

## Monthly Report of April 2005

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MALAYSIA  
SINGAPORE  
THE PHILIPPINES  
INDONESIA  
VIETNAM  
INDIA  
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### THAILAND

#### News in April 2005

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13. EC urges Kingdom to register local names

1. Fake pharmaceuticals

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 5 April 2005)*

Pharmaceutical patent experts have warned that Thailand has become a transshipment hub for counterfeit medicines from China and Eastern Europe. The comments were made during a workshop on effective practices to combat trade in counterfeit hard goods, during a seminar organized by the Asean Secretariat, the United States Department of Justice and the United States Patent and Trademark Office.

The panelists said that problems concerning counterfeit medicine and intellectual property are on the increase and that the current laws are proving ineffectual.

2. Piracy hit targets auction site

*(from Bangkok Post Newspaper, Database Section, Page D3, Thailand, 6 April 2005)*

The Economic Crime Investigations Division recently conducted a raid on an alleged Internet pirate who sold illegal software at Thai auction site Pramool.com. The police found a computer with two CD burners and alleged illegal software from Business Software Alliance

(BSA) members including Adobe, Autodesk, Macromedia, McAfee, Microsoft, and Symantec. Police also seized pirated copies of movies, music, games and pornography. BSA claimed that the person had been offering illegal software with a bidding prices starting at 50 baht since June 2003. Those who want to inform the BSA of illegal activities can call the hotline number on 1-800-291-005. Anyone whose lead brings about a successful case against a company using unlicensed software can get a reward of up to 200,000 baht.

### 3. Thailand-US FTA issue

*(from Krung Thep Thurakit Newspaper, Prime News Section, Page 1&4, Thailand, 7 April 2005)*

Kanissorn Navanugraha, director-general of Intellectual Property Department, said during the FTA meeting between Thailand and US that both sides pointed out how to enforce IP law and how to try a case. US wants Thai to add more penalties both civil and criminal case, especially some cases should not make a compromise, but need to be jailed.

### 4. Ultraman battle

*(from The Nation Newspaper, Business Section, Page 1B, Thailand, 8 April 2005*

*Krung Thep Thurakit Newspaper, Economic Section, Page 3, Thailand, 8 April 2005*

*The Nation Newspaper, Business Section, Page 1B, Thailand, 19 April 2005)*

Since 1995, Sompote's company and Japan-based Tsuburaya Productions have been embroiled in legal battles. Both claim the commercial rights over Ultraman, the character that has won millions of admirers around the world since its creation in 1965.

Sompote considered it a great victory when a Japanese court ruled that his company held the rights to Ultraman characters everywhere in the world, bar Japan. A Thai criminal court also dismissed the Japanese company's allegation that Sompote had no right to distribute five Ultraman models designed after 1976.

The battle has spanned almost 10 years in Thailand and both sides have been involved in 19 legal cases. The most important one – concerning the distribution rights for new models in Thailand – is expected to be ruled upon in late May.

### 5. Infringed cable line

*(from Post Today Newspaper, Today's News Section, Page A2, Thailand, 8 April 2005*

*Krung Thep Thurakit Newspaper, Prime News Section, Page 1&4, Thailand, 8 April 2005)*

Kanissorn Navanugraha, director-general of Intellectual Property Department, said that US wants Thailand to be serious on cable infringement, as many US programmes have been infringed. However, Thailand replied that we had already had the regulation to take on this matter.

### 6. Intellectual property bank planned

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 12 April 2005*

*Krung Thep Thurakit Newspaper, Economic-Industry Section, Page 6, Thailand, 12 April 2005)*

The Commerce Ministry plans to establish the country's first-ever intellectual property bank (IPB). Deputy Commerce Minister Suriya Lapwisuthisin said the Intellectual Property Department would take responsibility for drawing guidelines to set up the bank

Thai people that have registered their intellectual property will be able to convert their IP assets into equity by borrowing money against their property. Intellectual Property Department's DG said the new facility would also encourage people to register their ideas. The department is looking to get at least 150 Thai businesses on board by converting their intellectual property assets into equity. The plan focuses on foods, the One Tambon, One Product scheme, and small and medium-sized enterprises (SMEs).

7. Optical disc control law expected to curb piracy

*(from Bangkok Post Newspaper, Business Section, Page B3, Thailand, 12 April 2005)*

Kanissorn Navanugraha, DG of Intellectual Property Department, said the new act would govern the production, import and use of machinery and the licensing of CD production. The law has already been approved by Parliament and is awaiting submission to His Majesty the King for signature.

Mr Kanissorn said he believed the new law, once put in place, would crack down on rampant CD piracy. The new law will tackle piracy at its origin as owners will have to report and register their machinery and the number of produced discs with the department. Every disc will be embedded with code and a sign for later inspection by authorities.

He also said the cabinet had endorsed the new draft Copyright Act to provide extended protection to digital and Internet media, and the act was currently awaiting consideration by the Council of State.

The department was planning to focus this year on the establishment of a so-called intellectual property bank project to promote awareness by Thai people of the development of an intellectual property database.

Under the scheme, the department aims to increase the number of registered intellectual property by 12% from the 67,000 requests last year.

8. Customs in drive to stamp out illegal import, export of IP

*(from Post Today Newspaper, Business Section, Page B15, Thailand, 12 April 2005  
Business Day, 12 April 2005)*

The Customs Department said it is keen to stamp out any intellectual property violations in the country after finding out that the smugglers of copycat products have increasingly resorted to use more sophisticated and complex methods when it comes to importing such illegally-copied products into Thailand.

Customs Department director-general Sathit Limpongpan said the number of copied products being imported to Thailand from China has continued to drop, given that those Chinese entrepreneurs have opted to produce local brands in compliance with the laws concerned rather than make illegally copied products.

The Customs Department plans to introduce a preventive measure aimed at keeping the import and export of intellectual property products in check, said Sathit.

To enable the kingdom to end the problems concerning the import and export of illegally-copied products efficiently, since the beginning of the 2005 fiscal year on October 1, 2004,

both the state and private sectors have so far worked closely together to crack down on any smugglers of illegally-copied products in the country, said Sathit.

#### 9. Kingdom set to join IPR protection pact

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 13 April 2005)*

Thailand is planning to become a signatory to the Patent Corporation Treaty to facilitate intellectual property rights registration and ensure worldwide protection for Thai copyrights, the director-general of Intellectual Property Department said.

Kanissorn Navanugraha said Thailand must develop two core patent systems – rights protection and rights registration – to satisfy the treaty's standards. He said Thailand would find it easier to apply for patent registration in other countries if become a signatory of the treaty. Thai intellectual property will also be globally protected, he said.

But amendments to intellectual property laws are not enough on their own, he said. Thailand, must concentrate more on innovative development and Thai inventors should be more concerned about the importance of rights registration to ensure protection in the global area.

The department is currently studying the intellectual property systems of several developed countries, to serve as a guideline for amendments to Thai intellectual property laws so that they meet international standards.

