

Head 78 — INTELLECTUAL PROPERTY DEPARTMENT

Controlling officer: the Director of Intellectual Property will account for expenditure under this Head.

Estimate 2025–26 **\$278.3m**

Establishment ceiling 2025–26 (notional annual mid-point salary value) representing an estimated 183 non-directorate posts as at 31 March 2025 reducing by one post to 182 posts as at 31 March 2026..... **\$148.2m**

In addition, there will be an estimated ten directorate posts as at 31 March 2025 and as at 31 March 2026.

Controlling Officer's Report

Programmes

Programme (1) Statutory Functions
Programme (2) Protection of Intellectual Property

These programmes contribute to Policy Area 6: Commerce and Industry (Secretary for Commerce and Economic Development).

Detail

Programme (1): Statutory Functions

	2023–24 (Actual)	2024–25 (Original)	2024–25 (Revised)	2025–26 (Estimate)
Financial provision (\$m)	184.8	187.4	189.1 (+0.9%)	192.5 (+1.8%)
				(or +2.7% on 2024–25 Original)

Aim

2 The aim is to provide cost-effective and efficient systems for the registration and management of trademarks, patents, designs and copyright licensing bodies in Hong Kong.

Brief Description

3 The statutory functions of the Department involve:

- examining trademark applications, conducting registrability and opposition, invalidation and revocation hearings, maintaining the register of trademarks and making it available for public search;
- examining patent applications, granting standard patents after substantive examination, granting short-term patents followed by substantive examination if required, registering patents granted by the three designated patent offices, maintaining the register of patents and making it available for public search;
- examining design applications, maintaining the register of designs and making it available for public search; and
- examining applications for registration of copyright licensing bodies, maintaining the register of copyright licensing bodies and making it available for public search.

4 The registers of trademarks, patents and designs are all maintained in electronic format. The Department has been providing electronic searching, filing, payment and publication services in respect of registration of trademarks, patents and designs since 2003. Owners of registered rights or their agents can directly make changes to particulars of owners and agents of trademarks, patents and designs; apply for renewal of trademarks, patents and designs; register assignments and assents for registered trademarks and trademark applications; and register assignments for granted patents and patent applications as well as registered designs and design applications. These changes are updated on the Registries' records instantly. The electronic services have been well received, and were redeveloped into a New Integrated IT System in February 2019. In 2024, the proportions of electronic filings for trademark, patent and design applications were 87 per cent, 98 per cent and 83 per cent respectively.

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5 The key performance measures in respect of statutory functions are:

Targets

	Target	2023 (Actual)	2024 (Actual)	2025 (Plan)
<i>For trademarks under the Trade Marks Ordinance (Cap. 559)</i>				
issuing first letter				
for trademark applications				
during deficiencies checking stage				
within three months (%)‡	92 [^]	98	98	94
providing first response for trademark applications within two months (%)φ.....	97	99	99	97
providing second response				
for trademark applications				
within three months (%)Ω	80	83	88	82
delivering hearing decisions on trademarks within six months (%).....	97	100	100	97
<i>For patents under the Patents Ordinance (Cap. 514)</i>				
processing standard (re-registration) patent applications concerning minimum requirements within ten days (%)§	97 ^ε	99	99	98
processing standard (original grant) patent applications concerning minimum requirements within ten days (%)§	92 ^α	98	96	95
processing short-term patent applications concerning minimum requirements within ten days (%)§	92 ^α	97	96	95
processing standard (re-registration) patent applications				
concerning formal requirements				
within four months (%)Ψ	93 ^β	99	99	96
processing short-term patent applications concerning formal requirements within three months (%)Ψ.....	93 ^β	98	100	96
<i>For designs under the Registered Designs Ordinance (Cap. 522)</i>				
processing design applications concerning minimum requirements within ten days (%)§	99	99	99	99
processing design applications concerning formal requirements within four months (%)@	93 ^β	99	99	96

‡ Calculated from the date of payment of the prescribed fee.

[^] Target will be raised from 90 per cent to 92 per cent as from 2025.

φ Calculated from the date of the Trade Marks Registry's notice confirming receipt of all the required information for substantive examination.

Ω Calculated from the date of expiry of first opinion or from the date of applicant's reply to first opinion.

§ Calculated from the date of application to the date of issue of the first notice.

ε Target was raised from 95 per cent to 97 per cent as from 2024.

α Target was raised from 90 per cent to 92 per cent as from 2024.

Ψ Calculated from the date of the Patents Registry's notice confirming that the minimum requirements are satisfied.

β Target was raised from 90 per cent to 92 per cent as from 2024 and will be further raised from 92 per cent to 93 per cent as from 2025.

