

Seventeenth Meeting of Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights (IPRs)

Progress of Guangdong/Hong Kong Exchanges and Co-operation on Intellectual Property (IP)

1. Enhancing IP co-operation between Guangdong and Hong Kong

Leveraging their respective comprehensive strengths in IP and embracing the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Bay Area (Bay Area) development, the two sides sought to deepen IP co-operation between Guangdong and Hong Kong. To strengthen co-operation on cross-boundary IP protection, the Guangdong Sub-Administration of China Customs (Guangdong Customs), the Guangdong Provincial Public Security Department (GDPSD) and the Hong Kong Customs and Excise Department (Hong Kong Customs) took the lead in continuing to combat cross-boundary IP infringements through various co-operation mechanisms, including exchange of information, sharing of information resources, joint operations and project co-operation. In addition, members of the Guangdong/Hong Kong Expert Group on the Protection of IPRs promoted co-operation on the development of IP creation, exploitation, protection and trading in the two places, in particular the Bay Area. They also promoted various areas of co-operation such as exchanges and discussions, publicity and education, and exploration of co-operation on the high-end IP service industry and commercialisation of research and development (R&D) outcomes. The two sides implemented a total of 29 co-operation items, among which seven were new ones, namely Items (2), (3), (5), (14), (15), (18) and (22), with a view to opening up the realms of co-operation.

2. Promoting IP co-operation in the Bay Area

In November 2017, 21 representatives from the Intellectual Property Department of Hong Kong (HKIPD), and arbitration and mediation-related organisations in Hong Kong, visited the Guangzhou Intellectual Property Arbitration Centre and the Guangzhou Intellectual Property Court to exchange views with local representatives, with a view to further promoting the use of arbitration and mediation in resolving IP disputes in the Bay Area. They also took the opportunity to promote the services provided by relevant professional sectors in Hong Kong, and to explore co-operation opportunities in resolving IP disputes in the Bay Area.

The HKIPD and the Guangdong Intellectual Property Office (GDIPO) organised an exchange activity under the theme of “Co-operation on IP and Technological Innovation in the Bay Area — IP Co-operation in Technology Transfer” in April 2018. A total of 15 representatives from the technology transfer centres of several universities in Hong Kong, research institutions, the Hong Kong Productivity Council and trade associations visited the Hengqin area of the Guangdong Pilot Free Trade Zone and met with relevant representatives from Guangdong and Macao for exchanges around the theme. They also explored co-operation opportunities in technology transfer, with a view to promoting IP commercialisation and innovation development in the region.

3. Promoting branding globalisation

The HKIPD and the Guangdong Province Administration for Industry and Commerce (GDAIC) jointly organised an exchange activity on the Branding Globalisation in Guangdong, Hong Kong and Macao under the theme of “Brand Development of Classic Old Shops / Time-honoured Brands” in Guangzhou in May 2018. Representatives from the trademark industry and trade associations in Hong Kong conducted exchanges with experts and relevant representatives from Guangdong and Macao around the theme and explored innovation and co-operation opportunities in the trademark area in the context of the Bay Area development, with a view to assisting enterprises in the Bay Area to develop international brands and enhance their competitiveness.

4. Promoting the development of the high-end IP service industry in Guangdong and Hong Kong

The HKIPD and the GDIPO jointly organised an exchange activity under the theme of “Supporting Young Entrepreneurs through High-end IP Services” in the Hengqin area of the Guangdong Pilot Free Trade Zone in July 2018. A total of 18 people, including representatives from innovation and technology start-ups and members of the high-end IP service industry in Hong Kong, visited the Hengqin area of the Guangdong Pilot Free Trade Zone and met with relevant representatives from Guangdong and Macao for exchanges around the theme, with a view to promoting the development of the high-end IP service industry, and youth innovation and entrepreneurship in the Bay Area.

5. Producing a publicity video on IP commercialisation

The HKIPD and the GDIPO worked in collaboration to produce a publicity video based on the success story of an enterprise to showcase how enterprises could succeed in commercialising and promoting their IP worldwide by leveraging the distinctive advantages of the Bay Area development. The publicity video on patents was launched in April 2018.

6. Strengthening the collaboration mechanism between the customs authorities of Guangdong and Hong Kong for the exchange of information on cross-boundary IP infringements

The Hong Kong Customs and the Guangdong Customs exchanged information on detected Hong Kong-related IP infringement cases on a monthly basis, and provided real-time information exchange on major detected cases. From July 2017 to June 2018, they exchanged a total of 70 pieces of information of various sorts and jointly conducted parallel task-based enforcement operations on IP protection in the focus areas agreed upon by the two sides to combat the smuggling of IP infringing articles in the two places.