#### 10. Pirate copying foiled

*(from Bangkok Post Newspaper, Home News Section, Page 6, Thailand, 21 April 2005)*

The Intellectual Property Department has reduced violations of intellectual property rights by 87% through strictly enforcing measures to control the import of compact disc producing machines, deputy department chief Boonnaris Suwanpool said.

Mr Boonnaris said offers of bounties for the seizure of pirated products had also contributed to the success of the suppression drive. He said a law to control production of CDs would be promulgated to convince Thai and foreign investors that they would not become victims of intellectual property rights violations.

#### 11. Copyright cases rise

*(from Naewna Newspaper, Thailand, 21 April 2005)*

Suvicha Nagavajara, chief judge of Central IP & IT Court, said that as the economic crisis in 1998, it affected the increase number of intellectual property cases. In 2004, there were 191 conciliate cases, worth Bt7,500 million and 6,827 civil cases, which finished trial 85.09%, through Central IP & IT Court.

#### 12. Committee to crack down on violations of IPRs

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 28 April 2005*

*Bangkok Post Newspaper, Business Section, Page B4, Thailand, 28 April 2005*

*Krung Thep Thurakit Newspaper, Economic-Industry Section, Page 6, Thailand, 28 April 2005)*

A key panel was officially launched with the aim of addressing intellectual property rights violations and cracking down on the production and distribution of counterfeit products. The

Prevention and Suppression of Intellectual Property Infringement Committee is made up of individuals from 27 companies in industries such as entertainment and software production. Further members will be recruited later.

Deputy Prime Minister Chidchai Vanasatidya together with Kanissorn Navanugraha, director-general of Intellectual Property Department, witnessed the establishment of the panel. The panel's major task will be the creation of policies and other measures to strengthen the suppression of intellectual property rights violations.

It will also take the role of coordinator in support of the governments' crackdown on the manufacture of counterfeit goods. Under the plan, the government has committee to encouraging people to take IPR protection more seriously by registering their ideas and inventions.

### 13. EC urges Kingdom to register local names

*(from Bangkok Post Newspaper, Business Section, Page B4, Thailand, 29 April 2005*

*The Nation Newspaper, Business Section, Page 4B, Thailand, 29 April 2005*

*Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 11, Thailand, 29 April 2005)*

In an attempt to broaden knowledge and market local products awarded Geographical Indications (GI) in Thailand, European GI goods producers will provide assistance to Thai producers, according to Pajchima Tanasanti, director of the Trademark Office.

The initiative is collaboration between Thailand's Intellectual Property Department and Europe's ECAP II programme, the second phase of the EC-Asean Intellectual Property Rights Co-operations programme. The project, called "twinning", aims to pair potential Thai GI products with successful European goods.

The official working for ECAP II said the Organization for International Geographical Indications Network (Origin), a non-governmental organization at an international level, would follow up on the exchange of information and networking between the Thai and European producers.

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## **PEOPLE'S REPUBLIC OF CHINA**

### **News in April 2005**

1. Encouraging export of Chinese brand cars
2. Chinese fakes produce record rise in confiscated imported goods
3. Halting online copyright violations
4. China firm sued by Intel hits back with own suit
5. China handles surging patent applications
6. China arrests product pirates
7. China discovers 51,851 illegal trademark cases in 2004
8. China lags behind developed world in patent application
9. China drafts blueprint for protecting intellectual property rights
10. China, France to jointly protect intellectual property
11. Japan to send IPRs protection mission to China
12. Patent trade centre to open
13. Universal to fight music piracy
14. China to issue white paper on IPRs protection

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1. Encouraging export of Chinese brand cars  
(from *Asia Pulse*, 1 April 2005)

China's Ministry of Commerce will adopt effective measures to encourage and support Chinese auto enterprises to export vehicles of Chinese independent intellectual property rights carmakers to explore international market.

China's target is to raise the proportion of China's export of auto products to 10 per cent of the world total in 10 years, which means over US\$120 billion export a year. The Ministry of Commerce plans to construct a national vehicle and auto parts and fittings export base, and offer financial and export credit support to big export enterprises.

2. Chinese fakes produce record rise in confiscated imported goods  
(from *Daily Yomiuri*, 4 April 2005)

The number of cases in which foreign goods became subject to an import ban for a violation of intellectual property rights hit a record last year, with the number of such goods from China double that of the previous year, according to the Finance Ministry.

The number of goods confiscated by nine customs authorities nationwide rose 23.4 per cent to 9,143 in 2004 from a year earlier. The figure was the highest since the government began keeping records on such cases in 1982 and surpassed the previous record of 7,412 in 2003.

More than 90 per cent of the prohibited goods were fake brand-name goods. By item, bags accounted for 50.2 per cent of the overall prohibited goods, followed by watches at 9.8 per cent and mufflers and other clothing at 8.8 per cent.

China's lack of awareness of intellectual property rights has become a problem, with the nation the source of many counterfeit brand products. China's justice authorities have started taking measures to toughen criminal penalties against those making and selling such products.

3. Halting online copyright violations  
(from *Business Daily Update*, 4 April 2005  
*Post Today Newspaper, International Economic Section, Page A12, Thailand, 28 April 2005*)

The draft of Regulations for Protecting Copyright on the Internet will be formulated late this year, with the goal of better protecting copyrights of online works, said the National Copyright Administration. The draft will be submitted to the State Council for approval before it officially takes effect.

The regulation will provide relevant articles on how to protect copyrights on Internet works and how to deal with violations, within the scope of the two categories.

4. China firm sued by Intel hits back with own suit  
(from Reuters News, 5 April 2005)

A company targeted by Intel Corp. (INTC.O) in the chip giant's first copyright lawsuit in China has countersued, accusing the U.S. firm of engaging in illegal monopolistic practices. Network equipment maker Shenzhen Donjin Communication Technology Co. Ltd. had complained that Intel software was so closely tied to its hardware it prevented customers from using the software in third-party hardware.

Beijing has pledged to protect intellectual property rights, a thorny issue between China, the United States, and other countries that accuse Chinese firms of widely copying Western products - sometimes from partners in joint venture projects.

Donjin's suit, which seeks a ruling forcing Intel to end monopolistic practices, had been accepted by Beijing's No. 1 Intermediary People's Court, which had served a summons on Intel's U.S. headquarters. Intel spokesman Robert Manetta said the company could not comment on the matter since it hasn't seen the formal complaint. Chinese media reported that the lawsuit was filed in the name of a wholly owned unit of Donjin, Beijing Donjin Xinda Technology Co. Ltd.

The countersuit comes after Intel sued Shenzhen Donjin in January, in what it has said was its first such test of China's legal system. The U.S. firm accused Donjin of illegally including Intel software in its products. U.S. chipmakers and other multinationals have increasingly used American courts to bring cases against Chinese firms for patent violations, banking on Beijing's desire to export into Western markets.

