***Attention****: This application form is available in both Chinese and English. Please send by mail or in person* ***TWO*** *copies of the completed form with* ***original signature*** *to Innovation and Technology Commission at 10/F, Rykadan Capital Tower, 135 Hoi Bun Road, Kwun Tong, Kowloon, Hong Kong (tel: 3655 5678) or Hong Kong Productivity Council at 78 Tat Chee Avenue, HKPC Building, Kowloon Tong, Kowloon (tel: 2788 5958). Additional pages may be attached to the form if necessary.*

|  |  |
| --- | --- |
| ITC-LogoInnovation and Technology CommissionThe Government of the Hong Kong Special Administrative Region | (For official use only) |

**APPLICATION FOR FUNDING SUPPORT**

**UNDER THE PATENT APPLICATION GRANT**

**PART I : APPLICANT INFORMATION[[1]](#footnote-1)**

**A. Particulars of Individual Applicant /Applicant Company**

(For applicant company, please fill in the company name. For individual applicant, please put down the name printed on the HKID card. Please note that the individual applicant/applicant company has to be the intended owner of the patent to be filed.)

 Name in English:

 Name in Chinese:

 Type: [ ]  Individual[[2]](#footnote-2) (Applicant must be either a Hong Kong permanent resident or a Hong Kong resident permitted to remain in Hong Kong for not less than 7 years)

HKID No.:      [[3]](#footnote-3)

 [ ]  Company (Applicant must be a local company incorporated under the Companies Ordinance (Cap 622))[[4]](#footnote-4)

Mailing Address in Hong Kong [[5]](#footnote-5):

Telephone No.:       Mobile No.:

Fax No.:       Email address:

Contact Person (if different from above)

Name :       Position held:

Telephone No.:       Mobile No.:

Fax No.:       Email address:

**B. Brief Description of Business and Particulars of Shareholders (For Applicant Company only)[[6]](#footnote-6)**

**Brief description of business and its relevancy to the invention *(****preferably within 50 words)*

**Particulars of Shareholder(s) with 50% or more Ownership of the Applicant Company**

|  |  |  |
| --- | --- | --- |
| Name (in English): |       |       |
| Name (in Chinese): |       |       |
| HKID / Passport No.: |       |       |

**Please indicate whether the shareholder(s) above has/have 50% or more ownership in any company which has applied for or received the Patent Application Grant**

**[ ]** Yes (please provide the name(s) of the company(ies) and PAG application reference number(s):

**[ ]** No

**For company without shareholder(s) having 50% or more ownership, please indicate whether all the shareholders have jointly owned any company which has applied for or received the Patent Application Grant**

**[ ]** Yes (please provide the name(s) of the company(ies) and PAG application reference number(s):

**[ ]** No

**C. Particulars of Inventor(s)[[7]](#footnote-7)**

**Sole or first Inventor:**

Name in English:

Name in Chinese:

Company:       Position held:

Mailing Address in Hong Kong:

Telephone No.:       Fax No.:       Email address:

**Second joint inventor, if any**

Name in English:

Name in Chinese:

Company:       Position held:

Mailing Address in Hong Kong:

Telephone No.:       Fax No.:       Email address:

**[ ]** Please see attached sheet for additional inventor(s)

**D. Declaration**

 I, the undersigned, also the individual applicant of this application/the shareholder of the applicant company/authorised signatory of the applicant company, hereby declare that **I/my company have/has NEVER owned any patents in any countries or territories before and have/has NOT received any funding from the Patent Application Grant** (PAG). I also declare that the information provided in this application is true and correct to the best of my understanding. **I have read over and fully understood and acknowledged the following THREE pages of declaration and the TWO Annexes to this form**:

