

## Monthly Report of April 2006

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### THAILAND

#### News in April 2006

1. Local products to get new protection

*(from The Nation Newspaper, Business Section, Page 3B, Thailand, 13 April 2006)*

The Commerce Ministry plans to provide protection for seven Thai products - including the well-known Thung Kula Ronghai jasmine rice - by applying for geographical indication (GI) registration to take advantage of a World Trade Organisation (WTO) agreement, said a government source.

The Intellectual Property Department (IPD) is planning to register Trang province's grilled pork, Doi Tung coffee of Chiang Rai, plateau wine from Loei and TKR rice after the ministry earlier announced the registration plan without any objections.

The ministry will launch an advertising campaign to mark the Thung Kula Ronghai registration this month and is due to announce the registration of three other products in June: pomelo from Chai Nat; oysters from Surat Thani and Khao Sang Yod of Patthalung province.

The department estimated that within the year, at least 10 Thai products would be GI registered, and all WTO member states would have to recognise them.

Pajchima Tanasanit, director of the trademark office, said that on June 28-29 the department would hold a seminar on GI with Asean countries to spread awareness of product registration. Also, on June 30 there will be a GI seminar to help build an exchange of information between Europe and Asia.

2. IP team to China

*(from Post Today Newspaper, Business Market Section, Page B3, 26 April 2006)*

During 26-30 April, Intellectual Property Department's officials together with representatives from two companies (Pantai Norrasing and Nanme) went to Beijing for visiting Trademark Office and State Intellectual Property Office. They aim to discussion and ask for more cooperation in trademark and Geographical Indication issues.

Mr. Kanissorn Navanukrah, director-general of DIP said that Thai exporters had got unfair in IP protection in China many times. Then DIP tries to make cooperation with Chinese government. Also in this trip, DIP plans to make MoU with China on those issues.

### 3. Biodiverse nations urged to join forces

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 30 April 2006)*

As one of the world's top biodiversity-rich countries, Thailand has suffered several painful experiences involving "bio-piracy"- an act in which industrialised nations seize biological resources from developing countries for commercial exploitation.

Among the famous cases is the alleged patenting of medical and cosmetic applications of Thai herbs plao noi and kwao krua by Japanese pharmaceutical firms without following required legal procedures.

In 2001, the government also accused an American geneticist of committing a bio-piracy act by developing a new rice strain from Khao Dok Mali 105 native rice variety.

"Thailand must join hands with other biodiversity-rich countries in Southeast Asia in setting up international rules on fair benefit-sharing and access to biological resources," said Tewolde Berhan, an Ethiopian expert on biodiversity.

Mr Berhan is one of the seven recipients of this year's "Champions of the Earth" award, created by the United Nations Environment Programme (UNEP). Mr Berhan was a key negotiator of the 1992 Convention on Biological Diversity (CBD). He has helped strengthen the negotiating positions of developing countries on no-patents on living organisms and the recognition of community rights, so they may better protect themselves.

The pact, which has 188 member countries, including Thailand, is seen as an important step towards halting the global decline of biological resources.

Asian countries, including Thailand, should take a lead role in the negotiations if they wanted to see their interests truly protected, he said. He said Thailand stood to lose even more valuable genetic resources if the country signs the Free Trade Area agreement with the United States in its present form. The FTA would allow the US easier access to Thailand's genetic resources.

The country, therefore, needed to ensure it would share the benefits the US gets out of the resources, he said. The Thai-US FTA would also force Thailand to ease restrictions on fair access to the benefit-sharing agreement, he said.

"The US is the country that doesn't want any international law on access and benefit-sharing," said Mr Berhan.

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## MALAYSIA

### News in April 2006

1. Malaysia plans surprise raids to unearth pirated software
2. Malaysia reassures US on IPRs
3. Government cracking down on IP piracy
4. US wants Malaysia to fight software piracy
5. Malaysia must protect IPRs

1. Malaysia plans surprise raids to unearth pirated software  
(from *Dow Jones International News*, 10 April 2006)

Malaysia said that it would launch surprise raids on companies nationwide to ferret out illegal software and bring the country's copyright piracy rate down to the global average.

The raids will be conducted by the Ministry of Domestic Trade and Consumer Affairs with the help of the police and the Business Software Alliance, a global anti-piracy watchdog that includes major information technology names such as Microsoft, Intel and Adobe.

Piracy in Malaysia caused estimated losses of 509 million ringgit (\$134 million) to the software industry in 2004. Authorities seized 41,000 suspected copies of bootlegged software last year, and are also trying to crack down on pirated movie and music discs.

Under Malaysia's copyright act, directors and senior management of a company face up to five years in jail and a fine of 20,000 ringgit for each unlicensed copy of a software in their possession.

2. Malaysia reassures US on IPRs  
(from *Associated Press Newswires*, 20 April 2006)

Malaysia pledged tougher steps to wipe out pirated computer software and entertainment discs as part of efforts to strike a free trade accord with the United States.

Domestic Trade Minister Shafie Apdal said Malaysia will create a special court next year to handle piracy prosecutions, train hundreds of new officers to enforce intellectual property laws and sign several international treaties on copyright protection cooperation.

The Malaysian government is serious about combatting piracy and counterfeiting," Shafie said at a meeting of American and Malaysian government officials with private industry representatives to discuss anti-piracy measures.

The United States and Malaysia recently agreed to launch negotiations for a free trade agreement and conclude them by the end of 2006 before the deal is sent to Congress for approval in July 2007. Malaysia is the United States' 10th largest trading partner with \$44 billion in two-way trade.

