

Understanding Certification Marks in Hong Kong SAR

What is Certification Mark?

A **certification mark** is a trademark used to **guarantee that a product or service meets specific standards**.

It certifies:

- **Origin** – e.g., *made in Scotland*
- **Materials or ingredients** – e.g., *whisky made from malted barley*
- **Manufacturing process** – e.g., *distilled and matured according to regulations*
- **Quality or performance** – e.g., *minimum aging standards*
- **Other characteristics** *approved by the certifying authority*

Who Can Apply?

Only entities that:

- **Do not trade the goods or services** they are certifying
- Have **expertise and resources** to certify products consistently
- Have a **reputation or standing** in the relevant industry

Example candidate:

Scotch Whiskey Association (SWA): An industry association representing Scotch whisky producers worldwide.

Example of Non-candidates:

Entities that **trade in or profit from the certified goods** cannot apply, including:

- Individual producers or distilleries
- Brand owners certifying only their own products
- Distributors, importers, or retailers
- Companies with a direct commercial interest in the goods

Reason: Certification marks must be **independent and free from conflicts of interest**.

How to Register a Certification Mark in Hong Kong SAR

1. Prepare Regulations for Use

- Define the standards, conditions, and rules for use of the mark
- Must be filed with the **Trade Mark Registry** within 9 months of application

2. Submit a Declaration of Competency

- Evidence that the applicant can reliably certify the goods/services
- Must show expertise, resources, and supervision methods

3. Application Review

- Registry examines regulations and competency declaration
- May take **20+ months** due to rounds of examination

4. Supervision and Control

- Applicant must monitor the use of the mark
- Ensure certified products meet all requirements

Example:

SWA certifies that only whisky **produced in Scotland according to strict rules** can bear the “**SCOTCH WHISKY**” mark.

Benefits of a Certification Mark

- **Consumers:** Confidence in authenticity and quality
- **Brands:** Legal enforcement against unauthorized use
- **Example:**
 - Before registration, SWA relied on **passing off**, which was **costly and slow**
 - After registration, SWA can **take direct legal action** using the certification mark

Costs:

Cost of registering a **certification mark**:

<i>First Class</i>	HKD 8,800
<i>Per Additional Class</i>	HKD 1,800

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