



香港特別行政區政府知識產權署
The Government of the Hong Kong Special Administrative Region
Intellectual Property Department

Pilot Patent Valuation Support Scheme

Guide for Applicants

Administered by:
Hong Kong Technology and Innovation Support Centre

This Guide provides important information for an applicant (the “**Applicant**”) on how to apply for the Pilot Patent Valuation Support Scheme (the “**Scheme**”).

2. Details of the Scheme are available at the [webpage](#) of the Intellectual Property Department (“**IPD**”). In addition to the information provided in this Guide and the application form, IPD may issue supplementary information and guidelines regarding the Scheme from time to time. Please check the above website to see if there is any update before submission of application.
3. If you have any question about the Scheme, please contact: -

Hong Kong Technology and Innovation Support Centre (HKTISC)
3/F, HKPC Building,
78 Tat Chee Avenue,
Kowloon, Hong Kong
Tel: (852) 2788 6928
E-mail: pvss_enquiry@hkpc.org

Scope of Funding

4. The Scheme adopts a matching grant model of 1 (Government): 1 (eligible local small and medium enterprise) and provides each enterprise of an approved application (“**Approved Enterprise**”) with a one-off funding capped at HK\$80,000 to support it in commissioning an independent qualified service provider to conduct quantitative valuation of its patents and other intellectual property (“**IP**”) assets. By submitting an application for the Scheme, the Applicant understands that this is a matching grant model and it is responsible for its own corresponding portion of the valuation cost.

Eligibility

5. To be eligible for the Scheme, an Applicant must, at all material times, be a company that: –
 - (a) is incorporated in Hong Kong under the Companies Ordinance (Cap. 622) or its predecessor (Cap. 32), and registered in Hong Kong under the Business Registration Ordinance (Cap. 310);
 - (b) is an small and medium enterprise i.e. a manufacturing enterprise that employs fewer than 100 persons or a non-manufacturing enterprise that employs fewer than 50 persons (excluding research and development centres set up by the Government

- and local public research institutes);
- (c) has not received any prior funding under the Scheme (i.e. only one application would be approved per Applicant);
 - (d) has applied for or registered/been granted at least one patent, trade mark, design, or plant variety right in Hong Kong; and
 - (e) is a proprietor of at least one patent that has been granted in Hong Kong or elsewhere through substantive examination and remains in force.

Completing the Application Form

6. The application form is divided into seven parts. The Applicant is required to complete all seven parts of the application form (i.e., Parts A to G) and provide all the required information and supporting documents for the application. Where the information sought is not applicable or not available, please fill in “NA” or “nil” in the corresponding space of the application form.

7. When selecting the “Nature of Business” in Part A of the application form, the Applicant will generally be treated as a manufacturing enterprise, if the nature of business specified in its latest business registration certificate involve any of the following: -

- Manufacture of food products;
- Manufacture of beverages;
- Manufacture of tobacco products;
- Manufacture of textiles;
- Manufacture of wearing apparel;
- Manufacture of leather and related products;
- Manufacture of wood and of products of wood and cork, articles of straw and plaiting materials (except furniture and toys);
- Manufacture of paper and paper products;
- Printing and reproduction of recorded media;
- Manufacture of coke and refined petroleum products;
- Manufacture of chemicals and chemical products;
- Manufacture of pharmaceuticals, medicinal chemical and botanical products;
- Manufacture of rubber and plastics products (except furniture, toys, sports goods and stationery);
- Manufacture of other non-metallic mineral products;
- Manufacture of basic metals;
- Manufacture of fabricated metal products (except machinery and equipment);

- Manufacture of computer, electronic and optical products;
- Manufacture of electrical equipment;
- Manufacture of machinery and equipment n.e.c.;
- Body assembly of motor vehicles;
- Manufacture of other transport equipment;
- Manufacture of furniture;
- Repair and installation of machinery and equipment; or
- Other manufacturing industries (e.g. manufacture of jewellery, musical instruments, sports goods, games and toys, medical and dental instruments and supplies or other products).

8. Please note the following when completing Parts B to E of the application form:

- (a) An Applicant may still commission an independent qualified service provider funded by this Scheme to conduct quantitative valuation of their other patents and IP assets **not** specified in Parts B to E of the application form.
- (b) For Part B, the Applicant needs to provide particulars of **one** Hong Kong IP (i.e. patent, trade mark, design or plant variety right) application / registration / grant under its name for fulfilling the eligibility requirement. An IP application filed in Hong Kong (i.e. one that has not yet been granted) is sufficient to fulfil the requirement.
- (c) The Applicant must provide the information of a granted patent that has undergone substantive examination in Part C and/or Part D for fulfilling the eligibility requirement.
- (d) The Hong Kong patent to be provided in Part C (if applicable) may be the same as the patent provided in Part B. HKTISC will provide a qualitative patent evaluation report based on this patent to assist the quantitative valuation to be provided by the valuer (see paragraph 16 below). This patent will also be used for preliminary assessment together with the patent provided in Part D (see paragraph 15 below). If the Applicant wishes to value more than one Hong Kong patent, it should select **one** to fill in this Part for HKTISC to conduct the qualitative patent evaluation.
- (e) If the Applicant wishes to value one or more non-Hong Kong patents, it should select **one** for filling in Part D. If no patent is provided in Part D, the patent

provided in Part C will be used for preliminary assessment.

