

(IV) Patents

1. What is a Patent?

- Patents protect technical innovations.
- A patent gives the exclusive right to the inventor of an invention or its subsequent owner to make, use or put the invention on the market.
- An invention which is new, involves an inventive step and is capable of being industrially applied can be patented. Generally speaking, if any invention is disclosed to the public prior to the application of patent registration, the inventor will not be given any exclusive rights. The patent system encourages new technology by granting the inventor a patent which gives him the exclusive right to exploit the invention for a set term. In exchange, the inventor is required to make the invention public.

2. Territorial Protection

- The patent registration system of Hong Kong provides territorial protection. Hence, patents registered with the State Intellectual Property Office of the People's Republic of China or patents registries of other countries or regions do not automatically receive protection in Hong Kong.

3. Standard Patent

- Protection under standard patents is renewable annually after the end of the third year, up to maximum term of 20 years.
- Applicants seeking protection of a standard patent must make an application to the Hong Kong SAR Patents Registry within 6 months after the date of publication of their patent application at the State Intellectual Property Office, European or United Kingdom Patent Office.

4. Short-term Patent

- The new Patents Ordinance provides for a new type of protection 'the short-term patent' for inventions with a short commercial viability. Protection under short-term patents is renewable, after four years from filing, for a maximum term of eight years. Applications are made directly to the Hong Kong SAR Patents Registry, and are granted subject to a formality examination.