3. Government cracking down on IP piracy  
(from *The Edge Financial Daily*, 20 April 2006  
*Asia Pulse*, 21 April 2006)

Malaysia is tightening its laws on intellectual property (IP) with plans to set up a special court to hear IP piracy and theft cases, as well as prosecute building owners that allow pirated goods to be traded at their premises, the Domestic Trade and Consumer Affairs Minister Datuk Mohd Shafie Apdal said.

The minister said his ministry had sent teams to South Korea and Japan to observe similar courts set-ups. "We hope to set up this court by 2007 and the judges will definitely come from the Judiciary Department," he told a news conference in Kuala Lumpur on April 20.

Mohd Shafie said there had long been a misconception that Malaysia was the largest exporter of pirated IP products like CDs and DVDs. "We are not the largest but we have often been used as a transit point," he said. He declined to elaborate.

The special court, said Mohd Shafie, would be used to prosecute smuggling cases or any other case involved with IP theft or piracy. "The government has and will continue to do all that is possible. We have an unwavering commitment to prevent piracy and counterfeiting," he said.

On the tightening of the law, which is expected next to be announced next year, Mohd Shafie said the government has asked for it to be expedited to enable enforcement officers to go after building owners that allow illegal IP trading on their premises.

4. US wants Malaysia to fight software piracy  
(from Reuters News, 24 April 2006)

The United States will ask Malaysia to tackle software piracy and copyright violations when the two nations open a first round of free trade talks in June, U.S. Deputy Commerce Secretary David Sampson said.

Malaysia is one of 36 countries on a U.S. watch list of serious copyright violators. With U.S. firms losing about \$250 billion a year to piracy, copyright protection has been a major U.S. demand in its free trade talks with many countries.

But in a landmark legal move, Malaysia's recording industry recently filed lawsuits against shopping malls renting premises to vendors of pirated wares.

Sampson, in an interview with Reuters in Kuala Lumpur, acknowledged some progress over the last year in tackling the problem, but added: "IPR (intellectual property rights) theft and counterfeiting remains a significant issue and one that I'm sure that will have to be addressed as we move forward in these negotiations."

The U.S. agreed in March to launch free-trade negotiations with Malaysia in a move aimed at strengthening U.S. economic ties in the strategically important Southeast Asian nations.

5. Malaysia must protect IPRs  
(from Dow Jones International News, 25 April 2006)

A senior U.S. official urged Malaysia to step up efforts to protect the intellectual property rights of American companies, and said it would be a key issue to the successful free trade pact between the nations.

"Malaysia has made progress. We appreciate that progress but clearly, there is a lot more work that can be done, especially in optical discs and pharmaceuticals," said U.S. Deputy Commerce Secretary David Sampson.

The Business Software Alliance said 61% of all software used in Malaysia in 2004, the latest reporting year, was illegal. The global piracy rate is 35% and the Asia-Pacific rate is 53%, the BSA said.

The U.S. and Malaysia are scheduled to start free trade negotiations in June 2006, and talks are expected to be completed by early 2007. The U.S. is Malaysia's single biggest export market.

Last week, officials from Malaysia and Washington met to discuss anti-piracy measures ahead of the start of free trade negotiations. Malaysia pledged to crack down on pirated software and entertainment discs, saying it would set up an intellectual property rights court as part of efforts to stamp out copyright violators.

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## SINGAPORE

### News in April 2006

1. HP opens intellectual property licensing centre in Singapore  
(from *Telecomworldwire*, 19 April 2006  
*The Straits Times Newspaper*, Singapore 19 April 2006)

Technology solutions provider HP announced on 18 April the opening of an intellectual property (IP) licensing centre to serve the Asia Pacific market.

The company said that the licensing centre will be located in Singapore, and will provide companies, governments, research institutes and universities in the region with access to HP's technology and IP through licensing agreements.

According to HP the Asia Pacific IP Licensing Center will initially focus on developing new technology licensing agreements in Singapore, Taiwan, Korea, Japan, India and China. It is expected to expand to other countries in the region as business needs arise.

The centre offers licences for HP's know-how, patents, trademarks and copyrights in a range of technology areas.

2. PDM Int'l fined for breaching Copyright Act  
(from *Business Times*, Singapore, 28 April 2006)

Interior design consultancy PDM International was sentenced to a hefty \$30,000 fine in court for its use of unlicensed and illegal software.

According to the Business Software Alliance (BSA), PDM is the first company in Singapore to be penalised for this offence since Singapore's Copyright Act was amended on Jan 1 last year, which made willful infringement of copyright for commercial gain a criminal offence.

In the charges detailed by the Criminal Investigation Department, PDM, which has offices across Asia-Pacific, was said to be in possession of 51 copies of unregistered software programs belonging to BSA member companies Adobe, Autodesk and Microsoft, after a police raid on Sept 15 last year when 11 computers were seized.

Under the revised Copyright Act, individuals and companies can face both criminal and civil lawsuits. First-time offenders face a maximum sentence of \$20,000 or a maximum jail term of six months, or both. In addition, a copyright owner may also claim statutory damages against infringers in a civil case, in which the infringer will have to pay up to \$10,000 for each work infringed, up to \$200,000 in aggregate.

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## PHILIPPINES

### News in April 2006

1. Dream Satellite TV helps crack down on cable pirates
2. IPO considering on intellectual property for S&T
3. ASEAN ministers tackle new strategies against piracy
4. Online trademark filing offered
5. RP gov't pushes IPRs awareness

1. Dream Satellite TV helps crack down on cable pirates  
(from *Business World*, 4 April 2006)

Dream Satellite TV joined operatives from the National Bureau of Investigation's (NBI) Intellectual Property Rights Division in recently raiding the premises of MGM Cable in Nueva Ecija, the satellite-direct-to-home cable TV provider reported in the statement.

