

Chapter:	412	DIRECTOR OF INTELLECTUAL PROPERTY (ESTABLISHMENT) ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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An Ordinance to provide for the establishment of the office of Director of Intellectual Property and the appointment of other officers, to define their powers and duties, and to make provision for connected purposes.

(Enacted 1990)

[2 July 1990] *L.N. 189 of 1990*

(Originally 35 of 1990)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Director of Intellectual Property (Establishment) Ordinance.

(Enacted 1990)

Section:	2	Interpretation	L.N. 87 of 2003	28/03/2003
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In this Ordinance, unless the context otherwise requires-

"Director" (署長) means the Director of Intellectual Property appointed under section 3;

"legally qualified" (具有專業法律資格) means qualified to practise as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 2 to the Legal Officers Ordinance (Cap 87); (Amended 42 of 2000 s. 30)

"Registrar General" (註冊總署署長) means the Registrar General appointed under section 2(1) of the Registrar General (Establishment) Ordinance (Cap 100).

(Enacted 1990)

Section:	3	Appointment of Director and other officers	22 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 22 of 1999 s. 3

(1) The Chief Executive may appoint a Director of Intellectual Property and such other officers to hold any of the offices specified in Schedule 1 as may be required to assist the Director in the performance of his duties. (Amended 22 of 1999 s. 3)

(2) No person shall be appointed to any of the offices specified in Part 1 of Schedule 1 unless on the date of such appointment he is legally qualified.

(3) The Director, where he is legally qualified, and the holder of an office specified in Part 1 of Schedule 1 shall be deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap 87) and shall have all rights conferred upon legal officers by that Ordinance.

(Enacted 1990)

Section:	4	Director to hold offices in Schedule 2		30/06/1997
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The Director shall hold the offices specified in Schedule 2.

(Enacted 1990)

Section:	5	Powers and duties of officers appointed to assist the Director		30/06/1997
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(1) The holder of an office specified in Schedule 1 may, subject to subsection (2) and any instructions of the Director, exercise the powers or perform the duties of the office of the Director.

(2) The holder of an office specified in Part 2 of Schedule 1 shall not exercise any right conferred by section

3(3) on the holder of an office specified in Part 1 of Schedule 1.

(3) The Director and the holder of an office specified in Schedule 1 may take any affidavit, affirmation or statutory or other declaration required by any Ordinance to be made before or produced or delivered to or filed with the Director or the holder of an office specified in Schedule 2 notwithstanding any Ordinance requiring the taking of such affidavit, affirmation or declaration by or before any other person.

(Enacted 1990)

Section:	6	Chief Executive may amend Schedules	22 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 22 of 1999 s. 3

The Chief Executive may, by order published in the Gazette, amend the Schedules.

(Enacted 1990. Amended 22 of 1999 s. 3)

Section:	7	Transitional provision		30/06/1997
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(1) Any thing done before the commencement of this Ordinance by the Registrar General in the capacity of Registrar of Patents or Registrar of Trade Marks shall be regarded as having been done by the Director in the capacity of Registrar of Patents or, as the case may be, Registrar of Trade Marks at the time when the thing was done.

(2) Any document which contains a reference to the Registrar General in the capacity of Registrar of Patents or Registrar of Trade Marks shall have effect on and after the commencement of this Ordinance with the substitution for such reference of a reference to the Director in the capacity of Registrar of Patents or, as the case may be, Registrar of Trade Marks.

(3) In any legal proceedings pending on the commencement of this Ordinance to which the Registrar General in the capacity of Registrar of Patents or Registrar of Trade Marks is a party, the Director in the capacity of Registrar of Patents or, as the case may be, Registrar of Trade Marks shall as from such commencement be substituted as a party thereto in lieu of the Registrar General and the proceedings shall continue as if the Director in that capacity had always been that party.

(Enacted 1990)

Section:	8	Evidence		30/06/1997
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Any certificate or document purporting to be given or made in the exercise or performance of any of his powers and duties-

(a) by the Director under any law; or

(b) by the holder of an office specified in Schedule 1,

shall, unless the contrary is proved, be deemed to be so given or made and be received in any proceedings as evidence of the facts stated therein.

(Enacted 1990)

Section:	9	(Omitted)		30/06/1997
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(Omitted)

Section:	10	(Omitted)		30/06/1997
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(Omitted)

Section:	11	(Omitted)		30/06/1997
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(Omitted)

Section:	12	(Omitted)		30/06/1997
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(Omitted)

Section:	13	(Omitted)		30/06/1997
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(Omitted)

Schedule:	1		L.N. 272 of 1998	10/07/1998
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[sections 3, 5, 6 & 8]

PART 1

1. Deputy Director of Intellectual Property
2. Assistant Director of Intellectual Property
3. Senior Solicitor
4. Solicitor (Added L.N. 272 of 1998)

PART 2

1. Principal Intellectual Property Examiner (Added L.N. 407 of 1995)
2. Chief Intellectual Property Examiner
3. Senior Intellectual Property Examiner
4. Intellectual Property Examiner I
5. Intellectual Property Examiner II

(Enacted 1990. Amended L.N. 407 of 1995)

Schedule:	2		L.N. 127 of 2001	13/07/2001
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[sections 4, 5 & 6]

1. Registrar of Patents
2. Registrar of Trade Marks
3. Registrar of Designs (Added 64 of 1997 s. 95)
4. Registrar of Copyright Licensing Bodies (Added 92 of 1997 s. 280. Amended L.N. 95 of 1999)

(Enacted 1990)