

(III) Trademarks

1. What is a Trademark?

- A trademark is a sign that distinguishes the goods and services of one trader from those of others. Typically a trademark can be words (including personal names), indications, designs, letters, characters, numerals, figurative elements, colours, sounds, smells, the shape of the goods or their packaging or any combination of these. A sign must be capable of being represented graphically in order for it to be registered as a trademark.

2. Territorial Protection

- The trademark registration system of Hong Kong provides territorial protection. Hence, trademarks registered with the State Administration for Industry and Commerce of the People's Republic of China or trademarks registries of other countries or regions do not automatically receive protection in Hong Kong.

3. How long does Registration Last?

- A trademark when registered is valid for 10 years. It can be renewed indefinitely for successive periods of 10 years.

4. Owners' Rights

- Trademarks can be either registered or unregistered. The owner of a registered trademark has an exclusive right to use the mark on his goods or the services for which the mark was registered. The owner can take legal action to prevent anyone from using his registered mark without his consent.

5. Hong Kong Trademarks Registry

- The Hong Kong Trademarks Registry started operating in 1874, and is one of the world's oldest trademark registries. Hong Kong has been registering marks for services as well as for goods since 1992.