

## Monthly Report of August 2002

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THAILAND  
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### THAILAND

#### News in August 2002

1. Firms dispute fees for Thai fonts
2. BSA raids Thai Net pirates
3. MPs urge end to arrests so fee can be set
4. IP Festival
5. Spiderman's delivery days over
6. Commerce Ministry will pool all Internet cafes
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8. Five charged with piracy over DVDs
9. Thousands of counterfeits goods are destroyed
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11. 3 firms settle with the BSA
12. Phony Epson products seized
13. TCC pledges to slash copyright collection fee
14. Police stop the music

1. Firms dispute fees for Thai fonts

*(from Bangkok Post Newspaper, Business Section, Page 10, Thailand, 1 August 2002  
The Nation Newspaper, Business Section, Page 2B, Thailand, 2 August 2002)*

Local printers are up in arms over licence fees being charged by a producer of Thai-language fonts and are seeking clarification from the Intellectual Property Department. Many printers had been charged in cases initiated by lawyers for Simzone Co with using its designed Thai fonts without paying a copyright fee, said Kriengkrai Thiennukul, president of the Thai Printing Association.

Simzone claims to own more than 100 Thai fonts. The fonts, designed by its affiliate, PSL Co, are available in its computer software programs and have been used widely in printing, publishing, advertising, banners and sticker production. The company claims the rights to the designs and wants users to pay 5,000 baht for each program.

Mr kriengkrai said the payment was too high and users were confused whether they had to pay for using the Thai characters in their work. Deputy Commerce Minister Newin Chidchob said he had informed the font owners that they had no right to ask the police to arrest users, as letters and characters were not subject to protection under the 1994 Copyright Law.

An expert in Thai font development said it could be interpreted that Thai fonts developed by the company were classified as data rather than software. Therefore, the company would not be protected by the Copyright Law.

## 2. BSA raids Thai Net pirates

*(from Bangkok Post Newspaper, Database Section, Page 1, Thailand, 7 August 2002  
Thai News Service, 7 August 2002)*

The BSA has made its first raid on a web site that it claims was selling pirated software. The software watchdog announced that it had investigated the web site SmileThailand.com, which it alleges copied and sold pirated software, music, movies and pornography to customers in Thailand.

The raid was conducted on August 2<sup>nd</sup> by the Economic Crime Investigations Division with the assistance of BSA investigators, who spent around six months monitoring the web site. SmileThailand.com was registered in the name of Kitsilp Taerakun in February 2000.

He operated the business alone from his home in Petchaburi Road, Ratchatawee, using six CD burners and three computers to replicate CDs. He advertised the business on his web site, burned the CDs after receiving an order and confirmation of payment and then sent the software via courier service.

The BSA estimates that the man earned around 450,000 baht a week from the trade. During the raid, police found 1,500 CDs, some of which contained software belonging to BSA members Adobe, Borland, Macromedia and Microsoft.

Under the Copyright Act of Thailand, a person engaging in the reproduction or dissemination of pirated products to the public for commercial purposes can be subjected to a fine of 800,000 baht and imprisonment of up to four years.

## 3. MPs urge end to arrests so fee can be set

*(from Bangkok Post Newspaper, Home News Section, Page 6, Thailand, 9 August 2002)*

The House commerce committee says police should stop arresting karaoke jukebox operators who refuse to pay copyright fees. A sub-panel would then decide just what constituted a "reasonable" fee. Jukebox operators said they would stop their protests if police agreed.

A sub-panel to look into the fee would be set up, headed by Thai Rak Thai MP Lwan Tantikulpong, a Thai Rak Thai MP. It would include karaoke jukebox operators and staff from the Intellectual Property Department. She said the committee wanted fairness for all parties concerned, not just the operators.

#### 4. IP Festival

*(from Bangkok Post Newspaper, Business Section, Page 5, Thailand, 12 August 2002  
Bangkok Post Newspaper, Prime News Section, Page 1, Thailand, 18 August 2002  
The Nation Newspaper, Prime News Section, Page 1A, Thailand, 18 August 2002)*

The Intellectual Property Department hold the 2002 Thailand IP Festival on 17 – 18 August in Bangkok. Various entertainers will stage a concert at the event, aimed at encouraging the use of legally licensed products. A ceremony involving the destruction of counterfeit goods, including 30,000 fake Levi's jeans, will also be held.