About P400,000 worth of rebroadcasting equipment and gadgets were seized during the raid, including satellite dishes, low-noise block amplifiers, integrated receiver decoders, decoder boxes, system converters, modulators, television sets, remote controls, and coaxial cables.

According to the statement, books of accounts and other related documents used in recording MGM Cable's business transactions were also confiscated, as the said firm was allegedly engaged in providing illegal cable services to its clients, charging P150 a month.

The raid stemmed from a complaint filed by Philippine Multi-Media System, Inc. (PMSI), the company behind Dream Satellite TV.

In the said complaint, PMSI accused MGM Cable of engaging in illegal rebroadcast of Dream Satellite TV signals and the airing of programs such as HBO, Cartoon Network, Star Movies, National Geographic Channel, and Disney Channel without written consent from PMSI.

PMSI's Anti-Piracy Task Force head retired army Col. Byron D. Tabangay and NBI supervising agent Joe M. Tovera said during the raid that photographs of illegally broadcast content were gathered; these contained the logo of Dream Satellite TV.

Atty. Jose Justo Yap, head of NBI's Intellectual Property Rights Division, added in the statement that MGM Cable is now facing charges for the violation of Section 155 in relation to Section 170, or Trademark Infringement, of Republic Act 8293, otherwise known as the Intellectual Property Code of the Philippines.

2. IPO considering on intellectual property for S&T  
(from *INQ7.net*, 6 April 2006)

The Intellectual Property Office of the Philippines (IPOPIL) will be conducting a three-day seminar on intellectual property protection for science and technology aimed at educational and private institutions that have research and development programs specific to S&T.

The seminar, to be held at the IPOPIL office in Makati City, is expected to develop advocates and legal experts' awareness of intellectual property rights and the importance of patent documents as a source of technical information.

Participants would be provided basic knowledge on patent classification based on the rules of the International Classification System and instill in the practice of conducting patent searches prior to conducting research and development projects.

Legal experts and professors will deliver presentations on various topics including an overview on the country's IP system, the role of patent system in the economic and industrial growth of developed countries and on enhancing the indigenous creativity through the utility model and industrial designs.

IPOPIL Director General Adrian Cristobal Jr. explained that intellectual property is an asset for schools and universities as they could earn or benefit from the commercialization of their patented products.

The University of the Philippines Diliman has been engaged in various research projects and activities including textbook writing, creating writing, research programs and public papers.

3. ASEAN ministers tackle new strategies against piracy  
(from *INQ7.net*, 11 April 2006)

The Association of Southeast Asian Nations (ASEAN) is expected to draw up new strategies to combat Asia's worsening music and video piracy during the first joint anti-piracy workshop of the ASEAN, the United States Patent and Trademark Office (USPTO) and the Optical Media Board of the Philippines (OMB).

ASEAN Intellectual Property Working Group Chair Haji Shuib MD Yusop told participants that the two-day event being held in Makati should be able to help country representatives to share their experiences in intellectual property enforcement and come up with cross-country programs to curb movie and music piracy across Asia.

Yusop said new measures should be put into place against the latest trends in video piracy, among which includes the use of peer-to-peer file sharing technologies such as BitTorrent. Yusop also warned that P2P file sharing is already being used by syndicates to transfer captured videos to different locations where there are mass-scale optical disc production facilities.

If unabated, Yusop said Internet piracy could exceed actual optical disc piracy where users can immediately download content.

Yusop suggested several approaches to enable countries to strengthen their intellectual property policies and create an Asia-wide network of law enforcers to stop the shipping and distribution of illegally copied content, though his strongest proposal is for governments to educate citizens of the effects of piracy.

An ASEAN report noted that 67 percent of seized pirated optical discs worldwide in 2004 came from Asia. This included 99 percent of pirated VCDs and 73 percent of pirated DVDs.

In addition, a report from the Hills & Associates Risk Consulting Inc. showed that revenues from optical disc piracy in 2004 reached 512 billion US dollars, compared to just 322 billion US dollars in the narcotics industry.

4. Online trademark filing offered  
(from *Business World*, 25 April 2006)

The Intellectual Property Office of the Philippines (IP Philippines) launched an online trademark registration system. IP Philippines said it undertook the Trademark Electronic Filing System (TM Online) project together with Equitable PCI Bank.

IP Philippines director-general Adrian S. Cristobal, Jr. said in a statement TM Online is a Web-based secure electronic filing system for applications for the registration of trademarks, service marks, geographical indications and other marks of ownership.

An applicant wanting to avail of the new service must accomplish the electronic form at <http://ipophil.gov.ph> and submit it to with an attached electronic reproduction of his trademark. Applicants must have an account with Equitable PCI Bank, which will process fees.

5. RP gov't pushes IPRs awareness  
(from *INQ7.net*, 26 April 2006)

The Philippine government, through the Intellectual Property Office (IPO), has signed agreements with several intellectual property stakeholders to push more proactive activities bent on making Filipinos more aware of intellectual property rights.

Inking agreements with stakeholders representing the Philippine software, the cable television, and the international software industry, IPO director general Adrian Cristobal stressed that the Philippine government is still seriously pursuing more awareness campaigns to complement current enforcement activities that involve police raids.

Interestingly, IPO has also finally signed a formal agreement with members of the Philippine Cable Television Association, which has been clamoring for more protection from rampant signal piracy.

IPO deputy director general Pacifico Avenido Jr., however, noted that "it is still not within the mandate of the IPO" to address the problem of cable TV piracy in the country. He said, however, that the government agency can help in getting all concerned agencies together to act on problems faced by the Philippine cable TV industry.

Meanwhile, Cristobal said the agreements with the three industry organizations will "formalize" government's partnerships in private organizations in the promotion and protection of IPR. The agreement, for one, will now allow IPO to have infomercials aired through local cable television, the government official added.

