



## **SCHEDULE OF CHARGES**

**FOR**

### **TRADEMARK, DESIGN AND PATENT MATTERS IN BOTH MAINLAND CHINA AND HONG KONG**

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## **SCHEDULE OF MINIMUM CHARGES FOR CHINESE TRADEMARKS**

**EFFECTIVE AS OF JUNE 1, 2012**

<b>ITEMS</b>	<b>OFFICIAL FEE (USD)</b>	<b>ATTORNEY FEE (USD)</b>
<b>1. TRADEMARK SEARCH</b>		
1.1 Ordinary Search for Word Marks(5-6 working days)(excluding professional advice) in one Class		
- For Chinese Characters	16.00	80.00
- For English letters	16.00	100.00
1.2 Urgent Search for Word Marks (2-3 working days) (excluding professional advice)		
- For Chinese Characters	16.00	100.00
- For English letters	16.00	120.00
1.3 Search for Device Marks (excluding professional advice) in One Class	19.00	120.00
1.4 Urgent Search for Device Marks (excluding professional advice)	38.00	140.00
1.5 Proprietorship Search – obtaining a list	-	100.00
- reporting details of each mark cited	-	150.00*
<i>Note: An extra fee of US\$ 10 will be charged to each additional citation in case the total number of citation exceeds ten (exclusive the tenth).</i>		
1.6 Status Search	-	100.00
1.7 Provide professional legal advice on registerability of the mark to be registered based on the searched results of the above	-	Hourly basis
1.8 Monitoring the Status of Trademark Application and reporting every month	-	100.00 per month

## **2. TRADEMARK REGISTRATION**

2.1 Application for Trademark Registration		
- in one Class covering less than ten goods/services	165.00	300.00
- additional fee for each goods/service exceeding basic ten in one application	17.00	5.00
- in each additional Class for the same Mark simultaneously	165.00	280.00



2.2 Application for Registration of a Collective Trademark	485.00	450.00
2.3 Application for Registration of a Certification Trademark	485.00	450.00
2.4 Claiming for Convention Priority (Each)	-	100.00
2.5 Late Filing for Convention Priority Documents	-	50.00
2.6 Providing Pre-filing Advice on the Mark's Inherent Registrability	-	Hourly basis
2.7 Providing Pre-filing Advice on the Specification/Compliance of Goods/Service	-	Hourly basis
2.8 Preparing for Trademark Specimens for Each Application	-	5.00
2.9 Reporting an Official Letter without Professional Legal Advice	-	120.00
2.10 Reporting an Official Letter with Professional Legal Advice	-	Hourly basis
2.11 Responding to an Official Letter	-	150.00 *
2.12 Withdrawal of Pending Application	-	250.00
2.13 Applying for Removal of a Registration	-	250.00
2.14 Reporting Publication	-	50.00
2.15 Reporting and Forwarding Trademark Registration Certificate	-	100.00

### **3. RENEWAL OF TRADEMARK REGISTRATION**

3.1 Application for Renewal of a Registration in one Class	335.00	250.00
3.2 In Each Additional Class for the Same Mark	335.00	200.00
3.3 Additional Charge for Renewal in Grace Period	85.00	150.00

### **4. ASSIGNMENT**

4.1 Application for Assignment of an application/Registration	165.00	300.00
4.2 In Each Additional Class for the Same Mark	165.00	250.00
4.2 Providing Professional Legal Advice on Trademark Assignment and Drafting Trademark Assignment Agreement	-	Hourly basis

### **5. MODIFICATION OF NAME OR/AND ADDRESS/ OTHER ITEMS**



5.1 Modification of Applicant /Registrant's Name or Address	85.00	200.00
5.2 Modification of Applicant /Registrant's Name and Address Simultaneously	85.00	250.00
5.3 In Each Additional Class for the Same Mark	85.00	150.00
5.4 Modification of Agency	85.00	200.00
5.5 Modification of Other Particulars	85.00	200.00

