

# Hong Kong-based Patent Filing Strategies

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# Outline

- Introduction
- Why HK Patents?
- Filing strategies based on HK patent system
- Case Study

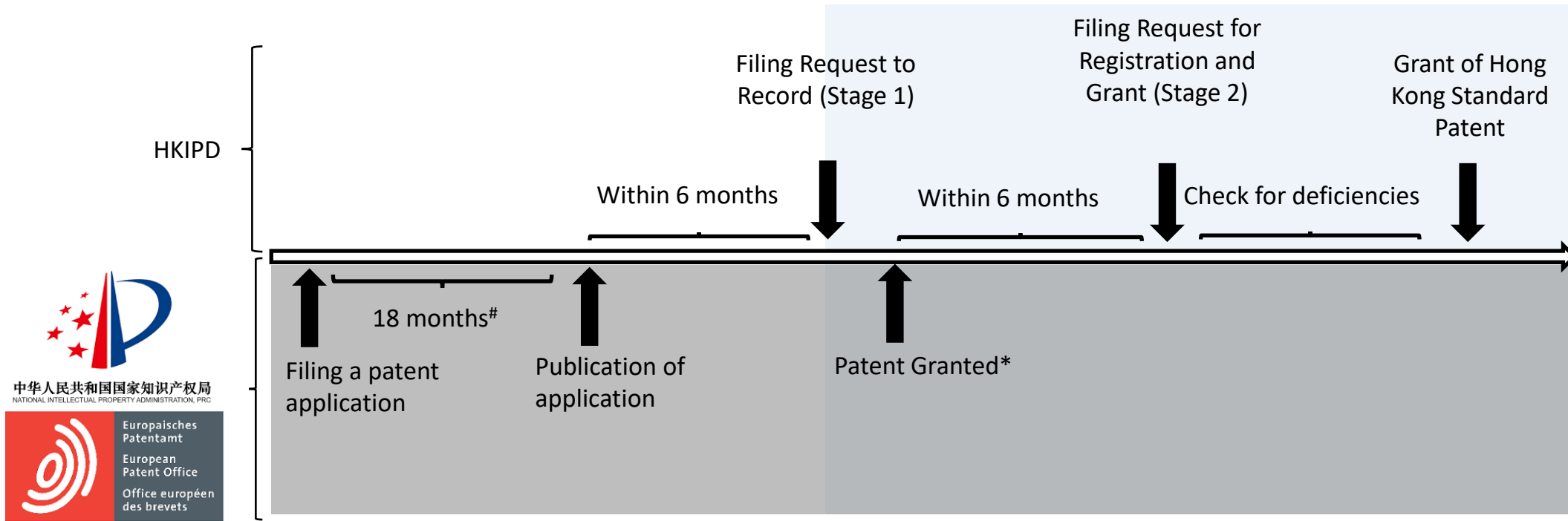
# Introduction

- New Patent system launched December 19, 2019
  1. Standard Patent (Re-registration)
  2. Short-term Patent
  3. Standard Patent (Original grant)\*

**HONG KONG STANDARD PATENT  
(RE-REGISTRATION)**

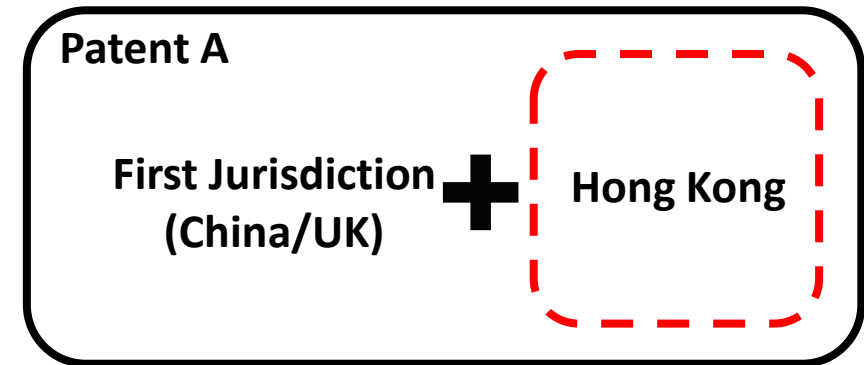
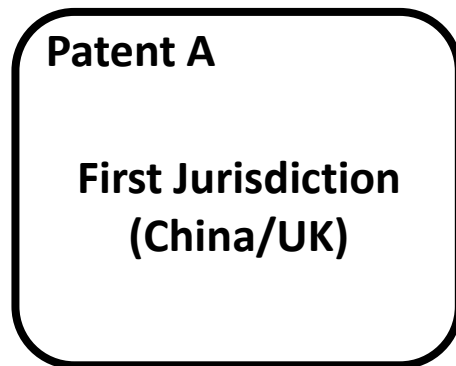
**Outside HK**

