

THE HONG KONG INSTITUTE OF TRADE MARK PRACTITIONERS

PRESIDENT'S REPORT 2003/2004

The past 12 months have been challenging for intellectual property practitioners. Changes to the trade mark laws, a sluggish international economy, relations with the Mainland, the increasing number of inexperienced and unqualified 'agents' have resulted in a difficult year. The Institute has responded to that challenge by representing its members in discussions with the Hong Kong Intellectual Property Department and with Mainland officials, providing education on the laws, disseminating information and providing opportunities for its members to discuss developments and their concerns.

Register of Trade Mark Agents

A major objective of the Institute is the establishment of a register in Hong Kong of qualified trade mark agents which is recognized by the Hong Kong Government. The Institute will be working with other professional bodies which represent the interests of qualified trade mark agents to set guidelines for the establishment and administration of the Register. It is hoped that the Register will be operational within the next 12 months. However, as changes to the current trade mark laws will be required to provide for the Register, it may take a little longer. The Register will be of great benefit to trade mark owners to identify experienced and qualified practitioners.

Intellectual Property Department

The Institute and IPD have continued to liaise on various issues affecting the profession.

The format of our general meetings with IPD is to be changed. In the past we have met bi-annually to discuss policy issues as well as practice issues. The Bi-annual meeting will continue but focusing only on policy issues. The first regular working group meeting will be held on 23 September 2004 to discuss practice issues.

Council members attended several meetings with IPD to review proposed amendments to the Patents (General) Rules and Registered Designs Rules to allow for electronic filing. Provisions regarding agents were also debated. The amendments came into force on 7 May 2004.

There have been several meetings with IPD concerning CEPA with respect to patent and trade mark agency work in the PRC. A delegation from the Mainland consisting of officers from SIPO, Ministry of Commerce and the HK & Macau Affairs Office came to Hong Kong in March to meet with members of the Institute, APAA and the Law Society to discuss the possibility of Hong Kong residents sitting the PRC patent agent exams. Since then IPD has facilitated the running of a course for potential candidates. The exams will be held in October. In June, about 20 members of the profession accepted an invitation to visit Beijing to meet with SAIC, NCAC, SIPO and patent and trade mark

agencies. Recent announcements concerning CEPA 2 appear to be paving the way for Hong Kong businesses which have engaged in a substantial trade mark agency business in Hong Kong over the past 3 years to provide their services directly in the Mainland. The actual procedure still remains a little unclear but we are hopeful that with the assistance of IPD the details will be finalized soon. IPD is also looking at co-operation within the Pearl River Delta to allow for the participation of Hong Kong IP service providers. A meeting in Guangzhou in November has been proposed and more details will soon be available.

Throughout the year, the Institute has assisted IPD to contact members of the profession to inform them of various symposia, seminars, surveys and other matters of interest. On behalf of IPD we recently circulated a joint survey by IPD and Guangdong Intellectual Property Office on professional support services in the regions. Members are encouraged to have their firms complete and return the survey as soon as possible.

Education

The Institute has continued to work with the School of Professional and Continuing Education (SPACE) of the University of Hong Kong to administer the Diploma Course in Trade Mark Law and Practice. Patsy Lau has given much of her time to organizing the course and ensuring that it runs smoothly. The Institute thanks all members and non members who have taken the considerable time to give lectures for the course.

The 2 year course commenced for the second time in May 2003 with 29 students. Ten students passed the trade mark examinations on the first attempt while 4 or 5 students are expected to pass the resit examinations. Chan Tak Kit Kitty obtained the highest mark and Choi Pui Pui the second highest mark. Eighteen students have continued on to the second year of the course.

Newsletter

The Institute has circulated 2 newsletters in the past 12 months, one in December 2003 and the other in April 2004. The next issue will be circulated shortly following the AGM. The newsletter keeps members informed of issues and events in the profession and in the Institute itself. Winnie Yue has worked hard as editor. She would welcome any articles, information or news from members which may be of interest to other members.

Social Events

There have been 2 social events for members in the past 12 months. A Christmas wine tasting was held at the FCC and was well attended not only by members of the Institute but also by our guests from IPD. This was followed by a barbeque in April held at the Royal Hong Kong Yacht Club venue at Middle Island. It was an extremely pleasant evening.

While the Institute will continue to provide evening events, we are considering arranging lunch time meetings where guest speakers will address members on various topics. We hope to have the first of these meeting organized for later this year.

Membership

New members of the Institute since last October include Deanna Wong and Philip Tsang as ordinary members; Albert Cheung and Sandra Lowcock as student members; and Jeevan Hingorani as an affiliate member. Vivian Lui and Angela Li upgraded from student to ordinary members. John Hawker, who returned to Australia, has become an overseas member having been an ordinary member. Simon Feng, Kit Man Leung, Allan Woodley and Lee Yuk Keung have all resigned their memberships.

Please notify the membership secretary of any changes in your contact details.

Council Members

For the past 12 months members serving on Council have been:

Sandra Gibbons	President
Steven Birt	Vice-President
Davina Lee	Treasurer
Charmaine Koo	Secretary
Justin Davidson	Membership Secretary
Peggy Cheung	
Anne Choi	
Lindsay Esler	
Graeme Hall	
Nicholas Horvath	
Patsy Lau	
Kim Nicholson	
Jeannie Smith	
Henry Wheare	
Barry Yen	
Winnie Yue	

All Council members have contributed much of their time to the Institute.

At the AGM Charmaine Koo, Peggy Cheung, Kim Nicholson, Graeme Hall, Nicholas Horvath, Henry Wheare and Winnie Yue will stand down from Council. They may stand for re-election. There is an additional vacancy as a result of the resignation of Matthew Laight from Council.

Sandra Gibbons
President
22 September 2004