

**The Hong Kong Institute of Trade Mark Practitioners  
Annual General Meeting  
Thursday, 24 November 2011**

**President's Report 2010 / 2011**

This AGM concludes the end of my two-year service as the President of the Institute. It has been a busy term. Representing our members, Council has considered many issues, some of which have resulted in changes in the IP profession and practice while some are still ongoing and Council will continue to pursue.

As always, Council has endeavored to keep members informed via emails of developments affecting the IP profession and of Council's various involvements. Inputs from members have resulted in improvements and clarifications of practices and procedures from the IPD. Members' feedbacks and comments are very important. I encourage all members to fully utilize your membership and communicate any issues or concerns to the new President and Council members.

**Committees**

The following are special Committees set up to address specific areas of the IP practice:

1. **Trade Marks** – Peggy Cheung, Benjamin Choi, Sandra Gibbons
2. **Patents and Designs** – Jeffrey McLean, Deanna Wong
3. **Copyright** – Steven Birt, Charmaine Koo, Winnie Yue, Barry Yen
4. **Seminars** - Charmaine Koo, Winnie Yue
5. **Functions** – Ruby Chan, Nick Horvath, Deanna Wong

I wish to thank all the Council members and the volunteers of the above Committees for their commitments and contributions. Special thanks go to our Secretary Ruby Chan, Membership Secretary Justin Davidson and Treasurer Andrea Fong for their hard work. Further, I wish to particularly thank our Vice President Helen Tang who stood in for me during my maternity leave from September to December 2010.

It is only with everyone's contributions and support that the Institute has successfully completed another productive year.

**Highlights**

I highlight below some of the special events in the IP community and works undertaken by the Council during the past 12 months:

**A new Director of Intellectual Property**

Mr. Peter Cheung has assumed the post of Director of Intellectual Property for Hong Kong following Mr. Stephen Selby's retirement after nearly 20 years in the post. Mr.

Cheung had been Senior Crown Counsel since December 1988 and Deputy Director of Intellectual Property since August 1998. Members of Council attended a dinner organised jointly with APAA on 18 April 2011 to bid farewell to Stephen and to welcome Peter.

### **Bi-Annual Meetings & Working Meetings with the IPD**

As in past years, Council members met with the IPD twice a year. Bi-Annual Meetings were held on 25 October 2010 and on 6 April 2011 to discuss about various policy and working issues. Following the efforts of these discussions, the IPD made various amendments to the relevant procedures and made clarifications in the relevant chapters of the Practice Manual. Some notable results include the revision of the Evidence and the Classification Chapters and Form T11 (license recordal).

The HKITMP also worked closely with the Law Society IP Sub-Committee and the APAA Hong Kong Group to coordinate on issues concerning the local IP community, such as the introduction of the new recommended fees and the proposed patent law reform - details below.

### **New recommended fees**

Following initiatives from the Law Society IP Committee, the Institute and the APAA proposed revisions to the recommended fees so to bring Hong Kong's fees in line with those from other developed Asian jurisdictions. The new fees were published on 18 July 2011. Members are reminded that it is a condition of membership to follow the scale, and to update your fees accordingly.

### **Patent law reform**

A "Forum on the Future Development of the Patent System in Hong Kong" took place on 28 February 2011 at the Hong Kong Science and Technology Park. The forum was organized by the IPD together with the Commerce, Economic and Development Bureau, and stakeholders discussed about the operation of the present patent law system.

At the forum, some speakers argued that the present system of standard/short term patents was inadequate in facilitating local Hong Kong innovation and knowledge development. Proponents of this view emphasized that fewer than 1% of granted standard Hong Kong patents were made to Hong Kong companies or individuals. This is due to the deficiencies of the present patent system, exacerbated by economic and resourcing constraints. However, some felt that the current system has the advantage that it is simple, efficient, and relatively low cost and provides certainty for both local and foreign applicants.

Jeffery McLean represented the Institute on panel. Panel speakers and members of the audience put forward various alternative models, including the introduction of local examination of patent applications, outsourced to the Chinese Patent Office (SIPO) similar to an option utilised by applicants in Singapore.

Another option proposed was modified examination, whereby the results of examination by other patent offices for either, or both, short term and standard patent applications could be used by applicants to pursue patent protection in Hong Kong.

The IPD has published a reform proposal paper on 4 October 2011. The Institute and the APAA have respectively made detailed submissions to consultation by the Government.

### **Copyright (Amendment) Bill 2011**

The Copyright (Amendment) Bill 2011 was gazetted on 3 June 2011 following many years of consultation. The bill seeks to enhance protection for copyright works in the digital environment in recognition of the challenges posed by advances in information technology. Key amendments include: the introduction of a technology-neutral exclusive right for copyright owners to communicate their works through any mode of electronic transmission. There will be criminal liability for unauthorised communication made in the course of business for profit or non-commercial communication that causes prejudice to the copyright owner; a statutory "safe harbour" to limit the potential liability of OSPs for copyright infringement occurring on their service platforms; the introduction of a copyright exception for temporary reproduction of copyright works by OSPs, which is technically required for the digital transmission process to function efficiently; a copyright exception for media shifting of sound recordings for private and domestic use under prescribed conditions.

### **Seminars**

During the past year, Council has set up a new Seminars Committee to organize and offer a series of free lunch time seminars on subjects of general interest to members. Many thanks to those who attended our inaugural seminar on 9 June 2011 by Mr. Roderick B. Woo, the former Privacy Commissioner for Personal Data. Mr. Woo gave a lively and interesting talk on "Personal Data Privacy - Intellectual property lawyers beware". For those who were unable to attend, the next seminar is already in the planning. Please stay tune.

### **Education & Prizes**

The HKITMP sponsored an IP Prize scholarship for the respective IP law course at the Chinese University and the Hong Kong University.