7. Continuing the conduct of joint enforcement operations in the focus areas targeting major boundary crossings

During the period between July 2017 and June 2018, the Hong Kong Customs and the Guangdong Customs organised and launched a number of joint enforcement operations against cross-boundary IP infringements in the focus areas. Among these operations, two were organised and co-ordinated by the Guangdong Customs in November 2017 and May 2018 respectively, during which joint enforcement operations were conducted by the customs authorities in Guangdong Province and the Hong Kong Customs to specifically combat the smuggling of IP infringing goods through major boundary crossings in Guangdong into Hong Kong or through Hong Kong to countries along the Belt and Road, as well as IP infringing merchandise relating to the “2018 FIFA World Cup”. During the two operations, the Hong Kong side detected 44 cases involving around 220 000 items of IP infringing goods valued at about HK\$13,830,000.

8. Strengthening the collaboration mechanism between the customs authorities of Guangdong and Hong Kong on law enforcement against IP infringement and illegal activities conducted through express mail

The customs authorities of Guangdong and Hong Kong continued to enhance co-operation on law enforcement against IP infringement activities conducted via express mail. The two sides agreed to draw up risk indicators for cross-boundary IP infringement cases involving express mail, and the cases will be referred to the other side for follow-up investigation. Meanwhile, the two sides continued to explore ways of co-operation with the Guangdong provincial postal authorities in combating such IP infringement activities.

9. Refining the Guangdong/Hong Kong collaboration mechanism for trademark law enforcement

The Hong Kong Customs and the GDAIC kept themselves abreast of the trends in cross-boundary trademark infringements through regular exchange of information. From July 2017 to June 2018, the Hong Kong Customs provided a total of 12 pieces of information to the GDAIC.

10. Strengthening the Guangdong/Hong Kong collaboration mechanism for copyright law enforcement

The Hong Kong Customs and the Copyright Bureau of Guangdong Province (GDCCB) continued to work together to combat cross-boundary piracy and infringement activities in the two places by refining the Guangdong/Hong Kong collaboration mechanism for handling cases and enhancing the efficiency of information and data exchange between the two sides.

11. Strengthening the mechanism for information exchange and joint enforcement action on cross-boundary IP-related cases

The Hong Kong Customs and the Economic Crime Investigation Bureau of the GDPSD continued to co-operate in exchanging information on the trends in cross-boundary IP infringements and exploring co-operation on IP infringement cases in the two places. From July 2017 to June 2018, the two sides exchanged 6 pieces of information through real-time exchange of information and collaboration in investigations.

12. Taking forward the establishment of an exchange mechanism on enforcement work in Guangdong and Hong Kong

In August 2017, the Guangdong Customs sent a delegation to visit the Hong Kong Customs. The two sides organised seminar(s) and visit(s) to operation site(s). During the visit to the Hong Kong Customs, the latest IP infringement situation and combating strategies were discussed, and frontline enforcement officers of the two sides exchanged views and experience, and learnt from each other.

13. Promoting the development of IP trading in Guangdong and Hong Kong

The two sides promoted the development of IP trading in Guangdong and Hong Kong. This included continuing to enrich information on IP trading in the “Intellectual Property Database for Guangdong, Hong Kong and Macao” and on the website for members of the Guangdong/Hong Kong Expert Group on the Protection of IPRs; and encouraging community organisations, industry associations and enterprises of the two places to initiate exchanges and co-operation in IP trading, and organising and supporting seminars on IP trading.

In December 2017, the HKIPD continued to support the Business of IP Asia Forum jointly organised by the Government of the Hong Kong Special Administrative Region, the Hong Kong Trade Development Council (HKTDC) and the Hong Kong Design Centre to encourage the transformation and upgrade of enterprises through IP trading to enhance their competitiveness. The HKIPD invited member authorities and enterprises of the Guangdong side to register for participation in the forum, with a view to promoting the development of IP trading in Guangdong and Hong Kong. Over 2,500 IP practitioners and experts from various countries and regions attended the forum in 2017 and exchanged views on the latest development of IP.

14. Supporting the “2017 China (Guangdong) IP Trading Expo cum International Pearl River Forum on IP”

In September 2017, representatives of the HKIPD attended the “2017 China (Guangdong) IP Trading Expo cum International Pearl River Forum on IP” in Guangzhou and a speech was given on the theme of “Maritime Silk Road and IP trading” at a sub-forum of the Pearl River Forum where exchanges with participants around the theme were also conducted. It was aimed at enhancing the development of IP creation, exploitation, protection and trading in the two places, capitalising on the opportunities offered by the country’s Belt and Road Initiative, and promoting IP co-operation between the two sides.