**Hong Kong**

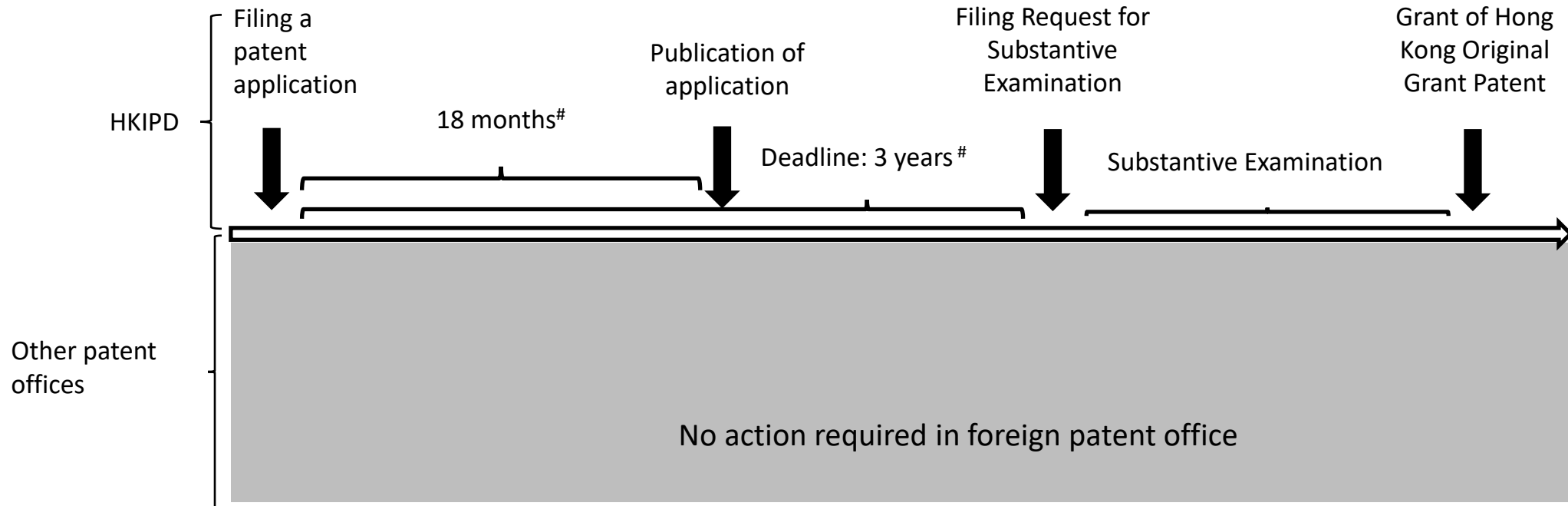


# Assuming no early publication request is made and no priority is claimed

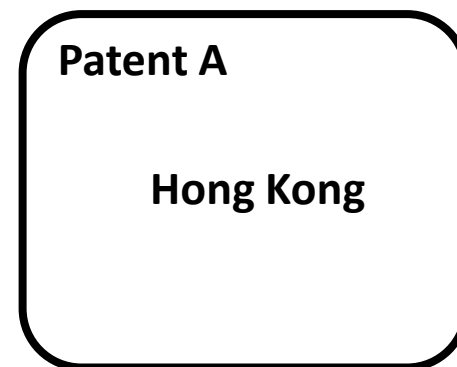
\* Time needed for granting of the patent will depend on the designated patent office