In a separate interview, Tarun Sawney, Business Software Alliance (BSA) director for anti-piracy in Asia, said the agreement it signed with IPO will organize the IPR promotional activities of both parties.

Sawney said that BSA has been holding education and "capacity building" activities in the Philippines to protect and promote IPR in the country.

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## INDONESIA

### News in April 2006

1. Yudhoyono signs decree on IPRs
2. Japan, Indonesia begin talks on Econ Partnership agreement
3. RI hoping for more objective assessment on IPR performance
4. Indonesia ratifies intellectual property treaties
5. US pushes RI to boost anti-piracy campaign

1. Yudhoyono signs decree on IPRs  
(from *Asia Pulse*, 3 April 2006)

President Susilo Bambang Yudhoyono has signed a presidential decree to form a national team to deal with violation of intellectual property rights, Trade Minister Mari E.Pangestu said. Pengestu said the decree signed on March 27, is aimed at better guaranteeing protection for property rights as part of the government's efforts to create conducive investment climate in the country.

The decree determines steps to be taken by the team to enforce legal action against violation of property rights, she added. She cited there are rampant cases of falsification of cigarette brands causing great losses to the local cigarette producers.

Indonesia has been one of the countries under the watch list of the United State Trade Representative for poor performance in the protection of property intellectual rights.

2. Japan, Indonesia begin talks on Econ Partnership agreement  
(from *Dow Jones Commodities Service*, 17 April 2006)

Japan and Indonesia started their fourth round of talks aimed at reaching an economic partnership agreement, a Japanese official said.

The five-day talks are being attended by Japan's Deputy Foreign Minister Mitoji Yabunaka and former Indonesian Ambassador to the U.S. Soemadi Brotodiningrat, a Japanese Foreign Ministry official said on condition of anonymity, citing ministry policy.

The two countries began negotiations last year for the possible agreement, covering trade in goods and services as well as the movement of people, intellectual property and investment. The two countries aim to come to an agreement as soon as possible, the official said.

Kyodo News agency said that they want to reach a basic accord by the middle of the year.

Indonesia is seeking improved access for its labor force to the Japanese market, particularly factory workers, sailors and care providers for the elderly, Kyodo said.

3. RI hoping for more objective assessment on IPR performance  
(from *Organisation of Asia-Pacific News Agencies*, 22 April 2006)

The government is hoping the United States Trade Representative (USTR) will be able to make a more objective assessment of Indonesia's performance in the upholding of intellectual property rights as the country has already done much to fight piracy, a spokesman said.

"We hope this year the USTR can make a more objective assessment," Abdul Basri Azed, director general of intellectual property rights, said.

He said Indonesia had done a lot to fight piracy. Last year, the USTR included Indonesia in its Priority Watch List. Abdul Basri said he had submitted a report about various activities Indonesia had conducted in enforcing the law on intellectual property rights.

"We have taken steps to promote law enforcement in the field of intellectual property rights such as legally processing cases of intellectual property rights violations," he said. He added Indonesia had also produced Presidential Decree Number 4 of 2006 on the establishment of a national team to deal with intellectual property rights violations.

He said the team has a task of planning, coordinating and evaluating intellectual property rights law enforcement processes. The team was led by the coordinating minister for political, security and legal affairs with the minister of justice and human rights as its chief executive.

Abdul Basri said Indonesia had been ranked third under the Priority Watch List in view of the big number of intellectual property rights violation cases in the country.

4. Indonesia ratifies intellectual property treaties  
(from *BBC Monitoring Asia Pacific*, 26 April 2006)

The online version of the Jakarta-based Indonesian language daily *Republika* reported on Indonesia's ratification of five intellectual property treaties. According to the report, Indonesia had taken these steps in an effort to harmonize its intellectual property legislation with international law. The five conventions are the Paris Convention for Protection of Industrial Property, the Patent Cooperation Treaty, the

Trademark Law Treaty, the Berne Convention, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

According to intellectual property rights and human rights professor Abdul Bari Azed, Indonesia has previously cooperated to become a member of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights, which was ratified in 1994. As part of this process, Indonesia has passed laws relating to patents, trademarks, copyright, industrial design, trade secrets, printed circuit design and plant variety.

He also said that the momentum of the recent sixth World Intellectual Property Day could be used as an opportunity to change society's attitudes towards the intellectual property system and exploiting resources.

5. US pushes RI to boost anti-piracy campaign  
(from *The Jakarta Post Newspaper, Indonesia, 28 April 2006*)

While praising the measures taken by Indonesia in fighting against piracy and counterfeiting, the U.S. has urged the country to launch a more concerted crackdown on the crimes and encourage the handing down of severer punishments.

Visiting U.S. Deputy Secretary of Commerce David Sampson said the U.S. government would encourage the Indonesian government to fight against the counterfeiting of drugs, automobile and aircraft parts, and software.

After a meeting with Vice President Jusuf Kalla on Thursday, Sampson said the U.S. would encourage Indonesia to ensure serious consequences for those violating intellectual property rights, and to intensify enforcement action against them.

He said that companies in the United States suffered some US\$250 billion in potential losses annually, particularly in terms of lost jobs and sales opportunities worldwide as a result of copyright piracy.

Rampant copyright piracy here has prompted the U.S. Trade Representative's Office to keep Indonesia on its Priority Watch List since 1996.

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## VIETNAM

### News in April 2006

1. BSA helps Vietnam fight software piracy  
(from *The Saigon Times Daily, 14 April 2006*)

Business Software Alliance (BSA) pledged to help Vietnam fight software piracy by offering solutions for local entities to keep watch of the properties.

At a seminar on copyright protection BSA jointly held with the Vietnam Chamber of Commerce and Industry (VCCI) in HCMC, the alliance said it would provide free Software Asset Management (SAM) for local companies.

