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ACCOLADE IP LTD 卓遠知識產權有限公司
Hong Kong 香港 | Beijing 北京 | Macau 澳門 | Singapore 新加坡
Taiwan 台灣 | Philippines 菲律宾 | Malaysia 马来西亚
Tel: +63 9610074974
Email: ph@accoladeip.com | Web: www.accoladeip.com

Trademark Ownership After Company Dissolution: Hong Kong vs Singapore

When a company is dissolved, its intellectual property—including trademarks—may become unclaimed property (bona vacantia) and vest in the government.

The table below compares how Hong Kong and Singapore treat trademark ownership in such cases:

	Hong Kong	Singapore
Legal Treatment of Trademarks	Trademarks are intangible property under *Cap. 559*; part of insolvency estate.	Trademarks are personal property under *Trade Marks Act 1998;* part of insolvency estate.
Effect of Dissolution	Assets vest in HKSAR Government as bona vacantia.	Assets vest in Singapore Government (via MOF/Insolvency Office) as bona vacantia.
Relevant Authority for Bona Vacantia	Government Property Agency (GPA).	MOF – Insolvency Office.
Restoration of Company	A dissolved company can be restored under section 765 of Cap. 622, and its former assets, including trademarks, are typically reinstated.	A company may be restored under section 208 of the Companies Act 1967, regaining its previous rights, including trademark ownership.
Assignment of Trademarks Before Dissolution	Permitted and strongly recommended. A Deed of Assignment should be executed and Form T6 filed with the IPD to record the transfer.	Permitted and recommended. Use an Assignment Document and file Form CM6 with IPOS to record the transfer.
Recovery of Trademark After Dissolution	Options include: (a) Restore company; or (b) Apply to GPA. This is not guaranteed.	Options include: (a) Restore company; or (b) Apply to MOF. This is discretionary.
Time & Cost of Restoration	Typically takes 3–6 months. Requires legal fees, court filing fees, and compliance with Companies Registry requirements.	Similar timeline (~3–6 months). Involves legal and administrative fees. May require approvals from ACRA and IPOS.
IP Registry Involvement	Notify IPD for ownership changes.	Notify IPOS for ownership changes.
Risk if Trademark Not Assigned Before Dissolution	Trademark becomes government property—unusable until recovered.	Same: Trademark frozen from commercial use until recovered.

Key Takeaways:

- In both Hong Kong and Singapore, trademarks are treated as assets that pass to the Government upon company dissolution if not assigned beforehand.
- Neither jurisdiction automatically sells or licenses such trademarks.
- Post-dissolution recovery is costly, time-consuming, and uncertain.
- Advance assignment of trademarks is the most secure and efficient route.

Recommendations for both Jurisdictions:

Before a company is dissolved:

- Conduct a comprehensive IP audit, including trademarks.
- Execute trademark assignments to related entities, individual owners, or third parties as needed.
- Record the assignment with the relevant IP Office (IPD in HK / IPOS in SG).
- Avoid relying on post-dissolution recovery, which entails legal uncertainty and risk.