

2016

Happy Year of the Monkey



2015 has been another exciting year for Wilkinson & Grist as we gain continuous recognitions as leading law firm for our different practices. Celebrating the 15th anniversary of the establishment of our Beijing office, we are pleased to be our client's trusted partner in their business expansion in China.

On the legislative side, the Hong Kong Competition Ordinance and Contracts (Rights of Third Parties) Ordinance have come into force whilst legislative debate over the controversial Copyright (Amendment) Bill 2014 has been postponed to 6 January 2016. With China leading the world in patent and trademark filings, and as enhanced government efforts advance the legislative framework, we are excited to be at the forefront of changes and will persist in achieving the best work amidst the challenges.

As we enter into a new year - the year of the Monkey, we warmly wish for world peace, happiness and prosperity to all.

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NEW HONOURS



ASIA-PACIFIC DISPUTE RESOLUTION AWARDS 2015

We are honored to be the winner of “Asialaw Asia-Pacific Dispute Resolution Awards 2015 – National Law Firm of the Year – Hong Kong”. This award strongly recognizes our outstanding practice as the leading team in Hong Kong for handling disputes.



The Guide to the leading regional and domestic law firms in Asia-Pacific

We are pleased to have been named as **Outstanding Law Firm** for Dispute Resolution and Intellectual Property in Hong Kong in this Asialaw Profiles 2016 Guide. We are also **Highly Recommended** for Construction & Real Estate and **Recommended** for Corporate/M&A Practice.



2015 Patent Survey

We are ranked again as amongst Asia’s Leading Patent Advisor for Hong Kong for both Prosecution and Contentious work in the 2015 Asia IP Informed Analysis Patent Survey, Special Report for the 2015 AIPPI World Congress published by Apex Asia. Following extensive research and consultation with corporate counsel worldwide, 10 firms from each jurisdiction have been ranked in this in-focus guide on the best patent firms.



For consecutive years, we have been **Recommended** in the practice areas of **Dispute Resolution, Intellectual Property** and **Restructuring and Insolvency** in Hong Kong in The Legal 500 Asia Pacific 2016, The Client's Guide to the best law firms and top lawyers.

"Among a raft of impressive cases, Wilkinson & Grist is acting for Chinachem Charitable Foundation in the long-running dispute concerning the HK\$82bn estate of the late Nina Wang, and is representing nine private companies against dissenting minority lenders in a highly complex, high-value dispute related to provision of a syndicated loan."

"IP is a core focus at Wilkinson & Grist, where notable strengths in enforcement, trade marks and anti-counterfeiting are augmented by leading mainland China capacity through its long-established Beijing IP agency."

"Wilkinson & Grist has a large pool of contentious talent and frequently represents receivers and liquidators in insolvency proceedings."



We are honoured to be selected as the winner of Corporate LiveWire's 2015 Legal Awards for **Top Tier in Trade Mark Law** – Hong Kong. The Legal Awards Winners Guide recognizes the world's leading legal firms and individuals that have proven their excellence throughout the year in the most important sectors of business.

Congratulations

We are proud of the recognition given to our partners and congratulate them on their achievements.



Yvonne Chua

Yvonne Chua, Senior Partner and Head of Intellectual Property Practice Group, has for consecutive years, been named as Leading Individual in Intellectual Property Practice in Hong Kong in The Legal 500 Asia Pacific 2016.



Keith Ho



Lawrence Chan



Florence Chan

Keith Ho, **Lawrence Chan** and **Florence Chan**, respectively Head and Partners, Dispute Resolution Practice Group, are all named as Recommended Lawyer for Dispute Resolution practice in Hong Kong, whilst Lawrence is also recommended for Restructuring and Insolvency.



2015 Asia IP Experts

Your Guide to Asia's Leading IP Advisers



Yvonne Chua



Andrea Fong

Yvonne Chua and **Andrea Fong**, Partners, Intellectual Property Group, are both nominated and listed as amongst the very best lawyers for the Trademarks practice area in Hong Kong in this 2015 Your Guide to Asia's Leading IP Advisers by Apex Asia which identifies the leading IP lawyers in Asia and the Pacific.