SAM enables enterprises to adopt good corporate governance and helps them maximize return from their software investments, while at the same time protects them from exposure to legal and financial costs that may come through non-compliance.

2. Deputy PM broadens scope of anti-smuggling committee  
(from *Thai News Service*, 18 April 2006)

Deputy Prime Minister Vu Khoan urged the Anti-smuggling Committee to further prevent violations to intellectual property and illegal goods trade, at the National Conference on Preventing Smuggling and Trade Fraud held in Hanoi.

As the country continues to be more open, Khoan said trade fraud would continue to be a complicated issue, especially as Vietnam is negotiating to become a member of the World Trade Organisation.

Khoan said results of work on anti-smuggling and trade fraud were not yet high enough and it was imperative to get to the root of the problem.

He reminded members that smugglers used loop-holes in regulations and policies to continue their illegal activities and therefore relevant agencies must adjust shortcomings that exist between policies and facts. It is necessary to strengthen co-ordination between relevant sectors, and localities must take further initiatives. Enterprises and producers must also actively take part in anti-smuggling activities.

The Market Watch Department reported that there have been many smuggling cases including 100,000 boxes of 555 cigarettes in Quang Ninh, more than 700 mobile phones worth VND2 billion in Can Tho and more than 100,000 litres of oil found in Long An as well as a storage container filled with smuggled goods in Binh Duong.

3. Government begins software piracy crackdown  
(from *Vietnam News Agency Bulletin*, 23 April 2006)

Inspectors in Ho Chi Minh City launched a crackdown on software piracy on April 20, seizing illegal software valued at almost 2 billion VND from 19 central processing units (CPUs). The inspectors said the pirated software was intended to be installed in computers at the Titan Informatics Trade Centre in District 3.

"The crackdown affirmed the Government's commitment to rein in violators of both domestic and foreign software copyrights," said Ministry of Culture and Information Chief Inspector, Vu Xuan Thanh.

The ministry, in co-ordination with other agencies, will probe enterprises nationwide allegedly involved in trading in and using pirated software. "First-time violators will be put on a special consideration list and strictly punished if they continue violating copyright," Thanh said.

The inspection, a follow-up of one carried out in Hanoi early last month, is part of the action plan to fight against violations of intellectual property rights from 2006-2010.

Together with the Government, major software companies and organisations have implemented a series of activities to support Vietnamese enterprises in legalising their software, in a bid to comply with the Law on Intellectual Property that will become effective in July.

The Viet Nam Chamber of Commerce and Industry (VCCI) and Microsoft are also working on a special promotion programme for enterprises from now through June 30.

Deputy Minister of Post and Telematics Vu Duc Dam said the Government is determined to solve the rampant piracy. "It is necessary for the development of the industry in general and the software industry in particular," he said.

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## BRUNEI DARUSSALAM

### News in April 2006

#### SMEs told to protect intellectual property rights

*(from Borneo Bulletin, 25 April 2006)*

The small and medium-sized entrepreneurs (SMEs) from this region are overlooking the protection of the intellectual property rights as they give more emphasis on securing physical and tangible assets.

Speaking at the launch of a two-day World Intellectual Property Organisation (WIPO) national seminar on intellectual property for small and medium-sized entrepreneurs yesterday, Solicitor General of the Attorney General's Chambers Datin Magdalene Chong said, "Most SMEs do not take measures necessary for the protection, management and enforcement of their intellectual property rights, for the purpose of obtaining the best possible results through their ownership of such rights.

Datin Magdalene said the primary aim of the seminar is to raise awareness on the relevance of intellectual property of SMEs. This fact is usually lost in the hustle and bustle of business survival.

As part of the continuous efforts of the Government of His Majesty in delivering better services to the people of Brunei, she said the Registry of Trade Marks will be launching an electronic registry system for Trade Marks.

The system is expected to be ready for use in September this year. When launched, the system will allow for a quicker and more accurate search of registered trade marks maintained by the Registry.

It will also enable trade mark owners and applicants to make applications for registration of trade marks and applications to update their particulars online, 24 hours a day, seven days a week.

The Registry of Trade Marks and Patents will also relocate to its new premises at the Law and Courts building in the first week of May. The new premises will offer better amenities and a more comfortable environment for its users, Datin Magdalene said.

The holding of this seminar in Brunei is timely and complements the efforts of the Government of His Majesty through the Ministry of Industry and Primary Resources and the Brunei Economic Development Board to develop the role of SMEs in the economy of Brunei, strengthen their capabilities in an ever increasing competitive environment and to sustain their development in an era of globalisation.

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## MYANMAR

### News in April 2006

#### Myanmar launches ICT week to promote IT development

*(from Xinhua News Agency, 29 April 2006)*

Myanmar has launched a series of ICT week activities to promote the development of the country's information technology (IT) sector. The week-long activities, held at the Myanmar Info-Tech Corporation Ltd in Hlaing township, include exhibition of ICT (information and communication technology) products from companies both at home and abroad, ICT-related talks, workshops and seminars as well as ICT contests.

Myanmar has written an ICT development master plan under the Initiative for ASEAN Integration (IAI) for the progress of the sector. The ICT development is among the four priority areas under the IAI agreed at the summit of the Association of Southeast Asian Nations (ASEAN) in 2000, aimed at narrowing the development gap among the regional members by assisting the four newer members -- Cambodia, Laos, Myanmar and Vietnam.

The country promulgated the Myanmar Computer Development Law in 1996 to implement a plan for ICT development. The drawing of Cyber Law, the Electronic Transactions Law that will make substantial contribution toward e-Government and e-Commerce was promulgated in 2004, and the Telecommunications Law and the Intellectual Property Right (IPR) Law that are parts of cyber laws have also been drafted.