5. China handles surging patent applications  
(from Business Daily Update, 5 April 2005)

China receives the most applications a year for practical novelty patents, industrial design patents and trade marks in the world. This has been disclosed by Xing Shengcai, vice-director of State Intellectual Property Office.

More than 2.3 million applications for the three patents have been handled by January 31, 2005 since 1985 when the country launched this service. 90 percent of them are submitted by domestic applicants.

It took China 15 years to have 1 million patent applications but only 4 years to have another 1 million. By January 31 this year, some 1.27 million certificates had been granted for the three patents.

6. China arrests product pirates  
(from Associated Press Newswires, 7 April 2005  
BBC Monitoring Asia Pacific, 7 April 2005  
Xinhua News Agency, 7 April 2005  
Business Daily Update, 7 April 2005)

China on Thursday announced the arrests of 419 people in a new crackdown on product piracy as it tries to fend off complaints that it is failing to stop rampant counterfeiting of movies, music and other goods.

Authorities have seized sporting goods, drugs, auto parts and other counterfeit goods worth 100 million yuan (\$12 million) since the yearlong crackdown began in November, said Xiang Xin, general secretary of the State Intellectual Property Office.

The announcement came after the United States said in a report last month that product piracy in China had reached "epidemic levels" and that Beijing was failing to do enough to stop it. China is regarded as the world's biggest source of illegally copied goods ranging from Hollywood movies and Microsoft Corp. software to Ralph Lauren designer shirts and Callaway golf clubs.

The communist government insists it is actively fighting piracy and has acted on demands to impose more severe penalties including prison sentences for violators. Until recently, most piracy was punishable only by fines -- a penalty that victims said wouldn't discourage violators.

The government plans to launch a publicity campaign in April with billboards, the public destruction of counterfeit products and other events aimed at discouraging the public from buying counterfeit products, Xiang said.

7. China discovers 51,851 illegal trademark cases in 2004  
(from Xinhua's China Economic Information Service, 8&12 April 2005)

Chinese industry and commerce management departments at all levels discovered 51,851 cases involving infringement of trademarks like Louis Vuitton, Chanel and POLO last year, up 27 percent from the previous year, an official said.

The local administration of Sichuan Province, southwest China, detained 5,000 pirated clothes involving about 120 famous foreign trademarks in 2004 and Zhejiang Province in the east discovered a case infringing Gillette at a value of more than 30 million yuan (3.6 million US dollars) this January, said Zhao Gang of the State Administration for Industry and Commerce.

The cases discovered last year included 40,171 trademark infringements, up 51.6 percent year-on-year, 5,401 of which involved foreign trademarks, up 158 percent. A total of 82 criminal suspects in 96 illegal trademark cases were sent to judicial departments.

The administration said that it will continue the campaign to protect legal trademarks across the country.

8. China lags behind developed world in patent application  
(from Xinhua's China Economic Information Service, 8 April 2005)

A research capability analyses report released here on April 8 said China lags far behind developed countries, such as the United States and Japan in overseas patent applications. The Chinese Academy of Sciences (CAS) recently sponsored the appraisal on world science development trends and China's influence in scientific research and technological development.

Tian Xiaoyang, a senior research librarian, said that Japan and the United States led others in overseas patent applications and is still keeping good momentum. While China has increased its applications for overseas patents, the rate of increase was only ten percent of that of Japan and 25 percent that of the US, Tian said.

In a list of patent applications made by World Intellectual Property Organization (WIPO) Patent Cooperation Treaty (PCT) members, China applied for 3,935 PCT patents from 1998 to 2002 and was ranked the 16th. The United States ranked first with 180,602 applications over the same period.

Most of the world's top 15 research powers were those holding the most technological patents, Tian said. China's share in world patents is much smaller than its research papers.

#### 9. China drafts blueprint for protecting intellectual property rights

*(from BBC Monitoring Asia Pacific, 9 April 2005*

*South China Morning Post, 9 April 2005)*

A national intellectual property rights (IPR) strategy is being drafted to ensure the country's economic development will be sustainable.

The blueprint would be ready for presentation to the State Council for discussion next month, Yin Xintian, director-general of the department of treaty and law of the State Intellectual Property Office, told a venture capital.

The strategy, which should be completed this year or next, aims to:

- Raise public awareness of IPR protection;
- Recognize its role in China's future development;
- Perfect IPR laws and regulations;
- Train talented IPR professionals;
- Promote China's participation in setting international standards;
- Promote self-protection and respect for IPR among companies and teach them how to deal with disputes; and
- Set up an IPR database and information network.

The mainland's drive to give priority to intellectual property rights is also rooted in the need to raise the technological content of its products and to build its own brands, said Mr Yin.

There was recognition it cannot depend on low prices and high-energy consumption to boost growth when its exports to places such as Spain and Russia are the subject of angry protest by local competitors, he said.

#### 10. China, France to jointly protect intellectual property

*(from Business Daily Update, 12 April 2005)*

Visiting French Minister Delegate for Foreign Trade Francois Loos said in Beijing that France is willing to establish a Chinese-French joint committee on intellectual property protection. He said the French National Institute of Industrial Property is scheduled to discuss possibility of establishing such a committee with China's State Intellectual Property Office (SIPO).

Li Dongsheng, vice director of the State Administration for Industry and Commerce, said China and France has already set up a joint work group for trademark affairs, which has convened 17 times in the past two decades.

China and France signed a cooperation treaty on intellectual property in 1998.

#### 11. Japan to send IPRs protection mission to China

*(from Kyodo News, 14 April 2005)*

The Ministry of Economy, Trade and Industry said it will send a joint government-private sector mission to China next week to press the country to take stricter measures against violations of intellectual property rights.

The mission, which will be the third of its kind following ones dispatched in December 2002 and April last year, will hold working-level talks with various Chinese authorities during a six-day stay in Beijing.

Naoto Kuji from Honda Motor Co., who serves as president of the Japan Intellectual Property Association, will head the mission of about 40 members, including representatives from private companies and officials of METI, the Cultural Affairs Agency, Japan Patent Office and National Police Agency.

The delegation will urge China to strengthen its anti-piracy measures, speed up patent examinations and protect products of well-known Japanese brands, the ministry said.

A METI official said the Chinese government has toughened its policy against intellectual property rights violations following the visits by the past two Japanese missions. For example, the country has widened the scope of violations to be criminally prosecuted, he said.

#### 12. Patent trade centre to open

*(from Shanghai Daily, 16 April 2005)*

A patent exchange center will open in the city on April 25, allowing companies and individuals to buy and sell patented ideas, the city government announced. The Shanghai Patent Exchange Center will be the first facility of its kind in the city.

"The center aims to quicken the steps of sharing and industrializing local patents," Gu Yonghua, a spokesman for the Shanghai Intellectual Property Administration said.

The new center will be located at 2310 Yangshupu Road, home to the city's Intellectual Property Park. An exhibition center for displaying newly patented products will also open its door at the site this month.

