



NO FAKES PLEDGE APPLICATION FORM

Please read the terms and conditions at the webpage of Intellectual Property Department (IPD) or leaflet of "No Fakes Pledge" Scheme before completing this form.

Type of Application *(Please choose one or more options)*

First Application Renewal Application Change of Information : _____

Important Notes:

- (1) For renewal applicant, please return your renewal application to your respective issuing body by 31st December.
- (2) Handling and removal of expired logos and materials:
 - All expired "No Fakes" stickers, tent cards and electronic logos should not be displayed and used.
 - All merchants must return all invalid "No Fakes" stickers and tent cards or proof/ written declaration stating self-destruction of expired stickers and tent cards to the issuing body concerned within one month after the expiry of the "No Fakes" materials.
 - All merchants must remove all the invalid electronic "No Fakes" logos from their business website, mobile app and social media platform(s) (where applicable).
 - If the merchant fails to handle or remove the expired "No Fakes" stickers, tent cards and electronic logos in accordance with the above rules, or return any proof/ written declaration, its renewal application for the coming year will not be entertained. The issuing body will keep a list of merchants who fail to return the proof/ written declaration, which forms a basis for refusal of their renewal of membership applications. The list will also be provided to IPD for record.

Company Information

Company Name (Chinese) : _____

Company Name (English) : _____

Business Address : _____

Business Registration No. : _____

Company is operating : Physical Outlet(s) Online Retailer

Contact Person : _____ Position : _____

Email : _____ Tel : _____

Type of Membership *(Please choose one or more options)*

Retailer (with Physical Outlet(s))

Retailer Name (Chinese) : _____

Retailer Name (English) : _____

Website : _____

Business Started Since (mm/yyyy) : _____ No. of Retail Outlets : _____

Retail Outlet Address : *(Please use separate sheets if there is more than one outlet.)*

Outlet 1 (Chinese) : _____ Tel : _____

Outlet 1 (English) : _____

Online Retailer

Online Shop Name (Chinese) : _____

Online Shop Name (English) : _____

Online Shop URL : _____ Tel : _____

Is Online Shop URL a registered domain name? Yes No

Mode of Operation *(Please choose one or more options)*

Website

Business Started Since (mm/yyyy) : _____

Is the server hosted in Hong Kong? Yes No

Is it operating on a trusted hosting platform which provides web security? Yes No

Name of hosting platform : _____

Mobile App

Business Started Since (mm/yyyy) : _____

Is it hosting via or in legitimate and official app store(s) or market(s)? Yes No

Name of Mobile App : _____

Name of app store(s) : _____

Category of Merchandise *(Please choose not more than TWO options)*

- | | |
|---|--|
| <input type="checkbox"/> 1. Baby ,Children Merchandise and Toys | <input type="checkbox"/> 8. Food and Supermarkets |
| <input type="checkbox"/> 2. Beauty and Health | <input type="checkbox"/> 9. Decoration Materials, Furniture and Home |
| <input type="checkbox"/> 3. Books, Stationery and Gifts | <input type="checkbox"/> 10. Handbags, Shoes and Leather Goods |
| <input type="checkbox"/> 4. Clothing and Accessories | <input type="checkbox"/> 11. Jewellery and Watches |
| <input type="checkbox"/> 5. Department Stores and Sporting Goods | <input type="checkbox"/> 12. Optical Goods |
| <input type="checkbox"/> 6. Drug Stores and Pharmacies | <input type="checkbox"/> 13. Others, please specify |
| <input type="checkbox"/> 7. Audiovisual, Digital Products and Electrical Appliances | |

Declaration

I declare that I have been authorised by the Company of the present application to make the declaration

- (1) that all the information provided in this Application and the supporting documents provided to the Issuing Bodies (if needed) is true, accurate and complete;
- (2) that the Company agrees to abide by the Code of Practice, Other Terms and Conditions and the conditions on the "Use of 'No Fakes' Logo" as stated in the leaflet of the "No Fakes Pledge" Scheme;
- (3) that the Company is not aware that it is the subject of any complaints received by the Supporting Organisations of the Scheme (that is, Consumer Council and Hong Kong Customs & Excise Department) for selling or dealing in pirated or counterfeit goods in the past twelve months, and
- (4) that the Company consents to the release to and/or request for complaint records or information by the Issuing Bodies or the Co-ordinator in relation to any allegations received by the Supporting Organisations against the Company for sale or dealing in pirated or counterfeit goods in the past twelve months.