@ Calculated from the date of the Designs Registry's notice confirming that the minimum requirements are satisfied.

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Indicators

	2023 (Actual)	2024 (Actual)	2025 (Estimate)
<i>For trademarks under the Trade Marks Ordinance</i>			
applications received.....	29 835	33 149	31 100
applications successfully registered.....	25 332	28 835	27 200
first response issued for trademark applications.....	28 771	32 096	30 900
second response issued for trademark applications.....	4 372	4 645	4 300
hearing decisions issued.....	135	120	80
<i>For patents under the Patents Ordinance</i>			
applications for standard (re-registration) patents received.....	17 614	15 758	16 800
applications for standard (original grant) patents received.....	170	182	190
applications for short-term patents received.....	624	813	700
standard (re-registration) patents granted.....	10 815	10 037	9 500
short-term patents granted.....	516	659	600
<i>For designs under the Registered Designs Ordinance</i>			
applications received.....	1 684	2 228	1 940
designs registered.....	3 390	3 852	3 670
<i>For copyright licensing bodies under the Copyright Ordinance (Cap. 528)</i>			
applications received.....	0	2	0
applications successfully registered.....	0	1	0
applications for renewal of registration.....	6	6	6

Matters Requiring Special Attention in 2025–26

6 During 2025–26, the Department will continue to meet the challenges associated with the projected rebound in trademark and design filings, developing the capacity of the original grant patent system, and enhancing the operation of the registries of patents, trademarks and designs.

Programme (2): Protection of Intellectual Property

	2023–24 (Actual)	2024–25 (Original)	2024–25 (Revised)	2025–26 (Estimate)
Financial provision (\$m)	67.9	79.4	82.6 (+4.0%)	85.8 (+3.9%)
				(or +8.1% on 2024–25 Original)

Aim

7 The aims are to promote awareness of intellectual property (IP) rights, to enhance the local IP protection regime and the reputation of Hong Kong in the protection of IP rights in order to attract investment and encourage innovation and creativity, to protect existing and new types of IP rights in line with international trends and standards, and to facilitate and promote the development of IP trading in Hong Kong. Particular attention is paid to providing support for small and medium enterprises (SMEs) to help them identify, protect, manage, exploit and commercialise their IP assets in Hong Kong and in the region, with the focus on promoting IP literacy, active prevention of IP rights infringement and capacity building.

Brief Description

8 This programme area involves:

- advising the Secretary for Commerce and Economic Development (SCED) on policies and legislation to strengthen protection of IP rights in Hong Kong;
- providing civil legal advice on IP matters to government bureaux and departments;
- advising SCED on relevant developments at the World Intellectual Property Organization (WIPO), World Trade Organization (WTO) and Asia-Pacific Economic Cooperation (APEC);
- participating in consultations, negotiations and committees of experts leading to new or revised international IP rights standards; attending and participating in regional and international seminars, conferences, meetings, etc. on IP rights matters;

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- promoting IP services provided by Hong Kong professionals, facilitating the understanding of IP laws and systems in the Mainland by Hong Kong enterprises operating in the region;
- promoting the development of Hong Kong as a regional IP trading centre, and assisting SCED to implement support measures; and
- strengthening co-operation with counterparts in the Guangdong Province, the Guangdong-Hong Kong-Macao Greater Bay Area (Greater Bay Area), the Pan-Pearl River Delta region on IP and related developments.

9 The Department has continued its territory-wide campaigns, viz. the “No Fakes Pledge” Scheme and “I Pledge” Campaign to encourage pride in the selling and buying of genuine goods among Hong Kong retailers, tourists and local consumers. By the end of 2024, 13 trade associations with 1 759 retail merchants covering 7 067 outlets/online shops in Hong Kong participated in the Scheme. For the “I Pledge” Campaign, the Department has made use of various reach-out activities to encourage the public to refuse to buy pirated and counterfeit goods.

10 The Department has continued to implement various initiatives to promote awareness of and respect for IP rights and to encourage innovation and creativity. It has collaborated with organisations of the right-holders and youth to organise and sponsor various events, such as the “Respect Intellectual Property” Campaign. In 2024, targeting the younger generation, the school visit programme covered 67 schools and 14 155 students, the interactive drama programme covered 133 schools and 42 042 students, and talks were held in six tertiary institutions.

11 SMEs have remained one of the prime targets of the Department’s promotion and education efforts. Through seminars, workshops and exhibitions organised by the Department or in collaboration with others, the Department has helped SMEs understand the importance of protecting their IP rights and raise awareness of innovation and IP management among them. These activities also support SMEs to explore potential IP solutions to further develop and expand their business, such as the types of IP that may be available for sale or exploitation in their target markets.