#### 13. Universal to fight music piracy

*(from The Nation Newspaper, Business Section, Page 6B, Thailand, 20 April 2005)*

Universal Music Publishing Group, whose artists include 50 Cents U2 and Prince, teamed up with a Chinese licensing and distribution company to fight rampant online music piracy.

The companies signed an agreement whereby the Chinese firm R2G will help Universal protect its labels from pirates by using high-tech software to track music illegally downloaded from the Internet.

#### 14. China to issue white paper on IPRs protection

*(from Xinhua News Agency, 19 April 2005*

*The Nation Newspaper, Business Section, Page 7B, Thailand, 22 April 2005)*

The Information Office of the State Council, China's cabinet, will issue Thursday a white paper titled New Progress in China's Protection of Intellectual Property Rights.

The white paper is the second of its kind since 1994.

China had made much progress in protecting the rights of intellectual property over the past decade, and the issuance of the white paper was intended to tell the world what the progress was, said an official with the Information Office Tuesday.

According to the official, the document consists of ten parts, including basic situation, patent protection, trademark protection, copyright protection, intellectual property rights protection for audio and video products, protection of new varieties of agricultural and forestry plants, customs protection, public security organs' act against criminal infringement, and judicial protection.

#### 15. "Crocodile" sportswear firm bites back in Shanghai

*(from Asia Pulse, 19 April 2005*

*AFX Asia, 19 April 2005)*

Crocodile Zhongshan Garment Ltd, an authorized user of the famous Hong Kong brand, is suing a Shanghai clothing company and two individuals for intellectual property right infringements.

Yin Guohua and Xu Jianfeng, who were employees at the plaintiff's Shanghai office, are accused of working with Shanghai Qiaozhikeman Garment Company to produce and sell clothes with "Crocodile" logos on them.

Shanghai Quality and Technological Supervision Team found hundreds of "Crocodile" clothing items, labels and tags at Qiaozhikeman's warehouse during a raid last September. Qiaozhikeman was ordered to immediately stop producing and selling "Crocodile" clothing after a request from Crocodile Zhongshan.

The plaintiff is now demanding 700,000 yuan (US\$84,760) compensation from the three accused, and a public apology to compensate for the negative influence caused by the infringement.

#### 16. Two Americans jail for selling pirated DVDs

*(from Xinhua News Agency, 19 April 2005*

*China Daily, 20 April 2005)*

Two American citizens were sentenced to jail terms and deportation from China Tuesday after being convicted of selling pirated DVDs to overseas buyers for illegal profits by a court in east China's metropolis of Shanghai.

Randolph Hobson Guthrie III and Cody Abram Thrush were sentenced to two and a half years and one year in prison respectively by the Shanghai No.2 Intermediate People's Court, and both would be expelled from China after serving their sentences.

The court also ruled that the two Americans pay a fine of 500,000 yuan (60,500 US dollars) and 10,000 yuan (1,200 dollars) respectively.

The court also sentenced Wu Dong and Wu Shibiao, two Chinese accomplices in the case who helped the Americans gather and distribute the pirated DVDs, to 15 months in jail and a fine of 10,000 yuan (1,200 US dollars), and a fine of 30,000 yuan (3,600 US dollars) respectively.

#### 17. Pushing protection of IPR through education

*(from South China Morning Post, 21 April 2005*

*Xinhua's China Economic Information Service, 22 April 2005*

*Xinhua News Agency, 22 April 2005)*

Mainland authorities launched a week-long education offensive in Beijing yesterday aimed at striking a blow against the piracy of intellectual property. But a mainland researcher cautioned that social issues such as poverty were also part of the counterfeiting equation.

The week of activities - leading up to next Tuesday's World Intellectual Property Rights Day - includes education projects for secondary school students, a media campaign on intellectual property rights (IPR) protection and a business summit.

Zhang Zhigang, vice-minister of commerce and director of the State Office of Intellectual Property Protection, said the week was designed to encourage millions of people to work together to create a good atmosphere for IPR protection.

#### 18. Nike wins lawsuit over fakes in China

*(from AFX Asia, 22 April 2005)*

US sportswear maker Nike has won a lawsuit and 165,000 yuan compensation from Beijing Metals and Minerals Import and Export Co, after the company tried to export thousands of counterfeit Nike products to Russia, a Nike China spokesperson surnamed Yang confirmed to XFN-Asia.

A Shanghai court ordered Beijing Metals to pay the fine after Shanghai Customs found more than 123,000 sportswear items with suspicious Nike marks and tags. Intellectual property rights (IPR) lawsuits were up sharply in mainland China last year, with 1,240 people arrested on IPR charges, the government's senior prosecutor said earlier. China has shifted its focus from passing laws on intellectual property rights to enforcing them, a State Council Information Office paper said recently.

#### 19. China is making IPR strategy

*(from Industry Updates, 22 April 2005)*

The State Council has decided to launch a research program on China's strategy for intellectual property rights (IPRs), said Zhang Qin, Vice Director of the country's State Intellectual Property Office.

More than 28 central departments have taken part into the proposed strategy which will include publicity and education, information transmission, intermediaries, legislation and law enforcement.

He also noted that the office and the Ministry of Education have jointly issued a circular which requires colleges and universities to teach students IPR knowledge in their law courses and seek possibilities of IPR program in their curriculum for graduates and post-graduates.

#### 20. Chinese firms to compensate France's Bonneterie over IPR violation

*(from AFX Asia, 26 April 2005)*

The Beijing No 2 Intermediate People's Court has ordered three Chinese firms to pay 770,000 yuan in compensation to French clothing firm Bonneterie Cevenole SARL for infringing its trademark brand Montagut, the official China Daily reported. The paper said the court also ordered the three companies -- Bonneterie Garment (Shenzhen) Co, Yiwu Xinyipai Garment Co and businessman Li Zupeng -- to stop using the trademark name.

#### 21. Pirate must pay

*(from Shanghai Daily, 26 April 2005)*

The Shanghai No. 1 Intermediate People's Court yesterday ordered Shanghai Kaifei Industry and Trade Development Co Ltd to pay 320,000 yuan (US\$38,554) to Ermenegildo Zegna Garment Group for violating its world-famous trademark Zegna. The group found Kaifei used Bleu Zegna trademarks on its garments. The trademark was very similar with Zegna's and could easily confuse consumers. The group asked for 1 million yuan in compensation.

#### 22. US puts China on watch list

*(from Agence France Presse, 30 April 2005)*

The United States said it was putting China on a blacklist of countries guilty in its view of "rampant" copyright abuses and warned that WTO action could follow. The US Trade Representative's office, unveiling an annual report on protection of intellectual property rights, said China was being put on a "Priority Watch List."

The "Special 301" report "concludes that infringement levels remain unacceptably high throughout China, in spite of Beijing's efforts to reduce them," the USTR said in a statement. Another 13 countries were placed on this year's watch list as a preliminary step toward potential sanctions if they do not mend their ways. They were Argentina, Brazil, Egypt, India, Indonesia, Israel, Kuwait, Lebanon, Pakistan, the Philippines, Russia, Turkey and Venezuela.