## **6. RECORDAL OF LICENSE AGREEMENT**

6.1 Application for Recordal of Trademark License Agreement	50.00	250.00
6.2 Modification /Termination of License Recordal	-	150.00
6.3 Providing Professional Legal Advice on Trademark License and Drafting Trademark License Agreement	-	Hourly basis

## **7. TRADEMARK CANCELLATION FOR NON-USE**

7.1 Applying for Cancellation of Non-use for Three Years	165.00	400.00
7.2 Responding to Non-use Cancellation Action	-	450.00*

## **8. OPPOSITION PROCEDURES**

8.1 Filing an Application for Opposition with Grounds and Supportive Evidences	165.00	750.00*
8.2 Response to an Opposition	-	450.00*
8.3 Requesting the Officials to Review Files	-	200.00
8.4 Status Search for the Opposition with CTO	-	150.00

## **9. TRADEMARK REVIEW AND ADJUDICATION PROCEDURES AT TRAB**

9.1 Application for Review on Refusal of Trademark Application	250.00	850.00*
9.2 Application for Cancellation of Improper Registration	250.00	850.00*
9.3 Response to Cancellation of Improper Registration	-	800.00*
9.4 Application for Review on Decision of Opposition	250.00	850.00*
9.5 Response to Review on Opposition	-	800.00*
9.6 Application for Review on Cancellation of Non-use	250.00	850.00*



9.7 Response to Review on Cancellation of Non-use	-	800.00*
9.8 Filing an Application for a Dispute	250.00	850.00*
9.9 Response to Adjudication on a Dispute	-	800.00*
9.10 Requesting the Officials to Review Files	-	200.00
9.11 Exchange of Evidence and Filing Counter Claim	-	850.00*
9.12 Hearing of TRAB Case		Hourly basis
9.13 Status Search for the Review with TRAB	-	150.00

## **10. OTHER MATTERS WITH TRADEMARK ISSUES**

10.1 Applying for Re-issuance of Trademark Registration Certificate	165.00	200.00
10.2 Obtaining Certified Copies of Registration/ Priority Documents	17.00	150.00
10.3 Application for Recordal of a Mortgage of a Registered Trademark	-	250.00
10.4 Application for Identification of Well-known Trademarks Case by Case	-	Hourly basis
10.5 Providing Professional Legal Advice upon Request	-	Hourly basis
10.6 Choosing/Writing Chinese Equivalents for Foreign Words of a Trademark	-	100.00
- Translating the Names of Goods/Services or Documents into Chinese (every 100 Original Words or Characters)	-	15.00
- Translating Documents of Chinese into Foreign Language (every 100 Chinese Characters)	-	18.00
- Form Translation (per page)	-	15.00
10.7 Counseling on How to Register and Enforce Trademark in China	-	Hourly basis
10.8 Conducting Due Diligence on Trademarks during Merger with and Acquisition of Chinese Enterprises	-	Hourly basis

## **11. DEALING WITH INFRINGEMENT**

11.1 Providing Legal Advice on Infringement Analysis	-	Hourly basis
11.2 Investigating Infringement Behaviors upon Request	-	3,000.00
11.3 Infringement Evidences Collection and		



Notarization	-	Hourly basis
11.4 Issuing Warning Letters to Infringer	-	Hourly basis
11.5 Negotiation with Infringer	-	Hourly basis
11.6 Requesting Official Raiding Actions from Competent Administrations for Industry and Commerce and Public Security Bureaus.	-	3,500.00
11.7 Instituting Legal Proceedings with People's Courts	-	Hourly basis

## **12. LEGAL SERVICES FOR OTHER INTELLECTUAL PROPERTY MATTERS**

12.1 Intellectual Property Customs Protection and Recordal	130.00	650.00
12.2 Application for Registration of Domain Name	50.00	600.00
12.3 Domain Name Dispute Solutions and Arbitration	70.00	Hourly basis
12.4 Application for Registration for Various Copyrights	150.00	650.00
12.5 Application for Registration for Computer Software	60.00	650.00
12.6 Handling other Intellectual Property Infringement and Unfair Competition	-	Hourly basis
12.7 Providing Legal Advice and Drafting Various Agreements for Intellectual Property Related Matters	-	Hourly basis