Moreover, Myanmar has linked all its ministries with one another with the use of broad band system to be able to carry out governmental functions through ICT. There are two universities of computer studies and 24 government computer colleges in Myanmar.

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## INDIA

### News in April 2006

1. Awareness of patent rights increasing
2. Proper IPR law implementation needs for more R&D investment
3. \$500m lost to software piracy
4. India plans to give IPR profit share to researchers
5. No of patent applications up on new IPR norms
6. India, US to build strong IPR regime
7. FIEO, NIPO call for data protection law
8. India on US priority watch list again
9. India and Pakistan may get common IPR for Basmati Rice

1. Awareness of patent rights increasing  
(from *The Hindu*, 8 April 2006)

India will become one of the leading patent right holders in the world in the next few years, says Yeshwant Dev Panwar, Senior Scientific Officer, Patent Facilitation Centre, New Delhi.

Delivering a keynote address at a workshop on patent awareness organised by Mohamed Sathak Engineering College, Patent Facilitation Centre, and the Tamil Nadu State Council for Science and Technology at the college campus, he said awareness of patent among young graduates, scientists and others had gone up manifold.

The country had a large of number of science and engineering graduates. Of this, a sizeable number of them were involved in research and development activities. Considering the importance of creating awareness among young graduates and scientists, the Department of Science and Technology had so far conducted 305 workshops throughout the country.

T.V. Madhusudan, Assistant Controller of Patent and Designs, Chennai, said nearly 1.9 lakh people had patent rights in the country. Though the practice of issuing patent rights was on for the last 150 years, scientists and institutions started showing interest to register for patents during the last few years only. Nearly 5,000 persons had applied for patent rights throughout the country.

E. Ramasamy, Member-Secretary, Tamil Nadu State Council for Science and Technology, said it was advantage India in the overall and projected growth scenario. India was one of the top nations in the world producing a large number of graduates every year.

If they understood the need and importance of getting patent rights for their inventions and technologies, they could reap the advantage of patent rights. So, students should pay special attention to the formalities of applying for patent rights.

Dr. S.M. Hamid Abdul Quadir, Chairman, Mohamed Sathak Trust, Dr. Yemuri Lakshminarayana, Principal, Dr. M. Rajamani, Head, Department of Management Studies, V. Balakrishna, Head, School of Architecture, spoke. More than 200 participants from different colleges in Tamil Nadu participated in the workshop.

## 2. Proper IPR law implementation needs for more R&D investment (from *The Press Trust of India Limited*, 26 April 2006)

Greater investment in research and development activities in India will depend on successful implementation of patent protection law, experts said.

Protection of Intellectual Property Rights (IPR) is interlinked with introduction of innovative products in market and investment in R&D and is key to US' successful service sector, US Embassy Charge d'Affairs Robert O'Blake said.

"Without it (IPR protection), you don't get either the introduction of innovative products into the market or the investment in R&D to move down the path of developing strong, indigenous innovative industries that are clearly achievable for India," he said at an Indo-US seminar on IPR enforcement.

India has a high-calibre human capital and needs a stronger patent protection regime to drive innovation in the country, CII Task Force on IPR Chairman Ramesh Adige said.

"Creating public awareness is the key to successful implementation of patent law which in turn will determine the effectiveness of the law," he said.

Ignorance about IPR is as big a problem as implementation of protection law, Copyrights director and registrar Madhukar Sinha said.

## 3. \$500m lost to software piracy (from *The Hindu*, 26 April 2006)

Software companies in India lose a staggering half a billion dollar a year to pirated software, says the latest BSA (Business Software Alliance) - IDC study on 'Global Software Piracy'.

The piracy rate has risen from 73 per cent with losses amounting to \$363 million in 2003 to 74 per cent and the consequential loss totalling \$519 million in 2004. "The rise in the piracy rate is just one per cent, but the resultant loss is about 40 per cent considering the size of the economy and the IT industry. It is a dire situation," Mr Ajay Advani, Co-Chairperson, BSA (India) said.

Stating that BSA's efforts were aimed at making the digital environment 'safe and legal' he said, "Piracy can be curbed by educating users about the importance of legal software, through enforcement and initiation of legal action, by creating an awareness about the growth potential and opportunities compromised by software piracy."

## 4. India plans to give IPR profit share to researchers (from *Asia Pulse*, 27 April 2006)

Indian government plans to bring a law that will permit scientists to keep a share of profits that come from commercialisation of their research in a bid to boost innovation in the country.

"We are working on legislation to give some ownership rights to those who create Intellectual Property," Union Science and Technology Minister Kapil Sibal told reporters during the Hannover Technology Fair.

This was important to attract a greater number of domestic as well as foreign investors to set up research and development centres in India, he said, adding that the government also planned to set up an Indian Institute of Intellectual Property Management in the country.

Sibal, who is part of the high-level Indian delegation accompanying Prime Minister Manmohan Singh on his visit to Germany, said the two countries have decided to set up a science research and technology centre with a view to giving an impetus to bilateral collaboration.

The German Minister of Education and Research Annette Schavan would visit India in October-November when the accord on the proposed centre was expected to be signed.

5. No of patent applications up on new IPR norms  
(from *The Economic Times*, 28 April 2006)

With laws protecting intellectual property rights (IPRs) getting streamlined, the government has received nearly 23,000 patent applications during '05-06. In comparison, the number of applications received during the previous financial year was 17,466.

With product patents now in place, the government expects the number of applications to touch a record high during '06-07. The situation is undergoing a sea change, considering that the government received only 5,000 patent applications in '00-01.

More applications are expected now since the new rules proposed by the government would allow the grant of applications as early as three months. The minimum period prescribed for the grant of patents is six months, according to existing rules.