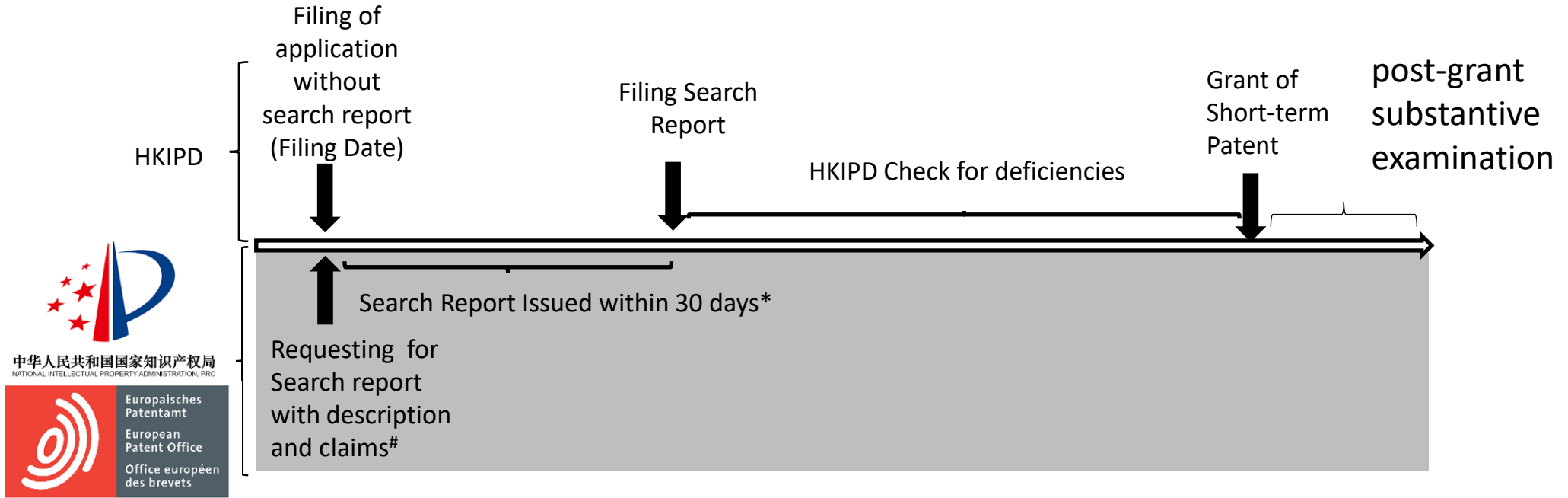
# HONG KONG STANDARD PATENT (ORIGINAL GRANT)



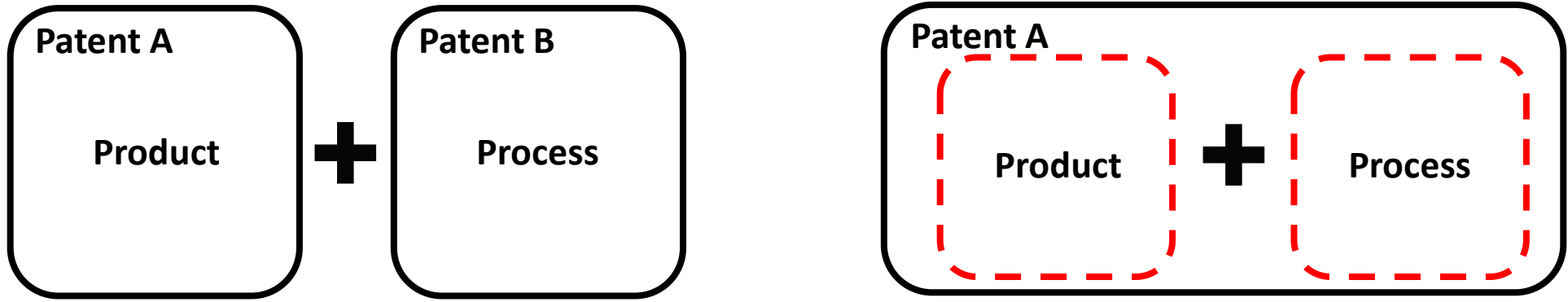
# If application claims priority of another patent application, calculate deadlines from earliest priority date, not application date