### **Remarks:**

1. The above listed fees under each item are excluded of disbursements which are charged on actual basis.
2. For urgent case put in extra hours, more fees may be charged.
3. The above mark "\*" means minimum charge. It shall be charged by actual cost.
4. The hourly rates for our legal service will be charged between USD 200-300 depending on the seniority of our associates or partners.
5. The extra fees for providing professional advice, gathering and reviewing evidential materials, drafting the necessary grounds, etc., will be charged depending on the complexities of the specific cases and our actual working hours at the rate mentioned in the above item 4. The estimated cost for a specific case can be provided on request before proceeding.
6. The foreign exchange rate between US Dollars and RMB quoted by the People's Bank of China on June 1, 2012 is 1:6.3.



**SCHEDULE OF MINIMUM CHARGES FOR CHINESE PATENTS  
FOR INVENTIONS, UTILITY MODELS AND DESIGNS  
EFFECTIVE AS OF JUNE 1, 2012**

<b>ITEMS</b>	<b>OFFICIAL FEE (USD)</b>	<b>ATTORNEY FEE (USD)</b>
<b>1. PATENTS FOR INVENTIONS</b>		
1.1 Filing an application ( including publication fee)	155.00	500.00
1.2 Filing a PCT application for national phase entry (including publication fee)	155.00	560.00
1.3 Filing a divisional application (including publication fee)	155.00	500.00
1.4 Additional charge for specification including drawings		
in excess of 30 pages, per page	8.00	-
in excess of 300 pages, per page	16.00	-
1.5 Additional charge for claims in excess of 10, per claim	25.00	5.5
1.6 Filing request for earlier publication	-	80.00
1.7 Filing request for substantive examination	405.00	158.00
1.8 Filing request for re-examination	165.00	500.00
1.9 Patent certificate fee (including printing fee and stamp tax)	50.00	85.00
1.10 Filing request for invalidation	500.00	780.00
1.11 Fee for deposit of microorganism for 30 years		
a) Microorganisms (per strain)	80.00\$	*
b) Cell lines, animal and plant viruses (per strain)	110.00\$	*
1.12 Fee for viability report		
a) Microorganisms (per strain)	50.00\$	*
b) Cell lines, animal and plant viruses (per strain )	70.00\$	*
1.13 Fee for providing samples of microorganisms		
a) Microorganisms (per strain)	30.00\$	*
b) Cell lines, animal and plant viruses (per strain)	50.00\$	*
1.14 Quarantine	50.00\$	*
1.15 Filing request for compulsory license	50.00	325.00
1.16 Filing request for adjudication on compulsory	50.00	115.00





license fee		
1.17 Application maintenance fee (per annum)	50.00	35.00
1.18 Annuities		
1 <sup>st</sup> to 3 <sup>rd</sup> year (per annum)	150.00	53.00
4 <sup>th</sup> to 6 <sup>th</sup> year (per annum)	200.00	63.00
7 <sup>th</sup> to 9 <sup>th</sup> year (per annum)	335.00	74.00
10 <sup>th</sup> to 12 <sup>th</sup> year (per annum)	665.00	84.00
13 <sup>th</sup> to 15 <sup>th</sup> year (per annum)	1,015.00	95.00
16 <sup>th</sup> to 20 <sup>th</sup> year (per annum)	1,330.00	105.00
1.19 Delayed payment of annuity or maintenance fee within six months	25% surcharge	53.00
1.20 Later entering into national phase of PCT application	165.00	300.00
1.21 Restoring the unity of the invention of PCT application	150.00	255.00
1.22 Filing request for correction of priority	50.00	125.00