1. I/my company have/has the ownership of the invention as mentioned in this application and thus the patent application right of the invention.
2. I/my company am/is fully responsible for the safety of the invention referred to in this application and will ensure that any relevant legislative/regulatory requirements have been complied with when the invention is put into use.
3. Hong Kong Productivity Council (HKPC) is the implementation agent of the PAG. My application will be processed by HKPC or any other implementation agent as may be assigned by the Innovation and Technology Commission (ITC).
4. The implementation agent will conduct a patent search-cum-technical assessment on my application to ascertain my eligibility for the PAG and to assess whether the invention has a reasonable chance to obtain an invention patent. This is one of the major criteria for receiving funding support under the PAG Scheme. In the event that I/my company need(s) to appoint a patent agent to provide third party advice on the patentability of the invention, the patent agent so appointed should meet the eligibility requirements set out in the prevailing “Guide for Patent Agents” issued by the implementation agent. To ensure the impartiality of patentability advice, the patent agent providing the patentability advice should have no direct or indirect relationship/association with the patent agent to be appointed to handle the patent application matters after approval of the PAG application.
5. The fee charged by HKPC for the direct cost of a typical patent search-cum-technical assessment is approximately in the range of HK$2,500 – HK$6,000 depending on the complexity of the search and assessment. It may be higher if third party advice is required to assess the patentability of the invention. The cost of a typical third party advice report is around HK$4,500.
6. Not all inventions that are patentable will be funded by the PAG. Inventions that ITC considers as not containing technology element or not susceptible of industrial application will **not** be supported by the PAG.
7. I/my company will pay the direct expenses required for patent search-cum-technical assessment to the implementation agent in advance, which covers costs of conducting assignee search and any additional amount as may be requested by the implementation agent, such as the direct costs of conducting patent search or seeking third party advice, or else my application will be deemed to be withdrawn. The patent search-cum-technical assessment fee is non-refundable and will only be covered by the PAG if my application is approved. I/my company will have to be fully responsible for the patent search-cum-technical assessment fee if the application is subsequently rejected, withdrawn or terminated.
8. Based on the result of the patent search-cum-technical assessment conducted by the implementation agent, ITC will inform me of the result of my/my company’s application. Nevertheless, ITC reserves the right to reject any applications regardless of the patentability of the invention. The decision of ITC on this application shall be final.
9. ITC and/or the implementation agent may contact me/the contact person mentioned in Part I/the inventor(s) direct/in person to seek additional information/clarification relating to my/my company’s application. Inventor(s) is/are required to attend a **face-to-face interview** conducted by the implementation agent in Hong Kong for assessing the patentability and technical feasibility of the invention. Failure to respond to such requests from ITC or the implementation agent will result in the suspension of processing of this application.
10. I/my company shall promptly provide information or clarifications to address the questions raised by the implementation agent or ITC. If I/my company fails to respond or provide relevant information within two months from the date of issue of the second reminder notification by the implementation agent, it will be considered that I/my company am/is no longer interested in pursuing the application and the application is deemed to be withdrawn.

Initial and Company Chop (if applicable) Here

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Page 2 of Declaration

1. If my/my company’s application is approved, ITC will provide a grant of not more than HK$250,000 or 90% of the sum of the total direct cost of the patent application(s) (including the direct cost for patent search-cum-technical assessment), whichever is the lower. Funds will only be released to the implementation agent through which the patent application(s) is/are processed. The PAG may **not** be sufficient to cover the patent application expenses, and I/my company have/has to bear the remaining balance.
2. The PAG will be used to cover the cost for patent search-cum-technical assessment, as well as other direct costs involved in the patent application process, such as attorney fees, consultant fees and filing of patent application(s). Any costs incurred (including filing of any patent applications by the applicant) before the date of approval of the PAG application will **not** be reimbursed from the grant apart from the fee of patent search-cum-technical assessment mentioned above. The renewal fee of granted patents will also **not** be covered by the PAG.
3. To ensure that sufficient funding is available for the completion of at least one patent registration, a portion of the PAG funding ($70,000) will be reserved for covering expenses to be incurred in the procedure(s) after the filing of patent application(s) to patent office(s), i.e. the post-filing stage[[8]](#footnote-8) of patent application.
4. If my/my company’s application is approved, I/my company have/has to appoint patent agent(s) meeting the eligibility requirements set out in the prevailing “Guide for Patent Agents” issued by the implementation agent to handle the patent application(s), but ITC or the implementation agent may reject the patent agent(s) so appointed if ITC or the implementation agent is not satisfied with the qualification or expertise of the patent agent in handling patent applications.
5. (For individual applicant/applicant company who has already filed patent application(s) with patent office(s)) ITC and the implementation agent will **not** give priority treatment to any applications irrespective of whatever priority deadlines that may have been imposed by the relevant patent office(s). ITC and the implementation agent will **not** bear any responsibility arising from such priority deadlines.
6. The PAG is non-transferable and will be valid for **three years** from the date of approval of the application. I/my company will inform the implementation agent within two months after the patent whose registration is funded by the PAG is successfully registered. ITC and/or the implementation agent may contact me or the contact person mentioned in Part I direct to enquire the progress/outcome of the registration of patent(s) funded by the PAG within two years after the expiry of the grant.
7. Applications of which the subject invention has been granted patents of any kind in any countries or territories to any parties before will **not** be accepted by PAG, regardless of whether the PAG applicant is the owner of the granted patent.
8. When two or more separate PAG applications involve the same invention in all material aspects (having considered all materials submitted by these separate applications during PAG assessment and/or prosecution of patent application), only one of the PAG applications will be accepted. ITC and the implementation agent have the right to let all parties know their existence. Normally, the PAG application first received by ITC or the implementation agent will be accepted and the other PAG application(s) will be rejected. Likewise, if a new PAG application involves the same invention (in all material aspects) as another application already funded by the PAG (having considered all materials submitted by the two applications during PAG assessment and/or prosecution of patent application), the new application will **not** be accepted. The decision of ITC on this application shall be final.
9. For any patent application that has already been funded by PAG, the divisional / continuation-in-part patent application based on the said patent application will **not** be funded by other separate PAG application(s). The decision of ITC on this PAG application shall be final.