15. Supporting the co-building of a platform for IP exchanges and co-operation by Guangdong and Hong Kong

In October 2017, representatives from member authorities of the Guangdong/Hong Kong Expert Group on the Protection of IPRs attended the “2017 Mainland and Hong Kong SAR, Macao SAR Intellectual Property Symposium” jointly held by the Hong Kong, Macao and Taiwan Affairs Office of State Intellectual Property Office (SIPO) of the People’s Republic of China, the HKIPD, and the Economic Services of the Government of the Macao SAR in Hong Kong. At the symposium, participants exchanged views on such topics as the latest development of IP, commercialisation of R&D achievements of universities and innovation development of enterprises. Around 270 people took part in the symposium.

16. Continuing the conduct of the exchange programme on copyright trading between enterprises of the copyright industry in Guangdong and Hong Kong

In June 2018, a delegation comprising 23 enterprise representatives from the animation and comics, cultural and creative, the media as well as music and entertainment sectors in Guangdong, led by the GDCB, visited Hong Kong to take part in a copyright industry exchange programme under the theme of “Copyright Management and Copyright Trading”. Activities included participation in the Asia-Pacific Economic Co-operation Workshop titled “Promoting Best Practices in Licensing for SMEs in Creative Industries”, visits to the PMQ and Hong Kong Customs, and exchanges with representatives from the copyright industry of Hong Kong. The exchange programme deepened the two sides’ understanding of copyright management and trading development trends in the two places.

17. Participating in the 9th China International Animation Copyright Fair

In November 2017, a total of 22 representatives including those from the HKIPD and the copyright industry of Hong Kong as well as students from Hong Kong tertiary institutions attended the 9th China International Animation Copyright Fair organised by the GDCB and visited the Dongguan Songshan Lake Science and Technology Industrial Park, with a view to understanding the latest development of the copyright industry in Guangdong Province, and enhancing exchanges and co-operation between the two places on copyright.

18. Initiating exchanges and co-operation between IP trading platforms of Guangdong and Hong Kong

In June 2018, a delegation comprising a total of 19 representatives from various IP trading platforms and relevant associations in Guangdong Province, led by the GDIPO, visited Hong Kong to attend an exchange meeting with representatives from the HKTDC. The topics discussed included the experience of operating IP trading platforms as well as the operational modes, challenges and publicity involved. Besides, issues on how to promote the development of IP trading and support co-ordinated innovation and co-operation in the region in the context of the Bay Area development were also covered. The meeting aimed at promoting the development, exchanges and collaboration among IP trading platforms in the region.

19. Organising the “Guangdong/Hong Kong Seminar on Intellectual Property and Development of Small and Medium Enterprises”

In June 2018, the “Guangdong/Hong Kong Seminar on IP and Development of SMEs (Foshan)”, jointly organised by the two sides under the theme of “IP Protection and Exploitation: Facilitating the Development of Innovation in the Bay Area”, was held in Foshan. At the seminar, IP and legal experts from Guangdong and Hong Kong discussed issues on IP protection, IP due diligence, IP management strategies for enterprises, as well as the protection and exploitation of IP in overseas exhibitions. It aimed to assist enterprises in protecting and exploiting their IP so that they can capitalise on the opportunities offered by the Belt and Road Initiative and the Bay Area development, promote the development of innovation and enhance the international competitiveness of enterprises. About 260 participants from member authorities of the Guangdong/Hong Kong Expert Group on the Protection of IPRs, supporting organisations as well as enterprises and intermediaries in Foshan, Guangdong and Hong Kong attended the seminar.

20. Initiating exchanges and co-operation on training for examiners in Guangdong and Hong Kong

The GDIPO informed the HKIPD of the details of the 18th and 19th training courses for newly appointed examiners organised by the Patent Examination Co-operation Guangdong Centre of the Patent Office of SIPO and assisted in registration for staff of the HKIPD.

21. Enhancing exchange activities on trademarks between Guangdong and Hong Kong

The HKIPD supported the “2017 South China High-Level Forum on Trademarks and Brands” jointly organised by the GDAIC and the China Trademark Association in Guangzhou in December 2017. At the forum, participants exchanged views on topics on international trademark registration and protection, enterprises’ overseas trademark protection plan and brand marketing strategy, trademark issues involved in the internationalisation process of enterprises.

22. Initiating exchanges on trademark registration and examination between Guangdong and Hong Kong

In March 2018, with the support of the GDAIC, the HKIPD organised a 25-member delegation comprising the Department’s trademark examination staff and representatives of the trademark industry to visit the Trademark Examination Cooperation Guangzhou Centre of the State Administration for Industry and Commerce. During the visit, there were exchanges on trademark examination work, examination criteria, focusses of work, matters requiring attention, etc. Such exchanges aimed to enhance the understanding of trademark examination work among trademark examination staff and members of the trademark industry in Guangdong and Hong Kong, and to promote development and co-operation between the two places in the trademark area.