Authorised Signature : _____

Company Stamp : _____

Name and Title : _____

Date : _____

Personal Data Collection Statement

The provision of personal data is voluntary. However, failure to provide such data may make it impossible to process your application and communicate with you.

Purposes of collection: The personal data you provide will be used for processing your application, future correspondence and in relation to activities for the promotion of this Scheme.

Transfer of personal data: For the purposes of collection mentioned above, the personal data you provide may be disclosed to the Issuing Bodies of this Scheme, Government departments and organisations that are directly involved in this Scheme and service contractors.

Access to/correction of personal data: In accordance with the Personal Data (Privacy) Ordinance, you have the right to request access to and correct the personal data provided. Requests should be made in writing to the respective Issuing Body or Intellectual Property Department.

Checklist *(Please check if you have met the following conditions when submitting your application)*

- Physical outlet/ Online shop is fully operative for at least a year
- Selected the category of merchandise sold by your shop (maximum two categories)
- (Online shop) with registered domain name valid for at least 6 months
- (Online shop) obtained Secure Sockets Layer (SSL) certificate and valid for at least 3 month
- (Online shop) server being hosted in Hong Kong or a trusted platform that provides web security
- (Online shop) provided online check-out option(s)
- (Online shop) provided accessible contact information
- (Online shop) provided clear shopping logistics as well as return/ refund policy
- (Mobile Apps) Host in legitimate and official app store or market

(Official Use Only)

Issuing Body :	Information submitted by applicant has been verified Officer Signature :
Tent Card & Sticker No. :	Date of Issue :

Please return the completed application form to the Issuing Body concerned

Issuing Bodies

 <p>H.K. & K.L.N. Electrical Appliances Merchants Association Ltd. 港九電器商聯會 ☎ 2394 2135 ☎ 2396 0147 www.hkeama.com.hk</p>	 <p>香港知識產權保護協會 HONG KONG INTELLECTUAL PROPERTY COUNCIL 香港工業總會轄下 A RMI Council ☎ 2732 3161 ☎ 2312 7721 www.industryhk.org</p>	 <p>Hong Kong General Chamber of Pharmacy Ltd. 港九藥房總商會有限公司 ☎ 2543 9123 ☎ 3107 0527 www.hkgcpt.com.hk</p>	 <p>Hong Kong Jewellers' & Goldsmiths' Association 香港珠石玉器金銀首飾業商會 ☎ 2543 9633 ☎ 2650 7361 www.hkjga.hk</p>	
 <p>HK Record Merchants Association Ltd. 香港唱片商會 ☎ 2384 8687 ☎ 2782 1745</p>	 <p>HONG KONG RETAIL MANAGEMENT ASSOCIATION 香港零售管理協會 ☎ 2866 8311 ☎ 2866 8380 www.hkrma.org</p>	 <p>The Chamber of Hong Kong Computer Industry 香港電腦商會 ☎ 2785 8867 ☎ 3526 0898 www.chkci.org.hk</p>	 <p>The General Chamber of Hong Kong Ceramic Tiles and Sanitary Wares Limited 香港瓷磚潔具業總商會有限公司 ☎ 3428 2622 ☎ 8148 2844 www.hkctsw.com.hk</p>	 <p>The Kowloon Pearls, Precious Stones, Jade, Gold and Silver Ornament Merchants Association 九龍珠石玉器金銀首飾業商會 ☎ 2384 6863 ☎ 2384 3060 www.knjga.hk</p>