12 To promote IP trading, the Department has continued to work with the public sector, professional bodies, industry players and other stakeholders to implement measures under four strategic areas, namely enhancing the IP protection regime; supporting IP creation and exploitation; fostering IP intermediary services and manpower capacity; and pursuing promotion, education and external collaboration efforts. With a view to further strengthening SMEs’ manpower capacity in IP management and commercialisation, the Department continued to enrich the IP Manager Scheme PLUS training programme with enhanced breadth and depth in the content. The Department continued to offer free IP Consultation Service with the support of The Law Society of Hong Kong, and forge ahead with various promotion and public education efforts such as producing videos that highlight success stories and sponsoring training courses and workshops on IP related subjects.

13 The Department conducted a survey on public awareness of IP right protection from November to December 2024 to monitor changes over time. The survey result is expected to be available in the first quarter of 2025.

14 To foster regional collaboration with the economies of the Association of Southeast Asian Nations (ASEAN) in promoting IP commercialisation, the Department, pursuant to the ASEAN – Hong Kong, China Free Trade Agreement framework, organised an ASEAN Session at the Business of IP Asia Forum on the topic of IP commercialisation in driving economic growth in the arts, cultural and creative industries and cultural exchanges in December 2024. Over 170 participants, including representatives of IP offices and cultural agencies of the ASEAN Member States, took part.

15 On the copyright regime, the Commerce and Economic Development Bureau (CEDB) and the Department jointly conducted a public consultation on copyright and artificial intelligence (AI) from July to September 2024 to explore further enhancement to the Copyright Ordinance regarding the protection for AI technology development. A public forum and briefings were arranged to gauge the views of the general public and stakeholders. 62 written submissions were received in the exercise.

16 On the trademark regime, the Department has continued to take forward preparatory work for the implementation of the international trademark registration system under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) in Hong Kong, including preparing the related subsidiary legislation and adjusting the required information technology system.

17 On the patent front, the Department has collaborated with the China National Intellectual Property Administration (CNIPA) and the IP authorities of Guangdong Province and Shenzhen since 2023 on a pilot project for prioritising examination of qualified invention patent applications filed by Hong Kong applicants in the Mainland.

18 To encourage the innovation and technology sector to engage in more activities of research and development for creating more patented inventions with market potential for transformation and commercialisation, the Inland Revenue (Amendment) (Tax Concessions for Intellectual Property Income) Ordinance 2024 came into operation on 5 July 2024 to implement a “patent box” tax incentive to reduce the tax rate for qualifying profits sourced in Hong Kong and derived from eligible IP assets (i.e. patents, plant variety rights and copyright subsisting in software) from the existing 16.5 per cent to 5 per cent.

19 The Department recommended the Hong Kong Productivity Council to the CNIPA for establishing a Technology and Innovation Support Centre (TISC) in Hong Kong under a dedicated programme run by WIPO to provide innovators, SMEs, entrepreneurs and businesses with high-quality IP-related technology information and related services, thereby helping them create, protect, and manage IP rights for commercial exploitation and IP trading, and facilitate Hong Kong’s integration into national development.

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20 The key performance measures in respect of IP protection are:

Indicators

	2023 (Actual)	2024 (Actual)	2025 (Estimate)
engagements with stakeholders.....	147	152	152
speeches and presentations.....	83	88	88
engagements with the media.....	15	17	17
school visits [□]	59	67	67

□ Including school visits in physical and online modes.

