

Reorganization and Awareness

We agree to draw up and publish a list of patent agents with their qualifications for public information. We can refer to other OGP countries such as Australia/EU/China/UK to establish the required criteria. In addition, there should be an association (authorized or recognized by the HK government) to administer the list. The list should be readily available online. As this is an interim measure, an administrative arrangement is preferred rather than introducing legislation.

Controlling the use of titles

We should control the use of titles at the same time when putting in place the list of patent agents as mention above. The initial title control should be limited to Patent Agent and/or Patent Attorney as those are widely adopted by other established OGP countries. The criteria for determining qualifications such as education, accredited examination and related work experiences can be referenced to these OGP countries. Local institutions should provide training courses (for accredited examinations) to nurture the local talent pool. In addition, we may recognize qualified professional from other OGP countries.

Establishing an indigenous system

The same association (authorized or recognized by the HK government) as mentioned in the first paragraph should be entrusted to oversee the profession and all matters relating to qualifications, services and titles. In addition, the government should designate independent individuals as members of the board of directors for the aforesaid association.

To ensure professional discipline, a Code of Conduct should be established for all patent agents/patent attorneys to comply with. A mechanism should be set up to deal with complaint, investigation and disciplinary matters, as well as oversee the use of titles, qualifications and other professional issues. Disciplinary proceedings or disqualification may be carried out on patent agents/patent attorneys who contravene the Code of Conduct.

Interim Measures

It will take a considerable time to set up our own OGP and established related qualification framework. In the meantime, we need an interim solution to enable smooth transition. Grandfathering arrangement, as an interim measure, should be implemented. As a start, we can recognize the qualifications from our existing three “designated patent offices”, namely SIPO, UKPO and EPO.

To avoid confusion for the public, a different title in designating the authorized patent officers is preferred for these interim measures. Grandfathering arrangement should be provided only for a finite period to encourage the beneficiaries to obtain the necessary qualifications under the new regime. Depending on the duration of the training courses and accredited examinations to be provided by our local education institute, an extra period of 3 to 5 years should be acceptable.