APAA 2026 PATENT COMMITTEE REPORT – HONG KONG

HONG KONG GROUP

Steven Fung, Timothy Letters, Victor Tse

Review period: approximately November 2025 – October 2026 | Latest completed statistics: calendar year 2025

1. Patent Statistics – Calendar Year 2025

The latest complete annual statistics published by the Hong Kong Intellectual Property Department (HKIPD) are for 2025. Comparative figures for 2024 are included below. [1]

Category	2024	2025
Standard patent (R) applications filed	15,758	14,541
Standard patents (R) granted	10,037	8,542
Standard patent (O)/OGP applications filed	182	242
Standard patents (O)/OGP granted	86	133
Short-term patent applications filed	813	867
Short-term patents granted	659	701
Registered design applications filed	2,228	2,168
Individual designs covered by applications	4,582	4,038
Registered designs registered	3,852	4,187

OGP applications increased by 33.0% and OGP grants by 54.7% from 2024, while standard patent (R) applications declined by 7.7%. Short-term patent applications rose by 6.6%. Hong Kong-origin applicants accounted for 143 of the 242 OGP filings in 2025 (99 of 182 in 2024). The number of design applications is distinct from the number of designs included in them. [1]

2. Changes to Hong Kong's Legislation

No fundamental amendment to the patentability requirements in the Patents Ordinance (Cap. 514) was identified during the reporting period. The Patents (General) (Amendment) Rules 2025 and amendments to patent litigation procedures took effect on 1 October 2025, immediately before the main period covered by this report, and continued to govern Registry and court practice in 2026. [2]

A significant operative development under the existing "patent box" tax regime took effect on 5 July 2026. Where eligible intellectual property is a patent filed or granted outside Hong Kong, claiming the 5% concessionary profits-tax rate now requires an application for or grant of a Hong Kong standard patent by original grant (O), or an application for or grant of a short-term patent (to be followed by a post-grant substantive examination request), in respect of the same invention. The concession is subject to the applicable tax legislation and conditions; the change is not a relaxation of substantive patentability requirements. [3]

The Government's September 2026 Policy Address proposed further expansion of the in-house OGP examination team, pilot facilitation measures in selected technology fields in 2027, and a public consultation on regulation of local patent agency services. These are announced plans, not enacted legislative reforms as at 30 October 2026. [4]

3. Practical Changes

Computer-implemented and AI inventions – 6 October 2026. HKIPD substantially revised Section 4 ("Exclusions from Patentability") of the Patents Examination Guidelines following the UK Supreme Court decision in Emotional Perception AI Ltd v Comptroller General of Patents, Designs and Trade Marks [2026] UKSC 3 (11 February 2026). It replaced the former Aerotel/Macrossan approach with a three-step examination framework reflecting the "any hardware" approach discussed in EPO decision G 1/19. This is an examination-practice change; section 9A of the Patents Ordinance itself has not been amended. [5–7]

Under the revised framework, (i) a claim involving any technical means, such as a computer or computer-readable storage medium, normally clears the initial, low eligibility hurdle; (ii) the examiner identifies features contributing to or interacting with the invention's technical character as a whole; and (iii) novelty and inventive step are examined with regard to those features. The guidelines acknowledge that an artificial neural network (ANN) is a computer program, but a claim is not excluded merely for using an ANN where the claimed subject matter includes technical means. A conventional computer is not, by itself, sufficient to establish inventive step. This development is particularly relevant to OGP prosecution of software- and AI-related inventions. [5–7]

Patent commercialisation and financing. The Hong Kong Technology and Innovation Support Centre (HKTISC) commenced full operations, and the Government launched its IP Financing Sandbox, on 22 December 2025. On 30 September 2026, the Government reported credit approval of seven pilot IP-backed financing cases (loan amounts HK$1 million to HK$39 million) and launched a two-year Pilot Patent Valuation Support Scheme offering eligible SMEs a one-off matching grant capped at HK$80,000. These are commercialisation and financing measures rather than changes to patent examination law. [8–9]

The 2026 policy programme also envisages further measures to support OGP examination in major technology sectors and the professionalisation of patent agency services. Implementation will depend on future measures and consultations. [4]

4. Significant Court Decisions

German Pool Group Co Ltd & Ors v Dyson Technology Ltd & Anor [2025] HKCFI 6475 (29 December 2025, HCIP 53/2019). In patent-related litigation arising from an interlocutory injunction and a groundless-threats claim, the Court of First Instance determined an application for specific discovery in the course of inquiries into damages. It allowed certain narrowly relevant requests and refused others. The decision is relevant to evidence and remedies in patent litigation; it did not decide whether a new patent claim satisfied novelty or inventive step. A subsequent decision on costs was delivered in the same proceedings: [2026] HKCFI 2297 (19 May 2026). [10]

Diagcor Bioscience Incorporated Ltd v Chan Wai Hon Billy & Ors [2026] HKCFI 488. The Court of First Instance found misuse of confidential information concerning proprietary DNA diagnostic testing technology and considered detailed technical and expert evidence, including evidence bearing on independent development. Although this is a trade-secret/breach-of-confidence decision rather than a patent infringement or validity judgment, it is noteworthy for the protection and adjudication of complex technical know-how in Hong Kong. [11]

Sources and References

[1] HKIPD official statistical reports supplied for standard patents (R), standard patents (O), short-term patents and designs (2024–2025). Source link

[2] Patents (General) (Amendment) Rules 2025 (L.N. 90 of 2025); HKIPD 2025 examination-guideline changes log. Source link

[3] HKIPD, Patent System and New Initiatives (2026 patent-box local filing requirement); Inland Revenue Department patent-box guidance. Source link

[4] HKIPD, 2026 Policy Address – Develop a Regional Intellectual Property Trading Centre. Source link

[5] HKIPD, Section 4: Exclusions from Patentability, revised 6 October 2026 (copy supplied); HKIPD 2026 changes log. Source link

[6] UK Supreme Court, Emotional Perception AI Ltd v Comptroller General of Patents [2026] UKSC 3, 11 February 2026. Source link

[7] HKIPD, current Patents Examination Guidelines, particularly Section 4, paragraphs 4.4–4.8 and 4.22–4.24. Source link

[8] HKSAR Government, opening of HKTISC and IP Financing Sandbox, 22 December 2025. Source link

[9] HKSAR Government/HKMA, seven approved sandbox pilot cases, 30 September 2026. Source link

[10] German Pool Group Co Ltd & Ors v Dyson Technology Ltd & Anor [2025] HKCFI 6475; [2026] HKCFI 2297. Source link

[11] Diagcor Bioscience Incorporated Ltd v Chan Wai Hon Billy & Ors [2026] HKCFI 488 (discussion and link to full judgment). Source link