

Monthly Report of April 2004

- By Country:

THAILAND
PRC
MALAYSIA
SINGAPORE
THE PHILIPPINES
INDONESIA
VIETNAM
BRUNEI DARUSSALAM

THAILAND

News in April 2004

1. IIPA worried in Thailand's IP
2. Pirated CDs
3. Review from US report
4. Japan-Thailand FTA
5. Prepare before plant genes pact agreed
6. Crackdown to focus on 11 locations
7. Pharmaceuticals workshop
8. Fund to offer patent loans to local firms
9. Thai follows US-Japan FTA on IPR
10. More expensive drug

1. IIPA worried in Thailand's IP

(from Post Today Newspaper, Today's News Section, Page A2, Thailand, 1 April 2004)

Mr. Eric H. Smith, president of IIPA which has more than 1,350 American companies, said they are worrying about the action in IP of Thailand. As from the record, American companies lost almost 200 billion US dollar. However, Mr. Wattana Muangsook, Commerce Minister, said that Thai government has spent time to crack down copyright piracy for a long time, but did not get a good cooperation from the rights owners.

2. Pirated CDs

(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 1 April 2004)

Crime Suppression police seized 15,169 music pirated CDs after raiding the shop in Nonthaburi pier. The 17-year-old male teenager found at the scene claimed to be running the shop with a friend, who fled before the raid.

3. Review from US report

(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 5 April 2004)

The US has noted on the topic of intellectual property rights protection that widespread commercial IPR violations in Thailand and piracy continued at high levels despite the passage of significant IPR legislation.

4. Japan-Thailand FTA

*(from Bangkok Post Newspaper, Business Section, Page 8, Thailand, 6 April 2004
The Nation Newspaper, Business Section, Page 1B, Thailand, 7 April 2004
Thai News Service, 12 April 2004
Bangkok Post Newspaper, Business Section, Page 5, Thailand, 21 April 2004)*

Japan and Thailand held a second round of talks on their bilateral free trade agreement (FTA). The two nations held their first round of talks in Bangkok in February during which they decided the framework for future talks and discussed issues ranging from farm trade, services, trade competition policy, and co-operation in intellectual property rights.

The third round of talks is to be held in Thailand in June, during which the two sides will exchange a draft legal text on proposed tariff reductions.

5. Prepare before plant genes pact agreed

(from Bangkok Post Newspaper, Home News Section, page 4, Thailand, 9 April 2004)

Jakkrit Kuanpoth of Sukhothai Thammathirat Open University said regulations to determine rights to plant genetic resources were unclear. So Thailand could be disadvantaged if it ratifies an international agreement on plant genetic resources for food and agriculture without adequate preparation.

Under the International Treaty on Plant Genetic Resources for Food and Agriculture, signed by 116 countries including Thailand in 2001, members could gain access to other governments' plant genetic resources, except those under private or community ownership of plants for which intellectual property rights have been lodged.

Forty-eight countries have ratified the agreement, which would make it effective in June only for the ratifying members. Mr Jakkrit warned the government to consider the matter carefully before ratifying the pact, "because we are both resource owner and taker".

Bandit Limsakul, a foreign affairs official, said the agreement provided a chance for developing countries to protect intellectual property rights over their plants. However Saneh Chamarik, chairman of the National Human Rights Commission, said the agreement served western interests.

6. Crackdown to focus on 11 locations

*(from Post Today Newspaper, Business Market Section, Page B5, Thailand, 9 April 2004
Post Today Newspaper, Business Section, Page B4, Thailand, 13 April 2004
Post Today Newspaper, Business Market Section, Page b1, Thailand, 20 April 2004
The Nation Newspaper, Business Section, Page 4B, Thailand, 20 April 2004
Krung Thep Thurakit Newspaper, Economic Commerce Section, Page 36, Thailand, 20 April 2004
Post Today Newspaper, Business Market Section, Page B6, Thailand, 21 April 2004)*

The Commerce Ministry has announced plans to implement stringent suppression measures against copyright infringements in 11 strategic areas where counterfeit goods are widely available. The ministry said it might also propose the collection of taxes from copyright owners in cases where out-of-court compensation is paid by copyright violators.

Commerce Minister Watana Muangsook said the ministry would hold a meeting with foreign envoys and copyright owners to find measures to combat violations. He added that foreign envoys and copyright owners would be asked to publicise the government's progress in the suppression of violations.

