

# Trade Marks (Amendment) Ordinance 2020 gazetted

The Trade Marks (Amendment) Ordinance 2020 (the Amendment Ordinance) was gazetted today (June 19), providing a basis in Hong Kong Law for the application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) in Hong Kong.

At present, the Madrid Protocol has 106 contracting parties including China and many other major trading partners of Hong Kong. It allows trade mark owners to apply for registration of trade marks in the register of the International Bureau of the World Intellectual Property Organization, and to seek extension of protection of trade marks in multiple jurisdictions by a one-stop application process through such registration, thus greatly simplifying the registration process for trade mark owners. The Madrid Protocol has yet to be applied to Hong Kong.

"The implementation of the Madrid Protocol in Hong Kong is one of the key measures to enhance the local intellectual property regime. It will not only enable businesses to save time and costs in seeking trade mark protection in multiple jurisdictions and managing their trade mark registrations, but can also reinforce our position as an ideal place of conducting commercial activities and intellectual property trading," a spokesman for the Commerce and Economic Development Bureau said.

The Amendment Ordinance also confers powers on the Customs and Excise Department to enforce the criminal provisions under the Trade Marks Ordinance (Cap. 559), and makes technical amendments to some existing provisions of the Trade Marks Ordinance for enhancing Hong Kong's trade mark application and registration system.

Following the enactment of the Amendment Ordinance, the Government will press ahead with relevant preparatory work for the implementation of the Madrid Protocol, including preparing subsidiary legislation to provide for the relevant procedural details, setting up a dedicated information technology system and obtaining the agreement of the Central People's Government to seek application of the Madrid Protocol to Hong Kong. Subject to the progress of this preparatory work, the Government aims to implement the Madrid Protocol in Hong Kong as soon as possible.

The Amendment Ordinance came into operation today, except Section 5 and Part 4 of the Amendment Ordinance concerning trade mark rights acquired in Hong Kong under the Madrid Protocol, which shall come into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette after completing the relevant preparatory work.