Leaders List 2015



John Budge

John Budge, Consultant, Dispute Resolution Practice Group, is named as a leading professional in the private wealth management and private client industry in the Citywealth Leaders List 2015.

Appointments

Through strong participation in major national and international bodies, our lawyers contribute to the community.

HK Mediation
Accreditation
Association Ltd

John Budge, Consultant, Litigation and Dispute Resolution Practice Group, was re-elected as the Chairman of Hong Kong Mediation Accreditation Association Ltd, a premier mediation accreditation body in HK, for a further period of one year as from December 2015.

Working Party on
Mediation

John was also re-appointed by the Chief Justice as Member of the Working Party on Mediation for another term of three years from 1 January 2016 to 31 December 2018. The Working Party is to consider how consensual mediation of civil disputes in the Court of First Instance, the District Court and the Lands Tribunal may be facilitated, having regard to its economic and social benefits and taking into account developments in mediation in other common law jurisdictions.

St. James'
Settlement

John was recently re-elected the Honorary Secretary of St. James' Settlement. St. James' Settlement is one of Hong Kong's largest multi-welfare organizations and John has sat on the Board since 1981.

HKIAC

John was re-elected as Vice-Chairman and Council Member of Hong Kong International Arbitration Centre for a period of 3 years.

Asian Patent
Attorneys
Association

Andrea Fong, Partner, Intellectual Property Practice Group, has been re-elected as Council Member of the Asian Patent Attorneys Association (APAA) and elected as Vice President of APAA Hong Kong Group for a three year term commencing November 2015.

INTA Brands and
Innovation
Committee

Andrea has been appointed as a member of the newly formed Brands and Innovation Committee of the International Trademark Association (INTA) for the term 2016-2017.

INTA
Anticounterfeiting
Committee

Esther Ho, Partner, Intellectual Property Practice Group, has been newly appointed to the International Trademark Association (INTA) Anticounterfeiting Committee for the term 2016-2017. This Committee develops and advocates INTA's policy regarding anticounterfeiting and enforcement issues.

Fishermen Claims
Appeal Board
(Trawl Ban)

Cleresa Wong, Partner, Real Estate Group, has been appointed as a member of Fishermen Claims Appeal Board (Trawl Ban) effective from 6 October 2015. As trawling was banned in Hong Kong waters from 31 December 2012 to restore Hong Kong's seabed and depleted marine resources, the Board hears appeals from affected trawler owners and local deckhands who feel aggrieved by the compensation offered to them or their eligibility for the same.

About Us

National Law
Firm of the
Year - Hong
Kong Asialaw
Asia-Pacific
Dispute
Resolution
Awards 2015

Keith Ho, Head, Dispute Resolution Practice Group, with other partners of the Practice Group received the award as being the winner of “National Law Firm of the Year - Hong Kong” at the inaugural Asialaw Asia-Pacific Dispute Resolution Summit 2015 on 24 September 2015. The Group currently has 23 solicitors handling a broad spectrum of litigation cases ranging from banking, insolvency, probate to shareholder disputes.



(From right to left) Our Partners Chloe Ma, Lai Lee, Lawrence Chan, Ivan Chu, Keith Ho, Paul Liu, Florence Chan, Rebecca Lau, Evelyn Chan and Derick Tam