23. Conducting exchange programmes on copyright knowledge and copyright protection for secondary school students in Guangdong and Hong Kong

The GDCB, the Hong Kong Customs and the HKIPD jointly organised the “Exchange Programme on Copyright Knowledge and Copyright Protection for Guangdong/Hong Kong Secondary School Students”. In April 2018, a Hong Kong delegation of 16 youth representatives led by the Hong Kong Customs joined an exchange programme in Guangdong. They visited the Zhuhai Municipal Copyright Bureau and organisations in the IP sector to gain a better understanding of IP protection in the Mainland. In May 2018, a total of 23 representatives from the GDCB, the Zhuhai Municipal Copyright Bureau and teachers and students of Zhuhai No. 2 Middle School, Jiuzhou Middle School and Gongbei Middle School went to Hong Kong for exchanges. They visited the Hong Kong Customs and learned about the Department’s enforcement actions and its efforts in combating IP infringements. Moreover, representatives of the HKIPD briefed the delegation on the IP protection regime of Hong Kong and invited representatives of the copyright industry to have exchanges with the students. The exchange activities have instilled in the young people of the two places a good value for respecting IPRs.

24. Assisting Hong Kong residents to sit for the National Qualification Examination for Patent Agents

The National Qualification Examination for Patent Agents 2017 was held in 30 cities simultaneously across the country in November 2017. The two sides assisted Hong Kong residents in sitting for the examination and provided information on examination registration, requirements, pre-examination training, etc. In 2017, a total of 28 Hong Kong candidates registered for the examination in Guangdong and 3 of them passed it. Since 2004, a total of 60 Hong Kong residents have passed the examination and 22 of them are practising in the Mainland.

25. Encouraging enterprises to implement the National Standard of “Enterprise Intellectual Property Management Specification” and participate in the “IP Manager Scheme”

The HKIPD continued to promote the National Standard of “Enterprise Intellectual Property Management Specification” and related training information to the IP industry in Hong Kong, and publicised such information on its website and through exhibitions staged in Hong Kong to encourage implementation of the said standard by Hong Kong-invested enterprises in Guangdong. The GDIPO distributed leaflets at IP seminars held in the province to encourage Guangdong-invested enterprises in Hong Kong to participate in the “IP Manager Scheme” and associated training courses and workshops related to IP management organised by the HKIPD.

26. Supporting Hong Kong-invested enterprises and enterprises of Guangdong in brand development and protection

Since 2010, the HKIPD has communicated to the IP industry and relevant trade associations in Hong Kong information about the permission for Hong Kong-invested enterprises in Guangdong to apply for Guangdong Provincial Famous Trademarks, and publicise such information at the SME Centre of the HKTDC and in the exhibitions it organised, with a view to encouraging enterprises to apply for Guangdong Provincial Famous Trademarks. The GDAIC provided guidance to the Guangdong Trademark Association on the implementation of the co-operation item between Guangdong and Hong Kong, so as to support the Hong Kong-invested enterprises in Guangdong in applying for the identification of Guangdong Provincial Famous Trademarks. So far, Hong Kong-invested enterprises in Guangdong were granted 382 identifications, which was 14.2% of the identifications granted in total.

27. Promoting the “No Fakes Pledge” Scheme

The Guangdong side continued to implement the “No Fakes Pledge” Scheme in 21 prefecture-level cities and Shunde District in Guangdong Province, with a view to strengthening publicity on IP protection and enhancing public awareness of respect for IPRs. In July 2018, representatives of the HKIPD met with those from the GDIPO and business associations of Guangdong in Hong Kong, sharing the administrative experience in implementing the “No Fakes Pledge” Scheme.

28. Supporting community organisations in Hong Kong to participate in the Guangdong Youth and Children Invention Award

With the support of the GDIPO, the HKIPD encouraged and provided funding for the Hong Kong Federation of Invention and Innovation, the Hong Kong Federation of Youth Groups and the Hong Kong New Generation Cultural Association to nominate Hong Kong students to participate in the 16th Guangdong Youth and Children Invention Award. During the event which took place in June 2018, eight teachers and students from Hong Kong presented 18 inventions at the open exhibition and final assessment held at the Guangdong Science Center, winning a total of 10 awards.

29. Continuing to update the “Intellectual Property Database for Guangdong, Hong Kong and Macao” and the “Guangdong/Hong Kong IP Co-operation Corner”

The HKIPD and the GDIPO, in collaboration with other members of the Guangdong/Hong Kong Expert Group on the Protection of IPRs, continued to regularly update the “Intellectual Property Database for Guangdong, Hong Kong and Macao” and the “Guangdong/Hong Kong IP Co-operation Corner”, which covered information on laws and regulations of patents, trademarks, copyright, and IP border and criminal protection, IP administration and management, the contacts of law enforcement agencies, etc. in the three places.