is advisable that this issue should be evaluated from time to time in light of the incoming information and evidence.

In the meantime, the current "re-registration" system should be maintained, as this channel would facilitate Hong Kong's linkages with the technological and innovation development in Mainland China and Europe. Considered that the US Patent and Trademark Office (USPTO) is one of the leading patent offices in the world and that those patents granted by USPTO are generally recognized to be of high quality, it is recommended that Hong Kong may consider extending its current "re-registration" system by recognizing USPTO as one of the valid channels.

According to the international experience, the short-term patent system is pivotal for promoting incremental innovation. Since Hong Kong is a "latecomer" (in relative sense) in technological development at the global stage, it is advisable that Hong Kong should maintain its present short-term patent system so that there would be a favorable environment for local innovation to prosper. Considered the present practices in Mainland China, Japan, Germany and Denmark, Hong Kong may consider extending the duration of the short-term patent to 10 years so that Hong Kong could be on par with its counterparts. However, since a credible patent system should abide by the several principles of patentability such as novelty, utility and non-obviousness, it is advisable that Hong Kong should not lower the threshold for patentability for short-term patents.

Yours faithfully,
Raymond Yiu
Division of Social Science, The Hong Kong University of Science and Technology