# HONG KONG SHORT-TERM PATENT



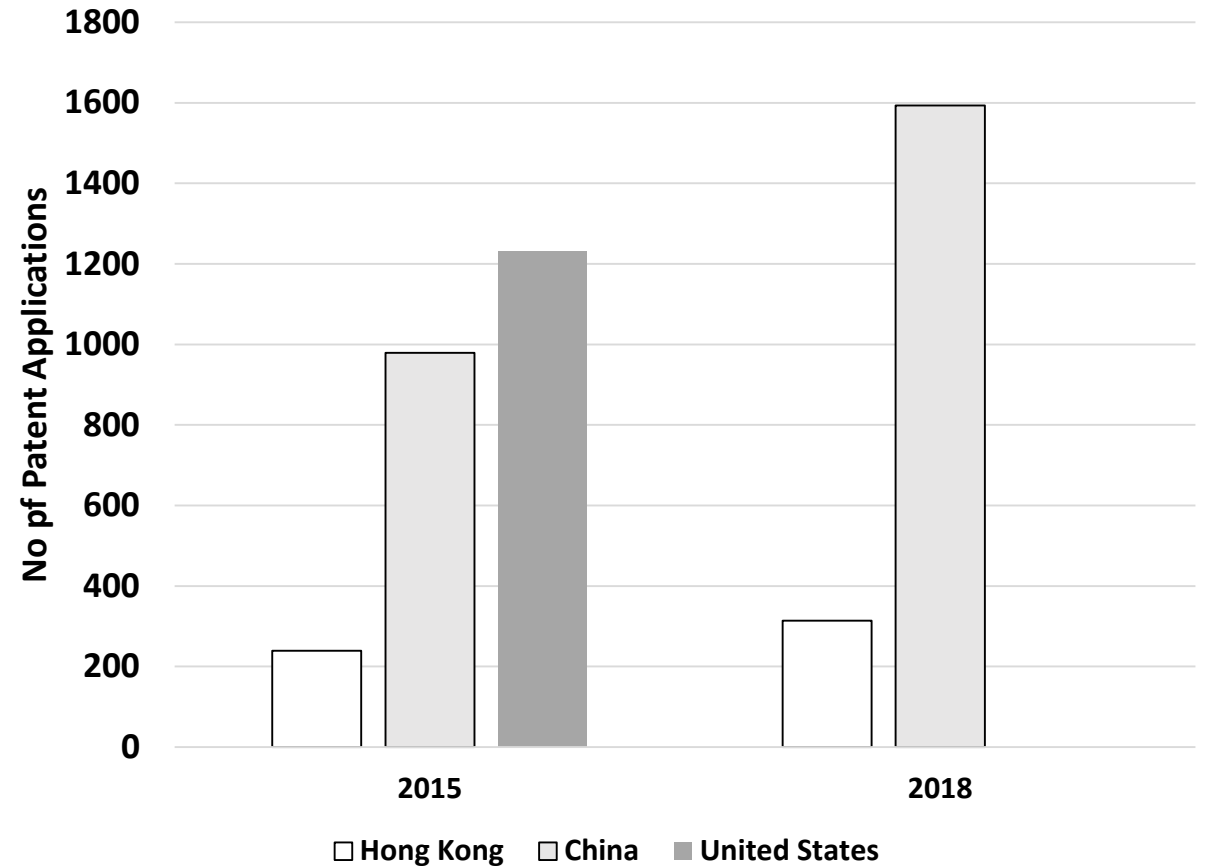
# Request for Search report can be made after filing of the short-term patent application  
 \* Estimation based requesting search report from SIPO with Chinese Specification



# Filing Statistics - Hong Kong Applicants

- Overlooked?

Jurisdiction	Standard Patent Applications		Short-Term Patent Applications	
	2015	2018	2015	2018
Hong Kong	239	314	439	536
China	979	1593	861	1553
United States	1230	-	-	-



## IP Statistics

[https://www.ipd.gov.hk/eng/intellectual\\_property/ip\\_statistics.htm](https://www.ipd.gov.hk/eng/intellectual_property/ip_statistics.htm)

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<http://www.sipo.gov.cn/tjxx/gjzscqjtjnb/index.htm>

**Number of Utility Patent Applications Filed in the United States, By Country of Origin, Calendar Years 1965 to Present (1)**

