



## 「香港品牌名冊」登記制度管理辦法

二零二零年八月

### 引言

「香港品牌名冊」是香港原創品牌的登記制度，主要由一個「香港品牌」身份的認定機制以及一個網上的中央資料庫組成。凡經香港品牌發展局審核並確認符合「香港品牌認定標準」者，可成為「香港品牌名冊」之登記品牌，並獲刊載於專門網站和其他資訊設施，供公眾查閱。

「香港品牌名冊」透過釐訂一套有關品牌「原創地」之真實性的鑑定基準、註冊機制和公示平台，為香港原創品牌提供具公信力的第三方身份證明。品牌若獲得「名冊」登記資格，代表其符合香港品牌發展局對「香港品牌」的定義和認可標準，並可能隱含香港原創品牌所普遍擁有之特質。

本管理辦法規定了主辦機構及「名冊」申請人和獲准人的權利與義務。倘若本辦法與其他文件存有不相符合之處，則以本辦法為準。

### 1 定義與簡稱

以下定義或簡稱適用於本辦法：

「名冊」	香港品牌發展局推行的「香港品牌名冊」登記制度以及對其進行通告、公示的資訊設施。
香港品牌發展局	香港品牌發展局有限公司。
主辦機構	香港品牌發展局。
申請品牌	申請「香港品牌名冊」登記資格或登記延續的品牌。
申請人	持有申請品牌並為其申請「香港品牌名冊」登記資格的機構。
審核	由主辦機構或其指定之代表進行查驗和核證的程序，以確定申請人或獲准人是否滿足有關條件和規定。
進一步審核	主辦機構對申請人所提交之文件及資料的審核一般以「文案審核」的形式進行；若認為有必要，主辦機構可開展「進一步審核」，包括要求申請人提供申報資料的正本、向其他相關機構進行核實、與申請人的管理層進行會談，或派員於申請人的營運場所或生產線進行實地查核等。
督導委員會	「名冊」的支援性組織，通常由香港品牌發展局屬下之技術顧問委員會、香港名牌評審委員會或 / 及其他委員會兼任。
登記標準	主辦機構制定的文件，列明對「香港品牌」身份以及「香港品牌名冊」登記資格的要求，包括但不限於「『香港品牌』認定標準」、「『香港品牌名冊』參加條件」、「『香港品牌名冊』之文字及口語表述之建議範本」等。

<b>登記品牌</b>	經香港品牌發展局審核並確認符合「香港品牌認定標準」、獲得「香港品牌名冊」登記資格之品牌。
<b>獲准人</b>	經主辦機構認可、持有登記品牌並承諾依照本規定保障主辦機構之利益的機構。
<b>准許範圍</b>	登記資格的適用範圍，包括公司、品牌的名稱，以及登記資格的組別、類型、限制、備註等。品牌可循產品品牌或服務品牌組別登記，亦可同時在兩個組別登記（「雙重登記」）；登記資格的類型包括「正式登記」、「有條件登記」等。

