

APAA TRADE MARKS COMMITTEE

HONG KONG (SUMMARY REPORT 2009)

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LEGISLATION

There was no legislative change or proposed legislative change affecting trade marks in the previous year.

REGISTRY PRACTICE

There are 8 recent developments discussed in our report and 4 of them are summarized as below:-

- (i) The sound recording of a sound mark under application can now be submitted to assist the examination of the application.
- (ii) The Registrar has commented that it is appropriate for examiners to raise questions in relation to bad faith if the information or omissions in the application cast doubt on the applicant's honest intent.
- (iii) The Registrar has clarified that requests for rectification of obvious errors or omissions in the register of trade marks need not be supported by evidence and will not be published in the Hong Kong IP Journal.
- (iv) The non-use of a trademark for 2 years before the expiry of the term of registration is now NOT considered an unjust case for restoration of registration.

REGISTRY/COURT DECISIONS

2 Registry decisions and 1 Court decision are reported which concern the lack of distinctive character of trademarks being an absolute ground for refusal of registration.