Intellectual
Property
Rights
Protection
Alliance

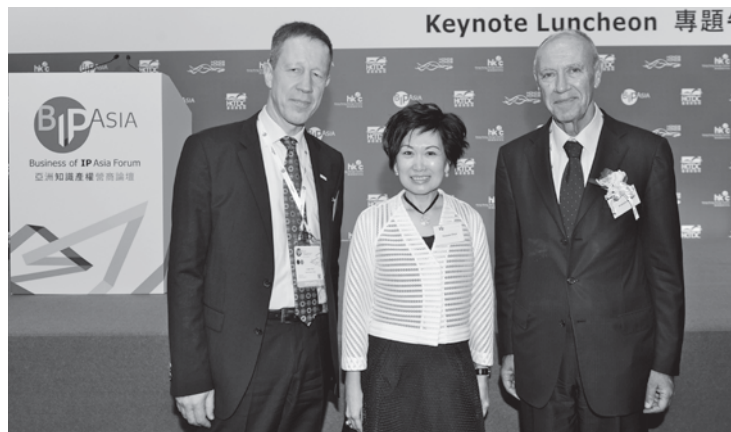
Andrea Fong, Partner, Intellectual Property Practice Group, was presented the Customs Souvenir Bear by Mr Albert Ho, Assistant Commissioner of the Hong Kong Customs & Excise, in appreciation of her contribution as a director of the Intellectual Property Rights Protection Alliance Limited at the HK Customs Headquarters on 6 October 2015.



On the right Mr Albert Ho, Assistant Commissioner of the HK Customs, with our Andrea Fong

Yvonne Chua, Head, Intellectual Property Practice Group, was invited to the Opening of the Business of IP Asia Forum on 3 December 2015 as jointly organized by the HKSAR Government, Hong Kong Trade Development Council and Hong Kong Design Centre.

Business of IP
Asia Forum



(From right to left): Mr Francis Gurry (Director General, World IP Organization), our Yvonne Chua, Dr Jürgen Koch (Head of Corporate IP, Robert Bosch GmbH)

Announcing New Partner

We are delighted to announce the admission of **Dorothy Ma** of our Dispute Resolution Practice Group as our new partner with effect from 1 October 2015. Since joining us in June 2012, Dorothy has been specializing in commercial litigation with special focus on shareholder disputes, insolvency matters and banking litigation as well as on prosecuting and defending audit negligence claims. She is also well experienced in defending disciplinary proceedings against accountants and representing listed companies in investigations conducted by the Securities and Futures Commission.



Dorothy Ma

Talks & Seminars

We are pleased to be involved in, and contribute to, legal education in Hong Kong, China and other regions.

LES Asia
Pacific
Regional
Meeting 2015

Yvonne Chua, Head, Intellectual Property Practice Group, was moderator in the Panel Session on “Can A Brand Last Forever” in the 2015 Licensing Executives Society (LES) Asia Pacific Regional Meeting in Kuala Lumpur on 30 September 2015. Yvonne was the President of LES International for the term of 2013-2014.



Business of IP
Asia Forum
2015

Yvonne also spoke on “Practical Tips To Protect Your IP Assets” on behalf of the Law Society of Hong Kong IP Committee, at the Business of Intellectual Property Asia Forum 2015 held on 4 December 2015. This forum was one of the most important IP forum in the region, attracting over 2400 IP professionals and industry players from 37 countries and regions.



Publications

We are happy to provide upon request copies of the following published articles written by our lawyers.

“Rise of substantial probate disputes involving UHNWs because of the high tolerance of mistresses in Asia and numerous children from different wives and girlfriends”

- John Budge

Citywealth Weekly
30 September 2015

“New efforts to fight IP infringement and counterfeiting activities”

- Annie Tsoi

Intellectual Asset
Management Magazine
21 October 2015

“The Contracts (Rights of Third Parties) Ordinance - impact on the licensing of trademarks”

“Impact of Contracts (Rights of Third Parties) Ordinance on trademark licensing”

- David Choi

- Florence Lam

World Trademark
Review Daily
24 November 2015

World Trademark
Review LEXOLOGY
2 December 2015

Intellectual Asset
Management Magazine
2 December 2015

“Patents bill making its way through the legislature”

- Mena Lo

Intellectual Asset
Management Magazine
16 December 2015

“International Protection of Adults” – Hong Kong Chapter

- Co-authored by John Budge

Oxford University Press
2015 edition

Conferences

Our members will be attending the following conferences and will be delighted to make arrangements in advance for meeting with clients and associates.