## **2 「名冊」的權限及管理**

- 2.1 主辦機構須確保「名冊」在任何時候公平無倚。
- 2.2 主辦機構有權利及義務解釋本辦法的各項規定，並在必要時頒發文件，以協助申請人和獲准人理解本辦法的意圖和要求。
- 2.3 主辦機構負責「名冊」之登記資格的審批、監管、續期、變更和註銷；以及處理「名冊」的其他一切事宜。
- 2.4 督導委員會就「名冊」的登記標準、審核規程以及營運與管理等事宜向主辦機構提供意見。
- 2.5 主辦機構在必要時公佈資料，以通告更新「香港品牌」認定標準、「名冊」的登記要求以及關於申請、維持登記資格的規定。
- 2.6 主辦機構依照本辦法之「附件」的程序處理「名冊」之登記申請及續期。主辦機構按登記制度為申請品牌進行「香港品牌」的身份認定，對符合標準的品牌授予登記資格，並釐定登記的准許範圍。
- 2.7 主辦機構在審批登記或續期的申請前，對申請人提交之文件及資料進行審核；必要時可進行「進一步審核」。
- 2.8 主辦機構須對各申請人所提供的資料予以嚴格保護。據此，只有處理申請的人員方可接觸有關資料，包括主辦機構屬下的相關委員會及其指定的機構或人士，負責「名冊」之管理、支援和其他工作的人員等。若申請人於申請過程中須提供其管理層或相關人士的個人資料，有關資料只會用於「名冊」的申請、審核以及相關的合法用途，並以機密方式保存。
- 2.9 主辦機構可在適當時候，將「名冊」之登記和資格等事宜向媒體以及透過其他渠道向外披露及公佈，包括但不限於將登記品牌及獲准人的基本資料陳列於「名冊」的專門網站、通告和公示系統以及其他向公眾開放的資訊設施。
- 2.10 對於第三方對登記人提出投訴，且有關投訴屬於准許範圍內的事務，主辦機構須進行調查。
- 2.11 對於申請人、獲准人或其他人士因為「名冊」而遭受之損害及損失，主辦機構及其指定的協作機構或人士一概無須負責。
- 2.12 對於主辦機構及其指定的協作機構或人士因為「名冊」的申請、登記、公告及其他事宜而負上之責任或遭受之損害及損失，有關申請人或獲准人必須作出賠償。
- 2.13 主辦機構對「名冊」相關的一切事宜有最終決定權，其決定均具約束力。
- 2.14 主辦機構定期檢討本管理辦法，並可根據需要而不時對管理辦法、登記標準以及與「名冊」有關的規定或安排作出修訂或增補而無須事先通知。

### **3 申請人或獲准人之義務**

- 3.1 申請人及獲准人必須承諾在任何時候遵守本規定以及與「名冊」有關的其他要求。
- 3.2 申請人及獲准人須盡力配合主辦機構，提供準確、真實和完整的相關資料。獲准人若憑虛假或誤導資料辦理登記，其登記即屬無效；主辦機構保留追究權利。
- 3.3 申請人及獲准人須指定一個獲授權的代表與主辦機構接洽；一旦更換代表人選，須及時通知主辦機構。
- 3.4 獲准人須確保在使用和引述「名冊」時，嚴格遵照主辦機構的相關規定，包括但不限於「『香港品牌名冊』之文字及口語表述之建議範本」。
- 3.5 若登記品牌或獲准人於以下範疇的資料發生變更，獲准人須在一個月內以書面形式通知主辦機構：
  - (1) 與登記及申請相關的法律和其他證明文件發生變更；
  - (2) 登記品牌營運的形式、安排以及所提供之產品的種類或服務的範圍等發生重大變化；
  - (3) 更改商標設計及內容；
  - (4) 主要營運場所和公司地址發生變更；
  - (5) 品牌控制權、公司股權、管治架構、人事安排以及其他方面出現任何重大變更，有關變更對申請和登記資格構成影響。
- 3.6 獲准人須保證在任何時候都不損害主辦機構的聲譽和利益。

