

Alert | Patent Prosecution



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Hong Kong Original Grant Patent (OGP) System to Launch Dec. 19

On Dec. 19, 2019, the Original Grant Patent (OGP) system will launch in Hong Kong Special Administrative Region (SAR). This new system will provide patent applicants an alternate path for seeking patent protection in Hong Kong SAR. The OGP system is a parallel process. The previously available routes for filing a patent application are still available. Accordingly, starting on Dec. 19, 2019, there will be five different routes to file a patent application in Hong Kong SAR.

A patent application filed under the OGP system will be examined substantively under the newly drafted Patents Examination Guidelines. A draft of the Patents Examination Guidelines for the OGP system is publicly available from the Intellectual Property Department (IPD) of the Hong Kong SAR. The China National Intellectual Property Administration (CNIPA) will provide technical assistance and support to the IPD for substantive examination of patent applications filed under the OGP system.

Hong Kong SAR is also implementing enhancements to the existing short-term patent (STP) system. For example, Section 113 of the Patents Ordinance has been amended to state the new application requirements for the STP applications.

Hong Kong SAR is also implementing revisions to the standard (R) patent application process. For example, in Section 11A, a new non-prejudicial disclosure section provides a six-month grace period, where the disclosure was due to “an evident abuse in relation to the applicant” or the inventor or a proprietor of the invention had “displayed the invention at a prescribed exhibition or meeting.”

Accordingly, applicants who wish to file patent applications in Hong Kong SAR via the traditional routes (STP or R) should keep in mind the changes that become effective on Dec. 19, 2019.

Also starting on Dec. 19, 2019, Hong Kong SAR patent applications, publications, and patent numbers will use a new numbering format. The first digit in the number will denote the type of application, publication, and patent. The first digit value of “2” will be used for the OGP system application, publication, and patent. For application numbers, the first digit values of “3-6” will be used for STP or R applications and whether the application is based on a PCT application. For patents, the digit value of “3” will designate a patent issued from a short-term patent (STP) application, and the digit value of “4” will designate a patent issued from a standard (R) application.

There will also be new and revised fees starting on Dec. 19, 2019.

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