

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Market Competition - Innovation

No.	Regulatory Framework	Link
<i>Regulatory Framework for Intellectual Property Rights Protection and Technology Transfer</i>		
1.	In practice, the Intellectual Property Office (IPO) offers pro-bono or low-cost legal assistance to potential IP licensees	➤ Free Intellectual Property Consultation Service
2.	Providing protection for copyright owners to control the act of reproduction of works	➤ Section 23, Cap. 528 Copyright Ordinance
3.	Legal provisions for the establishment of Collective Management Organizations (CMOs)	➤ Sections 145(4), 146 to 152, Cap. 528 Copyright Ordinance ➤ Cap. 528A Registration of Copyright Licensing Bodies Regulation

No.	Regulatory Framework	Link
4.	<p>Actions or remedies public authorities can employ to enforce copyright protection:</p> <ul style="list-style-type: none"> • Civil procedures • Provisional measures • Criminal procedures 	<p>➤ Divisions VI and VII and Part II, Cap. 528 Copyright Ordinance</p> <p>➤ Sections 118, 118A, 119, 119A, 119B, 120, 120A and 273C, Cap. 528 Copyright Ordinance</p> <p>➤ Sections 21-23, 31C, 31E and 36B, Cap. 544 Prevention of Copyright Piracy Ordinance</p>
5.	Allowing arbitrating copyright disputes, as long as they do not affect third party rights	➤ Sections 103B - 103D, Cap. 609 Arbitration Ordinance
6.	Explicitly defining patentability requirements (novelty, inventive step, industrial applicability) for inventions	➤ Sections 9A-9D, Cap. 514 Patents Ordinance
7.	Explicitly assuring retroactive protection reaching back to the filing date in case patent registration is granted	➤ Sections 39(1) and 126(1), Cap. 514 Patents Ordinance
8.	Defining any experimental use exception or research exemption for patents	➤ Section 75, Cap. 514 Patents Ordinance
9.	<p>Mechanism available for the opposition of the granting of patents:</p> <ul style="list-style-type: none"> • Post-granting opposition rights 	➤ Sections 44, 91 and 92, Cap. 514 Patents Ordinance.

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10.	Providing for an information submission system in the form of a database where complementary information on a patent may be submitted by patent holders or affected third parties	➤ Sections 37R and 126A, Cap. 514 Patents Ordinance
11.	Functioning database where complementary information on a patent may be submitted by patent holders or affected third parties	➤ The observations can be filed through the e-filing system or in paper form
12.	Actions or remedies public authorities can employ to enforce patent rights protection: <ul style="list-style-type: none"> • Civil or administrative procedures • Provisional measures 	➤ Part 11, Cap. 514 Patents Ordinance
13.	Allowing arbitrating patent disputes, as long as they do not affect third party rights	➤ Sections 103B - 103D, Cap. 609 Arbitration Ordinance
14.	Mandating to record a change of the patent owner in cases of patent ownership transfer	➤ Sections 52, 72(9) and 87, Cap. 514 Patents Ordinance
15.	Specifying a timeframe during which a record of a change of the patent owner must be made	➤ Sections 72(9) and 87, Cap. 514 Patents Ordinance
16.	Allowing patent holders to grant temporary licenses/waivers	➤ Cap. 514 Patents Ordinance does not contain any provision which prevents patent holders from granting temporary licences/waivers

No.	Regulatory Framework	Link
17.	Requiring public disclosure of patent	➤ Sections 27(3), 37X(2) and 118(2), Cap. 514 Patents Ordinance
18.	Requiring the disclosure of patent licensing agreements to the Intellectual Property Office - registration or notification is required	➤ Sections 52, 72(9) and 87, Cap. 514 Patents Ordinance
19.	Providing for a trademark use obligation	➤ Sections 38(3), 52 and 60(2), Cap. 559 Trade Marks Ordinance
20.	Stipulating the grace period after trademark registration before the use obligation comes into effect	➤ Section 52(2), Cap. 559 Trade Marks Ordinance
21.	Pre-registration and post-registration trademark opposition procedures are available	➤ Sections 44 and 53, Section 14 of Schedule 3 and Section 16 of Schedule 4, Cap. 559 Trade Marks Ordinance
22.	Providing protection for well-known marks	➤ Sections 4, 12(4)(a), 18(4)(b) and 63 and Schedule 2, Cap. 559 Trade Marks Ordinance

No.	Regulatory Framework	Link
23.	<p>Actions or remedies public authorities can employ to enforce trademark rights protection:</p> <ul style="list-style-type: none"> • Civil or administrative procedures • Provisional measures • Criminal procedures 	<ul style="list-style-type: none"> ➤ Part III, Sections 63 and 90 and Part XIIA, Cap. 559 Trade Marks Ordinance ➤ Part 3, Cap. 362 Trade Descriptions Ordinance ➤ Parts 3 and 3A, Cap. 362 Trade Descriptions Ordinance ➤ Sections 9 and 12, Cap. 362 Trade Descriptions Ordinance ➤ Part XII, Cap. 559 Trade Marks Ordinance
24.	Allowing arbitrating trademark disputes, as long as they do not affect third party rights	➤ Sections 103B - 103D, Cap. 609 Arbitration Ordinance
25.	Including provisions specifying procedures on trademark licensing agreements	➤ Section 33, Cap. 559 Trade Marks Ordinance
26.	Requiring disclosure of trademark licensing agreements to the Intellectual Property Office - registration or notification is required	➤ Section 29, Cap. 559 Trade Marks Ordinance
University-Industry Collaboration		
27.	Including guidance on a grace period for the publication of research results that may compromise patentability prior to filing a patent application	<ul style="list-style-type: none"> ➤ Sections 11A, 37B and 109, Cap. 514 Patents Ordinance ➤ Section 2D, Cap. 514C Patents (General) Rules

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Market Competition - Innovation

No.	Public Services	Link
Innovation Systems		
1.	Innovation incubators in the HKSAR	➤ Hong Kong Science & Technology Parks Corporation - Incubation
2.	Innovation accelerators in the HKSAR	➤ Hong Kong Science & Technology Parks Corporation - Acceleration
3.	Science and technology park in the HKSAR	➤ Hong Kong Science & Technology Parks Corporation website