Initial and Company Chop (if applicable) Here

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Page 3 of Declaration

1. (For individual applicant) I declare that I am the sole inventor / one of the joint inventors of the subject invention in this application form. I understand that I may be required to prove to the satisfaction of ITC or the implementation agent that the invention is actually invented solely by myself or jointly with the other inventors. The decision of ITC on this application shall be final.
2. (For company applicant) I declare that the sole inventor or each of the joint inventors of the subject invention in this application form is a directly related party to my company, e.g. owner, shareholder, director, or staff. I understand that my company may be required to prove to the satisfaction of ITC or the implementation agent that the invention is actually invented by the inventors listed in the form and they all have direct relationship to my company. The decision of ITC on this application shall be final.
3. (For individual applicant/applicant company who has submitted more than one application) If my/my company’s application is subsequently approved by ITC, any other applications being processed would be deemed to be withdrawn and I/my company will have to pay for any patent search-cum-technical assessment fee that has been incurred in respect of the other applications.
4. Costs relating to patent application for the invention contained in my application will **not** be covered by other sources of government funding e.g. Innovation and Technology Support Programme or University-Industry Collaboration Programme, Partnership Research Programme, or Dedicated Fund on Branding, Upgrading and Domestic Sales etc. Likewise, costs already covered by other sources of government funding will **not** be funded by PAG.
5. I/my company will not publicise the funding support obtained under the PAG without prior consent from ITC.
6. I/my company will observe the Prevention of Bribery Ordinance (Cap. 201) (“PBO”) and shall procure that I/my company’s directors, employees, agents, suppliers, consultants, contractors and other personnel who are in any way involved in the application shall not offer to or solicit or accept from any person any advantages, including money, gifts, loan etc. (as defined in the PBO) in relation to the application. ITC shall be entitled to withhold, suspend and/or terminate the application immediately, cancel the funding approved, and recover the PAG if I/my company commits an offence under the PBO in relation to the application, and I/my company shall be held liable for any loss or damages the Government of the Hong Kong Special Administrative Region may thereby sustain.
7. The Government of the Hong Kong Special Administrative Region reserves the right to **recover the PAG** if I/my company have/has provided **false declaration or have/has acted improperly or dishonestly in this application**.
8. The information provided in connection with this application will be disclosed to the implementation agent and/or other third parties (including patent attorneys) in confidence for assessment/processing purposes. ITC and the implementation agent will **not** be held liable for unauthorised disclosure of any such information or any unauthorised disclosure of the same by third parties to whom the information has been disclosed.

|  |  |  |
| --- | --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_SignatureName in Block letters:       |  |      Position Held in Applicant Company(if applicable)      |
| Date:       |  | Name of Applicant Company with Company Chop(for applicant company only) |

**PART II : BRIEF PATENT IDEA (for completion by every applicant)**

**A. Title of the invention (in Chinese and English)**

**B. Technologies involved[[9]](#footnote-9)** (Please tick one and explain the technology and/or principles involved)**:**

[ ]  Biotechnology:       [ ]  Chinese Medicine:

 [ ]  Electrical & Electronics:       [ ]  Environmental Technology:

 [ ]  Information Technology:       [ ]  Manufacturing Technology:

 [ ]  Materials Science:       [ ]  Nanotechnology:

 [ ]  Others (Please specify):

**C. Countries/territories intended for filing the application** *(list in priority order)*

 1.       2.       3.