LES IMDM

Beijing, China, 13 – 15 May 2016

LESI Annual Conference

Beijing, China, 15 – 18 May 2016

INTA Annual Meeting

Orlando, Florida, USA, 21 – 25 May 2016

ECTA Annual Conference

Dubrovnik, Croatia, 22 – 25 June 2016

AIPPI World Congress

Milan, Italy, 16 – 20 September 2016

MARQUES Annual Conference

Villaitana, Alicante, Spain, 20 – 23 September 2016

PTMG Autumn Conference

Oslo, Norway, 5 – 8 October 2016

APAA Council Meeting

Bali, Indonesia, 8 – 11 October 2016

INTA Leadership Meeting

Miami, Florida, USA, 7 – 11 November 2016

Hong Kong



Esther Ho



Kendrick Cheung

Competition Ordinance update: Publication of Enforcement Policy and Leniency Policy

The Competition Ordinance (“Ordinance”) became fully effective on 14 December 2015. Apart from the Ordinance, businesses are advised to study the Leniency Policy for Undertakings Engaged in Cartel Conduct (“Leniency Policy”) and the Enforcement Policy published by the Competition Commission (“Commission”) on 19 November 2015.

Enforcement Policy

The Commission’s function is to investigate conduct that may contravene the competition rules and enforce the provisions of the Ordinance. However the Commission cannot conduct a detailed investigation into each and every complaint due to limitation of its resources.

The Enforcement Policy provides guidance on how the Commission intends to exercise its enforcement function in investigating possible contraventions of the First Conduct Rule and the Second Conduct Rule of the Ordinance. In exercising its investigative and enforcement powers, the Commission will take into account the facts of the case and the following matters:-

1. *Compliance focus* – During the initial years of operation of the Ordinance, the Commission would focus on encouraging compliance with the Ordinance in the Hong Kong economy as a whole, rather than focusing on specific sectors. Priority would be accorded to the following forms of conduct: (i) cartel conduct; (ii) other agreements contravening the First Conduct Rule causing significant harm to competition in Hong Kong; and (iii) abuses of substantial market power involving exclusionary behaviour by incumbents. In relation to cartel conduct, the Commission may, apart from taking action against undertakings engaged in such conduct, prioritize action against associations of undertakings and officers (such as directors) of undertakings who were involved in cartel conduct.
2. *Severity factors* – In determining how to resolve individual contraventions, the Commission will take into account: (i) whether the contravention demonstrates a blatant disregard for the law; (ii) the deliberateness of the contravention; (iii) whether the contravention was engaged in or directed by the senior management of the relevant undertaking; and (iv) history of advices, warnings and/or contraventions in connection with the Ordinance against the relevant person.

3. *Remedies* – The Commission will generally favour remedies which would stop the unlawful conduct speedily, undo the harm caused by the contravening conduct and impose sufficient economic sanction to encourage compliance with the Ordinance, and which would be consistent with previous remedies applied in similar cases, reflect culpability and set an appropriate standard for future similar cases.

Leniency Policy

As cartel conduct is harmful to economy but difficult to detect, the Commission will adopt the Leniency Policy for undertakings engaged in cartel conduct, aiming to provide incentives to a cartel member to act as a whistle-blower, report cartel conduct to the Commission and cooperate with the Commission in bringing proceedings against other cartel members. Key features of the Leniency Policy include:-

1. Leniency is available only in respect of cartel conduct contravening the First Conduct Rule ie agreements and concerted practices among undertakings that are in competition with each other (or otherwise would be if not for the cartel conduct), that seek to fix prices, share markets, restrict output and/or rig bids, with the object of preventing, restricting or distorting competition in Hong Kong.
2. Leniency is available only to the first undertaking that reports the cartel conduct to the Commission and meets all the conditions for leniency. Absent exceptional circumstances, the Commission would not enter into a leniency agreement with more than one cartel member in a given case.
3. If an undertaking meets the conditions for leniency, the Commission will enter into a leniency agreement (template of which is annexed to the Leniency Policy) with the undertaking, under which the Commission would agree not to take proceedings against it for a pecuniary penalty in exchange for continuing cooperation (including full and truthful disclosure) in the investigation of the cartel conduct. However, the leniency agreement would not preclude a private follow-on action for damages.
4. The undertaking receiving leniency must, to the satisfaction of the Commission, sign a statement of agreed facts admitting to its participation in the cartel. The statement may form the basis of a declaration by the Competition Tribunal that the undertaking has contravened the First Conduct Rule.

