

Gazettal of amendments to subsidiary legislation relating to intellectual property registration and litigation matters

The Government today (May 23) gazetted the Rules of the High Court (Amendment) (No. 2) Rules 2025, the Patents (General) (Amendment) Rules 2025, the Registered Designs (Amendment) Rules 2025 and the Trade Marks (Amendment) Rules 2025 to streamline the intellectual property (IP) litigation processes in the High Court and the proceedings before the statutory registries of the Intellectual Property Department (IPD).

The three statutory registries of the IPD are responsible for registration matters of patents, registered designs and trade marks. The proceedings before and the operation of the registries are governed by the relevant IP subsidiary legislation. The amendments to the subsidiary legislation introduce provisions on the reference of proceedings to the court for determination, and enhance other proceedings before the registries and their operational arrangements.

In addition, the Rules of the High Court (Amendment) (No. 2) Rules 2025 repeal the existing Orders 100 and 103 of the Rules of the High Court, substitute new Orders 100 and 103 and introduce a new Order 122. The new Orders respectively govern trade marks, patents and registered designs litigation processes in the Court of First Instance of the High Court, enabling more effective management and handling of cases by the High Court.

"Establishing legal rights in IP through registration and enforcing such rights through litigation in court are essential elements of the IP system. The legislative amendments will further enhance Hong Kong's IP legal framework, aligning with the national strategies of building an IP powerhouse and developing new quality productive forces. The legislative exercise is also one of the policy measures under the Chief Executive's 2024 Policy Address to strengthen Hong Kong's position as a regional IP trading centre," a spokesman for the Commerce and Economic Development Bureau said.

The above amendments to the subsidiary legislation will be tabled at the Legislative Council on May 28 for negative vetting. Subject to the completion of the necessary legislative process, they will come into effect on October 1 this year.