

**APAA DESIGNS COMMITTEE –
2012 Report by Hong Kong Recognized Group**

SUMMARY

1. There has been a slight amendment to the Registered Designs Ordinance (Cap. 522) since our last report submitted in 2011, regarding the Chinese text for the term “published”.
2. There is one decision relevant to registered designs:-

Burberry Asia Limited v. Santa Roberta Polo & Racquet Club Int’l Limited HCMP 908/2011 (8 February 2012, unreported) CFI: This was an application of the Plaintiff to revoke 15 registered designs and to restrain the Defendant from re-registering identical or similar designs in the future. The Court of First Instance found that the subject designs were substantially the same as those previously published. As such, the Court adopted the decision of Reyes J. in the previous decision of *Burberry Asia Ltd v Polo Santa Roberta Ltd* and granted the application for revocation on the ground of lack of novelty. Further, the Court also opined that this was a clear case of the same individual disguising himself via another corporate entity and re-registering identical designs shortly after the same had been revoked by the court. In order to safeguard the design registration system from further abuse, the Court granted the sought injunction without hesitation.

3. According to the statistics of the Hong Kong Intellectual Property Department, there were 5,402 design applications received and 4,854 designs registered during the calendar year 2011.
4. Compared to the figures reported in our last committee report:
 - (a) both the total numbers of applications received and granted have significantly increased, and
 - (b) the monthly number of applications is relatively stable throughout the period of September 2011 – August 2012, as compared to the 2010-2011 figures, with the exception of a sharp rise in March.
5. The largest number of design applications were filed by Hong Kong applicants, followed by those in the United States, China, Switzerland, and Japan.