- (f) The additional information related to the patent provided in Part E will be used by HKTISC to conduct qualitative patent evaluation (if applicable) and for preliminary assessment. If Part C is completed, the information provided in Part E should be related to the patent specified in Part C. On the other hand, if Part C is not completed, the information provided in Part E should be related to the patent specified in Part D.
9. The Applicant must make sure that all supporting documents set out in the List of Supporting Documents (i.e. Part F) are duly provided with the application form upon submission.
10. Where any patent, trade mark, design, or plant variety right referred to in the application form is owned by more than one person, the Applicant should obtain prior written consent of the other co-owners concerned before submitting the application form.
11. The completed application form must be duly signed by the director(s) or by any other person who satisfies HKTISC and/or IPD that he is authorized to sign the document.
12. The Applicant must inform the HKTISC immediately in writing of any change of the particulars provided in the application form, including but not limited to its (i) address of registered office, and (ii) correspondence address. Correspondences sent to the correspondence address provided in Part A of the application form would be deemed to have been received by the Applicant.

Submission of Application

13. The Applicant must submit the duly signed application form (together with all necessary information and supporting documents) to HKTISC either: -
- (a) electronically through pvss_enquiry@hkpc.org; or
- (b) in one duly signed and stamped original hard copy to: -
Hong Kong Technology and Innovation Support Centre (HKTISC),
3/F, HKPC Building,
78 Tat Chee Avenue, Kowloon, Hong Kong

Processing of Application

14. Applications will be processed based on the following mechanism: -

- (a) applications for the Scheme made by enterprises holding Hong Kong original grant patents (“OGP”) will be given priority in processing and approval throughout the year; and
- (b) quarterly application quotas will be set up (25 applications per quarter). After accounting for approved applications for the Scheme from enterprises holding OGP, the remainder of the quarterly quotas will be assigned according to the following order of priority –
 - (i) applications by enterprises holding Hong Kong standard patents by re-registration or Hong Kong short-term patents that have undergone post-grant substantive examination;
 - (ii) applications by enterprises holding Chinese Mainland invention or utility model patents; and
 - (iii) applications by enterprises holding other non-Hong Kong patents.

15. All applications must pass the eligibility check conducted by the HKTISC, as well as the preliminary assessment conducted with the assistance of IPD’s patent examiners. The preliminary assessment will cover the geographical scope of protection, the remaining term of protection and the market performance of the relevant patent in the funding application (see **Annex** for details).

16. If the IP assets of the Approved Enterprise include at least one Hong Kong patent granted under the Patents Ordinance (Cap. 514) that has also undergone substantive examination and remains in force, IPD’s patent examiners will, through HKTISC, provide qualitative patent evaluation service based on the national standard under the “Guidelines for Patent Evaluation” for one Hong Kong patent designated by the Approved Enterprise. A qualitative patent evaluation report will be issued to the Approved Enterprise and a copy of such report will be provided to the valuation service provider funded under the Scheme for reference in conducting the quantitative valuation.

17. To ensure authenticity of supporting documents, the Applicant may be required to present the originals or certified true copies of the supporting documents to the HKTISC and / or IPD.
18. The HKTISC and IPD reserve the right to request additional information from the Applicant as they deem necessary. The Applicant shall also provide all clarification, information and documents requested by the HKTISC and/or IPD from time to time for processing its application. Subject to paragraph 19 below, if an Applicant fails to meet any specified timeline for the submission of the clarifications, information and/or documents requested by the HKTISC and/or IPD for processing its application, the application will be treated as withdrawn and the HKTISC will cease processing the application further.
19. Unless on request of the HKTISC and/or IPD or any extension of deadline otherwise approved by them, clarifications, information and/or documents provided after the submission of the application form will **NOT** be accepted and will **NOT** form part of the application.

Approval of Application

20. Upon the approval of the application, the Applicant will receive a notification and the Applicant is required to comply with the terms and conditions therein, and the procedures set out in the “Guide for Grantees and Valuation Service Providers” for obtaining and submitting quotations and applying for reimbursement in accordance with the prescribed procedures.

Withdrawal of Application

21. Withdrawal of an application can only be made by the Applicant in writing to the HKTISC before the application is approved.

Re-submission of Application

22. An application which has been unsuccessful in the past may be resubmitted only if it has been revised substantially, or more substantial supporting documents could be provided. The revised application will be treated as a new application and will be subject to the same assessment process.

Compliance with the Laws

23. The Applicant shall conform in all respects with all legislation (including, but not limited to, the Law of the People’s Republic of China on Safeguarding National

Security in the Hong Kong Special Administrative Region and the Safeguarding National Security Ordinance), regulations and by-laws of the Hong Kong Special Administrative Region.

24. The Government may at any time terminate all or any part of the funding support by giving written notice to the Applicant with immediate effect on the occurrence of any of the following events:

- (a) the Applicant or the independent qualified service provider commissioned by the Applicant has engaged or is engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security;
- (b) the continued provision of the funding to the Applicant or continued engagement of the independent qualified service provider commissioned by the Applicant is contrary to the interest of national security; or
- (c) the Government reasonably believes that any of the events mentioned in paragraph (a) to (b) above is about to occur.

Intellectual Property Department

Criteria of Preliminary Assessment

1. Geographical protection scope of the patent

- (a) The subject patent has at least one counterpart application or patent in force in another jurisdiction; or
- (b) the subject patent is a granted Hong Kong Standard Patent (OGP) or from an IP5 office¹.

2. Remaining lifespan

Remaining lifespan of the patent is 4 years or more.

3. Market performance

- (a) The subject patent belongs to one or more of the 3 major strategic technology industries defined in the “Hong Kong Innovation and Technology Development Blueprint” (i.e. life and health technology, AI and data science, and advanced manufacturing and new energy technology); or
- (b) availability of sales data in at least one country/region where the subject patent or its counterpart patent was granted, or where its counterpart application was filed; or
- (c) evidence showing implementation/production/license/assignment of the subject patent or its counterpart patents/applications.

¹ IP5: CNIPA, EPO, USPTO, KIPO, and JPO.