

Amendments proposed for Arbitration Ordinance

The Government will introduce amendments to the Arbitration Ordinance (Cap 609) to clarify the legal position as to the arbitrability of disputes over intellectual property rights (IPRs), with a view to facilitating more parties to resolve their IPR disputes through arbitration in Hong Kong.

A spokesman for the Department of Justice today (November 30) said that the proposed amendments were made to clarify that disputes over IPRs may be resolved through arbitration and that it is not contrary to the public policy of Hong Kong to enforce arbitral awards involving IPRs.

Currently, the Ordinance does not have any specific provision dealing with arbitrability of disputes over IPRs. There is no relevant authoritative judgment in Hong Kong either. The Government believes that specific statutory provisions on this issue would serve to clarify the legal position and remove any uncertainty.

"We believe that the amendments will enhance Hong Kong's competitiveness as a leading international arbitration centre and give it an edge over other jurisdictions in the Asia-Pacific region as a venue for settling IPR disputes," the spokesman said.

Amendments will also be made to the Arbitration (Parties to New York Convention) Order to update the list of parties to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, including adding Andorra and Comoros to the list of parties.

The Arbitration (Amendment) Bill 2016, which contains the above amendments, will be gazetted on December 2 and introduced into the Legislative Council on December 14.

Ends/Wednesday, November 30, 2016