### **4 登記的續期、變更和終止**

- 4.1 視乎需要，主辦機構可為登記資格設立有效期以及續期的程序與要求，以定期檢視獲准人及其品牌是否繼續符合登記的要求。
- 4.2 如出現以下情況，主辦機構可酌情暫停、註銷其於「名冊」的登記或者對登記的准許範圍作出調整：
  - (1) 因公司或品牌的所有權、架構或營運上出現變動而導致獲准人及其品牌不再符合「名冊」的登記標準；
  - (2) 獲准人作出任何有損害「名冊」或損害主辦機構聲譽和利益的行為；
  - (3) 獲准人涉及任何投訴個案、法律訴訟或負面事件；主辦機構經調查後，認為獲准人已不再符合「名冊」的登記標準或者對「名冊」及主辦機構的利益和聲譽已經或可能造成負面影響；或
  - (4) 主辦機構因其他任何理由而認為獲准人未能夠或者不具備能力符合登記標準，或者對「名冊」及主辦機構的利益和聲譽構成實質或潛在的負面影響。
- 4.3 主辦機構以書面形式通知獲准人有關登記暫停、註銷或准許範圍調整的決定，並以發出通知的當日生效。有關通知必須列明變更登記的理據。
- 4.4 在暫停通知發出的四個星期內，有關機構的授權代表必須向主辦機構提供改正不符之處和防止再次出現同類事件的方案。改正方案須在六個月內完成，經再次審核後，主辦機構若認為結果滿意，可允許有關機構恢復登記資格或准許範圍。
- 4.5 若登記資格暫停後未能在六個月內恢復，獲准人將被撤銷資格且不再獲續期；有關機構日後須重新辦理申請手續。
- 4.6 在暫停登記資格期間和登記註銷之後，獲准人不能使用「名冊」的登記資格進行任

何活動。

- 4.7 如獲准人欲註銷其於「名冊」的登記，應以書面通知主辦機構，並說明註銷登記的原因。
- 4.8 對於獲准人因為於「名冊」的登記被暫停、註銷或者任何變更所引致的損失或損害，主辦機構一概無須負責。

## **5 爭議、投訴和上訴**

- 5.1 申請人或獲准人可對主辦機構的決定或行動提出申訴及表示異議，惟必須在有關決定或行動生效後的二十八天內以書面方式提出反對的理據。除非主辦機構另有決定，否則該申訴不會令有關決定暫緩執行。
- 5.2 主辦機構就申請人或獲准人提出的申訴或爭議作出調查，並告知有關機構調查及審議的結果。
- 5.3 若申請人或准許人不接受 5.2 條款所指的調查和審議，可以書面形式在四個星期內向主辦機構提出上訴，並陳述理據。
- 5.4 應上訴機構的要求，督導委員會可作出審議和裁決，並以書面形式將最終決定通知上訴的機構。

## **附件、登記申請程序**

- A1.1 申請「香港品牌名冊」登記資格的品類須先通過「香港品牌」身份認定。申請人須填妥表格，向主辦機構提出申請；並依照要求，提交準確、客觀的資料和相關的證明文件之副本或影印本。
- A1.2 主辦機構在收到申請表之後進行資料查證；必要時可進行「進一步審核」，例如要求申請人提供申報資料的正本，向其他相關機構核證，與申請人的管理層會談，以及進行實地查核，包括視察生產線或營運場所、瀏覽相關文件如業務紀錄和憑證等。
- A1.3 主辦機構於收齊資料和完成查證及審核後，確定申請品類是否符合「香港品牌認定標準」以及是否准予「香港品牌名冊」的登記資格。主辦機構並就登記資格釐定准許範圍，包括登記品類、獲准人以及登記資格的組別、類型、限制與備註等。
- A1.4 視乎需要，主辦機構可為註冊資格設立有效期，並依照 A1.2 至 A1.3 之程序覆核獲准人之「香港品牌」身份及登記資格。
- A1.5 在登記資格的有效期內，主辦機構將登記品類及獲准人的基本資料刊載於「香港品牌名冊」的專門網站以及其他資訊設施，供公眾查閱。



香港品牌發展局  
Hong Kong Brand  
Development Council



香港品牌名冊  
Brand HKiD

# “HONG KONG BRAND I-DIRECTORY” REGISTRATION REGULATIONS

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## INTRODUCTION

Hong Kong Brand i-Directory (Brand HKiD) is a registration system for Hong Kong original brands, which consists of an accreditation mechanism to verify the eligibility for “Hong Kong Brand” identity and an online centralised database containing information of such accredited brands. Brands that have met the “Hong Kong Brand Identification Criteria” and passed the required assessment conducted by the Hong Kong Brand Development Council will be eligible for registering with the Hong Kong Brand i-Directory and being listed on the dedicated website and other information facilities for public access.

