

Organisers:



Collaborating Organisation:



# INTERNATIONAL DISPUTE RESOLUTION CONFERENCE 2019

**New Era of Global Collaboration**

**17 April 2019**

Hong Kong Convention  
and Exhibition Centre

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# The interface IP trading • Dispute resolution

***Maria K NG  
Deputy Director  
Intellectual Property Department  
Government of the HKSAR***

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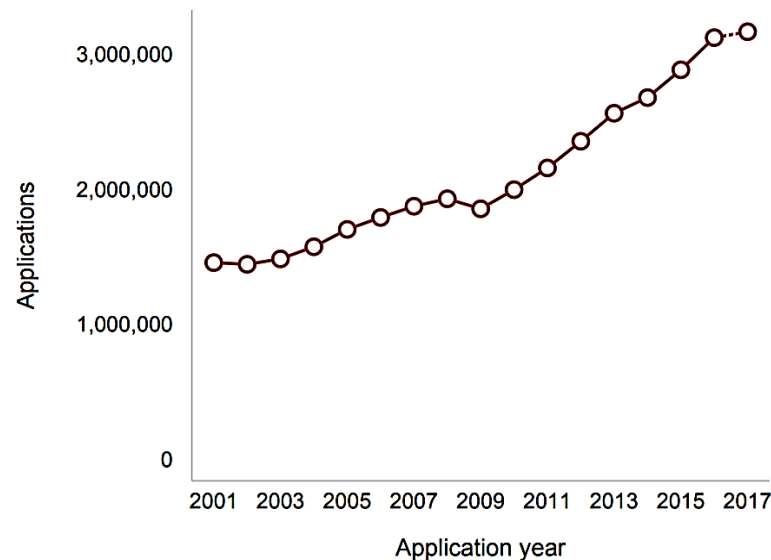
## IP in today's economy

- Innovation & creativity :  
driver of economic growth/development
- Intellectual property :  
fruits of innovation & creativity

# Worldwide IP statistics 2017

## Patents

- Innovators filed almost 3.17 million applications
- Grew by 5.8% from 2016

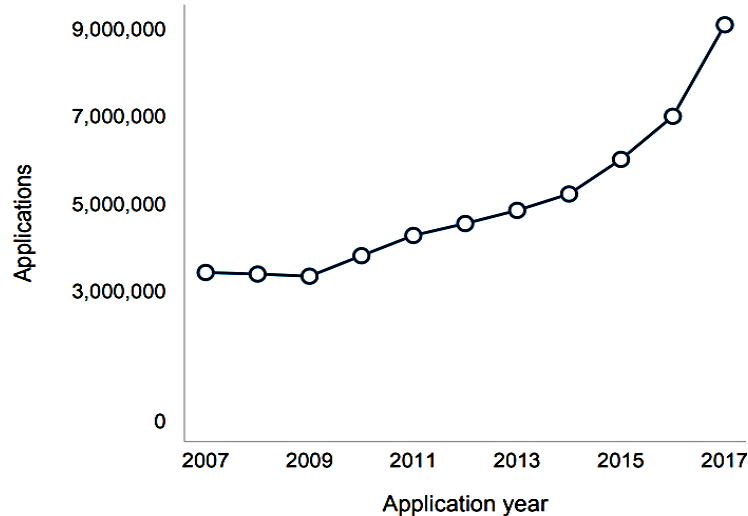


Source : World Intellectual Property Indicators 2018 published by WIPO

# Worldwide IP statistics 2017

## Trademarks

- Estimated 9.11 million applications
- Increased by 30% from 2016

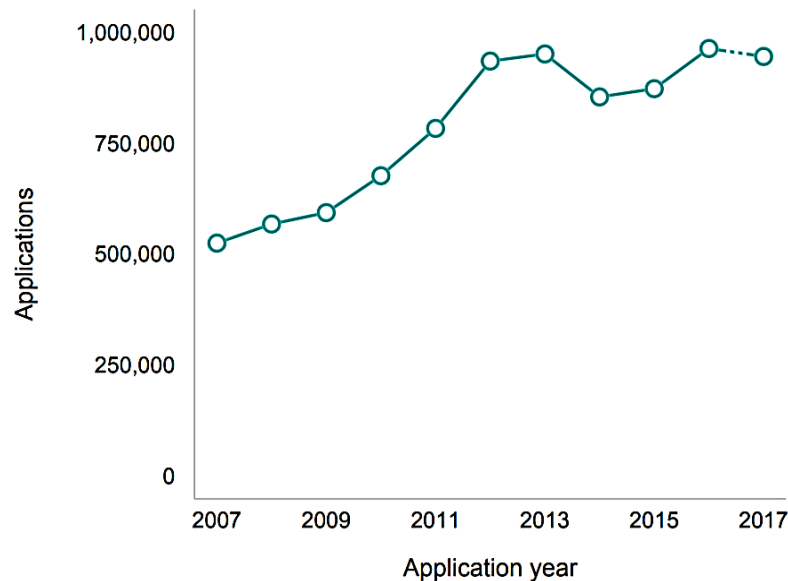


Source : World Intellectual Property Indicators 2018 published by WIPO

# Worldwide IP statistics 2017

## Designs

- Estimated 945,100 applications  
No. of designs totaled 1.24 million



Source : World Intellectual Property Indicators 2018 published by WIPO

\* IP Office of China changed its methodology in counting no. of applications in 2017

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## Hong Kong's strengths

- International financial services centre
- Sound legal system
- Robust IP protection regime
- Gateway to Mainland China
- Distinguished history of acting as facilitator/deal-maker in international trade & cross-border transactions
- Unique advantages to develop into IP trading centre in the Asia-Pacific region

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## Government initiatives in IP Trading

The Working Group on Intellectual Property Trading released 28 recommended measures in 2015 under **4 strategic areas**

- I. Enhancing the IP protection regime
- II. Supporting IP creation & exploitation
- III. Fostering IP intermediary services & manpower capacity
- IV. Pursuing promotion, education & external collaboration efforts



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## Fostering IP Intermediary Services

- Facilitate provision of highly specialized professional services including IP dispute resolution services
- HK : International legal & dispute resolution services centre in Asia-Pacific region
- Promote & develop IP arbitration/mediation as a specialized area in HK's dispute resolution services

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## Potentials of mediation in IP disputes

- Three main areas of disputes in relation to IP rights:
  - Registrability/validity of IPR rights
  - Infringement
  - Contractual matters(e.g. licensing, assignment, employment issues)
- Substantial increase in IP litigation e.g. 1<sup>st</sup> instance civil IP cases filed in Mainland courts in 2017 increased by 47% from 2016

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# Potentials of mediation in IP disputes

## Advantages of mediation

- Covers multi-jurisdictional issues
- Expertise in relevant IP areas
- Confidentiality, especially patents and trade secrets
- Parties' control over procedures
- Decision-making lies with the parties and tailor-made solutions
- Amicable solution conducive to continued cooperation

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## Way forward

- Recommendations by Working Group on IP Trading :
  - Promote/develop use of mediation as a means to resolve IP disputes
  - Explore use of evaluative mediation on top of facilitative mediation
- Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (February 2019)
  - Promote dispute resolution (including arbitration & mediation) as a means to resolve IP disputes

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## Promotion and education

Joint efforts of the Department of Justice and the Intellectual Property Department

- Seminars/workshops to explore use of evaluative mediation in IP disputes (2015, 2016, 2017, 2018)
- Encourage IP intensive industries to join the “Mediate First” Pledge
- Promotion at regional level (including APEC & Mainland)

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**Thank you**