

Guidance notes for applying for Patent Application Grant

1. The application form is available both in Chinese and English. The form shall be typed.
2. The form is in three parts. Applicants are required to complete Parts I, II and III of the application form. Please provide supporting documents whenever appropriate. Where the information sought is not applicable or not available under a particular section, fill in “NA” or “nil”.
3. Please provide clear and concise information. Additional page(s) may be attached to the form if necessary.
4. Personal particulars of applicants and inventors are requested for processing the application under the Patent Application Grant (“PAG”). If necessary, the information provided will be disclosed to the implementation agent, the Hong Kong Productivity Council (“HKPC”) in confidence for the purpose of assessment. Applicants have the right to request access to or correction of personal data provided in the application. Such request may be made to the Innovation and Technology Commission (“ITC”) on 3655 5678.
5. Inventor(s) is/are required to attend interview(s) in person in Hong Kong to explain the background of the invention, provide detailed and accurate description of the invention and highlight the technology element involved in the invention.
6. To ensure the authenticity of supporting documents, applicants are required to present the original or certified true copy of supporting documents, including the patent search reports, for HKPC’s checking.
7. (For individual applicant) The applicant and inventor(s) shall not have any direct or indirect private interest# in, or have any association or connection with the owner(s), shareholder(s), officer(s) or management of the appointed patent agent and/or the staff responsible for handling the application.
8. (For company applicant) The inventor(s), owner(s), shareholder(s), director(s), officer(s) or management of the company applicant(s) shall not have any direct or indirect private interest# in, or have any association or connection with the owner(s), shareholder(s), officer(s) or management of the appointed patent agent and/or the staff responsible for handling the application.

#Private interest includes the financial and other interests of the officer himself/ herself, his/her family or other relations, his/her personal friends;

the clubs and associations to which he/she belongs, any other groups of people with whom he/she has personal or social ties, or any person to whom he/she owes a favour or is obligated in any way.

9. The applicant shall observe the Prevention of Bribery Ordinance (Cap. 201) (“PBO”) in Hong Kong. The applicant shall prohibit its directors, employees, agents, suppliers, consultants, contractors and other personnel who are involved in the PAG from offering, soliciting or accepting any advantages (as defined in the PBO) when prosecuting the patent applications under the PAG.
10. All applicants shall, and shall ensure that all inventor(s) shall, conform in all respects with all applicable laws and regulations (including without limitation the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region).
11. The Government of the Hong Kong Special Administrative Region (“the Government”) may at any time revoke an approved PAG application or terminate any approved PAG project and funding with immediate effect and require an applicant to immediately refund all or any disbursed funding to ITC by written notice to the PAG applicant through the HKPC on the occurrence of any of the following events:
 - (a) the applicant or any inventor engages in any conduct prejudicial to the invention;
 - (b) the applicant or any inventor has engaged or is engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security;
 - (c) the continued engagement of the applicant or any inventor or the continued development of the invention is contrary to the interest of national security;
or
 - (d) the Government reasonably believes that any of the events mentioned in paragraphs 11 (a) to (c) above is about to occur.
12. If the applicant or any of its directors, employees, agents, suppliers, consultants, contractors and other personnel who are involved in the PAG commits any offence under the PBO when prosecuting the patent applications under the PAG, the Government and HKPC shall be entitled to withhold, suspend and/or terminate the PAG immediately and hold the applicant liable for any and all losses or damages the Government and HKPC may thereby sustain.

13. The applicant shall promptly provide information or clarifications to address the questions raised by HKPC or ITC. If the applicant fails to respond or provide relevant information within two months from the date of issue of the second reminder by HKPC, it will be considered that the applicant is no longer interested in pursuing the application and the application is deemed to be withdrawn.
14. Costs relating to patent application for the invention contained in the application should not be covered by other sources of Government funding e.g. Innovation and Technology Support Programme, University-Industry Collaboration Programme, Partnership Research Programme, or Dedicated Fund on Branding, Upgrading and Domestic Sales etc. Likewise, patent budget(s) already covered by other sources of Government funding will not be funded by PAG.
15. The applicant shall immediately inform ITC and HKPC in writing of any change of information in respect of the application, including information about the subsequent approval of funds by another Government bureau or department after the application is submitted.
16. In the assessment process, if the search report result is unfavourable but the applicant would like to proceed with the application, the applicant has to appoint a patent agent to provide third party advice to confirm the patentability of the invention. To ensure the impartiality of patentability advice, the patent agent providing the patentability advice must have no direct or indirect relationship/association with the patent agent to be appointed to handle the patent application matters after approval of the PAG application.
17. During the assessment process, all direct expenses shall be paid in advance by the applicant, 90% of which would be reimbursed from the PAG funding if the PAG application is approved.
18. The target processing time for applications for PAG is 270 calendar days excluding day of receipt and day of issue. The target is applied upon receipt of all necessary documents and information. The processing time may take longer for complicated cases.
19. PAG can be used to cover 90% of the direct expenses of patent registration. The remaining direct expenses shall be paid in advance by the applicant to HKPC upon its acceptance of patent agent's quotation. To ensure that sufficient funding is available for the completion of at least one patent registration after the filing of patent application, a portion of the PAG funding (at least \$70,000 in general) will

be reserved for the post-filing stage¹ Applicants are advised to communicate with the patent agent on the planned use of the funding after the approval of the application.

20. Please submit your application online at <https://apply.pag.hkpc.org/>; or hard copy of application to:

Hong Kong Productivity Council,
78 Tat Chee Avenue,
HKPC Building,
Kowloon Tong, Kowloon

OR

Innovation and Technology Commission,
10/F, Rykadan Capital Tower,
135 Hoi Bun Road,
Kwun Tong, Kowloon

21. For submission with hard copy, two copies of the application are to be submitted (with original signatures). Please also ensure that the required supporting documents are attached.
22. Please contact HKPC at 2788 5958 or ITC at 3655 5678 if you have any difficulty in preparing your application or if you require any further information.
23. ALL INFORMATION PROVIDED WILL BE HELD IN THE STRICTEST CONFIDENCE.

Hong Kong Productivity Council
April 2024

¹ Post-filing stage refers to all the procedures after the filing stage. The filing stage involves preparation of the patent specification and filing of the patent application(s) to patent office(s). Applicants may seek clarifications from HKPC on the definition in case of doubts.