7. Pharmaceuticals workshop

(from Post Today Newspaper, Today's News Section, Page A2, Thailand, 19 April 2004)

EU held the EU-ASEAN workshop on Data Protection (Pharmaceuticals) in Bangkok. The seminar aims at reflecting upon the obligations stemming from the provisions of Article 39.3 of the TRIPs Agreement which requires WTO members to protect against "unfair commercial use", undisclosed test or other data required to obtain marketing approval of pharmaceuticals.

The seminar will also address the link between the requirements to protect research data from unfair commercial use and other IPR, in particular patents.

The objective of the seminar is to discuss and exchange views from the different sides involved, to raise awareness among national health authorities in the region regarding the treatment of research data and to contribute to find balanced solutions for the conflicting interests.

8. Fund to offer patent loans to local firms

(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 20 April 2004)

The Government Saving Bank plans to establish a new fund to help Thai companies register their intellectual property rights in foreign markets. The loans from the new fund would be offered at easy credit terms with grace periods on debt payments to give companies time to establish their operations.

The process of registering intellectual property rights overseas represented a huge cost for small companies, often upwards of one million baht. For particular promising companies, the bank would consider becoming an investment partner to help firms raise the capital necessary to expand their operations.

9. Thai follows US-Japan FTA on IPR

(from Post Today Newspaper, Today's News Section, Page A2, Thailand, 21 April 2004)

Regarding the FTA on the intellectual property rights issue, Thailand would study the agreement that US and Japan have made with other countries, before negotiating with the US and Japan.

Thailand would take the extension of the US and Japan IPR into account, for example, fragrances and sounds. In return, the countries should protect the IPR of local Thai products such OTOP.

10. More expensive drug

(from Post Today Newspaper, Today's News Section, page A3, Thailand, 23 April 2004)

Kanissorn Navanugraha, director-general of Intellectual Property Department, said after the meeting with the related groups of pharmaceutical about drug patent that the point in FTA with US might affect to the price. So DIP will prepare for the next FTA round.

PEOPLE'S REPUBLIC OF CHINA

News in April 2004

1. Carmakers win key ruling in piracy fight
2. Crocodile plans to sue Lacoste again
3. Trade law revised to cope with the WTO
4. Patent fee dropped
5. Canon targets Asian counterfeits

1. Carmakers win key ruling in piracy fight
(from *South China Morning Post*, 1 April 2004
Xinhua Financial Network News, 2 April 2004)

Six of the world's largest carmakers have cleared a key hurdle in their struggle against counterfeiting after the Guangdong government signaled its intention to prosecute a glass factory for manufacturing fake windscreens.

The move is good news for the carmakers involved in the case – BMW, Toyota, Mitsubishi, DaimlerChrysler, Audi and Volvo. But the lawyers cautioned that a final clearance to prosecute had yet to be issued.

According to US estimates, counterfeit parts cost the US vehicle industry about US\$12 billion a year. The mainland and Taiwan are considered the world's principal sources of bogus vehicle parts.

2. Crocodile plans to sue Lacoste again
(from *The Straits Times Newspaper*, Singapore, 3 April 2004
Kyodo News, 6 April 2004
Shanghai Star, 29 April 2004)

Singapore-based clothing and accessories retailer Crocodile International, which won a copyright battle against France's La Chemise Lacoste in a Shanghai court a week ago, plans to file another lawsuit against its rival.

Crocodile managing director Ang Boon Tian disclosed this at a media briefing in Beijing, but was not forthcoming on details except to say: 'Lacoste has not only registered our mark in China, but also other parts around the world.'

However, Mr Paul Ranjard, Lacoste's lawyer in China, said in response that Mr Ang 'will never get registration' for 'all the trademarks with the crocodile logo'. Since Lacoste won its first trademark lawsuit against Crocodile in Japan in 1971, the two companies have gone to courts in Malaysia, Singapore, Indonesia, Brunei and Taiwan.

On the other hand, Lacoste confirmed in Shanghai that it had appealed to Shanghai Higher People's Court over its copyright dispute with Crocodile.

3. Trade law revised to cope with the WTO

(from Shanghai Daily, 7 April 2004

Post Today Newspaper, International News Section, Page A12, Thailand, 22 April 2004)

China passed and published the revised version of its foreign trade law. The revised law aims to meet new situations arising from China's entry to the WTO and further legalise imports and exports.

The new version also provides details on intellectual property rights protection during foreign trade businesses. It helps prevent products that violate intellectual property rights from entering China. The law will also help protect the intellectual property rights to Chinese products in overseas countries.

4. Patent fee dropped

(from Shanghai Daily, 7 April 2004)

From now on, members of the Chinese Academy of Sciences and the Chinese Academy of Engineering won't have to pay administrative fee to apply for patents in the city, the Shanghai Intellectual Property Administration announced. Application fees normally run as high as 2,000 yuan. The new policy is meant to encourage the country's top scientists to get their ideas patented.

