

Guidance notes for applying for Patent Application Grant

1. The application form is available both in Chinese and English. The form should 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. If necessary, the information provided will be disclosed to the implementing 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 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. Please pay attention to and comply with the latest requirements as announced by the Government of the Hong Kong Special Administrative Region when entering the HKPC Building.
6. To ensure genuineness of supporting documents, applicants are required to present the originals of supporting documents, including the patent search reports, for 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 individual applicants, company applicants or any inventors shall warrant and undertake that they shall conform in all respects with all legislation (including the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region), regulations and by-laws of any applicable jurisdiction when the invention is put into use.
11. 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, HKPC and the Government shall be entitled to withhold, suspend and/or terminate the PAG immediately and hold the applicant liable for any and all losses or damages HKPC and the Government may thereby sustain.
12. The applicant shall promptly provide information or clarifications to address the questions raised by the implementation agent or ITC. If the applicant fail to respond or provide relevant information within two months from the date of issue of the second reminder by the implementation agent, it will be considered that the applicant is no longer interested in pursuing the application and the application is deemed to be withdrawn.
13. 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 should 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.

14. During the assessment process, all direct expenses should be paid in advance by the applicant, 90% of which would be reimbursed from the PAG funding if the PAG application is approved.
15. The target processing time for applications for Patent Application Grant 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.
16. PAG can be used to cover 90% of the direct expenses of patent registration. The remaining direct expenses should be paid in advance by the applicant to the implementation agent 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.
17. 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

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.

18. 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.
19. Please contact the implementation agent of the PAG, Hong Kong Productivity Council (HKPC) at 2788 5958 or the Innovation and Technology Commission at 36555678 if you have any difficulty in preparing your application or if you require any further information.
20. ALL INFORMATION PROVIDED WILL BE HELD IN THE STRICTEST CONFIDENCE.

Hong Kong Productivity Council
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