Acting US Trade Representative Peter Allgeier acknowledged that China's leadership was trying to curb piracy of US goods. But he added: "China must take action to address rampant piracy and counterfeiting, including increasing the number of criminal IPR cases and further opening its market to legitimate copyright and other goods.

#### 23. HK to launch program for boosting copyright protection

*(from Xinhua News Agency, 30 April 2005)*

Hong Kong will launch a program this summer to promote awareness of and respect for intellectual property among Hong Kong youngsters. According to a government press release,

the program will cover seminars, visits and other activities first targeting at scouts aged 11 to 16.

Hong Kong Director of Intellectual Property Stephen Selby said the department has been promoting the concept of copyright protection through formal classroom tuition, such as the Intellectual Protection Tutor Program or school talks.

"This program can provide young people with an alternative, informal education about protecting intellectual property in an interesting and interactive way. It is a long-term process which involves continuous training of scouts throughout their formative years," he said.

The program, co-organized by the Scout Association, Customs and Excise Department, Motion Picture Association and the Intellectual Property society, aims to provide copyright protection training to various levels of scouts from age seven to 65. There are around 100,000 scouts in Hong Kong.

The program's first target will be scouts aged 11 to 16, and it will be expanded to other age groups in the near future. Intellectual Property Rights Scout badges will be presented to the qualified scout attendees who have completed the program. Training for scout leaders will be held in this year's third quarter.

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## MALAYSIA

### News in April 2005

1. Protecting biotech investors
2. Economic pact
3. Malaysia to have own IP court soon

1. Protecting biotech investors

*(from News Straits Time Newspaper, Malaysia, 4 April 2005)*

Existing legislation in Malaysia is sufficient to provide the necessary protective mechanism to players involved in the country's emerging bio-technology sector. The current legal framework which governs the biotechnology industry meets the basic requirements on bio-technology investor protection, said law expert Zaid Hamzah.

Under the Patents Act 1983, an inventor is required to register his invention while the Copyright Act 1987 provides protection to the owner of the source codes of bio-information tools and solutions.

Zaid said that those laws would no doubt offer protection to those involved in the bio-technology sector, especially in the areas of intellectual property and public interest protection. The Government has also issued guidelines on genetically modified organisms to protect the interest of the public, he added

Despite the legal protection accorded to the bio-technology sector, the presence of other factors such as research and development, funding and commercialization are must for the sector to succeed. He, however, acknowledged that time is needed for the country to build up

its bio-technology skills resources, despite the involvement of a number of public and private universities in that area.

2. Economic pact  
(from *AFX Asia*, 22 April 2005)

Malaysia and Japan are close to agreeing in principle on issues relating to trade talks, and other matters negotiated under the Japan-Malaysia Economic Partnership Agreement (JMEPA).

The agency cited International Trade and Industry Minister Rafidah Aziz as saying: "Malaysia and Japan are working towards reaching agreement in principle on all issues by end of May 2005 and signing of the JMEPA in December 2005."

Discussions on the JMEPA, which includes a free trade agreement between the two countries, began in December 2003. Apart from liberalizing trade in goods and services, the JMEPA also covers agreements on tourism, standardization of regulations and intellectual property rights.

3. Malaysia to have own IP court soon  
(from *Business Times*, 25 April 2005)

Malaysia is expected to have its own intellectual property court within the next two to three years. At present, intellectual property cases are being heard in the session's courts and there are a few hundred cases pending.

With specialized court for IP, Malaysia can among others resolve ongoing issues regarding piracy, imitation and counterfeit problems.

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## SINGAPORE

### News in April 2005

1. US wants Singapore as partner in battle against counterfeiting
2. Programme for companies' IP management
3. Eastgate helping police probe on copyright infringement

1. US wants Singapore as partner in battle against counterfeiting  
(from *Business Times, Singapore*, 12 April 2005)

America wants Singapore to be its partner in a new and aggressive move to slash the estimated US\$500 billion-a-year global trade in counterfeit goods and pirated music and movies. Singapore, the first Asian country to sign a free trade deal with the US, recently beefed up its intellectual property protection laws to make them among the toughest in the region.

The Office of the US Trade Representative (USTR) said in a recent report that Singapore's move should 'help mitigate ongoing problems related to the availability of pirated optical disks, use of unlicensed software by businesses, the transshipment of pirated and counterfeit

material through Singapore, and a burdensome process to get pirated material removed from Internet sites’.

2. Programme for companies’ IP management

*(from Xinhua News Agency, 19 April 2005*

*Business Times, Singapore, 20 April 2005)*

A new programme named “Intellectual Property for Internationalization” was launched by International Enterprise Singapore to help local companies develop long-term IP management strategies.

Singapore-based companies that are internationalizing should develop strategies for using IP to protect market share and exploit new revenue streams, thus creating competitive advantages for themselves.

With this initiative, consultants will audit and assess a company’s IP portfolio to determine its strategic value, which will eventually be integrated into the company’s internationalization plans.

IE Singapore will also support industries and trade associations to conduct IP-related market research for the benefit of their members, as well as provide companies with customized training programs, workshops and seminars.

Supported by the Intellectual Property Office of Singapore (Ipos), IE Singapore’s latest effort expects to benefit more than 500 local companies in the next three years, generating IP value outputs of over 100 million Singapore dollars.

3. Eastgate helping police probe on copyright infringement

*(from Business Times, Singapore, 26 April 2005)*

Eastgate Technology said that the police had visited its Tampines premises to investigate a case of possible copyright infringement involving several orders from one of its Singapore customers.

The mainboard-listed maker of CDs and DVDs said it is ‘fully cooperating with the police’ in the probe and is also carrying out its own internal investigations. The police probe is said to be by the Intellectual Property Rights branch of the Criminal Investigation Department.

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## THE PHILIPPINES

### News in April 2005

1. Anti-piracy unit proposal unclear – cable TV firms
2. Philippines steps up enforcement of IPRs
3. IP office launches electronic trademark processing

1. Anti-piracy unit proposal unclear – cable TV firms

*(from Business World, 1 April 2005)*

A group of local cable companies wants the National Telecommunication Commission (NTC) to issue rules defining the powers of its planned Intellectual Property Unit (IPU). The Philippine Cable Television Association, Inc. noted that a draft NTC circular gives the IPU “general powers” that can be abused to commit censorship.

The draft, however, is silent on the grounds by which a cable company will be subjected to investigation and penalty.

## 2. Philippines steps up enforcement of IPRs

*(from Asia Pulse, 13 April 2005)*

The Philippine Intellectual Property Office (IPO) has involved local government units (LGUs) in its effort to intensify enforcement of IPRs. IPO director-general Adrian S. Cristobal Jr. said the recent public hearing in Muntinlupa was appreciated by the local government officials.