5. Canon targets Asian counterfeits

(from Bangkok Post Newspaper, Database Section, Page 3, Thailand, 28 April 2004)

To tackle the growing problem of counterfeit products, Canon has kicked off an Asia-wide campaign to encourage customers to use genuine products.

Last year, Canon made 363 raids worldwide against such products, with China having some 243 of these, 65 in America and Europe and 55 in Asia. In China alone, the company claims it lost 900 million baht due to imitation consumables last year.

The company will implement a countrywide campaign in China using two animated characters as the face of its anti-counterfeiting campaign. A reseller certification logo of trust has also been designed for Chinese distributors. In Thailand, Canon launched the "Canon Trustgram!", a hologram that helps customers identify genuine products.

MALAYSIA

News in April 2004

Getting tough on software piracy

(from The Malay Mail, Malaysia, 13 April 2004)

Penang became the first state to launch the nationwide Tulen Patrol Campaign this year. Domestic Trade and Consumer Affairs Ministry Deputy Director-General (Operations) of Enforcement, Zainal Abidin Mohd Noordin, said the campaign is aimed at educating computer software users, particularly entrepreneurs, on the need to use original software.

The campaign will be held in several other areas such as Kuantan, Ipoh, Seremban, Malacca, the Klang Valley and Johor Baru until May 10. It will be carried out with the help of Business Software Alliance (BSA), an organization that promotes safe and legal software.

The Tulen Patrol Campaign is part of the Ops Tulen, the national anti-piracy campaign launched two years ago.

SINGAPORE

News in April 2004

1. Tiger Airways in trademark crash

(from Western Daily Press, 12 April 2004

Dow Jones International News, 13 April 2004)

A trademark dispute looks set to erupt between Singapore Airlines Ltd.'s budget carriers associate Tiger Airways and a UK operator with the same name.

The Singapore-based Tiger Airways has applied to trademark its name in the UK, France, Germany, Italy, Portugal, Spain and other countries in the EU. The Singapore operator wants to trademark its name for exclusive use over the Internet.

The UK-based Tiger Airways, which operates vintage WWII fighter aircraft used for joyrides, has filed a registration with the UK trademark body. Chris Rollings, one of its owners, said he intends to contest the Singapore company's trademark application.

2. International software piracy ring

(from Associated Press Newswires, 23 April 2004

Dow Jones International News, 23 April 2004

The Straits Times Newspaper, Singapore, 23 April 2004)

Singapore police have arrested three alleged members of an international software piracy ring in a sweep coordinated by US authorities, US Federal Bureau of Investigation, and spanning 10 nations. The three Singaporean men -- a college student, an army serviceman, and an unemployed man -- are alleged to be part of an international gang called "Fairlight" that's accused of pirating and distributing software, movies and video games.

THE PHILIPPINES

News in April 2004

Gov't assures US it will enforce stronger IPR laws
(from *Manila Bulletin*, 3 April 2004)

According to the Intellectual Property Office (IPO) of the Philippines, the government “effectively worked out strategies that put in place measures to have a stronger grip on the problem of IPR piracy and infringement. The Arroyo administration has mobilized all agencies concerned to put more teeth to IPR protection policies.

A private organization headed by American brand owners or the International Intellectual Property Rights Alliance released data showing that in the last five years total trade losses suffered by the copyright industries operating in the Philippines. The numbers grow every year and the US government has threatened the country that it will be forced to slap sanctions, to affect trade or the export of goods to the US, if the IPR violations are not stopped.

The US Trade Representative, which handle restrictions against countries with rampant IPR crimes have also maintained the Philippines in the Special 301 Watch List for years, a signal to the world that the country is a piracy haven.

INDONESIA

News in April 2004

1. ASEAN Office
(from *Bisnis Indonesia*, 15 April 2004)

Emmawati Junus, director of trademark of the Director General for Intellectual Property Rights of the Justice Ministry, said that Indonesian market is huge. Therefore the establishment of ASEAN patent and trademark office will have negative impact for Indonesia.

Indonesia, she said, has ratified the convention on Patent Cooperation Treaty, so that Indonesian businessmen of inventors will be able to get international patent through PCT. She added that such office would ignite negative impact as the registration will have to be in English and the fee will go to other countries. Also the fee to register trade mark overseas is so expensive compare to that in Indonesia. In Indonesia the cost to register the patent or trademark is relatively cheap. She added that Indonesia is considering of joining Madrid Protocol.

