

Fifteenth 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. Refining the Guangdong/Hong Kong IP co-operation mechanism**
 - (i) Improving the mechanism for Guangdong/Hong Kong IP co-operation items**

Guangdong and Hong Kong actively improved the mechanism of the Guangdong/Hong Kong Expert Group on the Protection of IPRs by enhancing the efficiency of preparatory meetings and formal meetings and refining the mechanism for co-ordinating the efforts in completing the co-operation items among counterpart member authorities. On strengthening cross-boundary protection of IP, 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 IP infringements through various means, including exchange of information and joint operations. Members of the Guangdong/Hong Kong Expert Group on the Protection of IPRs made concerted efforts to promote IP creation and exploitation as well as the development of IP trading in the two places. They also implemented 21 co-operation items in co-operation areas such as IP trading, exchanges and discussions, guidance service and publicity and education. Among these items, eight were new ones, namely Items (1), (4), (8), (11), (13), (14), (16), and (20) which can open up the realm of co-operation.

2. Reinforcing Guangdong/Hong Kong co-operation in cross-boundary protection of IP

(ii) Refining the Guangdong/Hong Kong co-ordination mechanism for IP law enforcement and IP-related cases

During the period between July 2015 and June 2016, the IP law enforcement agencies in Guangdong and Hong Kong made proactive efforts to refine the co-ordination mechanism for IP law enforcement and IP-related cases. The Hong Kong Customs and the Guangdong Customs exchanged a total of 79 pieces of information of various sorts and jointly conducted parallel task-based enforcement operations on IP protection in the focus areas agreed upon by both sides to combat the smuggling of infringing articles in the two places. On an occasion of information exchange that took place in December 2015, through the proactive collaboration between the liaison officers of both sides, the Guangdong side, acting on the intelligence provided by the Hong Kong side, successfully seized nearly 60 000 pieces of suspected counterfeit goods from a container to be transported by sea. That case is one of the largest infringement cases jointly detected by the customs authorities of Guangdong and Hong Kong in recent years through point-to-point real-time exchange of information.

The Hong Kong Customs continued to co-operate with the Economic Crime Investigation Bureau of the GDPD to exchange information on the trend of cross-boundary infringements and explore ways of co-operation between the two places on IP infringement cases. From July 2015 to April 2016, the two sides exchanged 5 pieces of information through real-time exchange of information and collaboration in investigations.

The Hong Kong Customs and the Guangdong Province Administration for Industry and Commerce (GDAIC) also kept abreast of the latest development of cross-boundary trademark infringements through regular exchange of information. From July 2015 to April 2016, the Hong Kong Customs provided a total of 10 pieces of information to the GDAIC.

(iii) Continuing the conduct of joint enforcement operations by the customs authorities of Guangdong and Hong Kong

From July 2015 to June 2016, the Guangdong Customs and the Hong Kong Customs organised and launched a number of joint enforcement operations against cross-boundary infringements in the focus areas and achieved

impressive results. Among these operations, three were organised and co-ordinated by the Guangdong Customs in November 2015 and June 2016 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 infringing goods by means of sea or motor transport through major boundary crossings in Guangdong into Hong Kong or through Hong Kong to key destinations including Africa United States and Latin American countries. During the three operations, the Guangdong side seized 63 batches of suspected infringing goods involving around 194 100 items of infringing articles, while the Hong Kong side detected 24 cases involving around 129 000 items of infringing goods valued at about HK\$22,250,000.

Through launching joint enforcement operations, the customs authorities of the two places have specifically combated infringement activities in the focus areas such as smuggling by means of postal express service, strengthened the exchanges of information and intelligence between the two sides, accumulated experience in combating infringement activities with collaborative efforts, attracted wide attention among people in Guangdong and Hong Kong, and effectively intimidated infringers.

(iv) Exploring the establishment of a co-operation mechanism between the customs authorities and the express mail monitoring authorities and industries in Guangdong and Hong Kong

To promote co-operation in IP protection between the customs authorities and major courier companies of the two places, the customs authorities of Guangdong and Hong Kong are studying the feasibility of deepening co-operation by reporting to the Guangdong provincial postal authorities major infringing cases concerning postal and express items intercepted by the customs authorities of Guangdong and Hong Kong, which will form a basis for regulating the companies concerned.

3. Promoting Guangdong/Hong Kong co-operation in IP trading

(v) Promoting IP trading

Both Guangdong and Hong Kong made proactive efforts to promote the development of IP trading, which 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; supporting exchanges and co-operation between organisations involved in IP trading in Guangdong and Hong Kong to facilitate IP trading and exploitation; and encouraging community organisations, industry associations and enterprises of the two places to conduct exchanges and co-operation in IP trading by organising and supporting seminars on IP trading.