Cristobal said the people of Muntinlupa have realized the need to protect IPR and expressed support to fight piracy. The local government plays a vital and strategic role in achieving economic development through the effective implementation and enforcement of intellectual property rights, he said.

He added that the protection of IPR is significant for the growth of small and medium enterprises (SMEs) in the local level. He said the IP Caravan is part of Ipos education campaign to develop appreciation for IPR among Filipinos.

The lack appreciation of IPR and the lack of respect for the rights of IP owners are two major obstacles that we must hurdle if we are to effectively combat piracy he stressed. Cultivating respect for IPR is critical to the success of enforcement, he added.

The public hearing at Muntinlupa is the first stop of the IP Campaign Caravan for 2005. The IPO will conduct similar conferences in the coming weeks in target key cities to include Sta. Rosa, Laguna, Dasmariñas, Cavite, Laoag, Angeles, Tagbilaran and Zamboanga, in coordination with the Intellectual Property Rights Enforcement Action Panel.

## 3. IP office launches electronic trademark processing

*(from Asia Pulse, 26 April 2005)*

The Intellectual Property (IPO) is now extensively using the enhanced Trademark Electronic Application Management System (TEAMS) to facilitate the processing of trademark applications.

IPO Director General Adrian S. Cristobal Jr. said the TEAMS, together with the ongoing streamlining of business processes at IPO, is projected to expedite the processing of trademark applications by one to two years.

The TEAMS was also designed to become the counterpart of the Patent Administration Computerized System or PACSYS, a project meant to fully systematize the country’s patent system.

Cristobal said the administration of intellectual property rights is one of the major key areas of the Ipos comprehensive approach to intellectual property rights protection, along with policy, enforcement, and communication and education.

The IPO will continue to maximize technology to establish the credibility of our trademark and patent systems. Through these advanced methodologies and state-of-the-art infrastructure, we can encourage more people to protect their creations by registering them with us, he added.

Through this Cristobal said, the government can achieve its vision of using intellectual property as a dynamic tool for social, economic and national development.

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## INDONESIA

### News in April 2005

1. 100,000 pirated discs, porn flicks seized
2. Improving IPRs enforcement
3. Raid pirated VCDs and DVDs in Melawai
4. WIPO awards
5. Free software, used computers given to schools

1. 100,000 pirated discs, porn flicks seized  
*(from The Jakarta Post Newspaper, Indonesia, 1 April 2005)*

City police raided a warehouse storing pirated CDs, VCDs and DVDs in Glodok, West Jakarta, a business area known as the country's largest pirated CD market. In the raid, authorities confiscated about 100,000 pirated discs from the warehouse, including some 4,000 pirated adult movies discs and seven boxes of discs covers. The raid was part of a police crackdown on sources of pirated discs widely distributed across the capital.

Despite law son intellectual property and piracy, copied discs are common in Jakarta and retailers sell them openly in stalls across the city without fear of prosecution. Several laws, including Law No. 8/1992 on film copyright, Law No. 19/2002 on intellectual property rights, and the Criminal Code provide penalties of up to three years' jail for disc pirates and sellers.

2. Improving IPRs enforcement  
*(from Bisnis Indonesia, 4 April 2005)*

The US government states that they still need more information to assess the rating of Indonesia in the Intellectual Property Rights Enforcement. Deputy Assistant Director of the US Trade Ministry (USTR) for Southeast Asia and Asia Pacific Barbara Weisel said there was a chance for Indonesia to get out of the priority watch list since the list would be evaluated once in every six months.

Advisory staff of the Minister of Trade Halida Miljani informed there was so much information on the Intellectual Property Rights enforcement in Indonesia that the USTR had not heard.

Early February, the IIPA recommended the USTR include Indonesia on the priority watch list due to the high piracy rate in the country. The recommendation is still being deliberated by the USTR and the result would be announced this April.

3. Raid pirated VCDs and DVDs in Melawai  
(from *Suara Pembaruan, Indonesia, 7 April 2005*)

Police officers from Resort Police of South Jakarta held raid operation of pirated VCDs and DVDs sale in Melawai region, South Jakarta. From 11 available traders, there was only one trader who was successfully arrested. Police confiscated 300 pieces of pirated VCDs and DVDs.

4. WIPO awards  
(from *The Jakarta Post Newspaper, Indonesia, 27 April 2005*)

Young researchers from Indonesia received four awards from the World Intellectual Property Organization (WIPO) after winning the 2004 Business Innovation Competition for Youth held in October last year by the Ministry of National Education.

This is the fourth time young Indonesian researchers have received such awards from WIPO.

5. Free software, used computers given to schools  
(from *The Jakarta Post Newspaper, Indonesia, 27 April 2005*)

As part of efforts to fight software piracy across the country, Microsoft Indonesia has since 2003 handed out 30,000 original software packages together with second-hand personal computers to around 15,000 schools and universities across the country.

The schools, ranging from elementary schools to universities, however, were still required to pay an annual copyright fee of US\$2.50.

Microsoft's Public Sector Director Andreas Pardyanto said that they charged the schools only to make students and teachers appreciate the value of intellectual property inside the software.

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## VIETNAM

### News in April 2005

1. Microsoft to help advance Vietnam's IT
2. Vietnam Hammocks re-enter Japan
3. Vietnamese premier approves IP development programme for businesses
4. Vietnam rushes for IP tool
5. Foreign investors join in anti-counterfeit move in Vietnam
6. 90% Vietnam's farm produce bearing foreign trademarks
7. Vietnamese official says current IP law ineffective

1. Microsoft to help advance Vietnam's IT  
(from *The Saigon Times Daily, 4 April 2005*)

Microsoft Asia Pacific will support the Post and Telematics Ministry to develop Vietnam's information technology. Microsoft would transfer technology to Vietnamese IT experts that are implementing the e-government project designed to computerize all State agencies. The giant corporation will also help the ministry encourage the protection of intellectual property,

open advanced training courses on secure IT and hold charity drives to assist poor communities.

2. Vietnamese premier approves IP development programme for businesses  
(from *Organization of Asia-Pacific News Agencies*, 8 April 2005)

The Prime Minister has approved a programme to support businesses' intellectual property development. The programme aims to raise Vietnamese enterprises' awareness about the protection and development of intellectual property with the aim of sharpening their competitiveness, especially for businesses with key export products.

It will also provide intellectual property training and help businesses run activities relating to intellectual property. The program will be carried out from 2005-2010 with funding from the State budget and contributions from organizations and individuals both inside and outside the country.

3. Vietnam rushes for IP tool  
(from *Organization of Asia-Pacific News Agencies*, 8 April 2005)

Economic experts have called on responsible agencies to speed up the development of a comprehensive legal system on intellectual property and a strategy for the relevant law enforcement to curb the sales of fake goods in line with international law.