## **2. PATENTS FOR UTILITY MODELS**

2.1 Filing an application	85.00	450.00
2.2 Filing a divisional application	85.00	450.00
2.3 Filing a PCT application for national phase entry	85.00	500.00
2.4 Additional charge for specification (including drawings)		
in excess of 30 pages, per page	8.00	-
in excess of 300 pages, per page	16.00	-
2.5 Additional charge for claim in excess of 10, per claim	25.00	5.5
2.6 Filing request for re-examination	50.00	470.00
2.7 Patent certificate fee (including printing fee and stamp tax )	40.00	85.00
2.8 Filing request for invalidation	250.00	596.00
2.9 Filing request for compulsory license	35.00	210.00
2.10 Filing request for adjudication on compulsory license fee	50.00	105.00
2.11 Annuities		
1 <sup>st</sup> to 3 <sup>rd</sup> year (per annum)	100.00	53.00
4 <sup>th</sup> to 5 <sup>th</sup> year (per annum)	150.00	63.00
6 <sup>th</sup> to 8 <sup>th</sup> year (per annum)	200.00	74.00
9 <sup>th</sup> to 10 <sup>th</sup> year (per annum)	330.00	84.00
2.12 Renewal of the patent for utility model	18.00	84.00





2.13 Delayed payment of annuity fee within six months	+25% surcharge	53.00
2.14 Later entering into national phase of PCT application	165.00	300.00
2.15 Restoring the unity of the invention of PCT application	150.00	255.00
2.16 Conducting the research of Utility Model	405.00	115.00
2.17 Filing request for correction of priority	50.00	125.00

### **3. PATENTS FOR DESIGNS**

3.1 Filing an application	85.00	350.00
3.2 Filing a divisional application	85.00	350.00
3.3 Filing request for re-examination	50.00	450.00
3.4 Patent certificate fee (including printing fee and stamp tax)	35.00	85.00
3.5 Filing request for invalidation	250.00	596.00
3.6 Annuities		
1 <sup>st</sup> to 3 <sup>rd</sup> year (per annum)	100.00	53.00
4 <sup>th</sup> to 5 <sup>th</sup> year (per annum)	150.00	63.00
6 <sup>th</sup> to 8 <sup>th</sup> year (per annum)	200.00	74.00
9 <sup>th</sup> to 10 <sup>th</sup> year (per annum)	330.00	84.00
3.7 Renewal of the patent for-design**	16.00	84.00
3.8 Delayed payment of annuity fee within six months	+25% surcharge	53.00

### **4. FEE IN GENERAL**

4.1 Late filing application documents and references	-	63.00
4.2 Receiving and forwarding official documents	-	53.00
4.3 Registration of change of bibliographic data for agency	10.00	85.00
4.4 Registration of change of bibliographic data for inventor, applicant, and patentee	35.00	85.00
4.5 Claiming priority		
a) Claiming single conventional priority	15.00	63.00
b) Additional charge for each additional priority	15.00	42.00
4.6 Filing a request for exception to loss of novelty	-	105.00
4.7 Interview with examiner	-	315.00 min
4.8 Providing a certified copy of Chinese patent	18.00	105.00



application		
4.9 Filing request for extension of time limit (for the same notice or office action)		
The request for the first extension (per month)	40.00	85.00
The request for the second extension (per month)	330.00	85.00
4.10 Recording a license contract	-	158.00
4.11 Recording a transfer of a patent right	35.00	137.00
4.12 Recording a transfer of a pending application	35.00	137.00
4.13 Translation fee (per 100 original words or characters)		
a) From English into Chinese	-	17.00
b) From Japanese into Chinese	-	13.00
c) From German, Russian or French into Chinese	-	22.5
d) From Chinese into English	-	22.5
e) From Chinese into Japanese	-	22.5
f) From Chinese into German, Russian or French	-	25.5
4.14 Typewriting		
per page of English	-	9.00
per page of Chinese	-	12.00
4.15 Copying, per page	-	0.8
4.16 Making drawings ( per piece)		
a) Drawing against a draft	-	53.00 min
b) Correcting a formal drawing	-	15.00 min
c) preparing a drawing	-	6.00
4.17 Making photo (per piece)		53.00 min
4.18 Restoring right	165.00	263.00
4.19 Preparing observation on the office action	-	Hourly basis
4.20 Assuming representation during re-examination, revocation or invalidation	-	Hourly basis
4.21 Withdrawing a patent application	-	63.00
4.22 Drafting various patent, technology or know-how license or transfer agreements	-	Hourly basis
4.23 Counseling on how to register and enforce patent and know-how in China, import and export patent and technology into or from China	-	Hourly basis
4.24 Conducting due diligence on patents during the merger with and acquisition of Chinese	-	Hourly basis