On the other hand, the Communications Authority, which has concurrent jurisdiction with the Commission in respect of anti-competitive conduct involving the telecommunications or broadcasting sectors, announced that it would not adopt a leniency policy either on its own or jointly with the Commission. The Communications Authority would consider granting leniency on a case-by-case basis.



David Choi

Further discussion on Contracts (Rights of Third Parties) Ordinance

With the Commencement Notice of the Contracts (Rights of Third Parties) Ordinance (“the Ordinance”) having been gazetted, the Ordinance has come into operation on 1 January 2016. In the May 2015 edition of our Newsletter, we introduced certain key aspects of the Ordinance. In this article, we would discuss in more details the implication of the Ordinance on contracts involving third party rights.

Are existing contracts made prior to the commencement of the Ordinance subject to the Ordinance?

The Ordinance has no retrospective effect and only applies to a contract entered into on or after the commencement of the Ordinance. The purpose of the Ordinance is to make sure that the rights of the parties under an existing contract are not affected. However, it is advisable to review existing contracts to identify any terms that would confer a benefit on third parties in case the same contract template will be used after 1 January 2016. Moreover, if the parties intend to amend an existing contract by way of a supplemental contract made after the commencement of the Ordinance but do not intend the terms conferring benefit on third parties in the existing contract to be enforceable by such third parties, care should be taken in preparing the supplemental contract to avoid those terms being unwittingly incorporated into the wordings thereof. Otherwise, there is a risk that the relevant third parties may argue that a new contract has been entered into by the parties conferring the benefit on them. Where appropriate, the relevant terms should be expressly stated in the supplemental contract to be excluded from the application of the Ordinance.

Should we simply “contract out” the application of Ordinance?

The Ordinance allows the parties to “contract out” the application of the Ordinance. It is common practice in England that contracts generally exclude the application of the equivalent UK legislation by adding a “boilerplate” clause to that effect. It is advisable to review the nature of the contracts and consider the intention of the parties before deciding whether or not the same suit should be followed. There are situations where it may be beneficial for the contracting parties to include terms to benefit a third party if the contracts involve other group companies of the party(ies). The group companies as third parties may then be able to enforce the terms thereof. Those contracts may include settlement agreements, confidentiality agreements, restrictive covenant agreements and agreements with warranties given by one party to another. The Ordinance allows the contracting parties to specify which term shall or shall not be enforceable by a third party. In the same way, the parties may also exclude any specific term of the contract from the operation of the Ordinance. Due consideration

should be given by the parties to determine whether or not and to what extent to “contract out” the application of the Ordinance. Contracting parties should consider seeking legal advice to customize the terms of their contract in order to fully reflect their intention taking into account particular circumstances of each case.

Liability of an employer under the Ordinance

As mentioned in our previous article on the Ordinance, certain types of contract or terms of contract are excluded from the Ordinance. One of them is a term of a contract of employment against an employee. However, the Ordinance does not exclude the right of a third party to enforce a term of a contract of employment against the employer. For example, an employer under a contract of employment may provide certain benefits, such as medical or housing benefits to the immediate family members and/or dependants of its employees and as a result, such family members and/or dependants may enforce the provisions conferring such benefits against the employer directly. Similarly, a third party host company may enforce the secondment agreement against the employer. In this regard, employers are advised to review their standard employment contracts, staff handbooks and company policies and if necessary to consider adding provisions in their contracts to exclude the application of the Ordinance.

Patents bill making its way through the legislature

The HKSAR Government (“the Government”) recently introduced the Patents (Amendment) Bill 2015 into the Legislative Council for first and second readings. To meet present-day standards for patent systems and to propel Hong Kong as a regional hub for innovation and technology, the Government commenced a review of the local patent system 4 years ago. In December 2012, the advisory committee submitted a report to the Government with key recommendations, which were accepted by the Government in February 2013. The Government has since been engaging in various implementation tasks.