The Chinese University nominated **CHOW Carson Ka-Shing** for attaining the highest grade in "Principles of Intellectual Property".

The Hong Kong University nominated **CHEUK Ho Yin Arthur** and **FANG Ning Shan** for both attaining the (same) highest score in "Hong Kong Intellectual Property Law". Miss Fang currently works abroad and therefore cannot join us. However, I am pleased to welcome both Carson and Arthur to an award presentation at the end of the AGM.

### **Reports & Communications**

Through the past year, the HKITMP endeavored to keep members informed of the latest IP issues and events. We welcome your feedbacks and suggestions.

Please notify our membership secretary of any changes of your email address or other contact information.

You will also note that there are two new email addresses listed on our website. These are [info@hkitmp.org](mailto:info@hkitmp.org) for general enquiries and [membership@hkitmp.org](mailto:membership@hkitmp.org) for membership related enquiries.

### **Membership Invitations**

Members were invited to a number of events and seminars organized by various IP bodies during the past year. Below are some of the events attended by representations of the HKITMP:

1. Peggy Cheung represented the HKITMP as a speaker at the Guangdong/Hong Kong Seminar on Intellectual Property and Development of Small and Medium Enterprises (Zhaoqing) on 23 June 2011.
2. Jeffrey McLean represented the HKITMP as a panel speaker at the "Forum on the Future Development of the Patent System in Hong Kong" 28 February 2011.

### **Social Events**

Thanks to the Functions Committee, Helen Tang and Nicholas Horvath, we had two fantastic social events for members during the past 12 months.

We again congregated at the Dynasty Club on 2 March 2011 for our annual Spring Dinner, and everyone enjoyed their individual hot pots with great company. On 15 June 2011, we kicked off the summer with a bowling night at The Royal Yacht Club. Our Vice President Helen took home the title "Best Female Bowler" and Justin Davidson the title "Best Male Bowler". A special honorable mention is due to Jeffrey McLean for the fastest ball rocketed at the bowling pins. Some also enjoyed a highly competitive game of foosball.

Many thanks to all those who supported these events. I encourage all members to participate and invite your friends to future social events. These are casual and friendly opportunities to acquaint ourselves with other IP practitioners.

We have also received some suggestions for future social events including Go-carting, paintball and wine tasting. Additional suggestions are very much welcomed.

### **Membership**

We have seven new members in the past 12 months:

<b>Name</b>	<b>Firm</b>	<b>Type of Membership</b>	<b>Joined Date</b>
Mak, Theresa Shiu Yee	Yu & Partners	Ordinary	11 October 2010

Tan, Chow Kim Grace	Freshfields Bruckhaus Deringer	Ordinary	11 October 2010
Ho, Ka Hei	Allens Arthur Robinson	Student	2 March 2011
Michael Flint	Marks & Clerk	Affiliate	22 June 2011
Ewan Stuart Bewley	Marks & Clerk	Affiliate	22 June 2011
Helen Bodnar-Horvath	Bodnar Horvath	Student	3 August 2011
Davina Lee	Hogan Lovells	Ordinary	23 September 2011

### **Council Meetings**

Council Members usually meet once a month, unless that month clashes with a major holiday or conference. In the past year, nine Council Meetings were held on the following Wednesdays:-

1<sup>st</sup> - 11 October 2010

2<sup>nd</sup> - 17 November 2010

3<sup>rd</sup> - 8 December 2010

4<sup>th</sup> - 12 January 2011

5<sup>th</sup> - 16 February 2011

6<sup>th</sup> - 2 March 2011

7<sup>th</sup> - 13 April 2011

8<sup>th</sup> - 22 June 2011

9<sup>th</sup> - 3 August 2011

I wish to thank all the participating firms for generously hosting these Council Meetings. Similarly to our members, every Council member has a busy schedule, and their participation in these monthly meetings, committee meetings, discussions and submissions, etc. reflect their dedication and commitment to the IP community.

### **Council Members**

We have 17 members serving on Council during the past 12 months:

1. Patsy Lau - President
2. Helen Tang - Vice President
3. Andrea Fong - Treasurer

- 4. Ruby Chan - Secretary
- 5. Justin Davidson - Membership Secretary

- 6. Steven Birt
- 7. Peggy Cheung
- 8. Benjamin Choi
- 9. Lindsay Esler
- 10. Sandra Gibbons
- 11. Nick Horvath
- 12. Cynthia Houg
- 13. Charmaine Koo
- 14. John Slater
- 15. Deanna Wong
- 16. Barry Yen
- 17. Winnie Yue

Each year, half of the Council members will retire from Council. This year, the Council Members who retired are:

- 1. Ruby Chan
- 2. Benjamin Choi
- 3. Peggy Cheung
- 4. Justin Davidson
- 5. Andrea Fong
- 6. Charmaine Koo
- 7. Deanna Wong

With the exception of Deanna, all of the retiring Council members stood for re-election and have been confirmed to serve on Council for another two-year term.

Deanna Wong has decided not to re-stand for election as her work now requires her to spend significant amount of time in China. Lindsay Esler retired from the IP profession and returned to New Zealand in December 2010. Both of these Council members made significant contributions. I extend sincere gratitude on behalf of the Institute and our members to them.

Following Lindsay's retirement, Council decided not to fill the vacancy mid-term. Other than the nominations received for the six re-elected Council members, we also received a nomination for Theresa Mak. Theresa fills the vacancy left by Lindsay, and we wish to extend our warmest welcome to her.



The above is my report on some of the works undertaken by the Council members. I thank you all for your support of the Institute. I look forward to supporting the new President, and I ask the same of you, to ensure the IP profession and the Institute continue to prosper.

Patsy Y. Lau  
President  
24 November 2011