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Our Ref : ITDO/20130528\_1

Mr. Peter K F Cheung  
Director of Intellectual Property  
Intellectual Property Department  
The Government of the HKSAR  
Hong Kong

28 May 2013

Dear Director Cheung,

### **Consultation on Regulation of Patent Agency Services**

Thank you very much for your letter dated 20 March 2013 to our President in related to the Consultation on Regulation of Patent Agency Services. The letter was forwarded to my office which is responsible for administrating intellectual property matters for the university.

After reviewing the documents, we would like to provide our comments as follows:

We would agree the major recommendations of the Reports including the introduction of an original grant patent (OGP) system with substantive examination outsourced to other patent office(s) whilst retaining the current re-registration system; the retain of the short-term patent system with suitable refinements; and the development of a full-fledged regulatory regime on the patent agency services with possible interim measures.

In responding to the issues that may be arisen in connection to the implementation of the major recommendation as described, our opinions are:

- a) The list of register of patent practitioners for public information is encouraged. Such list should contain basic qualification information and should be maintained by reputable organization or government authority.
- b) It is also recommended that specific titles like 'Patent Attorney' or 'Patent Agent' should be controlled. While we encourage establishing an indigenous system, we agree foreign qualification and accreditation can be used as the interim measure.
- c) To uphold service quality and professional discipline, it is recommended that a Government department like Intellectual Property Department should be the authority to oversee the profession, and all these qualification, service and title matters. Alternatively, a statutory body could be established to oversee these matters.

Room R1009, 10/F, Shirley Chan Building  
The Hong Kong Polytechnic University  
Hung Hom, Kowloon, Hong Kong  
香港九龍紅磡香港理工大學  
陳齡雲樓 10 樓 R1009 室  
Tel: 電話 (852) 3400 2805 Fax: 傳真 (852) 2334 8755  
Email: 電郵 itdo@polyu.edu.hk



d) As an interim measure, grandfathering arrangement for existing service providers should be adopted in order to maintain continuity of existing servicing system. The period of the grandfathering arrangement should take into consideration of the readiness of the formal qualification system as well as the enough supply of service providers. It is recommended certain training system, e.g., certain top up programmes, could be established to support the transfer of service providers under the grandfathering arrangement to formal registered practitioners.

e) It is also recommended that "option B" as stated in the clause 5.13 should be adopted. Option B provides an encouragement for practicing personnel to seek for recognition, while it will not restrict the recruitment of talents to get into the industry. Person practicing patent profession requires not only professional knowledge on patent registration and compliance but also knowledge on their original domains such as science and engineering as well as other technical expertise. If the entry requirement sets too high, it may discourage people joining the profession.

In general, we agree and support on the development of OGP and the development of recognition system for the patent profession.

Should you require further information in related to the captioned matter, pls feel free to contact me by phone at (852) 3400 2805 or by email.

Yours sincerely,

Terence Lau, Ph.D.  
Director of Innovation and Technology Development  
The Hong Kong Polytechnic University

cc.:  
President  
EVP  
VPRD