Key proposals under the bill include the following:

Introducing an “original grant” patent system for granting standard patents

The current “re-registration” system requires applicants to first register a patent in a designated patent office outside Hong Kong before they could register the patent in Hong Kong. The proposed new system allows applicants to file applications for standard patents directly in Hong Kong without first registering elsewhere. The current “re-registration” system shall be retained.



Mena Lo

Refining the short-term patent system

Currently, short-term patents which can have only one independent claim (with no limitation on the number of dependent claims) are only subject to formality examination. The bill proposes to refine short-term patent system in the following manner:

- Including substantive examination as a prerequisite to commence enforcement action;
- Granting the proprietor of a short-term patent or a third party with a legitimate concern about the patent's validity a right to apply for substantive examination;
- Requiring the proprietor of a short-term patent making a threat to commence infringement proceedings to give full particulars of the short-term patent in question, failing which may constitute a groundless threat which would entitle the aggrieved party to seek relief;
- Increasing the number of independent claims to two.

Implementing an interim regulatory measure for local patent practitioners pending establishment of a full-fledged regulatory regime

While the establishment of a full-fledged regulatory regime is still pending, the bill proposes interim regulatory measures in the meantime.

Currently, there is generally no regulation on local patent practitioners. Any person can provide patent agency service in Hong Kong and use titles like "patent agent" or "patent attorney". The bill proposes regulating the use of certain titles which may likely be conferred exclusively on qualified patent practitioners under the future regulatory regime, as well as other titles that would likely confuse service users that a patent practitioner's qualification is endorsed by the Government or recognized by law. This is to prevent misuses of attractive titles that may confuse service users about the qualifications of patent practitioners. The bill proposes to make the above behavior an offence, with appropriate exemptions to allow legitimate and reasonable use of professional titles that have been lawfully obtained outside Hong Kong.

After the first and second hearing of the bill in the Legislative Council on 11 November 2015, a Bills Committee was set up and held its first meeting on 1 December 2015. Subject to the progress of passing the Bill, the Government expects to implement the new patent system in 2017 at the earliest.

Hong Kong Alert

Legislative debate over Copyright (Amendment) Bill further postponed

Gazetted on 13 June 2014, the legislative debate over the Copyright (Amendment) Bill 2014 (“the 2014 Bill”) was recently postponed to 6 January 2016. To enhance copyright protection in the digital environment and to combat large scale online piracy, the Copyright (Amendment) Bill 2011 was introduced but not proceeded with, due to filibustering arising principally from the controversies over whether to include a parody exception to copyright infringement and concerns over the criminal liability threshold for unauthorized communication of copyright work. The 2014 Bill was reintroduced to address these concerns with new exceptions to allow appropriate fair dealings but again met with controversial debate over (1) the adoption of an open-ended fair use exception; (2) the addition of a user-generated content exception; (3) express provision to disallow contract override for copyright exceptions.

China

New efforts to fight IP infringement and counterfeiting activities

In March 2015 the State Council issued a detailed directive on combating infringement of intellectual property (IP) rights and the manufacture and sale of counterfeits and inferior products at a national level. Various authorities were tasked with strengthening their monitoring and prosecution efforts against such activities, with particular focus on cyberspace.

According to a recent report by Xinhua News Agency, based on statistics provided by the State Administration for Industry and Commerce (SAIC), the SAIC received over 23,000 complaints relating to IP infringements or the manufacture and sale of counterfeit and inferior products during the first six months of 2015. Of these, over 21,000 cases were successfully concluded, involving a total value of RMB380 million.

As of August 2015, the SAIC had reportedly carried out more than 240,000 random checks on websites and 6,100 site visits. As a result of such efforts:

- 532 websites were ordered to be amended;
- 21 websites were shut down; and
- 28,999 listings of illegal product information were removed from websites.

With these promising interim results, no doubt continual efforts will be made by the authorities with the support of rights holders to enhance IP protection.