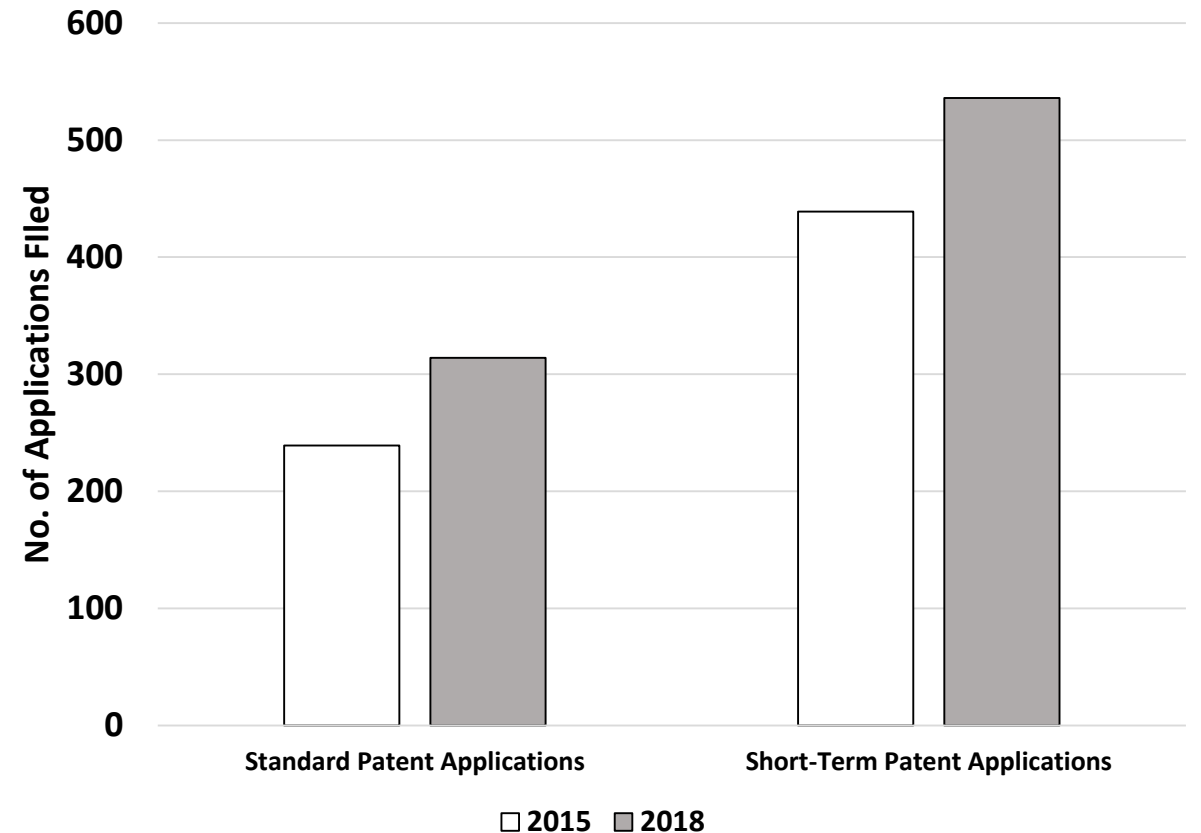
[https://www.uspto.gov/web/offices/ac/ido/oeip/taf/appl\\_yr.htm](https://www.uspto.gov/web/offices/ac/ido/oeip/taf/appl_yr.htm)



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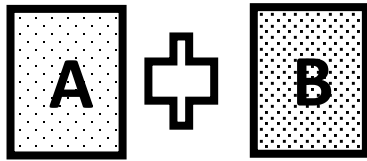
[https://www.uspto.gov/web/offices/ac/ido/oeip/taf/appl\\_yr.htm](https://www.uspto.gov/web/offices/ac/ido/oeip/taf/appl_yr.htm)

