

COMMUNICATION FROM HONG KONG, CHINA

Technical Cooperation on TRIPS
Information from Developed Country and other Members

Addendum

By means of communication from the Permanent Mission of Hong Kong, China, dated 16 September 2002, the Secretariat has received a copy of this document with the request that it be circulated to Members. It was circulated as an advance copy at the meeting of the TRIPS Council held on 16 September 2002.

I. WORLD INTELLECTUAL PROPERTY ORGANISATION (WIPO) WORKSHOP ON INTELLECTUAL PROPERTY AND PUBLIC ADMINISTRATION HELD IN HONG KONG, CHINA (HKC) ON 12-14 DECEMBER 2001

1. The WIPO Workshop on Intellectual Property and Public Administration was jointly organized by WIPO, the Hong Kong Civil Service Training and Development Institute and the Hong Kong Intellectual Property Department in Hong Kong, China on 12-14 December 2001. The purposes of the workshop are:

- to examine the relationship between the intellectual property system and the role of public administration;
- to provide a forum to exchange views and experience on the subject; and
- to explore measures for promoting awareness of the intellectual property system and its role in national development.

Participants and speakers

2. 30 participants came from the Asia and Pacific region. They were government officials responsible for intellectual property, human resources development, foreign affairs, industry, etc. Some compliance officers from the departments of the HKC Government also attended.

3. Speakers included intellectual property experts and professors from Australia; Hong Kong, China; India; People's Republic of China; Republic of Korea; Republic of Philippines; Sweden and United States.

Themes of Workshop

4. The workshop dealt with 7 themes.

- Theme I: An Introduction to Intellectual Property, WIPO and the Treaties Administered by WIPO - Industrial Property, Copyright and Related Right.
- Theme II: Promoting Intellectual Property Protection and Management: the Role of the Public Service.
- Theme III: Identifying and Maximizing Public Intellectual Property Assets and Minimizing Risks of IP Infringement.
- Theme IV: Enforcement of Intellectual Property Rights - Role of Government.
- Theme V: Intellectual Property Rights of Government in Contracts.
- Theme VI: Enhancing Compliance with the Intellectual Property System by the Public Service.
- Theme VII: Developing Web-based Resources for Public Sector Intellectual Property Training.

II. APEC IP EXPERTS CAPACITY BUILDING PROGRAMME FOR TRIPS IMPLEMENTATION

1. The Intellectual Property Department (IPD) of the Government of Hong Kong, China hosted the above programme between 25 February 2002 and 1 March 2002. The programme was partly funded by the APEC Central Fund. It was attended by representatives from the 12 APEC economies, including Australia, Brunei, Chinese Taipei, Indonesia, Mexico, Papua New Guinea, People's Republic of China, Peru, Republic of Korea, Republic of the Philippines, Thailand and Viet Nam.

Objectives of the Programme

- (a) Provide training opportunity for participants from APEC economies to enhance their capacity in the implementation of their obligations under TRIPS.
- (b) Provide a forum for exchange of information between APEC member economies.

Participants and Speakers

2. Majority of participants were directly involved in the work of IP offices, including intellectual property policy formulation and implementation. One participant was from the operational/enforcement side of IPRs.

3. Speakers included examiners, administrators and lawyers from the IPD, the Vice-president of the Court of Appeal in Hong Kong, China officers from the Customs and Excise Department, consultants from the Hong Kong Productivity Council and an IP practitioner from the Private sector.

Format of the Programme

4. The format of the programme ranged from presentations by the speakers to site visits at the IP Registries, customs boundary control point and customs facilities and touring of facilities at the Hong Kong Productivity Council. One of the highlights was the mock trade mark opposition hearing staged

at the IPD office with its officers playing the role of legal counsel representing the respective parties and the presiding hearing officer.

Topics Covered

5. The speakers spoke on the following areas:
 - (a) TRIPS - a Hong Kong, China overview.
 - (b) Post-TRIPS issues - policy issues and unfair competition.
 - (c) Trademark - search and examination, shape marks, evidence of use, assignments, renewals and restoration, certification and collective trademarks.
 - (d) Copyright - copyright law in Hong Kong, China and review of the copyright legislation.
 - (e) Patents and designs - an overview of Hong Kong, China patents and designs system, patenting of software and business method.
 - (f) The IP advisory services provided by IPD and public education on raising IPRs awareness in Hong Kong, China.
 - (g) Managing Change - Meeting of the challenges of the new Trade Marks Ordinance to be implemented in Hong Kong, China.
 - (h) The drive to e-commerce/out-sourcing of government services to the private sector.
 - (i) Protection of integrated circuits.
 - (j) Value-added services to intellectual property.
 - (k) TRIPS and the protection of confidential information.
 - (l) IPR enforcement.
 - (m) Customs function at control points.

Training materials

6. To strengthen the effectiveness of the programme, IPD has distributed to the participants and other APEC member economies a CD-ROM containing materials covered at the programme.

III. APEC SYMPOSIUM ON TRADITIONAL MEDICINE 19-22 MARCH 2002, HONG KONG, CHINA

1. Hong Kong, China, hosted and funded the APEC Symposium on Traditional Medicine which was held in Hong Kong, China on 19-22 March 2002. The symposium aimed at bringing about a deeper understanding of traditional medicine and the intellectual property issues involved. The symposium included an optional half-day study tour to a traditional medicinal plant and a retail outlet in Hong Kong, China.

Participants and Speakers

2. Renowned speakers from all over the world including from international organizations and academic institutes spoke about the role, social and intellectual property aspects of traditional medicine in the 21st century. There were over 150 participants, including intellectual property experts from APEC economies, medical and health care professionals and legal practitioners.

Topics Covered

1. Traditional Medicine & its Role in the 21st Century.
2. Regulation of Traditional Medicine in Hong Kong, China.
3. Research Aspects in the Development of Traditional Medicine in the United States.
4. Thai Approaches to Traditional Medicine.
5. Value-added Chinese Medicine Industry Development - an Organizational Perspective.
6. Training of Chinese Medicine Pharmacists.
7. Good Agricultural Practice and the Production of Raw Materials for Traditional Medicine.
8. An Overview on the Utilization of Traditional Medicine in some Developed and Developing Regions.
9. Traditional Medicine - Consumer Protection Concerns.
10. The Common Good for All - Traditional Medicine and People's Well-being.
11. Traditional Medicine - the Chinese Experience.
12. Chinese Medicine Commercialization: Opportunities and Challenges.
13. How to Market Traditional Chinese Medicine Using a Modern Marketing Approach.
14. Medicinal Herbs: a Commercial Conundrum.
15. The Convention on Biological Diversity and its Impact on Traditional Medicine: the Intellectual Property Aspects.
16. Systems of Protecting Indigenous Knowledge.
17. Traditional Medicine, Biological Resources and Intellectual Property Rights: a View from Mexico.
18. Drug Discovery and Development: Benefit-Sharing and Protection of Source Country Rights.
19. Intellectual Property and Traditional Medicine.
20. The Protection of Traditional Medicine through Patents, Plant Varieties and Trade Secret Laws.

21. The Intellectual Property of Traditional Medicine in China and its Protection.
22. The Suitability of Intellectual Property as a Means to Protect Traditional Medicine.

Training Materials

3. A DVD of the entire proceedings of the symposium was produced and distributed to the speakers and participants of the symposium as well as to other interested parties.
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