

Intellectual Property Dispute Enforcement in Hong Kong

A Practical Guide for Brand Owners & Businesses

Protecting your brand in Hong Kong is both practical and effective, with clear legal pathways available to address infringement and enforce your rights.

What Rights Are Protected?

Hong Kong protects both registered and unregistered rights, including:

- Trade marks
- Copyright
- Registered designs
- Patents

Unregistered rights may also be enforced through passing-off actions

Your Enforcement Options

1. Cease & Desist (First Step)

A fast, cost-effective way to stop infringement. Often results in a binding undertaking without litigation.

2. Civil Action

Handled by the High Court of Hong Kong

- Formal legal proceedings against infringers
- Typical timeline: **15–30 months**

Remedies include:

- Injunctions
- Damages / profits recovery
- Delivery up of infringing goods

3. Urgent Relief

Available in serious cases:

- Injunctions
- Search & seizure orders
- Asset freezing

4. Criminal Enforcement

Through the Hong Kong Customs and Excise Department

- Investigates infringement
- Seizes counterfeit goods
- Prosecutes offenders

Customs & Border Action

While no formal recordal system exists, rights holders can file complaints with Customs to:

- Detain suspicious shipments
- Seize counterfeit goods
- Initiate prosecution

Key Takeaways

- Act early to maximise protection
- Strong evidence is critical
- Settlement is often encouraged
- A **combined strategy** (civil + criminal + customs) is most effective

How We Can Help

We provide end-to-end support, including:

- Enforcement strategy
- Cease & desist actions
- Litigation and dispute management
- Customs and anti-counterfeiting coordination

Which IP Enforcement Option Is Right for You?

Option	Cost	Speed	Binding	Best Use
Cease & Desist	Low	Fast	No	Early disputes
Mediation	Low–Medium	Fast	No	Settlement
Arbitration	Medium–High	Medium	Yes	Contractual disputes
Registry Actions	Low	Medium	Yes	TM validity
Customs	Low	Fast	Yes	Counterfeits
Litigation	High	Slow	Yes	Complex disputes

Note: This leaflet is for informational purposes only and does not constitute legal advice