# Patentability Requirement

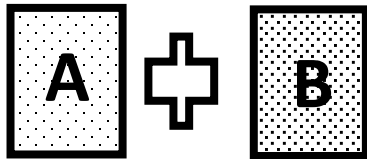


## Novelty

Prior Art:  
Jan 1, 2018

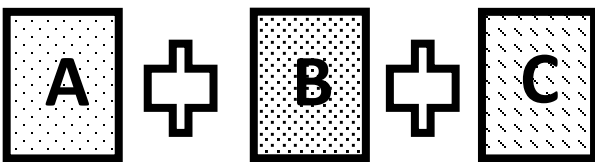


Invention 1:  
Jan 1, 2019



Not Novel

Invention 2:  
Jan 1, 2019



Novel

## Non-Obviousness

Prior Art 1



Prior Art 2

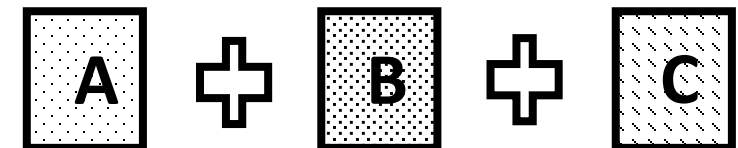


Common  
Knowledge

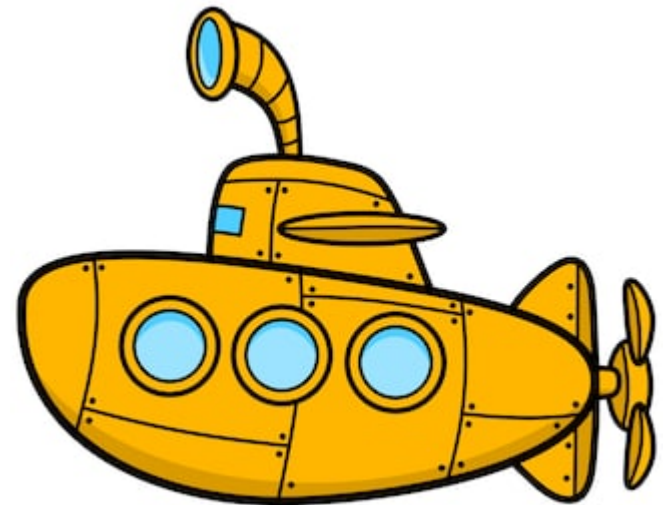
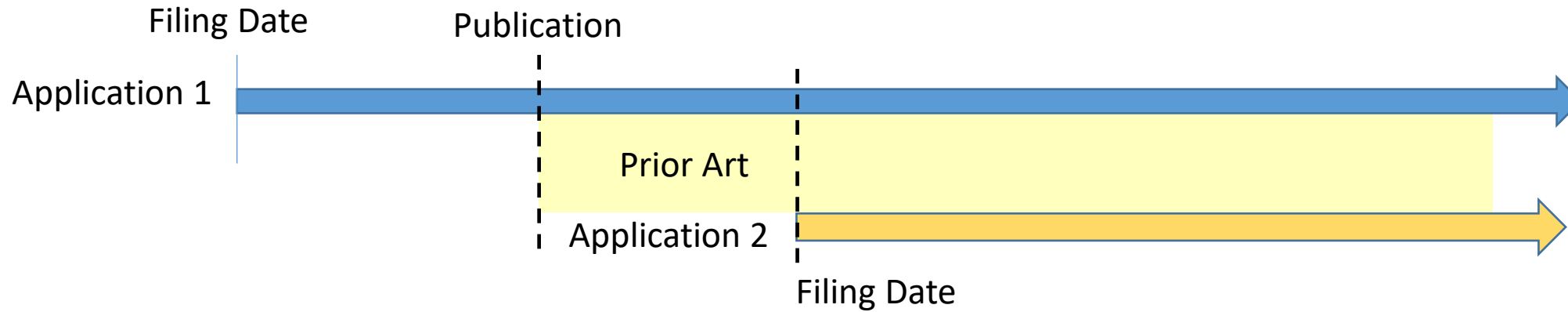


