

Way forward of Hong Kong patent system announced

The Government announced today (February 7) the way forward for the development of the patent system in Hong Kong, with key points as follows:

- * introducing an “original grant” patent (OGP) system with substantive examination outsourced to other patent office(s) whilst retaining the current re-registration system;
- * retaining the short-term patent system with suitable refinements; and
- * developing a full-fledged regulatory regime on patent agency services in the long run, which has to be achieved in stages, with possible transitional measures.

To ensure that the Hong Kong patent system continues to meet present-day circumstances and that it would facilitate the development of Hong Kong into a regional innovation and technology hub, the Government commenced a comprehensive review of the patent system in October 2011 and conducted a public consultation. The Advisory Committee on Review of the Patent System in Hong Kong (the Advisory Committee) was appointed by the Secretary for Commerce and Economic Development in the same month to advise him on relevant issues.

A spokesman for the Commerce and Economic Development Bureau said, “Having carefully examined the submissions of respondents to the Consultation Paper and all relevant considerations, the Advisory Committee submitted a report to the Government on the positioning of Hong Kong’s patent system in December 2012, which has been accepted by the Government.

“The Advisory Committee has carefully examined the views of the public and Hong Kong’s vision for innovation, and considers an OGP system to be of long-term strategic significance.”

According to the analysis of the Advisory Committee, introducing an OGP system can demonstrate the Government’s commitment to IP protection by developing a patent system on par with those of advanced economies. It would also allow Hong Kong to determine its own patentability criteria and standards, procedures, etc, in a way that would best meet the development needs of Hong Kong.

“Furthermore, it may help nurture and attract talents, stimulate the growth of patent agency business and widen career paths for graduates with science and engineering degrees,” the spokesman said.

The spokesman also pointed out that while an OGP system was to be introduced, the re-registration system would continue to run in parallel.

“The current re-registration system has been operating effectively. Quality of patents granted is high. The majority of views from public consultation also supported its retention,” he said.

Regarding the short-term patent system for products with a shorter commercial life cycle, the Advisory Committee recommends retaining it with suitable refinements, such as requiring substantive examination before court proceedings to prevent abuse.

As for patent agency services, they are regulated under a statutory regime in many places with an OGP system. The Advisory Committee recommends that a full-fledged regulatory regime on patent agency services should be set as the ultimate goal in the long run, which has to be achieved in stages, with possible transitional measures, as a complementary component of the OGP system.

“The Government supports the Advisory Committee’s strategic recommendations on the further development of our patent system. In the next phase, we would continue discussions with the Advisory Committee to work out the details of the implementation plan,” the spokesman said.

The Government would brief Members of the Legislative Council’s Panel on Commerce and Industry at the meeting on February 19. The relevant paper is available at the website of the Commerce and Economic Development Bureau (<http://www.cedb.gov.hk/citb>). The report of the Advisory Committee is also available there or at the website of the Intellectual Property Department (<http://www.ipd.gov.hk>).

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