Through setting up an identification benchmark to verify the authenticity of brand’s “domicile of origin” and establishing a registration mechanism together with a publishing platform thereof, Hong Kong Brand i-Directory provides authoritative third-party proof of identity for Hong Kong original brands. A brand eligible for registration with Hong Kong Brand i-Directory is deemed to have met the definition of and satisfied the criteria on “Hong Kong Brand” as formulated by the Hong Kong Brand Development Council and, by implication, to possess some special characteristics associated with Hong Kong original brands.

This document encompasses the rights and obligations of both the Organiser and applicants or registrants of the Brand HKiD. The document prevails all other documents in case inconsistency arises.

## 1 DEFINITIONS AND ABBREVIATIONS

For the purpose of the regulations detailed in this document, the following definitions and abbreviations shall apply:

<b>Brand HKiD</b>	Hong Kong Brand i-Directory registration system and the information facilities for notification and publication thereof, as administered by the Hong Kong Brand Development Council.
<b>Hong Kong Brand Development Council</b>	Hong Kong Brand Development Council Company Limited.
<b>The Organiser</b>	Hong Kong Brand Development Council.
<b>Applicant Brand</b>	Brand applying for registration or renewal of registration with the Hong Kong Brand i-Directory.
<b>Applicant</b>	An organisation that holds an applicant brand and pursues the registration with Brand HKiD.
<b>Assessment</b>	A due process performed by the Organiser or its designated representatives to verify the capability of applicant or registrant to meet

	the requirements and regulations required by the Organiser.
<b>Further Assessment</b>	Assessment is usually based on document review and verification. When deemed necessary, the Organiser may conduct “Further Assessment”, such as requesting the applicant to produce true copies of supporting materials, verifying with relevant organisations, interviewing the management, or perform on-site assessment at the major manufacturing sites or operating locations of the applicant.
<b>Steering Committee</b>	The supporting structure for Brand HKiD, which may be taken up by the Technical Advisory Committee, Hong Kong Top Brand Assessment Board and/or other sub-committees as appointed by the Hong Kong Brand Development Council.
<b>Registration Requirements</b>	Documented requirements on “Hong Kong Brand” identity and the eligibility of registration with Hong Kong Brand i-Directory, including but not limited to “Hong Kong Brand Identification Criteria”, “Terms and Conditions of Registration with Hong Kong Brand i-Directory”, and “Suggested Use of Hong Kong Brand i-Directory in Literature”, as established by the Organiser.
<b>Registered Brand</b>	Brand that has passed the assessment and is confirmed by the Organiser to have met the identification criteria on “Hong Kong Brand” and be eligible for registration with Hong Kong Brand i-Directory.
<b>Registrant</b>	An organisation recognised by the Organiser, which holds a Registered Brand and agrees to protect the interests of the Organiser by following the regulations stipulated in this document.
<b>Scope of Registration</b>	The encompassment of the registration, which covers the name of a registered brand and its registered stream, name of registrant, as well as registration type, restriction and remarks. A brand could be registered in either or both (Dual Registration) of the product brand stream and service brand stream; and types of registration may consist of “Full Registration” and “Conditional Registration”.

## **2 AUTHORITY AND ADMINISTRATION OF “BRAND HKiD”**

- 2.1 The Organiser shall ensure impartiality of the Hong Kong Brand i-Directory at all times.
- 2.2 The Organiser shall have the duty and the right to interpret the details in this document and publish documents, as deemed necessary, to allow applicants and registrants to understand the intent and actual requirements of this document.
- 2.3 The Organiser is the authority to grant, maintain, supervise, renew, suspend or terminate any registration and to administrate any other matters related to the Hong Kong Brand i-Directory.
- 2.4 The Organiser is advised by the Steering Committee regarding the suitability and adequacy of the registration requirements, the assessment protocol and other matters related to the operation and administration of Hong Kong Brand i-Directory.
- 2.5 The Organiser publishes information as necessary in order to inform and update applicants and registrants of the identification criteria on “Hong Kong Brand”, and requirements and regulations for applying and maintaining the registration with Hong Kong Brand i-Directory.