#### 5. Spiderman's delivery days over

*(from Bangkok Post Newspaper, Prime News Section, Page 1, Thailand, 14 August 2002  
The Nation Newspaper, Local News Section, Page 2A, Thailand, 14 August 2002)*

The licensed publisher of Spiderman comics threatened to file a copyright suit against a cooking-gas store for dressing up its deliverymen in Spiderman outfits. Bongkot Publishing Co licensing manager Sirichan Pitarangsri said the shop's use of the Spiderman costume infringed on her company's copyright.

She said her company had obtained the copyright for the Spiderman character from US-based licensee Marvel Comics. "I have spoken with Narongwit Suthiwiriyakul, the store's proprietor, and he agreed to stop violating our copyright," she said.

Narongwit also agreed to apologise to the publisher during his numerous upcoming television talk show appearances. The licensing manager also asked Narongwit to abandon a plan to dress his deliverymen as Batman and Superman, as those two characters were also patented.

Narongwit admitted that he was unaware of the copyright law when he launched the plan to promote his cooking-gas store.

#### 6. Commerce Ministry will pool all Internet cafes

*(from Bangkok Post Newspaper, Database Section, Page 1, Thailand, 14 August 2002)*

The Commerce Ministry is stepping in to ease the dispute between Internet cafes and software licence owners and intends to pool all Net cafes under a franchise system. The Commerce Ministry will license software for the pooled Internet cafes and Deputy Commerce Minister Newin Chidchob said that by next year Internet cafes would be grouped altogether as a franchise as part of the Commerce Ministry's Allied Retail Trade Co (ART).

This would solve the problem between the Internet cafes and the software owners since the Internet cafes would pay a subscription fee to the software owners, while the software companies would have to update their programs, providing them to these cafes on-line.

The ministry was now accumulating statistics on the number of Internet cafes in the country, some of which had not registered for a business licence, but it is estimated that there are around 10,000 throughout the country.

#### 7. Musical artists rally to enforce copyright

*(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 14 August 2002)*

More than 100 musical artists from GMM Grammy Plc held a rally in front of the Commerce Ministry to urge all parties in the industry to conform to the copyright law. The artists, including song composers, producers and singers, have called for the ministry to take action against those who have refused to pay musical fees or conducted illegal operations, especially karaoke jukebox operators.

Phayong Mukda, a famous songwriter, said he joined the rally because he wanted the public to show sympathy for artists by using legal products and paying musical fees.

#### 8. Five charged with piracy over DVDs

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 17 August 2002)*

The manager of a computer software factory in Sam Phran district and four other workers have been indicted on piracy charges. The prosecution has also asked the IP court to order the confiscation of all seized items and equipment.

Police also confiscated two machines used for producing DVDs, two colour-printing machines, CD-burning machines, one DVD quality checking machine, five sacks of plastic pellets and other chemicals used for producing DVDs.

#### 9. Thousands of counterfeit goods are destroyed

*(from Reuter News Service, 18 August 2002*

*The Nation Newspaper, Local News Section, Page 3A, Thailand, 19 August 2002*

*Bangkok Post Newspaper, Business Section, Page 3, Thailand, 20 August 2002*

*Thai News Service, 22 August 2002)*

Government officials, policemen and singers were all together in the public destruction of confiscated goods in Pathum Thani, north of Bangkok. Over 360,000 fake pieces including watches, VCDs, designer handbags and clothing with an estimated street value of \$2.75 million were shown by authorities that have seized the material this year in an ongoing operation to rid Thailand of its reputation as a haven for illegal goods.

#### 10. Newin claims piracy being curtailed

*(from Business Day, Thailand, 21 August 2002)*

Deputy Minister of Commerce Newin Chidchob said the US government may delete Thailand from its list of countries that it needs to keep a close watch on, because intellectual piracy cases had decreased. This would increase Thailand's chances of gaining more benefits from US import tax exemptions.