Combination

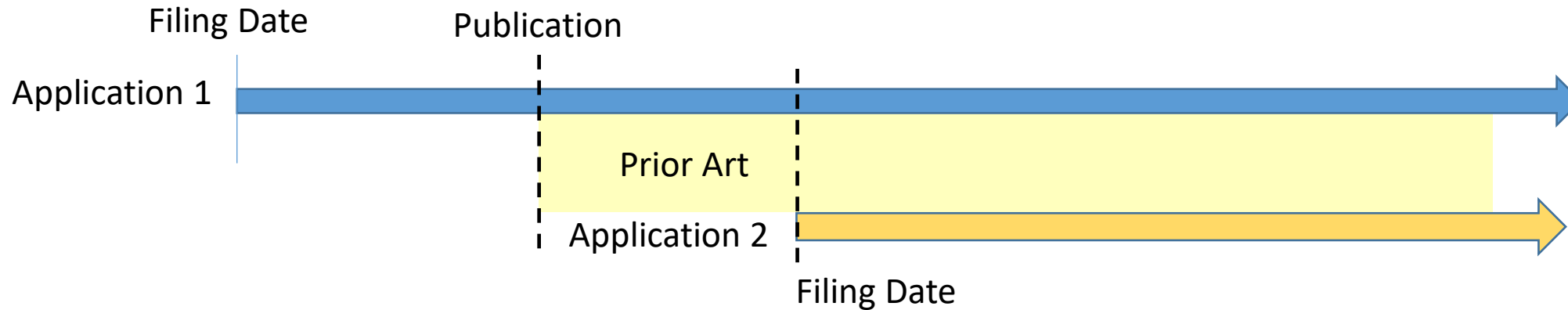
Invention



# Why HK Patents?

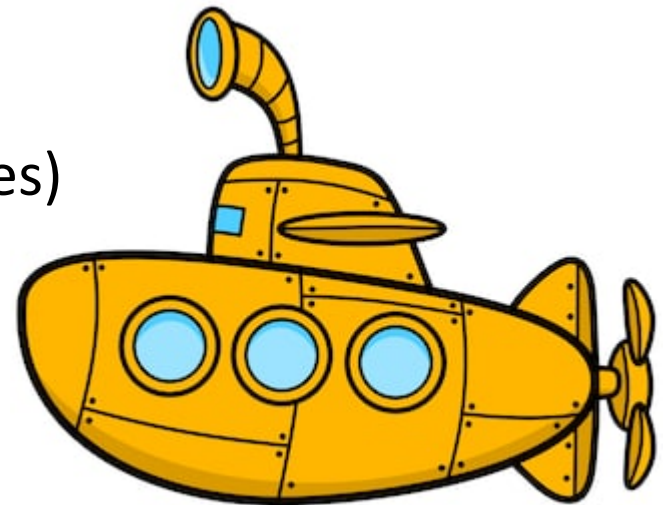


# Why HK Patents?

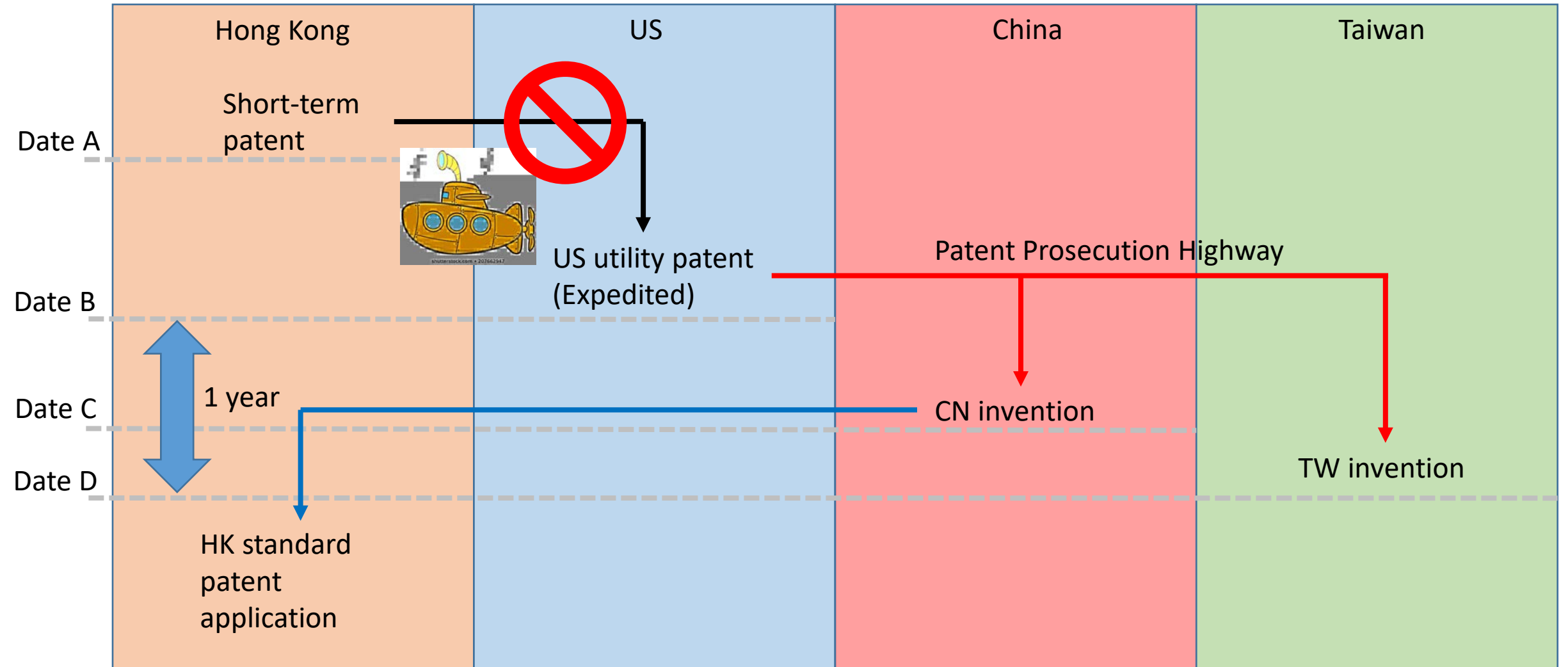


- Short-term patents

- CNIPA Search Report within 30 days (15 days with extra fees)
- Publication after submission of search report
- Priority Claim with 1 year (Paris Convention/WTO)
