

**For discussion  
19 May 2015**

**Legislative Council Panel on Commerce and Industry**

**Consultation on the Proposed Application of the  
Protocol Relating to the Madrid Agreement Concerning the  
International Registration of Marks to the  
Hong Kong Special Administrative Region:  
Outcome of Consultation**

At the meeting on 18 November 2014, Members were briefed on the launch of a three-month consultation exercise on the proposed application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) to Hong Kong (LC Paper No. CB(1)211/14-15(05)). This paper updates Members on the outcome of the consultation exercise.

2. Traditionally, trademark owners need to apply for registration in each jurisdiction separately if they wish to obtain protection by registration locally. The Madrid Protocol is an international agreement which seeks to facilitate the registration and management of trademarks in different jurisdictions. Under the Madrid Protocol, a trademark owner may apply for registration in one or more countries or territories by filing a single application and paying one set of fees. They may also manage their trademark portfolios through a single procedural step with the World Intellectual Property Organization (WIPO). The Madrid Protocol was first adopted in 1989, and now has 94 contracting parties including China. The Protocol currently does not apply to Hong Kong.

**The consultation**

3. We issued the consultation paper and uploaded it to Government websites in November 2014 to invite views on the benefits and implications, practical arrangement, steps for implementation, and tentative timing of the proposed application of the Madrid Protocol to

Hong Kong, as well as the need for and desirable features of a possible special arrangement between the Mainland and Hong Kong to facilitate the reciprocal filing of trade mark applications. Briefing sessions were held for key stakeholders including trade mark practitioners, trade associations and chambers of commerce during the consultation period. The consultation exercise closed on 11 February 2015.

### **Views received**

4. We have received 21 submissions mainly from trade associations, chambers of commerce and professional bodies. In general, the majority of the respondents support the application of the Madrid Protocol to Hong Kong in view of the overall benefits for Hong Kong and businesses. Local businesses would be better positioned to explore business opportunities overseas and overseas companies would be better incentivised to do business in Hong Kong. Joining the Madrid System would also enhance the credibility of our trademark regime and help us establish Hong Kong as an intellectual property (IP) trading hub. The Madrid System, which provides one-stop service to facilitate registration and management of trade marks in multiple jurisdictions, would save owners' time and costs involved in filing and managing their marks in different jurisdictions. But some respondents, mainly from the trade mark profession, harbour doubts about the necessity of the proposed application, expressing concerns over the possible lack of practical benefits and possible adverse effect on the local intellectual property profession.

### **Summary of views**

5. We have summarised the views received at **Annex**. Notable comments are highlighted in paragraphs 6 to 8 below for reference.

6. The majority of the respondents support the proposed application of the Madrid Protocol to Hong Kong for the following advantages it would offer:

- (a) The Madrid System could enable considerable savings in terms of time and costs because applicants could secure trade

mark protection in multiple jurisdictions by only having to file one application in one language upon payment of one set of fees.

- (b) The cost of managing trade mark portfolios would also be reduced as renewals of and post-registration changes to an international registration could be effected via a single procedure with payment of one set of fees. This would help enhance efficiency in the workflow of businesses.
- (c) The application of the Madrid Protocol to Hong Kong could be beneficial to local and overseas traders alike. For local enterprises (especially small and medium enterprises (SMEs)), they could register and manage their trade marks internationally in a more efficient and cost-effective manner. This could facilitate their exploration of global business opportunities. Overseas investors could obtain trade mark protection in Hong Kong by designating Hong Kong in its international application under the Madrid System. They might have greater incentive to protect their trade marks and explore business opportunities in Hong Kong.
- (d) Joining the Madrid System could therefore help enhance the competitiveness of Hong Kong as a place for setting up and doing business. This could also enhance our international image and be conducive to our development as an IP trading hub and a knowledge-based economy.
- (e) Some respondents consider that the application of the Madrid Protocol could bring new business opportunities for the local trade mark practitioners, particularly small and medium law firms. Local law firms and IP practitioners could offer one-stop services to clients on trade mark applications in multiple jurisdictions. This could help enhance the competitiveness of small and medium law firms and in turn bring benefits to SMEs in the longer term.