enterprises

**5 FEE FOR CUSTOMS RECORDAL FOR PATENT  
RIGHT**

5.1. Application for Customs recordal for patent right - 250.00

***Remarks:***

1. The above listed fees under each item are excluded of disbursements which are charged on actual basis.
2. For urgent case put in extra hours, more fees may be charged.
3. The above mark“\*” means minimum charge. It shall be charged by actual cost.
4. The foreign exchange rate between US Dollars and RMB quoted by the People’s Bank of China on June 1, 2012 is 1:6.3.
5. The hourly rates for our legal service will be charged between USD 200-300 depending on the seniority of our associates or partners.
6. The extra fees for providing professional advice, gathering and reviewing evidential materials, drafting the necessary grounds, etc., will be charged depending on the complexities of the specific cases and our actual working hours at the rate mentioned in the above item 5. The estimated cost for a specific case can be provided on request before proceeding.

*[OUR SCHEDULE OF CHARGES FOR HONG KONG TRADEMARK, DESIGN AND PATENT  
MATTERS ARE FOLLOWED IN THE NEXT PAGES]*



## **SCHEDULE OF CHARGES FOR HONG KONG TRADEMARKS**

### **EFFECTIVE AS OF JUNE 1, 2012**

<b>ITEMS</b>	<b>OFFICIAL FEE (USD)</b>	<b>ATTORNEY FEE (USD)</b>
<b>1. TRADEMARK SEARCH</b>		
1.1 Registration availability search for identical and similar trademark/service mark for each mark in each Class (word mark only) completed in 2 working days.	-	100
1.2 Official search with the Hong Kong Trademark Office with its official opinion on registerability and distinctiveness advice for each mark in each Class completed in two weeks (per mark per class)	55	150
<i>Note: The above attorney fee is only for results - legal analysis of the results is charged on an hourly basis - average cost US\$250.</i>		
<b>2. TRADEMARK REGISTRATION FILING</b>		
2.1 Filing application for registration of one trademark in one Class, including reporting of publication of governmental official journal, obtaining, reviewing and forwarding certificate of registration after filing	175	350
- each additional Class	88	200
2.2 Claiming convention priority	-	100
2.3 Request for amendment of application	-	100
<b>3. MAINTENANCE OF TRADEMARK REGISTRATION</b>		
3.1 Assignment of one registration	105	350
3.2 Recording change of name against one registration	-	150
3.3 Recording licence against one registration	105	400
3.4 Renewal of one registration	390	350
<i>Note: The above attorney fees specified in items 3.1 and 3.3 cover only the recordal of the assignment or licence. Any drafting or advisory work is charged on the basis of hourly rates - average cost US\$200.</i>		
<i>Though the range of above fees is given, lower fees may be negotiated individually in advance based on the volume of the work and time required, etc.</i>		



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## ***SOME BASIC KNOWLEDGE ON HK TRADEMARK REGISTRATION***

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### **NECESSARY DOCUMENTS/INFORMATION LIST**

To file trademark applications in Hong Kong, no power of attorney is required, while only the following information is required:

- Details of the mark to be registered, such as the specimen and the names of goods/services to be covered for protection of the mark, and Class No. in which the application is to be filed for the mark;
- Details of the applicant, such as its company name and address in English and Chinese, type of the company – sole proprietor / partnership / limited company / other; country of incorporation, etc.; and
- Contact information of the applicant, such as name of the contacting person, phone number and email, etc.

### **CLASSIFICATION**

- The International Classification of Goods and Services is adopted.
- Multi-class applications are allowed.

