

*Date: Tuesday, April 16, 2019*

**To: The Legislative Council of Hong Kong**

**Re: Opinions on the Trade Marks (Amendments) Bill 2019**

Dear Madam/Sir,

Thank you very much for inviting our association to brief our comments on the Trade Marks (Amendments) Bill 2019 in Legco on April 15 2019. Below are our written opinions on the Bill.

1. Our members do welcome the application of Madrid Protocol in Hong Kong. Although our practitioners may lose foreign clients, yet considering the overall interest of Hong Kong and also interest of our clients, we confirm our full support to the Bill.

And according to Consultation paper 5.3 (or s105 of the Trade Mark Rules), the rule is still that a trademark agent can provide trademark service in Hong Kong if he has just an address in Hong Kong. That is too easy. Many low-cost service providers or agents have taken advantage of this, depriving the interest of our real local practitioners.

We hope that in near future we will have a regulated system of “**Registered Trademark Attorney**” in Hong Kong, like in Europe, for our practitioners who are permanent (or will become permanent) residents in Hong Kong. All lawyers and practitioners who practice trademark law in Hong Kong can become a registered Hong Kong trademark attorney by e.g. grandfathering at an initial stage or, later, by examination.

2. We believe via the route of Madrid Protocol, applications will be made much easier. Therefore, it is very likely that someone who do not intend to use the trademarks may file a lot of applications in Hong Kong taking advantage of the convenience.

We should therefore have a very *simple mechanism* to revoke the trademarks if they are not really in use for 3 years, so that the trademarks will be accessible to real users.

3. We are an association of patent attorneys. However, our members handle also trademarks. That is why we often see “patent and trade mark’ go together. We would appreciate it if we could have an on-going opportunity to voice our opinion on trademarks related legislations in Hong Kong.

Yours sincerely

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