7. Some respondents, mainly from the trade mark profession, expressed reservations chiefly on the following grounds:

- (a) Hong Kong's trade mark registration system is effective and cost-efficient and there is no evidence that the absence of the Madrid Protocol in Hong Kong would have any impact on local protection of trade marks. It is unclear that the time, effort and financial resources to be committed in applying the Madrid Protocol to Hong Kong could bring sufficient benefits to Hong Kong or businesses.
- (b) The Madrid System would not be able to offer savings in terms of costs and time if applicants had to handle "central attacks"<sup>1</sup> or respond to objections from other national trade mark offices. There could also be an increase of administrative costs, delay and errors in the applications as WIPO and different contracting parties under the Madrid Protocol would be involved.
- (c) The number of locally filed trade mark applications could reduce dramatically, resulting in loss of jobs in the local IP sector. A consequentially "diminishing" profession is not conducive to the development of an IP trading hub.

8. We also invited views as to whether we should explore a possible arrangement between the Mainland and Hong Kong to facilitate trade mark applications without prejudice to the proposed application of the Madrid Protocol to Hong Kong. Given the close economic ties between the Mainland and Hong Kong, many respondents support the further exploration of the possibility of such an arrangement. However, a number of respondents note that the trade mark laws and practices of the Mainland and Hong Kong are very different and certain technical complexities would need to be overcome. The administrative and cost implications for Hong Kong would also need to be studied.

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<sup>1</sup> Under the Madrid System, if, during the first five years following the date of an international registration, the basic application is refused, successfully opposed to or withdrawn, or the basic registration is revoked or invalidated, the entire international registration in all designated contracting parties must also be cancelled. This effect of attacking an international registration by a single action against the basic mark by a third party is referred to as "central attack".

### **Way forward**

9. We are carefully considering the views received in the consultation exercise and we will map out the best way forward for Hong Kong. We will maintain close liaison with our stakeholders to address their concerns.

### **Advice sought**

10. Members are invited to note the above updates.

Commerce, Industry and Tourism Branch,  
Commerce and Economic Development Bureau  
May 2015

**Consultation on the Proposed Application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) to the Hong Kong Special Administrative Region:  
Outcome of Consultation**

**I. General comments on the proposed application of the Madrid Protocol and implications for Hong Kong**

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(A)	Asian Licensing Association (ALA)	Fully supports the proposed application, which is a strategic necessity for the acquisition and management of trade marks in Hong Kong. The proposal will bring advantages to Hong Kong and the trade mark industry stakeholders such as trade mark owners, agents, local and overseas investors.  Application of the Madrid Protocol to Hong Kong can increase the competitiveness of Hong Kong as a knowledge-based economy.
(A)	The Chinese Manufacturers' Association of Hong Kong (CMA)	Welcomes the proposed application of the Madrid Protocol to Hong Kong.  Applying the Madrid Protocol to Hong Kong can enhance the image of Hong Kong as an international business hub and attract more overseas enterprises to choose Hong Kong as an IP and brand management hub.

<sup>2</sup> The respondents are grouped into 3 broad categories for ease of reference: (A) broadly includes individuals, enterprises, trade / business associations and statutory bodies in Hong Kong; (B) broadly includes foreign chambers of commerce / foreign offices in Hong Kong; (C) broadly includes legal / intellectual property / trade mark professional bodies.

Individual / Organisation <sup>2</sup>		Comment
(A)	Federation of Hong Kong Industries (FHKI), Hong Kong Brands Protection Alliance (HKBPA), Hong Kong Intellectual Property Association Ltd. (HKIPAL), Hong Kong Productivity Council (HKPC), Hong Kong Trade Development Council (HKTDC), and StartupsHK	<p>Support the proposed application of the Madrid Protocol to Hong Kong.</p> <p>HKTDC considers the application of the Madrid Protocol to Hong Kong can contribute to Hong Kong's aspirations as / facilitate the development of Hong Kong into an intellectual property (IP) trading hub.</p> <p>FHKI takes the view that application of the Madrid Protocol will benefit Hong Kong as a whole and can enhance international recognition of the Hong Kong trade mark system and improve the reputation of Hong Kong as an IP trading hub.</p>
(A)	陳焯凡	<p>Supports the proposed application of the Madrid Protocol to Hong Kong.</p> <p>The application of Madrid Protocol to Hong Kong can:</p> <ul style="list-style-type: none"> <li>(a) enhance the competitiveness of Hong Kong as a place for business;</li> <li>(b) promote Hong Kong as an IP trading hub; and</li> <li>(c) reinforce the international image of Hong Kong.</li> </ul>
(A)	Dr. Jackson C. S. Chan, Chairman of Fridge-To-Go Limited	Fully supports the proposed application of the Madrid Protocol to Hong Kong. It will be in Hong Kong's overall interest to do so and will not result in any negative impact.
(B)	The British Chamber of Commerce in Hong Kong (BCC)	The application of the Madrid Protocol to Hong Kong can contribute to Hong Kong's aspirations as / facilitate the development of Hong Kong into an IP trading hub.