### **FILING LANGUAGE CHOICE**

Unlike mainland China where any filings with the China Trademark Office can only be made in Chinese, while any filings with the Hong Kong Trademark Office for trademark application or other trademark related matters may be made either in Chinese or English. Once the filing is made in English, then all the subsequent proceedings related with this filing will be made also in English.

### **TIME LENGTHY FOR REGISTRATION**

A straightforward trademark application in Hong Kong takes only 6-9 months from application till issuance of the trademark registration certificate.

### **VALIDITY AND RENEWAL**

Valid for ten years from application date, and renewable for successive ten years



## **SCHEDULE OF CHARGES FOR HONG KONG DESIGNS**

### **EFFECTIVE AS OF JUNE 1, 2012**

<b>ITEMS</b>	<b>OFFICIAL FEE (USD)</b>	<b>ATTORNEY FEE (USD)</b>
1. Application for one design for articles not forming a set of articles (For each article to which the design is to be applied)	105	400
2. Application for one design for one set of articles	205	550
3. Application for two or more designs for articles not forming a set of articles		
- for the first article to which the first design is to be applied	105	400
- for each other article to which any of the designs is to be applied	80	300
4. Application for two or more designs for articles forming a set of articles		
- for the first design	205	400
- for each other design	155	300
5. Advertisement, registration & issuance of design certificate	20 (per design)	50 (per design)
6. Photographs (per design)	-	100
7. Convention or WTO priority claim	-	100
8. Amendment of application (per design)	23	200
9. Change of name or address (per design)	-	150
10. Recordal or removal of licensee (per design)	80	300
11. Assignment (per design)	80	300
12. Renewal for 1 <sup>st</sup> 5 years (per design)	160	180
13. Renewal for 2 <sup>nd</sup> 5 years (per design)	242	220
14. Renewal for 3 <sup>rd</sup> 5 years (per design)	355	260
15. Renewal for 4 <sup>th</sup> 5 years (per design)	541	300
16. Extra for late renewal (per design)	65	150
17. Request for extension of time	50	100
18. Registrar's certification	22	100

*Note: Drafting of license and assignment agreement is charged on a time spent basis at our hourly rates – average cost US\$ 250*

*Though the range of above fees is given, lower fees may be negotiated individually in advance based on the volume of the work and time required, etc.*



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## ***SOME BASIC KNOWLEDGE ON HK DESIGN REGISTRATION***

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### **NECESSARY DOCUMENTS/INFORMATION LIST**

To file design applications in Hong Kong, no power of attorney is required, while only the following documents/information are required:

- Name and address of the applicant(s) and the designer(s);
- Locarno classification of the article;
- Drawings/photos of the article, i.e. a set of clear representations of the design;
- Title of the article to which the design applies, in both Chinese or English;
- A statement of the features of the design for which novelty is claimed (pattern, ornament, shape or configuration);
- If convention priority is to be claimed, a certified copy of priority document should be filed within three months from the date of filing the application. If the priority document is not in English or Chinese, a sworn English or Chinese translation of the document is also required; and
- If the applicant is not the designer, please advise how the applicant acquired the right to record this application, i.e. by employment or assignment?

### **CLASSIFICATION AND MULTI-CLASS APPLICATION**

- Locarno Classification (7<sup>th</sup> edition) is adopted.
- Multi-class applications are allowed on condition that the goods must either fall within the one Locarno class or comprise a set of articles. A set of articles means two or more articles that incorporate the same or similar design, are of the same general character, and usually sold together or intended to be used together.

### **FILING LANGUAGE CHOICE - Either in English or Chinese**

### **TIME LENGTHY FOR REGISTRATION**

Since the examiner will only perform a “formality” examination without a formal substantive examination, a straightforward design application in Hong Kong takes only 2-3 months from application till issuance of the design registration certificate.

### **VALIDITY AND RENEWAL**

Valid for five years, thereafter renewable in every five years to maximum 25 years.