**D. Description of Invention**

1. Background of the invention *(preferably within 250 words)*
2. Summary of the invention - What does the invention do? How does the invention function? (including key technical terms that could be used to describe the invention)

 *(preferably within 250 words)*

1. Commercial application of the invention - What commercial values does the invention have? How can it benefit the industry? How is the marketability of the invention? *(preferably within 250 words)*

**PART III : DETAILS OF PATENT IDEA**

**A. Description of Invention**

 1. Description of the preferred embodiment (Description should include the construction, principles involved and methodology)

[ ]  Please see attached sheet(s) for additional details

 2. Drawings with brief description (including sketches, diagrams, flow charts, tables or photographs)

**[ ]** Please see attached sheet(s) for additional details

 3. Intended scope of claims (i.e. particular parts of your invention that you believe to be novel) *(preferably within 300 words)*

1. Is there a prototype or a demonstration of this invention which is helpful for the assessment process?

 Yes [ ]

 No [ ]  (Reason:       )

5. What is the commercialisation plan of the invention?

 [ ]  to put the invention into production to generate revenue

 [ ]  to further develop the invention for registering further patents

 [ ]  to license the patent right to another party

 [ ]  the registration of patent is for protection purpose only

[ ]  others (details:       )

6. Have you filed any patent applications on this invention to any patent offices? If so, please attach a copy of the filing receipt(s) and the patent specifications filed.

7. Have you already obtained a search report on the invention? If so, please provide the original or certified true copy of the search report to the implementation agent for conducting the technical assessment.

1. **Publication**

 1. Has the invention been publicly disclosed, displayed, offered for sale, published, or publicly used? If so, briefly describe the circumstances.

 2. Are any public displays, trade shows, or publications concerning the invention planned? If so, where, to whom and when?

1. **Prior Art**
2. List and describe any other products/methods known to you which attempt to accomplish the same result. Indicate the disadvantages of the old products/method and the advantages of the present invention.

**[ ]** Please see attached sheet(s) for additional details

 2. List and describe any patents or publications known to you which are similar to the present invention.

 Patent No./Title:

 Publication Date:

 Copy available: [ ]  Yes [ ]  No

 Patent No./Title:

 Publication Date:

 Copy available: [ ]  Yes [ ]  No

 Patent No./Title:

 Publication Date:

 Copy available: [ ]  Yes [ ]  No

 Patent No./Title:

 Publication Date:

 Copy available: [ ]  Yes [ ]  No

 Patent No./Title:

 Publication Date:

 Copy available: [ ]  Yes [ ]  No

**[ ]** Please see attached sheets for additional details

1. State why the present invention is technically and/or functionally different from the listed prior art.

**[ ]** Please see attached sheet(s) for additional details

\*\*\* END\*\*\*

**Fees and Charges of HKPC for Patent Application Grant Scheme**

Annex 1

Charges on patent search and technical assessment **prior to** funding approval by ITC:

|  |  |
| --- | --- |
| Activities | Fee(s) Charged by External Agents |
| Obtaining search report from patent office | About RMB1,600 for obtaining a search report from CNIPA based on invention written in Chinese, ORAbout RMB4,100 for obtaining a search report from CNIPA based on invention written in English. |
| Obtaining patentability advice from patent agent(This step is required if the search report is not favourable) | HK$4,500 or more for preparing and writing the patentability advice by an eligible patent agent. The fee depends on the complexity of the subject invention, distinction of applicant’s invention, and volume of relevant prior arts documents searched.  |

Based on the above table, the direct cost for conducting patent search and technical assessment is approximately in the range of HK$2,500 to HK$6,000 depending on the complexity of the search and assessment and the exchange rate of RMB. A higher fee may incur if the search report is not favourable and patentability advice is required from a patent agent to assess the patentability of the invention. As a reference, the cost of a typical patentability advice report is from HK$4,500. In such case, the total cost for patent search-cum-technical assessment may go up to around HK$11,000.