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(B)	Dutch Chamber of Commerce in Hong Kong and the European Union Office to Hong Kong and Macao (EU Office)	Welcome the proposed application of the Madrid Protocol to Hong Kong.
(B)	The Mexican Chamber of Commerce (MEXCHAM)	Supports the proposed application of the Madrid Protocol to Hong Kong. Application of the Madrid Protocol to Hong Kong will be an important step towards the objective of a seamless international system of trade mark protection.
(C)	The International Trademark Association (INTA)	Most of the main trading partners of Hong Kong, both in Asia and other regions of the world, are parties to the Madrid Protocol or are taking steps to join it. Shares the views expressed in Chapter 3 of the consultation paper on the benefits that Hong Kong can derive from the application of the Madrid Protocol.
(C)	The Hong Kong Bar Association (HKBA)	It is in the overall interest of Hong Kong to implement the Madrid Protocol. It also conforms to the international trend.
(C)	Hong Kong Institute of Patent Attorneys (HKIPA)	The application of the Madrid Protocol to Hong Kong can contribute to Hong Kong's aspirations as / facilitate the development of Hong Kong into an IP trading hub.
(C)	Hong Kong Institute of Trade Mark Practitioners (HKITMP)	Does not support the proposed application of the Madrid Protocol to Hong Kong. It has little benefit to the businesses, taxpayers and trade mark profession of Hong Kong.
(C)	The Law Society of Hong Kong (The Law Society)	In the absence of clear evidence of a growing demand and need locally or internationally for Hong Kong to be a member of the Madrid Protocol, it is unclear that the time, effort and financial resources involved are of sufficient benefit to Hong Kong or Hong Kong businesses.



<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
		<p>Does not agree that the deferral of the application of the Madrid Protocol to Hong Kong will affect the local protection of trade marks and undermine the credibility of Hong Kong as an international business hub for various reasons:</p> <ul style="list-style-type: none"><li>(a) Hong Kong already has an effective and cost efficient trade mark system which operates to an international standard and is internationally reputable;</li><li>(b) there is no shortcoming in the “local protection of trade marks”;</li><li>(c) Hong Kong is, de facto, an international business hub which does not need the Madrid System to achieve such status;</li><li>(d) the existing trade mark system has already enhanced Hong Kong as an international hub;</li><li>(e) there is no evidence that the absence of the Madrid Protocol in Hong Kong has had an impact upon any local protection of trade marks; and</li><li>(f) there have been no calls for the Madrid Protocol to be introduced to Hong Kong by the local profession or equivalent profession in overseas jurisdictions.</li></ul>
(C)	Asian Patent Attorneys Association Hong Kong Group (APAA)	Agrees with the views of the HKITMP and the Law Society.

**II. Proposed application – Implications for businesses / trade mark owners**

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(A)	ALA	<p>Application of the Madrid Protocol to Hong Kong can:</p> <ul style="list-style-type: none"> <li>(a) enable trade mark owners to enjoy a one-stop service in seeking trade mark protection in multiple countries;</li> <li>(b) allow trade mark owners to save time and costs in obtaining and managing international registrations;</li> <li>(c) enhance more business opportunities in Hong Kong from overseas investors; and</li> <li>(d) encourage local businesses to explore overseas markets.</li> </ul>
(A)	CMA	<p>Applying the Madrid Protocol to Hong Kong can let local enterprises enjoy the convenience of a one-stop service in seeking trade mark protection in multiple countries, thereby saving time and money and facilitate local companies to explore more global business opportunities.</p>
(A)	FHKI	<p>The Madrid System is cost-effective and offers a one-stop service to trade mark owners for registration and management of trade marks. It can assist Hong Kong enterprises to obtain trade mark protection in multiple jurisdictions with less cost and in a shorter period of time. Efficiency can be enhanced and the possibility of errors reduced. Overseas investors will be able to register marks in Hong Kong through a one-stop process overseas available under the Madrid System.</p>
(A)	HKBPA and HKIPAL	<p>Application of the Madrid Protocol to Hong Kong can:</p> <ul style="list-style-type: none"> <li>(a) alleviate the cost of obtaining trade mark protection in multiple jurisdictions by small and</li> </ul>