According to the proposed rules, patents have to be issued within three years from the time of applications. Existing rules allow the government up to six years to take a decision on patent applications.

Mailbox applications have been opened up and they are being processed now, officials said. Implementation of the new rules would also lead to streamlining of patent guidelines, they added.

6. India, US to build strong IPR regime  
(from *The Hindu*, 28 April 2006)

Mr Robert O Blake, Charge d'Affairs US Embassy has said that the Indian industry especially the pharmaceuticals and IT sectors is committed to strengthening the intellectual property regime.

At an IPR (intellectual property rights) workshop organised by the CII and the US embassy here, Mr Blake said: "India is becoming a global player in innovative technologies and also a world-class services sector hub."

He said both the US and India were committed to building a strong regime of intellectual property rights and promoting the development of innovation technologies. Copyrights ,

On the copyrights issue, Mr Madhukar Sinha Director and Registrar of Copyrights in the Ministry of Human Resources Development said the pricing policy of products in the country had a bearing on the success of IPR laws.

Mr Ramesh Adige, Chairman CII Task Force on IPR said the enforcement of the patent system is more important to promote innovation. He said the industry had a major stake in this and a public-private partnership model has to be evolved to address this issue.

7. FIEO, NIPO call for data protection law  
(from *The Hindu*, 29 April 2006)

The Federation of Indian Export Organisations (FIEO) and the National Intellectual Property Organisation (NIPO) have made a case for legislation on data protection. NIPO is of the view that the existing provisions of the Indian Copyright Act and the IT Act are insufficient to protect the interest of the database owners.

The FIEO Northern Region Chairman, Dr R.K.Dhawan, said at a seminar here that there was a need for an awareness campaign to bring about an intellectual property revolution in the country. He exhorted nongovernmental organisations to support the efforts of the Government in this regard.

8. India on US priority watch list again  
(from *Hindustan Times*, 29 April 2006)

The US has yet again placed India on the "Priority Watch List" under the Special 301 provisions of its trade law for what it regards as inadequate protection for copyrights, trademarks and patents of American products.

Twelve other countries, including China and Russia, also figure on the list released by US Trade Representative Rob Portman. The report acknowledges the improvements brought about by India in the intellectual property rights regime in the past year, but takes the stand that "protection concerns remain due to inadequate laws and ineffective enforcement". It says piracy of copyrighted work remains rampant in the case of software, films, fiction works, textbooks and cable signals.

The USTR wants India to join the World Intellectual Property Organisation's Internet Treaties. India's enactment of a law in 2005 to provide for product patents for pharmaceuticals and agricultural chemicals was a positive step but "important omissions" in legislation detract from the patent regime, the report says. According to USTR, improvements are needed in border enforcement against counterfeit/pirated goods, police action and deterrent judicial sentences.

9. India and Pakistan may get common IPR for Basmati Rice  
(from *Business Recorder*, 30 April 2006)

India and Pakistan are likely to get common trademark of Basmati rice, as they have agreed to jointly file a case to claim Intellectual Property Rights (IPR) over it, world-wide, as their geographical indication.

India has formed a "Joint Study Group" for consultation with Pakistan on joint registration of Basmati rice as a geographical indication following the discussion in detail by commerce secretaries of both countries at Islamabad during their meeting held on March 28 and 29, 2006.

In the said meeting it was agreed to jointly file for Intellectual Property Rights (IPR) over Basmati rice for which a sub-group of experts would be formed to discuss the matter and suggest the steps for protective registration of Basmati rice.

This issue had been under very active consideration both by All India Rice Exporters Association (AIREA) and Rice Exporters Association of Pakistan (REAP) as well as by the governments of Pakistan and India.

In this regard AIREA has recently written a letter to REAP for holding a joint meeting of Pakistani and Indian rice exporters to discuss the matter.

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## PAKISTAN

### News in April 2006

Need stressed to make IPR rules for checking bio-piracy  
(from *Business Recorder*, 15 April 2006)

A weeklong international workshop on 'Intellectual Property Rights', organised by Pakistan Agricultural Research Council (PARC), in collaboration with Asian Productivity Organisation (APO) and National Productivity Organisation (NPO), concluded.

In which the delegates from Bangladesh, Cambodia, Fiji, India, Indonesia, Korea, Malaysia, Nepal, Philippines, Sri Lanka, Thailand, Vietnam and Pakistan participated.

Addressing the concluding session, University of Agriculture Faisalabad Vice-Chancellor Dr Bashir Ahmad stressed the need for intellectual property rights (IPR) rules to meet the ever-increasing requirements of patenting, fending off any infringement on it and checking the so-called bio-piracy--use of wild plants by international companies--to develop products such as medicines without rewarding the countries from which they are taken.

He said that the underdeveloped countries had to bring their national IPR laws at par with the standards set by the Trade-related aspects of Intellectual Property Rights (Trips) by 2013. "Countries that are in utmost need of deciding the type and strength of protection granted in the plant breeding sector have to ensure effective implementation of the rules," he said.

In the end, the participants presented their recommendations regarding IPR rules, which would be sent to APO member countries for further action.

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## KUWAIT

### News in April 2006

1. Kuwaiti authorities raid 2 computer companies  
(from *Middle East Company News*, 9 April 2006)

The Kuwaiti authorities have intensified their campaign to protect the country's Intellectual Property Rights (IPR) laws, which seek to control the distribution and use of illegal software among individuals and companies.

In this regard, the authorities recently conducted raids on two computer companies, resulting in the confiscation of 2 Hard Discs and 188 CDs loaded with pirated software, including Windows XP, Microsoft Office, Adobe and Norton Anti-Virus.