## **SCHEDULE OF CHARGES FOR HONG KONG PATENTS**

**EFFECTIVE AS OF JUNE 1, 2012**

<b>ITEMS</b>	<b>OFFICIAL FEE (USD)</b>	<b>ATTORNEY FEE (USD)</b>
1. Application for short-term patent	100	1,000
2. Request for PRC search report	520	300
3. Grant and issuance of short-term patent certificate	-	100
4. Translation of title and abstract	-	100
5. Advertisement fee	10	-
6. Request to record standard patent	59	850
7. Request for grant of standard patent	59	850
8. Grant and issuance of standard patent certificate	-	100
9. Restoration applications	55	200
10. Convention or WTO priority claim	-	100
11. Maintenance of standard patent application after the 5 <sup>th</sup> year (per year)	35	200
12. Application to revoke a standard patent or reference to the register to revoke a patent	30	350
13. Change of name or address	-	155
14. Recordal or removal of licensee	45	350
15. Recordal of assignment	45	350
16. Correction of an error	20	250
17. Renewal of standard patent after the 3 <sup>rd</sup> year (per year)	70	200
18. Renewal of short-term patent for 5 <sup>th</sup> to 8 <sup>th</sup> years	140	440
19. Late filing of maintenance or annuities	35	70
20. Request for extension of time	30	80
21. Registrar's certification	15	100

*Note: Drafting of license and assignment agreement is charged on a time spent basis at our hourly rates – average cost US\$ 250. Patent searching also provided on a time spent basis at our hourly rate too.*

*Though the range of above fees is given, lower fees may be negotiated individually in advance based on the volume of the work and time required, etc.*



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## ***SOME BASIC KNOWLEDGE ON HK PATENT REGISTRATION***

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### **BASIC INTRODUCTION ON HONG KONG PATENT SYSTEM**

Hong Kong grants two types of patents for inventions, i.e. Standard Patent valid for 20 years and Short Term Patent valid term for eight years.

#### **Standard Patent**

- A standard patent is based on a grant by any one of the three designated patent offices, i.e. Chinese Patent Office (SIPO); UK Patent Office; or the European Patent Office where the UK is a designated country;
- The grant follows a two-stage process:
  - a Request to Record the designated application which shall be made within six months of publication in the aforesaid designated patent office;
  - then followed by a Request for Registration and Grant of a standard patent which shall be made within six months of grant of the designated patent application.
- Though Hong Kong is a member of the PCT through China's membership, PCT applications must be extended to Hong Kong within six months of the publication of national phase entry in the aforesaid designated patent offices.

#### **Short Term Patent**

- A direct filing in Hong Kong is allowed. Our firm at present does not provide drafting service for short-term patent specification;
- The grant is made promptly upon the filing of the requisite search report;
- Priority may be claimed from applications filed in any Paris Convention or WTO member country.

### **NECESSARY DOCUMENTS/INFORMATION LIST**

To file patent applications in Hong Kong, no power of attorney is required, while only the following documents/information are required:

#### **Standard Patent - Request to Record**

- PCT National Phase Standard Patent Applications
  - Copy of the PCT Application as published by the International Bureau;
  - Evidence of entry into national phase in the UK, EPO (UK) or SIPO, such as copy of front page of the application as published by the UK Patent Office, or page of Section 1.1 of the EP Bulletin
- Non PCT Standard Applications
  - Copy of the UK, EP (UK) or SIPO application as published



**Standard Patents-Request to Grant**

- Certified copy of the granted SIPO, UK or EP (UK) patent as published

**Short Term Patents**

- Copy of the description, abstract, claims and drawings;
- Search report from either the PCT International Searching Authority or the UK Patent Office in either English or Chinese Patent Office; and
- Certified copy of the priority application, if priority is sought.

**FILING LANGUAGE CHOICE**

Either in English or Chinese

**TIME LENGTHY FOR REGISTRATION**

Since Hong Kong examiners will only perform a formality examination; usually not make any search for prior patents or prior arts, Hong Kong standard patent is usually granted within three months of the request for grant, while almost all short-term patent applications can successfully matured into grant and certificate within three months of submission of all the needed documents.

**MAINTENANCE FEE AND ANNUITIES**

A maintenance fee before grant, and renewal fee after grant, must be paid annually.