Annie Tsoi



KY So

Growing importance of copyright registration in China

The National Copyright Administration (NCAC) recently announced that the total number of copyright registrations issued between January and October 2015 reached the record-high figure of 689,700, and this is said to mark a significant achievement in China's twelve five-year plan.

From 2011 to 2014, the handled over 2.83 million copyright registrations which amount to a 47.6% increase comparing with the previous five-year plan period. This demonstrates that the importance of copyright registration has increased significantly in the eyes of rights owners over the recent years.

Whilst copyright registration in China is filed on a voluntary basis and not a prerequisite for enforcement of the copyright, the advantages of registration are manifold:-

1. Registration is not confined to particular class of goods/services, unlike trademark registration. Trademarks proprietors may thus seek to register its device mark as a copyright work so as to equip them with additional legal grounds whether in trademark opposition, invalidation and/or enforcement actions in China particularly against unauthorized trademarks in dissimilar classes of goods/services.
2. The owner of the copyright work may further record the registered work with the Chinese Customs to stop import and export of goods which infringe upon the copyright work.
3. Certificate of copyright registration in China is usually required to support on-line complaints lodged with online B2B or B2C platforms based in China (such as Alibaba and Taobao).
4. For enforcement of copyright through legal proceedings in Chinese Courts, a certificate of copyright registration serves as *prima facie* evidence of subsistence and ownership of copyright.

Brand owner should consider enhancing their IP rights through copyright registration with the Copyright Protection Center of NCAC. For the reasons above, we foresee the number and importance of copyright registration will continue to grow.

China Alerts

Reduction in official fees of trade mark applications and copyright registrations of software

Effective from 15 October 2015, the official fee for the filing of an application for one trade mark has been reduced from RMB800 to RMB600 (which includes up to 10 items of goods/services). For each additional item of good/services, the official fee has also been reduced from RMB80 to RMB60.

The official fee for registering copyright for software was also reduced from RMB250 per work to RMB200, with the official fee for issuance of copyright registration certificate for software lowered from RMB50 to RMB10.

The amended Administrative Procedure Law takes effect

On 1 May 2015, the Amendments to the Administrative Procedure Law (“the Amendments”) came into force. The Administrative Procedure Law provides a framework for judicial review of administrative decision of governmental authorities in China. The Amendments, amongst others, (1) broadened the types of governmental decisions that may be subject to review under the Administrative Procedure Law; (2) established the jurisdiction of the Intermediate People’s Court as courts of first instance over review cases concerning inter alia administrative decisions made by departments of the State Council, the People’s Government above county level and the Customs; (3) mandate the presence of the person in charge of the administrative authority whose decision is under review at the oral hearing; and (4) provide for the levy of fine calculated on a daily basis on the person in charge of the relevant authority for non-compliance with the review judgment.

Suspension of collection of official fees for Customs recordal of IP rights

The General Administration of Customs of China (the “GAC”) has suspended the charging of official recordal fees (the “Recordal Fees”) for an application for recordal of IP rights filed with the GAC (the “Recordal Application”) on or after 1 November 2015.

Any party who has prepaid Recordal Fees to its special account with the GAC, and has not used such Fees for recordal of IP rights prior to 1 November 2015, may apply for a refund.

For Recordal Applications the status of which as of 1 November 2015 (but not including 1 November 2015) was “approved, pending payment of Recordal Fees” or “pending approval”, payment of Recordal Fees is not required where it is not yet made.

Notice: This newsletter is intended for general information only and should not be taken as legal advice of Wilkinson & Grist. For any enquiries, please contact Ms Anita Kwan at anitakwan@wilgrist.com.

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Hong Kong
Beijing

Wilkinson & Grist



HK/China base with International Focus

Major areas of practice:

- Banking
- Bankruptcy & Insolvency
- China Trade
- Company & Commercial
- Conveyancing & Real Estate
- Dispute Resolution
- Employment
- Family
- Information Technology
- Intellectual Property
- Private Client
- Securities & Investment

- A long tradition of excellence for 130 years
- Our own IP agency in Beijing
- Hong Kong lawyers joining forces with PRC counsel, trade mark agents and patent agents.

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