The campaign against software piracy is part of the larger effort by the Kuwaiti authorities to promote a safe digital environment to support the local software industry and to encourage global software developers to invest in the country. As part of this endeavor, the authorities have regularly been conducting awareness campaigns targeted at traders, distributors and end-users, which highlight the

detrimental effects of using pirated software, such as poor PC performance, lack of reliability, data security compromised, reduced productivity as well as reduced IT investments.

2. Unesco symposium pushes copyright protection  
(from *Kuwait Times*, 17 April 2006)

The United Nations Educational Scientific and Cultural Organization (Unesco) is celebrating its 60<sup>th</sup> anniversary. On this occasion, Unesco is holding some educational symposiums in Kuwait. The second seminar titled 'Intellectual Property Rights' was held at the Sheraton Hotel. A huge number of school students and members of the Civil Defence attended the seminar. There are 191 member states of Unesco in addition to six associate members. "60 years of hard work helped the world to stand up after the disaster in 1945.

We went on to bring a brighter future for civilisation every year. Unesco is bringing all of the education, natural sciences, human sciences, culture and communication together and it reflects in its work," said Dr Hasan Safar, from the Kuwait National Committee of Unesco. Unesco is not only not only planning and organising activities in these fields.

Unesco is also working on solving modern problems to ensure peace, development, and environmental protection. "One of these problems is the intellectual property, which has become an important and deep international problem. Since the Kuwait National Committee of Unesco was established in 1979, it is following its mission and the goals it was established for," Safar added.

Intellectual Property is not controlled by one authority in Kuwait and is diversified. "The Ministry of Information is providing the legal consultation and is informing the public about copyrights breaches. We should work along with the Ministry of Education in this field, as the youth in Kuwait are the largest category buying and using pirated CDs," said Ibraheem Al-Nouh, the assistant undersecretary for press and publication affairs at the Ministry of Information.

Kuwait joined the International Intellectual Property Rights Organization in 1999. Now it is also a member of many different international and regional organisations, such as the World Trade Organization. The Ministry of Information is the authority that represents Kuwait in attending international conferences.

The ministry also inspects stores that sell copyrighted material. The ministry also represents the State of Kuwait in court. The ministry has many achievements in this issue. "The ministry published a book on this matter, and it held the first national conference about the intellectual property rights in 2001. The ministry also held some exhibitions. The ministry confiscated tens of thousands of items up to 2004, executed by 40,000 raids," Al-Nouh further said.

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## ISRAEL

### News in April 2006

1. PhRMA claim IPRs protection  
(from *Israel Business Arena*, 3 April 2006)

Pharmaceutical Research and Manufacturers of America (PhRMA) claims that Israel's intellectual property rights protection weakened last year. In a letter to the Office of the US Trade Representative (USTR), PhRMA claims that Israel has taken measures to protect local generic pharmaceuticals (i.e. Teva Pharmaceutical Industries Ltd. (Nasdaq: TEVA; TASE: TEVA)), and weakened legislation protecting intellectual property rights.

Israel is not the only country for which PhRMA recommends that the USTR downgrade to Priority Foreign Country", the most severe classification under the US Government's "Special 301" program. It wants similar reclassification for Canada, Germany, Poland and Turkey.

A PhRMA spokesman said the organization was not targeting Teva or any other specific company.

PhRMA said Israeli law gives generic pharmaceutical companies a free hand to manufacture generic drugs in Israel for export, mostly to the US, and provides no protections for the intellectual property rights of ethical pharmaceutical companies.

2. Israel remains on US priority watch list for IPRs  
(from *Israel Business Arena*, 30 April 2006)

Senior diplomats at Israel's Embassy in Washington have expressed disappointment at the Bush administration's decision to keep Israel on the Priority Watch List of countries that do not honor intellectual property rights. The Office of the US Trade Representative (USTR) included Israel in its Priority Watch List in its report for 2006.

We're disappointed by the decision, Israel Embassy in Washington DC Minister for Economic Affairs Ron Dermer told Globes. By every objective criteria, Israel shouldn't be included in this list. We hope that in future, the administration use the same criteria to judge all countries.

Dermer added, Israel considers its continued inclusion in the priority watch list as discriminatory. Many countries, whose standards for protecting intellectual property rights are lower than Israel's are included in the Watch List', or are not included in any blacklist at all. This is gross discrimination that Israel will demand should be stopped.

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## QATAR

### News in April 2006

Authorities in Qatar strengthen support towards IPR protection  
(from *Al-Bawaba News*, 20 April 2006)

Authorities in Qatar have sent out a strong message to violators of Intellectual Property Rights (IPR), by announcing that they would take tough stands against people trading and using pirated programs and CDs. Qatar police in coordination with the Ministry of Economy and Trade, raided two companies in Qatar during the end of March 2006, for trading illegally in pirated software programs.

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Abdulla Qayed, Head of Copy Right Office –Commerce Dept. Ministry of Finance, Economy & Commerce of Qatar, said, "Software piracy has been creating negative influences on the companies and businesses operating in Qatar. The ministry will step up its efforts in fighting software piracy thereby providing a healthy and safe environment for secure domestic and foreign investments. Through unified planning, we will strengthen our efforts in developing the IT sector in Qatar and promote our country as the leading and genuine supplier of IT requirements to the Middle East."

Qatar has always adopted a responsible attitude to actively promote a safe and legal digital world. This is evident from the fact that the country issued a law for the 'Protection of Copyright' in 1995, insisting on the sale and use of legal software that is central for its economic development. This law is being strictly implemented to reduce copyright infringement.

This step from Qatar comes as part of its strategic planning that seeks to protect its national economy through enhancing the concept of IPR and copyright laws. They have realized that IPR protection is a global issue, and that the government and manufacturers have to cooperate with each other to reduce IPR infringement. This will clearly ensure that there is no place in business for pirated programs, neither in trade nor in use.

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