- 2.6 The Organiser processes application for registration and renewal according to the application procedure as defined in Appendix. The Organiser verifies the “Hong Kong Brand” identity of the applicant brand and decides on its eligibility and scope of registration in regard to Hong Kong Brand i-Directory.
- 2.7 The Organiser reviews and verifies the documents submitted by the applicant prior to the granting of eligibility of registration. It may conduct “Further Assessment” when deemed necessary.
- 2.8 The Organiser keeps all information provided by an organisation in relation to an application for the Brand HKiD and all information obtained during an assessment in strict confidence. Under this provision, only those personnel who require the information for the processing of application and renewal of registration shall have access to such information. Such personnel include the Organiser, its sub-committees and designated organisations or persons, assessment team, and administrative and supporting staff involved in Brand HKiD. Personal data collected for processing application and assessments shall be used for such purpose and other lawful purposes and be kept strictly confidential.
- 2.9 The Organiser, when it deems appropriate, may disclose and publicise the information related to the registration and eligibility of Brand HKiD in the media and through other channels, including but not limited to displaying the basic information of registered brands and registrants on the dedicated websites, notifying and publication systems and other information facilities that are open to the public.
- 2.10 The Organiser will investigate any complaint made to the Organiser by a third party against a registrant regarding activities in related to the scope of registration.
- 2.11 The Organiser and its designated organisations or persons shall not be liable to any loss or damage to applicants, registrants and other parties in connection with the Brand HKiD.
- 2.12 The applicant or registrant shall indemnify the Organiser and its designated organisations or persons against all liabilities, losses or damages that may be incurred in connection with their application, registration, publication and other matters related to Brand HKiD.
- 2.13 All decision made by the Organiser will be final and binding in all matters relating to the Brand HKiD.
- 2.14 The Organiser shall have the right to amend the contents of this document, registration requirements and other regulations and arrangements related to the Brand HKiD from time to time as needed without prior notice to applicants and registrants.

### **3 THE OBLIGATIONS OF AN APPLICANT AND REGISTRANT**

- 3.1 Applicants and registrants shall be committed to following the regulations stipulated in this document and other published requirements related to the Brand HKiD at all times.
- 3.2 Applicants and registrants shall cooperate with the Organiser by providing correct, true and complete information to the best of their knowledge and belief. Registration granted based on false or misleading information shall be void, and the Organiser reserves the right to take further action against any person who knowingly furnishes such information.
- 3.3 An applicant and registrant shall appoint an authorised representative as a contact with the Organiser and inform the Organiser whenever there is a change to the appointment.
- 3.4 Registrants shall endeavour to ensure that Brand HKiD is used and quoted in accordance with

the requirements set out by the Organiser, including but not limited to “Guideline on the Use of Brand HKiD in Literature”.

- 3.5 Registrants shall inform the Organiser in writing on the following changes in relation to the registration within one month from the effective date.
- (1) Major change of the legal and other documentary proof in connection with application and registration;
  - (2) Major change in the modal operandi, operational arrangement, product category or service scope of the registered brand;
  - (3) Changes in the design and specifications of trademark;
  - (4) Change of the operating location(s) and company address; and
  - (5) Change of brand ownership, corporate ownership, governance structure, personnel arrangement or other matters that affect the registration and the eligibility of the registrant.
- 3.6 Registrants shall ensure the Organiser’s reputation and interests will not be jeopardized under any circumstances.