Individual / Organisation <sup>2</sup>		Comment
		<p>medium enterprises (SMEs); and</p> <p>(b) enable local law firms and practitioners to offer one-stop service to clients which, in turn, benefits SMEs on a long-term basis.</p>
(A)	HKPC	<p>Application of the Madrid Protocol to Hong Kong can:</p> <p>(a) offer a more convenient and cost-effective means for overseas companies to protect their trade marks in Hong Kong; and</p> <p>(b) let local companies save time and costs in obtaining trade mark protection in different overseas jurisdictions as formality examination is conducted by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) centrally, which can in turn encourage local companies to explore global business opportunities.</p>
(A)	HKTDC	Applying the Madrid Protocol to Hong Kong can bring substantial benefits to local businesses.
(A)	陳焯凡	<p>Application of Madrid Protocol to Hong Kong can:</p> <p>(a) offer a more efficient trade mark registration and management system to trade mark owners; and</p> <p>(b) facilitate local businesses to explore global business opportunities.</p>
(B)	BCC	<p>Application of the Madrid Protocol to Hong Kong can:</p> <p>(a) provide a “one-stop-shop” for international registration / trade mark protection for Hong Kong businesses when working internationally; and</p>

Individual / Organisation <sup>2</sup>		Comment
		(b) be conducive to the competitiveness of business in Hong Kong.
(B)	The Belgium-Luxembourg Chamber of Commerce	In the absence of the application of the Madrid Protocol to Hong Kong: (a) an applicant who wishes to obtain trade mark protection in all the contracting countries will need to spend a substantial amount of money and time; (b) if a Hong Kong company wishes to charge royalties for a trade mark used in one of the contracting countries, the royalties will be subject to withholding tax imposed by that country, which is often quite substantial; and (c) corporations are deterred from setting up companies and applying for trade mark protection in Hong Kong.
(B)	EU Office	The Madrid system offers trade mark owners a cost-effective, user-friendly and streamlined means of protecting and managing their trade mark portfolios internationally.
(B)	MEXCHAM	A flexible and cost-effective trade mark registration mechanism can alleviate the administrative and financial burden on trade mark owners, especially SMEs.
(C)	HKBA	The Madrid System can provide a more efficient and cost-effective trade mark registration option for Hong Kong trade mark owners who wish to seek protection in multiple jurisdictions. It also makes it more convenient for overseas companies with an interest in the Hong Kong market to protect their trade marks in Hong Kong by requesting territorial extension of their international trade mark registration to Hong Kong through the Madrid Protocol.
(C)	HKIPA	Application of the Madrid Protocol to Hong Kong can enable local small and medium sized law firms to provide trade mark application services at more competitive prices and offer one-stop

Individual / Organisation <sup>2</sup>		Comment
		service to clients which, in turn, benefits SMEs on a long-term basis.
(C)	HKITMP	The Madrid Protocol is of no practical benefit to Hong Kong businesses. Many SMEs do not use their trade marks in Hong Kong. Since intention to use a trade mark is a prerequisite to filing a trade mark application in Hong Kong, such SMEs cannot file trade mark applications in Hong Kong. Further, if such SMEs do obtain trade mark registrations in Hong Kong but do not use the trade marks in respect of the goods/services covered by the registrations in Hong Kong for a consecutive period of not less than three years, their trade mark registrations will be vulnerable to revocation.
(C)	The Law Society	The costs of obtaining an international registration under the Madrid Protocol will significantly increase in case of: (a) central attacks; and (b) official objections or oppositions at a national level.  It is a common practice for Hong Kong businesses to use and operate with British Virgin Islands (BVI) companies, or at least hold their IP rights through BVI companies. Many Hong Kong companies will need to change this approach, or even restructure their IP holdings, in order to engage in the Madrid Protocol.
(C)	APAA	Agrees with the views of HKITMP and The Law Society.

**III. Proposed application – Implications for trade mark agents**

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(A)	HKPC	Application of the Madrid Protocol to Hong Kong can create new business opportunities for trade mark agents to handle official objections or oppositions arising from international applications as the number of designations to Hong Kong increases.
(C)	INTA	Given the position of Hong Kong as an international place of business, any initial downturn in domestic filing-related activity would soon be compensated by an increase of new business generated by the application of the Madrid Protocol.
(C)	HKIPA	Application of Madrid Protocol to Hong Kong can:  (a) enable local law firms and practitioners to offer one-stop service to clients for applying trade mark applications in multiple jurisdictions; and  (b) assist small and medium sized law firms to improve competitiveness.
(C)	HKITMP	The trade mark profession will suffer greatly because the decrease in filings by foreign applicants will not be replaced by applications filed by Hong Kong applicants.  Depending on what is proposed in relation to the special arrangement to extend to Hong Kong filings to the Mainland and vice versa, Hong Kong trade mark practitioners are likely to be further disadvantaged by losing filings into and from the Mainland.
(C)	The Law Society	A substantial percentage of the domestic trade mark filings in Hong Kong will be gone or at least any potential growth in the domestic trade mark filings will be hampered as and when Madrid Protocol is applied to Hong Kong. It will reduce local trade mark applications

