

## **Report of the Committee on Intellectual Property 2019**

1. The Committee on Intellectual Property is a committee consisting of members of the Bar who have built or aspire to build a specialized practice in the field of Intellectual Property.

### The Committee and the Intellectual property Department

2. We kicked off with an introductory committee meeting followed with welcome drinks for the newly appointed Director of Intellectual Property, as head of the Intellectual Property Department of HKSAR (“IPD”), Mr David Wong, who attended with a few senior colleagues of IPD. The occasion provided the opportunity to all members to get to know the new Director and the leadership of the department, and formed the basis of a mutual understanding that there will remain an effective channel of communication open at all times between members of the Bar practicing in the area and the IPD. Mr Wong provided an overview of the work of the IPD and the projects they were undertaking.
3. Throughout the year, we continued to serve as an effective channel of communication between the IPD and members of the Bar on various consultations, legislations and policies wheeled out by the IPD.

### Talks and Seminars for members of the Hong Kong Bar

4. The Committee has carefully considered but decided against the provision of seminars on IP law for the Bar generally in view of the fact that the subject is a specialized practice area. As the giving of a few talks over a period of time would in no way equip any member without prior study of the subject to practise in the area, we do not at the moment see a general demand exists for such seminars. We would encourage any member with prior study of the subject and interested in pursuing a practice in the area to join the Committee, where mutual knowledge exchange could be carried out much more efficiently depending on actual demand. We shall continue to stay aware of any demands for seminars on the subject and would welcome any request that may be made from a significant number of interested members.

### Plan for a China Visit

5. The Committee reached a consensus at the first meeting to explore the possibility of organizing a study visit to mainland China with a view to getting to know more about the operation of the dedicated intellectual property courts and internet courts, the National Intellectual Property Administration (CNIPA) and the practice of IP amongst mainland lawyers. The Chairman went about ascertaining the willingness of the national organizations to receive such a delegation, and was met with positive indications. However, it has proven to be extremely difficult to find dates which a majority of members of the Committee are able to commit to in order for the arrangements to be made.

6. The Committee intends however to proceed with proper planning for such a visit in the coming months, and will further explore opportunities on knowledge exchange with mainland IP practitioners and teaching in universities.

The Bar's Participation as a Host and Supporting Organization in the annual BIP Asia Conference

7. The annual conference "Business in IP Asia" ("BIP Asia") is one of the most important conferences in Asia on IP to be held annually organized by the HKTDC jointly with the IPD. The Law Society of Hong Kong has been active in BIP Asia for years, and solicitors have been prominently featured as service providers in IP.
8. The Chairman on behalf of the Committee has since at least 3 years ago been in liaison with the HKTDC and the IPD with regard to the HKBA participating alongside the Hong Kong Law Society as hosts of a speaking session. Hitherto, the Bar had been excluded from participation in BIP Asia as a body of lawyers, leaving only individuals to be featured as speakers from time to time. Apparently the exclusion was not deliberate, but was based on the assumption that the Bar would not be interested. The Committee members exchanged ideas at the first meeting regarding possible collaboration on promoting knowledge in IP in international conferences including in BIP Asia.
9. To that end, the Chairman of the Committee offered to participate in the Steering Committee of BIP Asia, and attended meetings to provide views and assistance on the design of the overall program. Through such participation, the HKBA was able to secure the opportunity to participate as a supporting organization, and in particular for the program to include a session that the HKBA co-hosts with the Law Society of Hong Kong and the Society of Licensing Executives of China – HK Chapter. Members of the Committee were invited to submit proposals to participate as speakers. In support of the event, the Committee organized members to be on duty at an HKBA booth where free consultation for advice on IP matters may be obtained as a service to the industries and to overseas IP practitioners. These arrangements were discussed and the participants determined at a second meeting of the Committee held in early November.
10. On 5-6 December 2019, the BIP Asia Conference was successfully held despite continued civil unrest in the city. Over 1000 participants took part in the conference and over 250 attended the breakout session co-hosted by the IP Committee of the HKBA. 3 members of the Committee spoke at the joint session as members of the HKBA. A booth of HKBA was operated to mark the presence of Hong Kong barristers as professional service providers in IP at the conference.
11. As Chairman, I would like to thank all members who have supported the above initiatives.

Membership:

Winnie Tam, SC (Chairman)  
Douglas Clark (Vice Chairman)  
John Yan SC  
Stewart Wong SC  
Rachel Lam, SC  
Ling Chun Wai  
Philips Wong Bun Fai  
Dominic Pun  
Benny Lo  
Sebastian Hughes  
Martin Kok  
Jearn Jang Sae-Pang  
William Tse  
Anson Wong Yu Yat  
Angel Ma On Ki  
Stephanie Wong Hoi Ki.

Winnie Tam, SC  
Chairman  
Committee on Intellectual Property

9 December 2019