Matters Requiring Special Attention in 2025–26

21 During 2025–26, the Department will:

- continue to provide policy, legal and technical advice to CEDB on enhancing Hong Kong’s IP regime to ensure that it will meet the actual needs of Hong Kong and keep pace with international developments;
- continue to work with stakeholders to develop and promote Hong Kong as a regional IP trading centre in accordance with the National 14th Five-Year Plan;
- put forward a proposal to enhance the Copyright Ordinance regarding the protection for AI technology development;
- table subsidiary legislation under the Copyright Ordinance in the Legislative Council within 2025 to specify libraries, museums and archives eligible for certain permitted acts and prescribe the conditions, and to designate non-government-owned libraries, museums or archives that can be exempted from certain criminal liabilities;
- propose legislative amendments to streamline IP litigation processes for the High Court;
- participate in the WIPO Lex-Judgments Database to share important IP case precedents of local courts, so as to showcase to the international community the quality of our IP-related judicial judgments;
- continue to keep in view the filings under the new patent system notably the caseload and the filing trends to ensure its smooth operation;
- continue to develop and promote the original grant patent system such as seeking ways of enhancing its user-friendliness and attractiveness, and also enhancing the substantive examination capacity of the Patents Registry;
- consolidate views collected from the patent agent sector and widen the consultation to engage other stakeholders to plan for the introduction of regulatory arrangements for local patent agent services;
- continue to support the implementation of the pilot project for prioritising examination of qualified invention patent applications filed by Hong Kong applicants in the Mainland;
- continue to forge ahead with the preparatory work for implementing the Madrid Protocol in Hong Kong and strive for the implementation of the international trademark registration system as soon as possible;
- continue to explore with the Mainland authorities on extending relevant international IP treaties to Hong Kong and implementing facilitation measures for cross-boundary IP protection;
- continue to review the registered designs regime with a view to launching a consultation in 2025 on the way forward in updating the regime;
- continue to work with stakeholders and the Hong Kong Trade Development Council to promote Hong Kong’s competitive advantages in IP trading and IP professional services to the Mainland and overseas enterprises through trade missions, seminars, publicity programmes and the annual Business of IP Asia Forum;
- continue to support the business community in strengthening their IP protection, management and commercialisation in the Mainland (including the Greater Bay Area) through the Guangdong/Hong Kong Expert Group on the Protection of IP Rights;
- continue to support the Hong Kong Productivity Council in establishing a WIPO TISC in Hong Kong;
- continue to organise promotion and education activities, in particular for SMEs, with emphasis on IP protection, management and commercialisation;
- collaborate with the Qualifications Framework Secretariat to develop practical teaching materials on IP for deployment by training providers, benefitting personnel across the 23 different industries;
- conduct a survey on Hong Kong’s IP-related professional and business services;
- continue to disseminate information through the Internet on the IP systems in the Mainland, Hong Kong and Macao;

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- continue the outreach effort to young people on IP protection and encourage them to actively explore and innovate through school visits and promotion activities;
- continue collaboration with stakeholders to strengthen and publicise the “No Fakes Pledge” Scheme and “I Pledge” Campaign to promote the selling and buying of genuine products; and
- continue to play a proactive role in the APEC and the Trade-Related Aspects of IP Rights Council of the WTO, and, through such institutions, provide appropriate technical assistance to developing and least-developed economies overseas.

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ANALYSIS OF FINANCIAL PROVISION

	2023–24 (Actual) (\$m)	2024–25 (Original) (\$m)	2024–25 (Revised) (\$m)	2025–26 (Estimate) (\$m)
Programme				
(1) Statutory Functions	184.8	187.4	189.1	192.5
(2) Protection of Intellectual Property	67.9	79.4	82.6	85.8
	252.7	266.8	271.7 (+1.8%)	278.3 (+2.4%)
				(or +4.3% on 2024–25 Original)

Analysis of Financial and Staffing Provision

Programme (1)

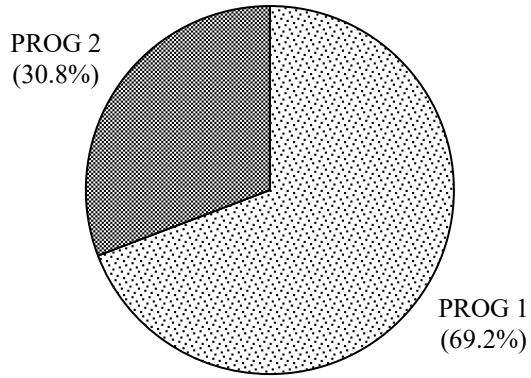
Provision for 2025–26 is \$3.4 million (1.8%) higher than the revised estimate for 2024–25. This is mainly due to the increased requirements in general departmental expenses for enhancing the capacity of the Department to follow through the patent reform. Besides, there will be a net decrease of one post under this Programme in 2025-26.

Programme (2)

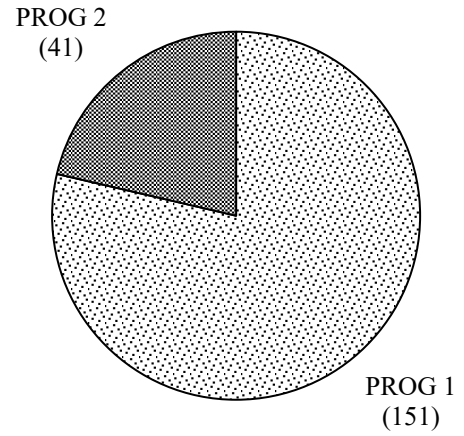
Provision for 2025–26 is \$3.2 million (3.9%) higher than the revised estimate for 2024–25. This is mainly due to the increased requirements in general departmental expenses, salaries and personnel related expenses for enhancing the capacity of the Department to underpin Hong Kong as a regional intellectual property trading centre as well as the expenses in relation to the preparation for setting up a WIPO TISC in Hong Kong.

