

March 15, 2010

Ms. Sandy Chan
Companies Bill Team
Financial Services and the Treasury Bureau
15/F, Queensway Government Offices
66 Queensway, Hong Kong

Dear Ms. Sandy Chan:

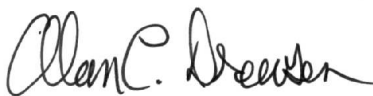
The International Trademark Association (“INTA”) applauds the efforts being made by the legislation in Hong Kong under the revised Companies Ordinance to empower the trade name Registrar to remove trade/company names deemed by a Hong Kong court to be infringing of a prior right. In so doing, the proposed Ordinance also addresses the issue of shadow companies thereby helping to curb the potential for counterfeiting and the resulting adverse impact to the economy and the consumer.

INTA supports the adoption of laws to reduce the costs and time involved in resolving conflicts between trademarks and business identifiers when there is a violation of a pre-existing right in a trademark or business identifier. To that end, INTA believes that to the extent a trademark has been registered or a trademark or business identifier has been put to use, the owner of such trademark or business identifier should be deemed to own enforceable prior rights against a later-adopted business or company name if there is a prior registration, reputation and/or goodwill, or proof of bad faith by the junior user. INTA therefore supports provisions empowering the Registrar to change a later adopted business identifier where a Registrar or a court has directed a name change and the subject company has failed to comply.

Additionally, we note that the American Chamber of Commerce has suggested an Arbitration process in order to address the registration of trade names that may infringe on the senior rights of a trademark holder. In view thereof, we would like to respectfully note that we remain available to provide comment on such a proposal as well, and we would support additional processes that improve the efficiency, time commitment and cost involved in these matters.

Again we would like to thank you for this opportunity to provide our comments for the proposed new Hong Kong Companies Ordinance. Should you have any questions regarding our submission, please contact INTA Committee Liaison, Claudio DiGangi at: cdigangi@inta.org

Sincerely,



Executive Director
International Trademark Association (INTA)