Co-ordinator



知識產權署
Intellectual Property Department
☎ 2961 5625 ☎ 2574 9102
www.ipd.gov.hk

Supporting Organisations



Consumer Council
消費者委員會
☎ 2929 2222 ☎ 2856 3611
www.consumer.org.hk



Hong Kong Computer Emergency Response Team Coordination Centre
香港電腦保安事故協調中心
☎ 8105 6060 ☎ 8105 9760
www.hkcert.org



Hong Kong Customs & Excise Department
香港海關
☎ 2545 6182 ☎ 2543 4942
www.customs.gov.hk



Hong Kong Internet Registration Corporation Limited
香港互聯網註冊管理有限公司
☎ 2319 2303 ☎ 2319 2626
www.hkirc.hk



NO FAKES PLEDGE

www.nofakes.hk

Objectives of the Scheme

- To establish a sense of pride among retailers who commit to deal in genuine goods
- To promote consumer awareness of intellectual property protection in Hong Kong
- To sustain the confidence of consumers and tourists to shop in Hong Kong and strengthen Hong Kong's reputation as a "Shoppers' Paradise"

Benefits for Member Company

- To distinguish themselves from dishonest retailers
- To gain the confidence of consumers
- To enhance their image as trustworthy retailers

Membership Validity

The "No Fakes Pledge" membership is valid from 1st January until 31st December of each year and is renewable annually. For renewal applicant, please return your renewal application to your respective issuing body by 31st December.

How to Apply

Membership of the "No Fakes Pledge" Scheme is free of charge. To be eligible for membership, interested retailers shall be a member of one of the nine designated issuing bodies. Application form for the "No Fakes Pledge" Scheme is available from the issuing bodies or can be downloaded from www.nofakes.hk.

The processing time of new or renewal applications normally takes two months*. Applications for renewal submitted between October and December will have priority in processing.

* Starts from the date of receipt of the application form by the Intellectual Property Department ("IPD")

If the issuing body requests the applicant to provide or supplement further information relating to its application and the applicant fails to respond within three (3) months from the issuance of the notice, its membership application for that year will not be processed.

Code of Practice

Member companies MUST fulfill and comply with the following conditions:

1. Refrain from selling or dealing in counterfeit and pirated goods.
2. Establish rules for protecting intellectual property rights for compliance by the management and staff of the company.
3. Allow officers of the Hong Kong Customs & Excise Department ("Customs") to enter their premises during trading hours for the purpose of monitoring compliance.
4. Remove the listing of the counterfeit or pirated goods identified by Customs on the company's online retail shopping platform within 1 working day upon being notified and provide the relevant information of the suppliers concerned upon Customs' request.
5. Comply with the rules and regulations set out and as amended from time to time by the issuing bodies and IPD.

Other Terms and Conditions

1. The member company has been operating continuously for more than 12 months in Hong Kong and has no substantiated record of selling or dealing in counterfeit and pirated goods during the period.
2. At the time of new application, the member company must have a valid Hong Kong business registration certificate and a physical business address with actual operation in Hong Kong. New applicants must submit to their relevant issuing body proof of continuous operation for more than one year (for example, Hong Kong business registration certificates showing continuous business for more than 12 months prior to the application date).
3. If the issuing body and IPD have reasons to believe that there is a confirmed record of complaints or any ongoing or pending litigation or arbitration against the merchant concerning infringement of intellectual property rights, the application for "No Fakes Pledge" membership by that merchant will not be accepted. The issuing body is not obliged to disclose any reasons for its decisions.

4. For membership covering the member company's online shop, the online shop

SHOULD:

- (a) have its own registered domain name obtained from accredited domain name registrars
- (b) have obtained valid Secure Sockets Layer (SSL) certificate to ensure the security of data transmission during the transaction process
- (c) have its server being hosted in Hong Kong or a trusted platform that provides web security
- (d) provide online checkout options which fulfilled the requirements of Payment Card Industry Data Security Standard (PCI-DSS) or other alternative security standards in the industry
- (e) provide accessible customer service (including contact information) and timely complaint management
- (f) provide clear instructions on shopping logistics as well as return and refund policy
- (g) protect personal data in accordance with the Personal Data (Privacy) Ordinance (Please refer to: *Guidance for Data Users on the Collection and Use of Personal Data through the Internet (Revised in April 2014)* https://www.pcpd.org.hk/english/resources_centre/publications/files/guidance_internet_e.pdf)
- (h) retain its online transaction records for at least 3 months