- English/Chinese specification

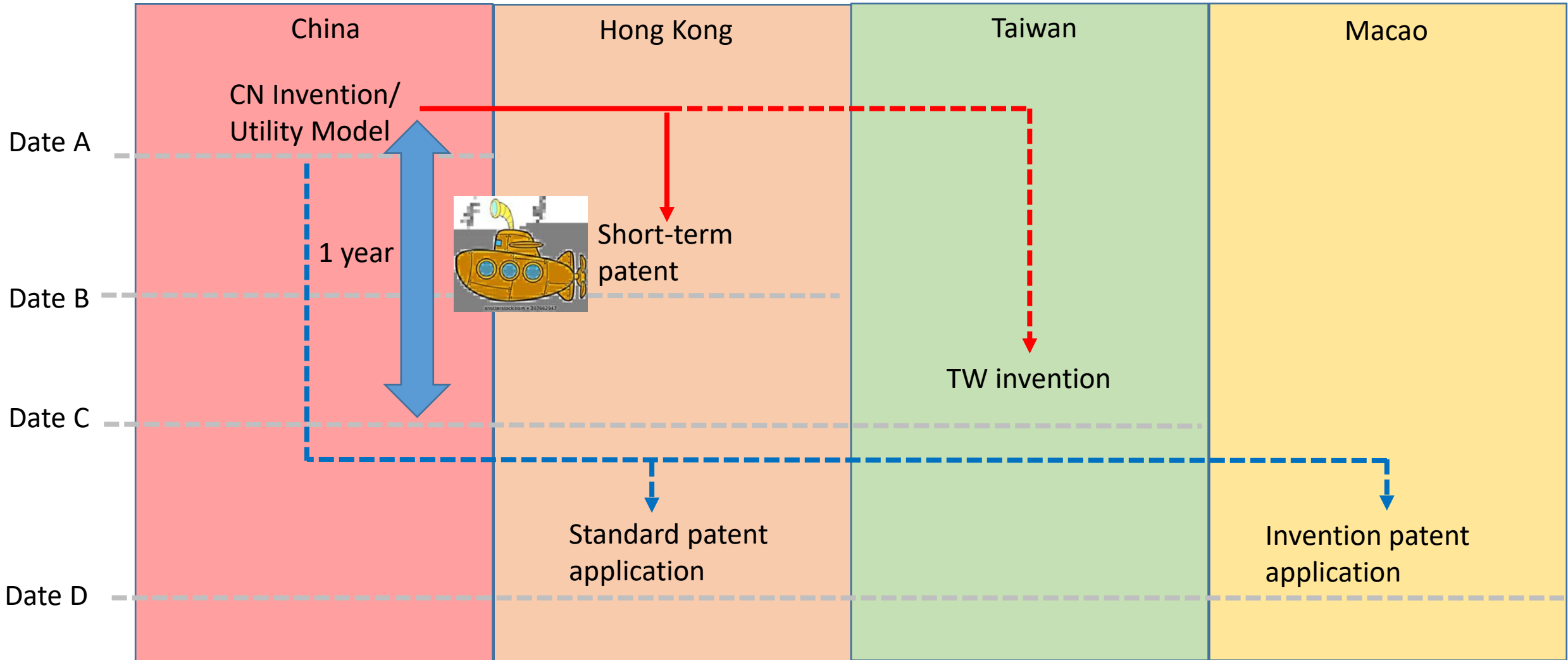


# Case Study 1



# Case Study 2

- Claim priority after STP result
- Register after STP result



# Conclusion

- HK new patent system
  - Original Grant (New)
- HK overlooked by HK innovators
- HK short-term patent
  - Unique features for patent portfolio building

Questions?