In December 2015, in support of the Business of IP Asia Forum jointly organised by the HKSAR Government, the Hong Kong Trade Development Council and the Hong Kong Design Centre, the Intellectual Property Department of Hong Kong (HKIPD) promoted the concept of IP trading among enterprises and arranged 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.

(vi) Continuing the conduct of exchanges between the copyright industries in Guangdong and Hong Kong for fostering co-operation in copyright trading

In July 2016, a delegation of members from the publishing, comics, art and software industries in Guangdong led by the Copyright Bureau of Guangdong Province (GDCB) visited Hong Kong for a copyright industries exchange programme with a theme of “Copyright Management and Copyright Trading”. Activities under the programme included seminars, exchanges with representatives from the copyright industry of Hong Kong, and a visit to the Hong Kong Customs. The exchange programme deepened both sides’ understanding of copyright management and trading development trend in the two places and laid a good foundation for fostering closer co-operation in the future.

4. Promoting exchanges on IP between Guangdong and Hong Kong

(vii) Organising the “Guangdong/Hong Kong Seminar on IP and the Development of Small and Medium Enterprises (SMEs)”

In June 2016, the “Guangdong/Hong Kong Seminar on IP and the Development of SMEs (Shenzhen)”, jointly organised by the two sides with a theme of “Intellectual Property Promoting Development of Innovation of Shenzhen & Hong Kong Enterprises”, was held in Shenzhen. IP experts from

Guangdong and Hong Kong discussed issues on IP protection, management, exploitation and development strategies at the seminar. It aimed to assist enterprises in enhancing their innovation capability and getting well prepared for developing overseas markets through the exploitation of IP. About 240 participants from member authorities of the Guangdong/Hong Kong Expert Group on the Protection of IPRs as well as enterprises, intermediaries and associations in Shenzhen, Guangdong and Hong Kong attended the seminar.

(viii) Promoting exchanges and co-operation in IP protection in the area of e-commerce

On 20 November 2015, the HKIPD led a delegation comprising representatives from the Hong Kong Customs, the Hong Kong Electronic Commerce Association, the Hong Kong Taobao Shangmeng and the Hong Kong Federation of E-Commerce on a visit to the Department of Commerce of Guangdong Province (GDDC) for exchanges on cross-boundary IP protection in the area of e-commerce. The delegation also went on a study tour to the Pilot Free Trade Zone in Nansha. Through the exchanges and visits, the two sides had a better understanding of the establishment of the Pilot Free Trade Zone and cross-boundary IP protection in the area of e-commerce, and formed a consensus on further strengthening of exchanges and co-operation in IP protection in the area of e-commerce.

(ix) Organising exchange activities between the customs authorities of Guangdong and Hong Kong

In April 2016, the officer-in-charge of the Intellectual Property Investigation Bureau of the Hong Kong Customs met with officials from the Regulation Division of the Guangdong Customs and had focused thematic discussions on co-operation in IP protection between the Guangdong Customs and the Hong Kong Customs. The two sides held discussions to work out the details of the co-operation items on “IP protection” under “Major Co-operation Areas between the Guangdong Customs and the Hong Kong Customs for 2015-2017” and reached an intent of co-operation.

(x) Organising exchange activities on copyright issues between secondary 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 March 2016, a Hong Kong delegation of 21 youth representatives led by the Hong Kong Customs and the HKIPD joined an exchange programme in Guangdong. They visited the Dongguan Municipal Copyright Bureau and organisations in the IP sector to gain a better understanding of IP protection in the Mainland. In June 2016, a total of 25 representatives from the GDCB, the Dongguan Municipal Copyright Bureau, the Dongguan Municipal Education Bureau and teachers and students of Dongguan No. 1 Senior High School joined the exchange activities held in Hong Kong. They visited the facilities of the Hong Kong Customs and learned about the enforcement actions of the Hong Kong Customs and its efforts in combating IP infringements. Moreover, the HKIPD representatives 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.

(xi) Organising a “Guangdong/Hong Kong seminar on overseas registration and protection of trademarks and brands”

In November 2015, the GDAIC and the HKIPD jointly organised a “Guangdong/Hong Kong seminar on overseas registration and protection of trademarks and brands”. Professionals of the HKIPD, the GDAIC, the Guangdong Customs and the IP sector in Hong Kong attended the seminar to jointly explore issues on registration and protection of trademarks and brands in overseas jurisdictions, with a view to enabling enterprises in Guangdong and Hong Kong to develop overseas markets. Participants of the seminar also included around 145 individuals from enterprises, industry associations, trademark agencies, etc. in both places.

5. Improving guidance service in IP in Guangdong and Hong Kong

(xii) Assisting Hong Kong residents in sitting for the National Qualification Examination for Patent Agents

The National Qualification Examination for Patent Agents 2015 was held in 24 cities simultaneously across the country in November 2015. The two sides actively assisted Hong Kong residents in sitting for the examination and provided information on examination registration, requirements, pre-examination training, etc. In 2015, a total of 36 Hong Kong candidates registered for the examination in Guangdong and 4 of them passed it. Since 2004, a total of 50 Hong Kong residents have passed the examination and 19 of them are practising in the Mainland.