2. Minister blames police and prosecutors in IPR piracy
(from *The Jakarta Post Newspaper, Indonesia*, 27 April 2004)

Minister of Justice and Human Rights Yusri Ihza Mahendra said that continuing piracy in Indonesia was caused by both lack of commitment to punishing pirates as well as poor knowledge about the IPR legislation on the part of the police and prosecutors.

Yusril added that many IPR violations were left unpunished either because they were not processed at all by the police and prosecutors or because the two law enforcement bodies had dropped the cases somewhere along the way.

He complained that his ministry could not do anything to solve the current problems except proposing laws and ensuring that cases made it to court. The country's legal system stipulates that the police and prosecution service are the only law enforcement agencies.

Yusril proposed that the next Cabinet should make efforts to integrate both the law-making and law enforcement processes in order to help eradicate piracy.

VIETNAM

News in April 2004

1. BSA to help Vietnam curb copyright violations
2. Anti-copycat association to be set up
3. Clippers sail into a sea of pirates
4. Foreigners create most tech patents in Vietnam
5. Duy Loi sues Taiwanese for patent infringements
6. Intellectual property law needed

1. BSA to help Vietnam curb copyright violations
(from *Vietnam News Brief Service*, 7 April 2004)

The Business Software Alliance (BSA) is seeking to cooperate with the Vietnamese Government and the association of software firms to open training courses to raise local people's awareness about copyright issues.

According to the report, if Vietnam can reduce the rate of copyright violation by 10%, the country's information technology's annual growth and the number of people working in the industry will double. The GDP will also increase by \$750 million and the government will rake in an extra of \$31 million from taxes.

2. Anti-copycat association to be set up
(from *The Saigon Times Daily*, 9 April 2004)

Vietnam will set up a Vietnamese trademark and anti-copycat association in an effort to ensure fair competition on the domestic market. The association will abide by the interior ministry-approved association charter and be managed by the trade ministry.

3. Clippers sail into a sea of pirates
(from *The Saigon Times Daily*, 20 April 2004)

A company that manufactures nail clippers in HCMC has learned of 15 small businesses that are stealing the firm's good name and registered trademark to profit from sub-standard imitations. An annual consumer poll has selected the company's products as high quality for several years running.

4. Foreigners create most tech patents in Vietnam
(from *Vietnam News Brief Service*, 22 April 2004)

Almost all technology-oriented patents in Vietnam belong to foreigners, a worrying trend as Vietnam heads to WTO accession, according to head of the National Intellectual Property Office.

Statistics show that registrations for patents by Vietnamese people accounted for just 3.4% of the total between 1995-2003. Patents belonging to local citizens also made up only 1.3% of the total granted patents during this period.

Most of new products and technology are created abroad or are under foreign control. Thus the firm protection for patents and copyrights under WTO rules could result in giving a monopoly to patent holders, were Vietnam to join the trade organization.

5. Duy Loi sues Taiwanese for patent infringements
(from *The Saigon Times Daily*, 26 April 2004)

Vietnamese private hammock support producer Duy Loi has filed a suit against a Taiwanese businessperson for foldable hammock support patent infringements in the US. Duy Loi has said it is holding the patent over foldable hammock supports as the industrial design of such supports has been registered with the Vietnam Intellectual Property Department for protection.

6. Intellectual property law needed
(from *The Saigon Times Daily*, 27 April 2004)

Vietnam needs to adopt an intellectual property law to fight rising patent infringement, heard a seminar held in HCMC by the Vietnam International Arbitration Center. The number of applications for intellectual property protection has grown by 10-15% annually.

There are 4,200 patents, 7,600 industrial designs and 104,000 brand names registered for protection in Vietnam at the moment. But infringements have been rising subsequently. Market monitors discovered 18,729 cases involving the production and trading of fake goods from 1998 to 2002, with some 60% of them identified as intellectual property violations.

BRUNEI DARUSSALAM

News in April 2004

Intellectual property rights highlighted at seminar
(from *Borneo Bulletin*, 27 April 2004)

Dr. Hj Mohd Yusop bin Hj Awang Damit, Dean of Research and Post-Graduate Studies as the personal representative of the Vice Chancellor, University Brunei Darussalam, said at the National Awareness Seminar on intellectual property held at the Civil Service Institute, that they must realized that infringing intellectual property such as plagiarizing literary works, illegal copying of music, movies and artistic work, is an appalling practice that should not be condoned and allowed to spread widely.

He hoped that the conference could provide a momentum on awareness and understanding of one's responsibility and the importance of intellectual property as a tool for economic, social and cultural development of a nation.