They made the call at a workshop entitled "Protecting trademarks and curbing fakes" in Hanoi on April 7 in the wake of increasing violations of intellectual property rights. Head of the Market Management Department Nguyen Duc Thinh said Vietnam was now witnessing the rampant production and circulation of imitations of big trademarks, information technology products and industrial designs.

Thinh warned that fakes of the big foreign brands are smuggled into Vietnam at an alarming rate and are even traded in under legal import contracts. Some products were produced in Vietnam and transported up to the border for re-importation, Thinh said.

A tool to fight against counterfeit products and violations of intellectual property rights both in line with international law and suitable to the situation in Vietnam is urgently needed to help domestic businesses compete on an equal basis and develop while at the same time protecting customers' legitimate rights, said participants.

They proposed the systematic training of intellectual property workers, upgrading the material and technological infrastructure facilities. Measures should be taken to raise businesses' legal knowledge about intellectual property rights and to grant them more power in the struggle against counterfeits and violations of intellectual property rights, the workshop concluded.

4. Foreign investors join in anti-counterfeit move in Vietnam  
(from *Asia Pulse*, 14 April 2005)

The Vietnam Anti-Counterfeiting and Intellectual Property Protection Association of Foreign Invested Enterprises (VACIP) was set up to fight alarming intellectual property (IP) violations of which more than 400 cases were brought to court last year alone.

A pharmaceutical firm representative said forged drugs are widely available in the market. They are not only produced in Vietnam but also smuggled in from Cambodia, Taiwan and other countries.

Criminals even re-use the empty drug bottles or market drugs made of insufficient active elements, he said. The Business Software Alliance reported that Vietnam is leading the world in illegal software pirating, which make up 92 per cent of products in use.

Deputy Director of the Intellectual Property Department Tran Viet Hung admitted foreign-invested businesses are favourite targets for counterfeiters due to their high-quality products with attractive designs and famous brands. He said a majority of the more than 400 cases of IP violations brought to court last year were related to foreign-invested enterprises' products. Of these 65 per cent violated rules on trademarks, 25 per cent on industrial designs and five per cent on patents, Hung said.

#### 5. Vietnam Hammocks re-enter Japan

*(from Vietnam Business Forum, No. 16, 19-25 April 2005)*

The door to the Japanese market has re-opened for Duy Loi Company's collapsible hammocks after the Vietnamese producer won a lawsuit in Japan over the hammock design.

The Japanese Kaiyo Group, which owns a chain of some 160 leading supermarkets, has ordered more than 3,000 hammock sets worth US\$84,000, confirmed Lam Tan Loi, Duy Loi Company's manager on March 28.

In 2002, Kaiyo cancelled several contracts with Duy Loi due to the lawsuit, which the Vietnamese company lodged against a Japanese businessman for copying its hammock design. Duy Loi won the case in April 2003.

Last year, the Ho Chi Minh City-based company also filed another lawsuit against a Taiwanese businessman for copying its design and registering a patent with the United States Patent and Trademark Office.

#### 6. 90% Vietnam's farm produce bearing foreign trademarks

*(from Vietnam Business Forum, No. 16, 19-25 April 2005)*

There has been only a few agricultural companies in Vietnam register trademarks for their products to be traded on the world market, resulting in 90 per cent of the country's total farm produce not bearing brand names, according to the Vietnam Farmers Association (VFA).

Vietnam has 173 firms doing businesses in the agricultural sector, of which 36 ones registered their trademarks in domestic market and only 5 registered in the world market, Le Hoang Minh, VFA Vice Chairman told a workshop in Ho Chi Minh City on April 19.

Most Vietnamese firms still have no ideals or strategies in building the trademarks, seriously affecting their production in the future, she said.

Saigon Economic Times, Vietnam Marcom, Trung Nguyen Coffee and Ho Chi Minh City University of Economic have carried a national program on "Vietnam's Farm Produce

Trademark” from November 2003, aiming to have around 30 Vietnamese agricultural trademarks by 2006, however, the works are far from being reality.

7. Vietnamese official says current IP law ineffective  
(from *BBC Monitoring Asia Pacific*, 30 April 2005)

The director of the Vietnamese Trade Ministry's Market Management Department, Mr Nguyen Duc Think, told the Voice of Vietnam News recently that the volume of fake goods in Vietnam has increased substantially, ranging from high-quality goods down to such small items as toothpaste and matches. He said that all kinds of fake goods are now put on sale openly at various retail places, small shops, trade centres, and even department stores.

The department said that many kinds of fake goods, which violated the intelligence property copyright, have been smuggled into Vietnam through various main and subsidiary channels in a very meticulous method. Noteworthy is that some kinds of goods, manufactured in Vietnam, have been sent across the border for adding famous trademarks and brand names before being forwarded back to our country for sale.

Mr Nguyen Duc Think said that the current Vietnamese law governing the production of fake goods is ineffective, complicated and contradicted. Punishments meted out on violators are not serious enough. For instance, punishments for violations to provisions in Decree No 175 on trade activities, Decree No 12 on intelligence property copyright, and Decree No 31 on information technology are merely fines with a maximum amount of 100m Vietnamese dong.

Currently, there are six agencies taking responsibility in protecting intellectual properties in Vietnam. They include the Police General Department, the People's Court, the Market Management Department, the Customs General Department, the Specialized Inspection Agency [dealing with scientific-technological and information-cultural activities] and the local People's Committee.

Although the division of labour and responsibility for each agency has been defined, duplications of work and actions are still prevalent. Moreover, most of these agencies are inclined to take quick actions against easy cases while neglecting cases that show some complications or signs of difficulty in settlement. Worse still, coordination among these agencies is poor and ineffective.

In his conclusion, Director Nguyen Duc Think said that although there are several agencies taking responsibility in protecting the intellectual properties, the number of their personnel is relatively small, and most of them are incapable.

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## INDIA

### News in April 2005

1. Seminar on IPR in Hyderabad
2. Draft of seed bill may be delayed
3. India moves to boost awareness of IP issues
4. Russia, India set pact on IPR

1. Seminar on IPR in Hyderabad  
(from *Business Line*, 1 April 2005)

The World Intellectual Property Organization (WIPO) and the National Institute of Fashion Technology (NIFT) will jointly organize a national seminar here on the 'Importance of Intellectual Property Rights (IPR) for Handicrafts,' from April 5-7 at NIFT.

Experts from WIPO like Mr Guriqbal Singh Jaiya, Director of Small and Medium Enterprises, and Ms Lien Verbauwhede are expected to take part. Speakers from reputed legal firms and stakeholders, including the Government agencies, State Handicrafts Organizations will address a range of IPR issues that affect the sector.

2. Draft of seed bill may be delayed  
(from *Ashok B Harna*)

The Union agriculture ministry's attempt to rush the draft National Seed Bill may be delayed. Acting on a representation made by an apex farmers' organization, the chairperson of the National Advisory Council, Sonia Gandhi, directed the ministry to reconsider certain clauses in the proposed draft that are likely to hamper the interests of farmers.

