

Trade Marks (Amendment) Bill 2019 gazetted

The Trade Marks (Amendment) Bill 2019 was gazetted today (February 8).

The Bill seeks to amend the Trade Marks Ordinance (Cap 559) to implement the international registration system under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) upon its application to Hong Kong.

The Madrid Protocol provides for a mechanism for seeking registration of a trade mark in the register of the International Bureau of the World Intellectual Property Organization and for seeking extension of protection of such a trade mark in multiple jurisdictions through such registration by a one-stop application process in lieu of individual filings in each of the jurisdictions concerned, thus greatly simplifying the registration process for trade mark owners. The Madrid Protocol has 103 contracting parties at present, including China and many other major trading partners of Hong Kong, but it has yet to be applied to Hong Kong.

"The Bill provides a basis in the domestic law for the application of the Madrid Protocol to Hong Kong in due course. The implementation of the Madrid Protocol and the mechanism provided thereunder will not only enable businesses to save time and cost in obtaining and managing international trade mark registrations, it is also in line with the Government's commitment to enhance Hong Kong's intellectual property regime," a government spokesman said.

Moreover, the Bill seeks to confer powers on the Customs and Excise Department to enforce the criminal provisions related to trade mark registration under the Trade Marks Ordinance. The Bill also seeks to make miscellaneous technical amendments to enhance Hong Kong's trade mark application and registration system.

The Secretary for Commerce and Economic Development will introduce the Bill into the Legislative Council for first and second readings on February 20.