SHOULD NOT:

- (a) merely serve as a shopping platform which allows other retailers to operate their business on its platform
 - (b) conduct its business on other shopping platforms operated by third parties
5. For member company whose business involves the use of mobile app that is designed to provide the online shop function:
 - (a) the member company should host the mobile app via or in legitimate and official app store or market
 - (b) the developer of the mobile app should ensure that the mobile app comply with the Best Practice Guide (SSL Implementation) for Mobile App Development issued by Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) (For details please refer to: https://www.hkcert.org/my_url/en/guideline/15091401)

The issuing bodies and IPD have the right of final decision in considering membership applications and are not obliged to disclose any reasons of their decisions.

Use of "No Fakes" Logo

The "No Fakes" logo is the property of IPD. If the member company intends to use the "No Fakes" logo in its advertisements, promotional materials, business website, mobile app and social media platform(s) (where applicable), prior written approval must be obtained from IPD. The "No Fakes" logo used by the member company must be provided by IPD.

Handling and removal of expired logos and materials

1. All expired "No Fakes" stickers, tent cards and electronic logos should not be displayed and used.
2. All merchants must return all invalid "No Fakes" stickers and tent cards or proof/written declaration stating self-destruction of expired stickers and tent cards to the issuing body concerned within one month after the expiry of the "No Fakes" materials.
3. All merchants must remove all the invalid electronic "No Fakes" logos from their business website, mobile app and social media platform(s) (where applicable).
4. If the merchant fails to handle or remove the expired "No Fakes" stickers, tent cards and electronic logos in accordance with the above rules, or return any proof/written declaration, its renewal application for the coming year will not be entertained. The issuing body will keep a list of merchants who fail to return the proof/written declaration, which forms a basis for refusal of their renewal of membership applications. The list will also be provided to IPD for record.

Enquiry

Further information regarding the "No Fakes Pledge" Scheme and intellectual property protection can be obtained from IPD and www.nofakes.hk.