Individual / Organisation <sup>2</sup>		Comment
		dramatically, resulting in loss of jobs within the IP sector and a consequentially “diminishing” profession is not conducive to the development of an IP trading hub nor does it enhance competitiveness of Hong Kong.
(C)	APAA	Agrees with the views of HKITMP and The Law Society.

**IV. Proposed application – Technical issues**

Individual / Organisation <sup>2</sup>		Comment
(A)	HKPC	Implementation details would need to be worked out with the Central People’s Government (CPG) and the IB.
(A)	陳焯凡	Should Hong Kong seek the application of the Madrid Protocol to Hong Kong, implementation details would need to be worked out with the CPG and the IB. Noted that implementation of the Madrid Protocol would require amendments to be made to the existing Trade Marks Ordinance and Trade Marks Rules and additional resources and manpower.
(B)	MEXCHAM	The system to be built under the Madrid Protocol should allow flexibility and cost-savings so that it can bring practical advantages to trade mark owners.
(C)	HKBA	Since the Mainland and Hong Kong have different legal systems, different trade mark laws and separate trade mark registries, when applying the Madrid Protocol to Hong Kong:  (a) care must be taken to ensure that the abovementioned differences are appropriately

Individual / Organisation <sup>2</sup>	Comment
	<p>addressed; and</p> <p>(b) applications for marks intended to be registered in Hong Kong should separately designate Hong Kong (and not to be considered to be covered by a designation of the Mainland) so that substantive examination of the trade marks applied for will be conducted by the Hong Kong Trade Marks Registry.</p>
(C)	<p>HKITMP</p> <p>The following technical issues need to be addressed should the Madrid Protocol be applied to Hong Kong:</p> <p>(a) Hong Kong is neither a “contracting state” nor a “contracting organisation” as required for membership of the Madrid Protocol; and</p> <p>(b) the channel of communication between WIPO and Hong Kong’s Intellectual Property Department – if all communication needs to be transferred through the Mainland, the possibility of delayed or lost notifications may increase.</p> <p>The Madrid System is confusing, inefficient, cumbersome and often inaccurate. An international registration certificate does not confer any right and cannot be used before any court or tribunal as evidence of a trade mark owner’s rights. The information on WIPO’s trade mark database is often out-of-date and inaccurate. Trade mark owners need to bear a heavy burden in ensuring that renewals and changes in ownership of international trade marks are recorded correctly in each jurisdiction.</p> <p>Some jurisdictions, e.g. the Mainland, do not issue a further certificate to trade mark owners to confirm that an international registration has been successfully extended to that jurisdiction. In order to commence legal proceedings, the trade mark owner will need to apply for a local certificate leading to additional expense and significant delays.</p> <p>Savings on filing costs will only happen if five or more countries are designated in an</p>



Individual / Organisation <sup>2</sup>		Comment
		international application. Any cost benefit is quickly eroded by other costs which are incurred due to the need to appoint local agents to deal with official objections, etc.
(C)	The Law Society	<p>Hong Kong is not a sovereign state and its accession to the Madrid Protocol is not a straightforward matter of government agreement and legislative amendment. Hong Kong's joining the Madrid Protocol involves a more complicated inter-government agreement between the Mainland and Hong Kong, and some form of a special amendment or resolution of WIPO, and possibly of the Madrid Protocol itself.</p> <p>There are several practical questions in the event that the Madrid Protocol is applied to Hong Kong:</p> <ul style="list-style-type: none"> <li>(a) whether and what proof of "real and effective industrial or commercial establishment, domicile or nationality" we may / should need for an applicant of a Hong Kong trade mark application so that it qualifies as the basic mark;</li> <li>(b) whether a Hong Kong trade mark application filed in Chinese language will be acceptable as the basic mark;</li> <li>(c) whether specification amendment of a Hong Kong trade mark application (which serves as the basic mark) will be allowed before designating Japan, the USA, or other jurisdictions which have special requirements for description of goods and services; and</li> <li>(d) whether international applications designating Hong Kong will be raised as citations against national marks which have been examined and cleared.</li> </ul>
(C)	APAA	Agrees with the views of HKITMP and The Law Society.

