

The Fifth Meeting of the Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights

Progress updates in respect of Guangdong/Hong Kong exchanges and co-operation on intellectual property

1. To continue organising roving seminars on “Intellectual Property (IP) and Small and Medium Enterprises (SMEs) Development” in Guangdong

The “IP and SMEs Development Seminar”, jointly organised by Guangdong and Hong Kong, was held in Zhanjiang on 27 March 2006 with the aim to enhance the IP protection awareness and management capability of SMEs in Guangdong and Hong Kong. During the seminar, representatives of the IP departments of the government of Guangdong and Hong Kong introduced the IP systems and policies of the Mainland and Hong Kong respectively, IP experts of the two places also delivered speeches on topics such as IP protection on Mainland enterprises’ access to overseas markets and IP as a tool in developing business opportunities in the Mainland. Over 350 people attended the seminar.

2. To further promote the “No-Fakes” Pledge Scheme in Guangdong and Hong Kong and join hands in the production of publicity materials on IP protection

Since the introduction of Hong Kong’s “No-Fakes” Pledge Scheme into Guangdong Province in 2004, wide publicity and promotion have been conducted in the four pilot cities, namely Guangzhou, Shenzhen, Shantou and Dongguan. To step up promotion efforts, in April 2006, Guangdong distributed to all pilot cities the posters jointly produced by the two sides. Opinion surveys on the participating traders of the “No-Fakes” Pledge Scheme were conducted in the pilot cities. Positive comments were received and traders reflected that the Scheme not only helped to boost consumers’ confidence but also enhanced their awareness in purchasing genuine products.

3. To continue organising exchange and training programmes for IP professionals of Guangdong and Hong Kong

Five representatives of the Intellectual Property Department of the HKSAR (“HKIPD”) visited the Guangdong Provincial Intellectual Property Office (“GDIPO”), the Guangdong Provincial Administration for Industry and Commerce (“GDAIC”), and Administration of Press and Publication (Copyright Bureau) of Guangdong Province on 8 November 2005 for exchange.

Three representatives of the GDIPO came to Hong Kong on 27 March 2006 and participated in a one-week exchange programme, while a representative of the HKIPD went to Guangdong on 10 April for one week’s attachment to the GDIPO. Through this exchange programme, representatives from both sides gained a better understanding of each other’s IP regime.

4. To commence a joint study on “The relationship between company registration and trademark registration in Guangdong and Hong Kong and its current situation”

The Study aims to examine the relationship between and the situation of company registration and trademark registration in Guangdong and Hong Kong, investigate in how and why such situation emerges and put forward recommendations which are beneficial to both sides. The Trademark Control Office of the GDAIC has prepared the draft report of the study, which is now being further amended.

5. To encourage enterprises of the two places to apply and register under each other’s IP systems through publicity and educational activities

A number of subject talks were jointly organised by the HKIPD and the Administration for Industry and Commerce of different municipalities (including Guangdong, Shenzhen, Zhongshan, Zhuhai, Dongguan) in Guangdong province from September 2005 to May 2006 to present an overview of IP protection, trademark registration and protection, as well as the difference between trademark registration and company registration in the HKSAR.

Booths were set up by the HKIPD at the first China Trademark Festival and the 2005 International Trademark Expo held in Shenzhen from 9 to 11 December 2005 to promote the IP protection regime of the HKSAR. An Assistant Director of HKIPD gave a talk on “Protecting Brands in Hong Kong and Overseas” at the Annual Meeting of the International Protection of Trademark 2005.

A brochure on trademark protection in the HKSAR was produced by the HKIPD in April 2006 and distributed through various channels (including the GDIPO, the GDAIC, the Economic and Trade Office of the Government of the HKSAR in Guangdong, the Guangzhou Office of the Hong Kong Trade Development Council, etc.) in Guangdong province with a view to enhancing Mainland enterprises’ knowledge on the trademark system of the HKSAR.

6. To implement the proposals recommended in the Research Report on Intellectual Property Professional Support Services in Guangdong and Hong Kong which are conducive to Guangdong and Hong Kong

After the completion of the Research Report on Intellectual Property Professional Support Services by Guangdong and Hong Kong in 2004, both sides had a better understanding of the circumstances and development trend of IP intermediary service in the two places. Both sides have studied the proposals put forward in the research report, some of which (such as strengthening collaboration in IP education and training) have been realised in various cooperation projects.

7. To further improve the coordination mechanism for Guangdong-Hong Kong cross-border smuggling cases in relation to IP, so as to enhance enforcement cooperation in combating cross-border IPR infringement activities

Following the establishment of the Guangdong/Hong Kong Expert Group on the Protection of Intellectual Property Rights, cooperation on various aspects of IPR protection has been enhanced. It was initially agreed that basing on the existing mechanism, participation of other IP enforcement agencies should be established. In 2005, the coordination mechanism for cross-border smuggling cases was further enhanced. The Guangdong Customs and Hong Kong Customs have strengthened the communication and exchange of bilateral enforcement information, as well as the collaboration in enforcement actions. Regular and instant notification systems have been set up to provide each other with information on IPR infringement cases. After the establishment of the systems, the Guangdong Customs has effectively launched a series of operations to combat cross-border infringement acts with the information provided by the Hong Kong Customs. In order to combat the smuggling of pirated optical disc between Guangdong and Hong Kong, a fast verification mechanism for copyright authorization has been set up. After the implementation of the mechanism, the smuggling of pirated optical disc between Guangdong and Hong Kong has been effectively contained, and the number of pirated optical disc has decreased substantially. By the end of 2005, the production of optical disc using false copyright authorization letters issued in the Mainland can no longer be found by the Hong Kong Customs.

8. To launch an experience sharing programme for teachers in primary and secondary schools with a view to strengthening exchanges on IP education

To exchange on how to enhance the awareness of and respect for IP rights of students through school education, the HKIPD organised a visit by Hong Kong primary and secondary school teachers to the Nanhai County of Foshan in Guangdong Province on 19 December 2005, during which participants observed how IP education was conducted in the primary and secondary schools in Foshan. Discussions were also held with Mainland teachers and IP personnel on how to further step up co-operation in IP education between primary and secondary schools in Guangdong and Hong Kong.