(xiii) Strengthening co-operation among high-end IP service providers in Guangdong and Hong Kong

Led by the HKIPD, a Hong Kong delegation comprising representatives from high-end IP service providers, intermediaries and industry associations visited the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone in Guangdong Province in June 2016 to have exchanges with the Guangdong Intellectual Property Office (GDIPO), the Shenzhen Intellectual Property Administration (SZIPA), the Qianhai Management Authority and high-end IP service providers, intermediaries and industry associations in Shenzhen for exploring co-operation opportunities, with a view to encouraging high-end IP service providers, intermediaries and industry associations in Hong Kong to develop business in the Guangdong Pilot Free Trade Zone.

(xiv) Encouraging Hong Kong-invested enterprises in Guangdong to implement the National Standard of “Enterprise Intellectual Property Management Specification”

The HKIPD communicated information on the National Standard of “Enterprise Intellectual Property Management Specification” and related training information to the IP industry in Hong Kong, and publicise 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.

(xv) Continuing to support Hong Kong-invested enterprises in Guangdong in applying for identification of Guangdong Provincial Famous Trademarks

The HKIPD continued to communicate to the local IP industry and relevant industry associations 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 Hong Kong Trade Development Council and in the exhibitions it organised, with a view to encouraging Hong Kong-invested enterprises in Guangdong to apply for Guangdong Provincial Famous Trademarks. The GDAIC provided guidance to the Guangdong Trademark Association on the continued implementation of the co-operation items 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. In 2015, Hong Kong-invested enterprises in Guangdong were granted identification of a total of 114 Guangdong Provincial Famous Trademarks, of which 28 were new and 86 were renewal ones. As at May 2016, Hong Kong-invested enterprises in Guangdong owned 432 Guangdong Provincial Famous Trademarks, accounting for 13.97% of all the valid trademarks of this kind.

(xvi) Encouraging exchanges and co-operation between trademark industries in Guangdong and Hong Kong

In November 2015, a delegation led by the HKIPD visited Guangzhou and participated in exchange activities held for the trademark industries in Guangdong and Hong Kong. A total of 13 representatives from the HKIPD, the relevant industry associations and trademark agencies of Hong Kong exchanged views with the representatives from the GDAIC, the Guangdong Customs and trademark agencies of Guangdong Province on expansion of business for both sides. Such activities not only strengthened co-operation between the trademark industries in Guangdong and Hong Kong, but also established an effective exchange platform for IP-related community organisations in both places.

6. Organising IP publicity and education activities in Guangdong and Hong Kong

(xvii) 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 IP. On 17 August 2016, representatives from the HKIPD and Hong Kong Customs visited Guangzhou and met with the representatives from the GDIPO, GDAIC and GDCB, sharing their publicity plans for and experience in promoting the “No Fakes Pledge” Scheme. The

two sides continued to step up publicity efforts and actively sought to achieve a greater social impact of the Scheme.

(xviii) Facilitating the participation of the Hong Kong side in training course for patent examiners

The GDIPO informed the HKIPD of the details of the 13th training course for newly appointed patent examiners. In August 2015, staff of the HKIPD attended the training course for newly appointed patent examiners.

(xix) Supporting community organisations in Hong Kong to participate in the Guangdong Youth and Children Invention Award

With the strong support of the GDIPO, the HKIPD encouraged and provided funding for the Hong Kong Invention Association and the Hong Kong New Generation Cultural Association as well as the Hong Kong Federation of Invention and Innovation and the Hong Kong New Generation Cultural Association respectively to nominate Hong Kong students to participate in the 13th and 14th Guangdong Youth and Children Invention Award. During the two events which took place in October 2015 and May 2016 respectively, 36 teachers and students from Hong Kong presented 26 inventions at the open exhibition and final assessment held at the Guangdong Science Center, winning a total of 27 awards.

(xx) Producing Announcements of Public Interest on copyright protection

The HKIPD and the GDAC jointly produced an Announcement of Public Interest (API) on copyright protection under the theme of “Support Creativity, Respect Copyright” to raise public awareness of copyright protection and improve the copyright protection environment in both places. Featuring famous Hong Kong singer-songwriter Pakho CHAU, the API was launched in a ceremony held in Guangzhou on 24 April 2016 and was subsequently broadcasted on TV and websites in Guangdong Province and Hong Kong.

(xxi) 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”. In 2015-16, over 40 hyperlinks were updated, providing access to information on laws and regulations of patent, trademark, copyright and IP border and criminal protection, IP administration and management, the contacts of law enforcement bodies, etc. in the three places.