GUIDE

A trademark in Hong Kong: how to file it and keep it

The stages and timing, how to choose classes, what a mark gives you and how not to lose it once it is on the register. Based on the Hong Kong Trade Marks Ordinance (Cap. 559).

From filing

the mark is protected from the application date — file before sales start

From 4–5 months

to entry on the register, if there are no objections or oppositions

10 years

term of protection, renewable with no limit

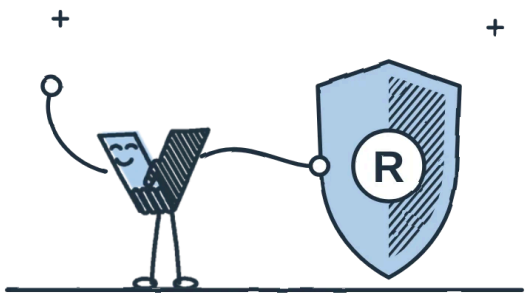
3 years

without use — the mark can be revoked

Why protect a mark. In Hong Kong only registration gives an exclusive right to a mark. Without it, all that is left is a passing-off claim: you have to prove the brand's reputation, that buyers were misled, and the damage.

The main rule: first the check, then the application. A mark cannot be changed after filing.

The decision is the IPD's. Nobody can promise the outcome — a check before filing reduces the risk of refusal.



How the process works

From 4–5 months with no objections or oppositions. The Vita Liberta mark in Hong Kong took 4.5 months.

1 Clearance check
Search for similar marks on the register, assessment of the mark itself, choice of classes and wording.

2 Application
Filed electronically. An address for correspondence in Hong Kong is needed — a virtual office is not accepted. The mark is protected from this date.

3 Formal check
If there are deficiencies — 2 months to correct them; the period cannot be extended.

4 Examination
If there are objections — 6 months to reply, extendable by 3.

5 Publication
In the Hong Kong Intellectual Property Journal. 3 months for third-party oppositions, extendable once by 2 months.

6 Entry on the register
Usually within 15 business days after the opposition period. Term of protection — 10 years from the filing date.

How to choose classes

Nice classes

45 classes: 1–34 are goods, 35–45 are services. The 13th edition applies from 2026. Each class is paid for separately.

Wording

After filing, the list can only be narrowed. Include everything you sell now and plan to sell in the next few years.

What a mark owner needs to know

Key rules of the Trade Marks Ordinance (Cap. 559). Section numbers are for your lawyer.

6-month priority

s.41

WHAT IT MEANS

If the mark was filed in another Paris Convention country, you can keep that date in Hong Kong. Claim it at once when filing.

A series of marks

one application

WHAT IT MEANS

Several versions of one logo — colour, dark, horizontal — in one application.

Not just a logo

s.3

WHAT IT MEANS

Words, letters, numbers, colour, sound, the shape of goods or packaging. A Chinese brand name is best filed separately.

What registration gives

s.22–25

WHAT IT MEANS

An injunction, damages or the infringer's profits, delivery up and destruction of counterfeits. Counterfeit goods are pursued by Customs (Cap. 362).

Careful with warning letters

An unjustified threat of proceedings gives the recipient the right to claim damages from you (s.26). Prepare a letter to a seller together with a lawyer.

Don't delay

If you know about a look-alike for 5 years and tolerate it, you lose the right to challenge its registration (s.59) — except where it was filed in bad faith.

® — only once the mark is on the register. Presenting a mark that is not on the Hong Kong register as registered is an offence (s.94), with a fine of up to HKD 10,000. While the application is pending — ™.

How not to lose the mark

Renew on time

- Renewal — every 10 years.
- Window — from 6 months before the term ends.
- Another 6 months — with a surcharge.
- Then the mark is removed; 6 months to restore it.

Use the mark

- 3 years without use in Hong Kong — the mark can be revoked (s.52).
- Keep invoices, advertising, product photos.
- Don’t let the brand become the generic word for the product.

Transactions — on the register

A sale or licence of the mark is made in writing and recorded on the register. Not recorded within 6 months — damages for that period cannot be recovered (s.29).

Hong Kong ≠ China

A Hong Kong mark has no effect in mainland China — a separate application is needed. The Madrid System does not yet apply to Hong Kong.

Planning to file a mark? We’ll check it

Send us the mark and what you do — we will advise on classes and the risks of refusal before filing.

Message us on WhatsApp

Channels: Telegram · YouTube · Facebook · Instagram · Medium

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