The draft bill makes registration of seeds mandatory and in this context, Dr Krishna Bir Chaudhary, the BKS (Bharat Krishak Samaj) executive chairman, said in his letter that the National Seed Bill treats farmers as traders. They will be hounded to run about for registration if they grow and exchange seeds.

The previous week's 53<sup>rd</sup>, all India Farmers' Council Meeting of BKS held in Hubli in Karnataka had authorized Dr Chaudhary to take up the issue with the Centre. The Hubli meeting, not only opposed the draft bill but also the introduction of transgenic seeds.

The resolution said: "Seed is the most vital factor in enhancing agricultural production. The National Seed Bill should not put any infringement on the indigenous and traditional rights of the farmers to grow, breed, multiply, exchange and store seeds and be prevented to carry on the age old and time-tested barter system for mutual benefits of the fellow farmers. Farmers should not be treated as traders in the proposed bill. The Centre should bar the access of transgenic seeds and terminator technology in our agro-system for all times to come."

The resolution also called for remunerative minimum support prices for crops and cautioned the Centre not to dismantle the state-sponsored procurement of grains, encouragement of organic farming and post-harvest management.

3. India moves to boost awareness of IP issues  
(from *Daily International Pharma Alert*, 19 April 2005)

An Indian academic body, the National Institute of Pharmaceutical Education and Research (NIPER), has called on the government to provide resources for a national centre to monitor intellectual property issues relating to the domestic drug industry. The plans, which are awaiting government approval, are further evidence that recognition of the commercial possibilities of enforceable patents in India continues to grow.

NIPER already offers basic level courses in intellectual property, although the government will now be keen to ensure that any new monitoring centre reflects official priorities for the drug industry, as key domestic and international players move into Indian R&D amid a tightening patent regime.

Assuming the plans are approved, the new centre's services are likely to include advice on patentable drug discoveries, as well as the filing of patents on behalf of drug companies and strategies for maximising the benefits of in- and out-licensing.

Nevertheless, the planned intellectual property centre's activities are not without irony, as the development of India's domestic drug industry has traditionally owed much to lax and biased patent laws.

4. Russia, India set pact on IPR  
(from *Indian Express*, 27 April 2005)

Russia and India have agreed on the parameters of the Intellectual Property Rights (IPR) agreement, relating to the cutting-edge technology in bilateral futuristic defence cooperation.

Russians have agreed to make the IPR pact 'prospective' rather than 'retrospective', keeping in view the entire gamut of long-standing military-technical cooperation between the two countries. "Russians will no longer insist on the retrospective aspect of the agreement for which they have been pressing, so far. That has been removed from the agenda. Now the sides will focus, in principle, on two other aspects of the agreement, including the up gradation of the military equipment and procurement of spare parts," Singh said.

He noted that India and Russia must sign IPR agreement which has been under discussion for some time "to ensure that the information in the possession of the sides do not go to any unauthorized third party."

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## **BRUNEI DARUSSALAM**

### **News in April 2005**

Seminar on IP at UBD  
(from *Borneo Bulletin*, 16 & 26 April 2005)

Universiti Brunei Darussalam (UBD) in cooperation with the Attorney General's Chambers (AGC) will be organizing a seminar on intellectual property in conjunction with the World Intellectual Property Day which will be held on April 25 at the Central Lecture Theatre, UBD, as stated in a press release.

The seminar themed 'Think, Imagine, Create: A Seminar on Intellectual Property' will discuss the various issues and perspectives of Intellectual Property Rights. Intellectual Property are all forms of intellectual output such as inventions, literary and artistic works, and symbols, names, images and designs used in commerce.

Among the objective of the seminar is to establish an understanding of the various categories of intellectual property rights. It is also to acknowledge the importance of protecting these

rights, to promote public awareness on intellectual property and its role in society and everyday life and to address and highlight the various intellectual property rights issues faced by inventors, designers, writers and those involved in information processing.

Seminar topics discussed will include an introduction to intellectual property, implications of the trade-related aspects of intellectual property (TRIPS), agreement, Islam and intellectual property, copyrights and related rights, libraries and copyrights, intellectual property in business, enforcement of intellectual property rights, prosecution of copyright cases and infringement of industrial designs.

Pehin Dato Awg Hj Hazair bin Hj Abdullah, Permanent Secretary at the Prime Minister's Office, yesterday stressed on the important role of Intellectual Property Rights in protecting and encouraging the creative and innovative efforts of Bruneians as the country bids to expand and develop the economy.

Brunei Darussalam currently employs four components of regulations regarding Intellectual Property Rights, which are Trademarks, Copyright, Industrial Design and Layout Design, whilst Patent Orders will be enforced in the near future.

These regulations have been set in place and enforced in line with the international standards as a member of World Intellectual Property Organization (WIPO) and a signatory of Trade Related Aspects of Intellectual Property (TRIPS).

UBD Information Week 2005 is held in conjunction with the World Intellectual Property Day, which is celebrated today. In cooperation with the Attorney General Chambers, the Prime Minister's Office, UBD will be focusing on Intellectual Property Rights, in particular issues that pertain to individuals and organizations in the Sultanate.

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## MYANMAR

### News in April 2005

#### Pledges Intellectual Property Law

*(from Dow Jones International News, 10 April 2005)*

Myanmar's military government will introduce laws protecting intellectual property rights by January next year. Draft laws covering patents, industrial designs, trademarks and copyrights were completed last month and carry penalties that include fines and minimum prison terms of three years, the semiofficial Myanmar Times said.

Officials based the measures on laws in other Southeast Asian countries and guidelines set by the World International Property Organization in Geneva, the report said, quoting Moe Moe Thwe, a deputy director at the Science and Technology Ministry.

Myanmar officials will discuss the draft laws with WIPO representatives before enacting the legislation. Myanmar joined the global organization in 2001 and is required to implement the laws by 2006. Moe Moe Thwe said the laws were aimed at helping to make Myanmar more attractive to foreign investors.

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## CAMBODIA

### News in April 2005

#### Budvar wins trademark dispute in Cambodia

*(from Interfax Czech Republic Business News Service, 21 April 2005)*

The Czech brewer Budejovicky Budvar recently won a trademark dispute with the US brewer Anheuser-Busch in Cambodia, Budvar announced Tuesday. The Cambodian Supreme Court has confirmed Budvar's right to the Budweiser Budvar, Budvar, Budejovicky Budvar, and Budweiser Budbraeu trademarks in Cambodia.

The Czech brewer welcomed the ruling, saying it would strengthen Budvar's position on the Cambodian market. The Czech-US trademark dispute began in Cambodia in 2000. Budvar has succeeded in registering 380 trademarks in over 100 countries worldwide. It remains involved in over 40 court disputes and over 70 administrative proceedings in patent offices worldwide.

It has prevailed in trademark disputes in Switzerland, the UK, Australia, New Zealand, Japan, South Korea, Greece, Portugal, Denmark, Sweden, Finland, and Tajikistan.

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