**V. The need for and the desirable features of a possible special arrangement between the Mainland and Hong Kong to facilitate the filings of trade mark applications**

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(A)	CMA	Hong Kong should explore the possibility of mutual recognition of trade marks registered on the Mainland and in Hong Kong under the framework of CEPA, for example: establish communication channels for exchange of IP-related information between the Mainland and Hong Kong; set up trade mark offices in each other's territory; handle trade mark registrations on each other's behalf; and strengthen protection of "well-known trade marks" in the region; etc. Hong Kong should also take the lead in establishing a mutual recognition and cooperation system for trade mark registrations within the Greater China region when the time is right.
(A)	FHKI	The possibility of a special arrangement between the Mainland and Hong Kong should be explored, e.g. allowing applicants to decide where to file an international trade mark application under the Madrid Protocol.
(A)	HKPC	There is a need for a special arrangement between the Mainland and Hong Kong to facilitate trade mark applications by Hong Kong applicants for registration in the Mainland and vice versa.
(A)	HKTDC	There is a need to study and explore a special arrangement between the Mainland and Hong Kong to facilitate trade mark registrations by Hong Kong applicants for registration in the Mainland and vice versa, without prejudice to the proposed application of the Madrid Protocol to Hong Kong. There should also be mutual recognition of trade marks registered on the Mainland and in Hong Kong, thereby offering an efficient and cost-effective one-stop service for trade mark owners in both places. Such an arrangement will enhance Hong Kong's role as

Individual / Organisation <sup>2</sup>		Comment
		an IP trading hub.
(A)	陳焯凡	There is a need for a special arrangement between the Mainland and Hong Kong to facilitate the reciprocal filing of trade mark applications. Such an arrangement should simplify the application, examination and grant of trade marks in both places, without prejudice to the proposed application of the Madrid Protocol to Hong Kong.
(A),(C)	HKBPA, HKIPA and HKIPAL	It would benefit trade mark owners both on the Mainland and in Hong Kong and increase trade mark filings in both places if a special arrangement can be implemented as an interim measure.
(C)	HKITMP	Is concerned that a special arrangement between the Mainland and Hong Kong which allows an applicant of a Hong Kong application to nominate extension to the Mainland and vice versa will add another administrative layer to the Hong Kong trade mark system which, in turn, will absorb further resources.
(C)	The Law Society	Is concerned that if a simple “tick box” approach is adopted (i.e. by ticking a box on the international application form for the Mainland, the international registration will automatically cover Hong Kong if the mark is accepted on the Mainland), various issues would need to be overcome.
(C)	APAA	Agrees with the views of HKITMP and the Law Society.

**VI. Other comments**

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
(A)	CMA	Since the Madrid Protocol is relatively better than the Madrid Agreement, it is appropriate to only apply the Madrid Protocol to Hong Kong at this stage.
(A)	HKPC	It will be necessary to invest and worth the additional resources, manpower and time to implement the application of the Madrid Protocol to Hong Kong.
(A)	StartupsHK	Singapore is a contracting country of the Madrid Protocol. Businesses in Singapore take advantage of the Madrid Protocol which enables them to save a significant amount of costs and time when applying for trade mark protection in other contracting countries.
(A)	陳焯凡	The Government should take into account the views and suggestions received in the public consultation and discuss with the relevant authorities the proposed application of the Madrid Protocol to Hong Kong and the implementation plan.
(B)	MEXCHAM	It has received complaints about the complexity of the double taxation system and the fiscal burden applied to royalties obtained overseas by Hong Kong-based companies and recommends that this problem be further studied and considered.
(C)	HKITMP	It is concerned that application of the Madrid Protocol to Hong Kong will involve significant resources and fears that resources may be diverted from the existing trade mark registration system and tasks arising from the review of the patent system in Hong Kong.
(C)	The Law Society	It was concerned that the statistics provided in the consultation paper are insufficient to support a claim that there is a growing licensing business in Hong Kong. It also queried the percentage

<b>Individual / Organisation<sup>2</sup></b>		<b>Comment</b>
		of Hong Kong applications that are generally rejected due to either formalities or on examination, and asks for comparison figures with Singapore on their experience in such matters.
(C)	APAA	Agrees with the views of HKITMP and the Law Society.

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