#### **4 RENEWAL, CHANGE AND TERMINATION**

- 4.1 The Organiser, when it deems necessary, may set a validity period for the registration and set out renewal requirements and procedure to periodically review the eligibility of a registrant and its brand.
- 4.2 The Organiser may at its discretion suspend or withdraw a registration or adjust the scope of registration under any of the following circumstances:
- (1) The registrant no longer satisfies the registration requirements due to changes in its ownership, management structure or operation;
  - (2) Acts of the registrant undermine the interests or reputation of the Organiser;
  - (3) The registrant is found to be involved in a complaint, lawsuit or negative event, on the basis of which the Organiser, after conducting an investigation, believes that the registrant no longer satisfies the registration requirements or has caused or may cause negative impacts on the interests or reputation of the Organiser and the Brand HKiD; or
  - (4) The Organiser by any reason believes that the registrant has failed to or lost the ability to satisfy the registration requirements or it has caused actual or potential negative impacts on the interests or reputation of the Organiser and Brand HKiD.
- 4.3 The suspension, withdrawal or amendment to the scope of registration imposed by the Organiser shall become effective on the date of the written notice issued by the Organiser. The notice shall detail the grounds of such changes of registration.
- 4.4 Within four weeks from the date of the notice of suspension, the authorised representative of the registrant in question shall provide the Organiser an action plan to rectify and prevent recurrence of any discrepancies raised by the Organiser. Action mentioned in the action plan shall be completed effectively within six months, and suspension can only be lifted after an assessment is conducted and the outcome of assessment is reviewed by the Organiser as adequate.
- 4.5 In case suspension cannot be lifted within six months, the registration shall be withdrawn and no renewal will be allowed. The organisation has to apply as a new applicant.



- 4.6 Under the suspension and upon withdrawal, registrant in question shall not use the registration with Brand HKiD for any purpose.
- 4.7 Registrant intending to withdraw its registration with Brand HKiD shall inform the Organiser by a written notice specifying reasons for withdrawal.
- 4.8 The Organiser shall not be liable for any loss or damage suffered by registrant arising from whatever causes in connection with the termination, suspension or changes of registration.

## **5 DISPUTES, COMPLAINTS AND APPEALS**

- 5.1 An applicant or registrant may lodge a complaint or a dispute against any decision made or action taken by the Organiser. A written submission setting out the grounds of such complaint and dispute shall be made to the Organiser within four weeks after such decision or action has been made or taken. In the case of a complaint or dispute, the decision or action itself shall remain in effect unless suspended by the Organiser.
- 5.2 The Organiser shall investigate and examine such complaints and disputes. The Organiser shall notify the organisation concerned the outcome of such investigation and examination.
- 5.3 The organisation may lodge an appeal to the Organiser if it considers the outcome of the investigation and examination as specified in clause 5.2 above is not acceptable. A written submission to the Organiser shall be made with grounds of the appeal within four weeks from the date of notification of a decision.
- 5.4 Upon a request from an organisation for appeal, the Steering Committee shall investigate and review the case. The Committee shall make a decision and inform the organisation the result of the review in writing.

## **APPENDIX. APPLICATION PROCEDURE**

- A1.1 To register with Hong Kong Brand i-Directory, a brand should apply for verification of its “Hong Kong Brand” identity. The applicant company should file an application with the Organiser by submitting a signed original copy of “Application Form” together with accurate and objective supporting information as well as photocopies of the relevant documentary proofs.
- A1.2 Document review and verification will be conducted on the applicant brand and applicant company. When necessary, the Organiser may request the applicant to produce true copies of supporting materials, verify with relevant organisations and perform on-site assessment through interviewing the management, visiting major operating locations and perusing operating documents like business records and evidence.
- A1.3 Upon completion of the assessment according to “Hong Kong Brand Identification Criteria”, the Organiser decides on the eligibility of applicant brand to be accredited as “Hong Kong Brand” and registered with Hong Kong Brand i-Directory. The Organiser also sets out the “Scope of Registration”, which may include the registered brand and its registered stream, registrant and the registration type.
- A1.4 When it deems necessary, the Organiser may set a validity period for the registration and perform renewal procedure according A1.2 to A1.3 to periodically review the eligibility of a registered brand.
- A1.5 Within the validity period of registration, the Organiser publicises the basic information of registered brands and registrants on the dedicated website or via other information facilities for public access.