NO FAKES PLEDGE

www.nofakes.hk

Suspension, Termination and Withdrawal of “No Fakes Pledge” Membership

1. If the issuing body and IPD have reason to believe that the member company has failed to comply with the code of practice and other terms and conditions, or if any enforcement action is taken against such member company by Customs, the issuing body may suspend or terminate the “No Fakes Pledge” membership of the relevant member company. Customs has the right to seize and confiscate the stickers and tent cards as a result of the enforcement action taken against it.
2. Before making a decision to suspend or terminate the membership of a member company pursuant to paragraph (1) above, a written notice will be served on the member company informing it of the intended suspension or termination of its membership and the reasons. The member company shall return a completed reply slip to the issuing body within two working days (i.e. excluding Sundays and public holidays), indicating whether it intends to attend a hearing at which the member company concerned may make submissions on the matter.
3. If the member company indicates that it does not intend to attend a hearing or if the completed reply slip is not received by the issuing body within 2 working days, the membership of the member company concerned will be immediately terminated. If the member company indicates that it intends to attend a hearing, the hearing shall be held within two working days upon receipt of the reply slip by the issuing body.
4. At any time before the hearing, the member company concerned may submit any written representations for consideration by the hearing panel, irrespective of whether the member company concerned intends to attend the hearing, provided that such written representations shall reach the hearing panel prior to the time scheduled for the hearing.
5. Upon considering all the submissions of the member company concerned, whether at the hearing or otherwise, the hearing panel shall exercise its absolute discretion as to whether to suspend or terminate the membership of the member company or not. The member company shall be notified in writing of the decision of the hearing panel as soon as possible after the hearing. The hearing decision will also be announced on the webpage of the “No Fakes Pledge”. Any decision reached by the hearing panel shall be final and binding upon the member company concerned.
6. The “No Fakes Pledge” membership of a member company shall terminate automatically and immediately in the event that such member company ceases to be a member of the issuing body concerned. A member company may withdraw from the “No Fakes Pledge” Scheme at any time by giving the issuing body concerned a written notice to that effect.
7. Upon suspension, termination or withdrawal of the membership, the member company shall immediately cease using the “No Fakes” logo in any media or formats including but not limited to its advertisements, promotional materials, business website, mobile app and social media platform(s) (where applicable) and shall return all “No Fakes” stickers and tent cards to the issuing body concerned, IPD or Customs immediately; failing which IPD with the assistance of Customs officers shall be entitled to remove and take possession of all “No Fakes” stickers and tents cards from the premises of the member company concerned and in the member company’s custody or possession.
8. The issuing body concerned and IPD shall have the right to publicise, in any media and in any manners, the suspension, termination or withdrawal of the membership of any member company, any actions taken against the member company concerned and any other matters relating to the suspension, termination or withdrawal that the issuing body concerned and/or IPD may deem appropriate, including but not limited to the name and address/domain name of the member company concerned and details of the suspension, termination or withdrawal.
9. The issuing bodies and IPD shall not be responsible or liable in any way to any member company for any loss or damage that may arise as a result of any actions taken by any of them in relation to the suspension, termination or withdrawal of membership pursuant to paragraphs (1) to (8) above (including but not limited to any decisions to suspend or terminate the membership of any member company) and/or the publication of any matters relating to such suspension, termination or withdrawal pursuant to paragraph (8) above. This provision shall continue in full force and effect notwithstanding any suspension, termination or withdrawal of membership pursuant to paragraphs (1) to (8) above.
10. Upon termination of membership for whatever reason, the merchant company concerned can only re-apply the “No Fakes Pledge” membership after 12 months from the date of termination.

Issuing Bodies



H.K. & KLN, Electrical Appliances Merchants Association Ltd.
港九電器商會
☎ 2394 2135 ☎ 2398 0147
www.hkeama.com.hk

香港知識產權保護協會
HONG KONG INTELLECTUAL PROPERTY COUNCIL
香港工業總會轄下 A FNG Council
☎ 2732 3161 ☎ 2312 7721
www.industryhk.org

Hong Kong General Chamber of Pharmacy Ltd.
港九藥房總商會有限公司
☎ 2543 9123 ☎ 3107 0527
www.hkgcpl.com.hk

Hong Kong Jewellers' & Goldsmiths' Association
香港珠石玉器金銀首飾業商會
☎ 2543 9633 ☎ 2850 7361
www.hkjga.hk



HK Record Merchants Association Ltd.
香港唱片商會
☎ 2384 8687 ☎ 2782 1745



HONG KONG RETAIL MANAGEMENT ASSOCIATION
香港零售管理協會
☎ 2866 8311 ☎ 2866 8380
www.hkrma.org



The Chamber of Hong Kong Computer Industry
香港電腦商會
☎ 2785 8867 ☎ 3526 0898
www.chkci.org.hk



The General Chamber of Hong Kong Ceramic Tiles and Sanitary Wares Limited
香港瓷磚潔具業總商會有限公司
☎ 3428 2622 ☎ 8148 2844
www.hkctsw.com.hk



The Kowloon Pearls, Precious Stones, Jade, Gold and Silver Ornament Merchants Association
九龍珠石玉器金銀首飾業商會
☎ 2384 6863 ☎ 2384 3060
www.kinjga.hk

Co-ordinator



知識產權署
Intellectual Property Department
☎ 2961 5625 ☎ 2574 9102
www.ipd.gov.hk

Supporting Organisations



Consumer Council
消費者委員會
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Hong Kong Computer Emergency Response Team Coordination Centre
香港電腦保安事故協調中心
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Hong Kong Customs & Excise Department
香港海關
☎ 2545 6182 ☎ 2543 4942
www.customs.gov.hk



Hong Kong Internet Registration Corporation Limited
香港互聯網註冊管理有限公司
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www.hkirc.hk