**PAG Application Procedure**

Annex 2

|  |  |  |
| --- | --- | --- |
|  | HKPC | Applicant |
| PAG Assessment PeriodMake recommendation to ITC on whether to grant funding approval | * Check information sufficiency
* Ask applicant to provide additional information (if necessary)

Assist applicant to obtain quotation from and appoint patent office for obtaining patent search report (if necessary)Assist applicant to obtain quotation from and appoint patent agent for obtaining patentability advice (if result of search report is not favourable)Make recommendation to ITC on whether to grant funding approvalConduct assignee search and assessment reportITC considers HKPC’s recommendation and inform applicant of result of application | Submit PAG application form to either HKPC or ITCProvide supplementary information (if necessary)* Appoint one patent office for obtaining patent search report (if necessary)
* Pay HKPC the direct cost
* Appoint a patent agent for patentability advice (if the result of search report is not favourable)
* Pay HKPC the direct cost
 |
| For Approved PAG Application | * Communicate with applicant and patent agent to prepare and file patent applications and subsequent examination and grant process
* Arrange settlement of patent agents’ fees upon receipt of invoice and confirmation from applicant
* Communicate with applicant to understand his/her decision on jurisdictions of patent applications
* Provide appointed patent agent’s first quotation for patent application for selected jurisdictions
* Disburse 25% of the first quotation amount to appointed patent agent
 | * Make decision on jurisdictions of patent applications
* Appoint patent agent for handling the patent applications
* Confirm acceptance of the quotation by patent agent and pay HKPC its contribution to the quotation amount
* Communicate with patent agent and HKPC to proceed with the patent applications from filing to grant process
* Make payments to HKPC for its contribution in accordance with amount on each quotation
* Confirm satisfactory completion of patent agent service for HKPC’s payment
 |

1. For completion by every applicant. Personal particulars of applicants/inventors are required for the processing of the application and related purposes under the Patent Application Grant (PAG). The information provided will be disclosed to the implementation agent of the scheme or other parties in confidence for assessment/processing purposes. Applicants have the right to request access to or correction of personal data provided in the application. Such request may be made to the Innovation and Technology Commission by telephone at 3655 5678 or fax at 2957 8726. [↑](#footnote-ref-1)
2. Applicant under the age of 18 will require a Guarantee from his/her parent/guardian. A copy of the Guarantee can be obtained from the Innovation and Technology Commission or the Hong Kong Productivity Council. [↑](#footnote-ref-2)
3. For individual applicant, this application form should be submitted together with **one photocopy of HKID card**. [↑](#footnote-ref-3)
4. For applicant company, this application form should be submitted together with **one photocopy each of the Certificate of Incorporation, valid Business Registration Certificate, and Incorporation Form (Form NNC1) or latest Annual Return (Form NAR1) filed with the Companies Registry.** [↑](#footnote-ref-4)
5. Applicant should provide **direct** contact information including the **address proof**. **Applicant should inform the Innovation and Technology Commission immediately in writing of any change of the particulars provided above.** Correspondences sent to the mailing address provided would be deemed to have been received by the individual applicant/applicant company. For applicant company, please fill in the address of registered office in Hong Kong. [↑](#footnote-ref-5)
6. The PAG is a funding scheme to encourage first-time patent seekers, that have never owned any patents before and have not received any funding from the PAG, to apply for patent registration. Funding support will not be provided if PAG has been granted to the applicant company’s related company(ies) (i.e. (1) company(ies) having a major shareholder (viz. those with 50% or more ownership) in common with the applicant company or (2) company(ies) without major shareholder(s) but having shareholders identical to those of the applicant company). [↑](#footnote-ref-6)
7. (a) **For individual applicant, the applicant must be the sole inventor or one of the joint inventors mentioned in Section C of Part I of this application form.** The applicant may be required to prove to the satisfaction of the Innovation and Technology Commission or the implementation agent that the invention is actually invented solely by himself/herself or jointly with the other inventors.
(b) **For applicant company, the sole inventor or each of the joint inventors shall be a directly related party to the applicant company, e.g. owner, shareholder, director, or staff.** Upon request by the Innovation and Technology Commission or the implementation agent of the Patent Application Grant, the applicant company is required to provide written document on how it obtains the patent application right from the inventor(s). [↑](#footnote-ref-7)
8. Filing stage of patent application involves preparation of patent specification and filing of the patent application(s) to patent office(s). Post-filing stage refers to all the procedures after the filing stage of patent application. Applicants are advised to plan the use of PAG funding after the approval of the PAG application and seek clarifications from the implementation agent in case of doubts. [↑](#footnote-ref-8)
9. The PAG is a funding scheme under the Innovation and Technology Fund (ITF). As a condition of ITF funding, only inventions that ITC considers as containing **technology element** and susceptible of **industrial application** will be supported by the PAG. Regarding inventions that are related to **food or drug**, individual applicant/applicant company may need to provide the relevant scientific test result and/or laboratory evidence to ITC and/or the implementation agent upon request. [↑](#footnote-ref-9)