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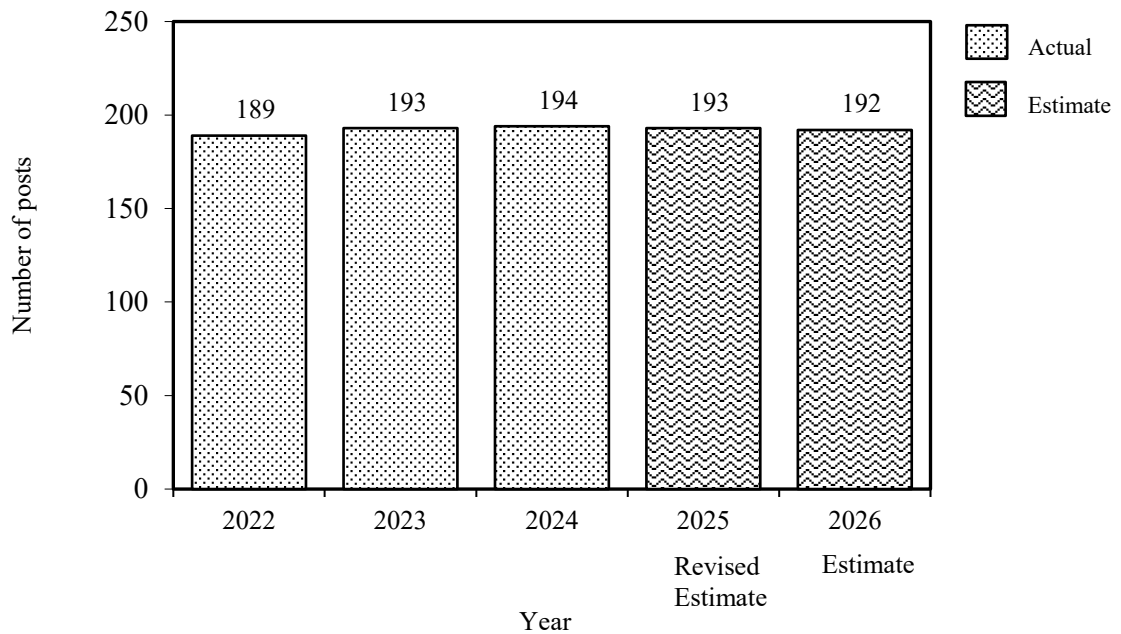
*Allocation of provision
to programmes
(2025-26)*



*Staff by programme
(as at 31 March 2026)*



*Changes in the size of the establishment
(as at 31 March)*



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Sub-head (Code)	Actual expenditure 2023–24	Approved estimate 2024–25	Revised estimate 2024–25	Estimate 2025–26	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	252,660	266,816	271,660	278,283
	Total, Recurrent.....	<u>252,660</u>	<u>266,816</u>	<u>271,660</u>	<u>278,283</u>
	Total, Operating Account	<u>252,660</u>	<u>266,816</u>	<u>271,660</u>	<u>278,283</u>
<hr/>					
	Total Expenditure	<u><u>252,660</u></u>	<u><u>266,816</u></u>	<u><u>271,660</u></u>	<u><u>278,283</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2025–26 for the salaries and expenses of the Intellectual Property Department is \$278,283,000. This represents an increase of \$6,623,000 over the revised estimate for 2024–25 and \$25,623,000 over the actual expenditure in 2023–24.

Operating Account

Recurrent

2 Provision of \$278,283,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Intellectual Property Department.

3 The establishment as at 31 March 2025 will be 193 posts. It is expected there will be a net decrease of one post in 2025–26. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2025–26, but the notional annual mid-point salary value of all such posts must not exceed \$148,197,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2023–24 (Actual) (\$'000)	2024–25 (Original) (\$'000)	2024–25 (Revised) (\$'000)	2025–26 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	139,884	143,764	149,703	149,594
- Allowances	3,683	4,937	3,457	3,601
- Job-related allowances.....	—	1	1	1
Personnel Related Expenses				
- Mandatory Provident Fund contribution	469	480	372	336
- Civil Service Provident Fund contribution	11,388	12,659	13,250	14,611
Departmental Expenses				
- General departmental expenses	79,596	88,975	88,877	98,140
Other Charges				
- Publicity and educational programmes	17,640	16,000	16,000	12,000
	252,660	266,816	271,660	278,283