There Is Nothing New Under The Sun

As stated in the Bible: "There is nothing new under the sun", then how do enterprises define "innovation"?

Having over 20 years of intellectual property litigation experience, "new things" in the casual fallacy are referred in a sense of fundamental and general. When an enterprise wants to launch a new product, it needs to understand the current market situation and input new elements into the product. Offering the product's vitality and freshness to the market, then this new product (with all new elements included) could be known as an "innovation".

If creative products could survive the following legal regulations, it would not be defined as infringement. Furthermore, these products are viewed as new products because of their novelty. It would be a wise act for enterprises to invest in product packaging or concept of creativity design (Such as registered designs and/or registered trademarks):-

Under Copyrights Ordinance (Cap 528), creative products are considered as "distinctive" or "not substantial reproduction" when compared to current market products;

Under Registered Designs Ordinance (Cap 522), creative products are considered as "distinctive" or "not substantially different from" when compared to registered designs, and

Under Patents Ordinance (Cap 514), the elements of registered (under the system of "re-register") patent complaints would not be vested in creative products. Therefore, enterprises should pay attention to market trends. By adding new elements and new concepts to existing products, consumers would be benefited with a variety of affordable new products.

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