The Intellectual Property Department director-general Yanyong Phuangrach also expressed the same views as Newin. He also said once Thailand is out of the watch list, trade dealings would be enhanced as the US could no longer hold intellectual property piracy as a barrier as before.

### 11. 3 firms settle with the BSA

*(from The Nation Newspaper, Business Section, Page 3B, Thailand, 27 August 2002  
Bangkok Post Newspaper, Database Section, Page 3, Thailand, 28 August 2002)*

Three companies, caught using unlicensed BSA-members' software, recently agreed to buy licensed software worth over seven million bath. The companies also agreed to pay damages for copyright infringement, and to join the BSA in an anti-piracy media advertising and education campaign.

The BSA declined to disclose these companies' names, but said that they were in the real estate, advertising and financial industries. Jonathan Selvasegaram, the chair of the BSA, said software piracy losses in Thailand were estimated at approximately 2.3 billion bath, much higher than worldwide average losses.

### 12. Phony Epson products seized

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 29 August 2002)*

Four stores in Pantip Plaza have been raided for openly selling counterfeit Epson goods. A 10-member raid team, led by Pol Lt Col Kriengsak Jitsaard seized around 1,000 fake Epson ribbon and ink cartridges from the stores. The estimated street value was one million bath.

The managers of the four shops were arrested and charged with trademark infringement offences and violations of the Penal Code and Consumer Protection Laws. The maximum penalty for trademark infringement offences is four years imprisonment or a fine of 400,000 baht or both. Police from the Economic Crime Investigation Division were acting on complaints from Seiko Epson Kabushiki Kaisha.

Epson representatives were hopeful that the police campaign against manufacturers and retailers of fake products would be sustained. They pledged the continuing support of Epson for such enforcement efforts.

### 13. TCC pledges to slash copyright collection fee

*(from Bangkok Post Newspaper, Business Section, Page 10, Thailand, 29 August 2002)*

Thai Copyright Collection Co (TCC), a subsidiary of RS Promotion 1992 Co says it will nearly halve its music copyright collection fee in a bid to end a year-long fee dispute with karaoke operators.

The cut will take effect next month, resulting in the monthly fee for jukeboxes dropping to 290 baht from 500 baht at present. The original fee was 800 baht, but the rate was reduced to 500 baht after strong protests by karaoke operators.

### 14. Police stop the music

*(from The Nation Newspaper, Local News Section, Page 3A, Thailand, 30 August 2002)*

Police raided a factory producing counterfeit CDs in Bangkok's Lat Krabang district after receiving a tip off from investigators hired by GMM Grammy, a police said. The factory,

Altran Technology Co Ltd, which doubled as a warehouse on a one-rai plot of land in the Lat Krabang district, has been operating for two years.

The factory housed two CD presses, a plastic injector, a package printer, a CD shredder and a supply of plastic materials worth more than Bt100 million, said police. They confiscated 15,000 CDs that had been illegally recorded.

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## PEOPLE'S REPUBLIC OF CHINA

### News in August 2002

1. China releases new regulations on trademark law
2. Customs nips first games IPR violation
3. South China province takes lead in patent applications
4. Tens of thousands of pirated CDs are crushed in Guangzhou
5. Product pirates face list of infamy on mainland
6. China denies to raise DVD patent fee to RMB200
7. Unless prices gap narrows piracy will continue
8. China to crackdown on companies providing equipment to CD pirates
9. Yamaha stepping up fight against piracy

#### 1. China releases new regulations on trademark law

*(from Asia Pulse, 12 August 2002*

*BBC Monitoring Asia Pacific-Political, 12 August 2002*

*Asininfo Services, 13 August 2002*

*Interfax China IT & Telecom Report, 30 August 2002)*

China's State Council released the Regulation on the Implementation of the Trademark Law of the PRC. The new regulations, which consist of 59 articles in eight chapters, will take effect on September 15 this year, replacing the existing Detailed Rules on the Implementation of the Trademark Law.

The regulations cover the application process of trademark registration, examination of such applications, transfer and inheritance of registered trademarks, management of trademark usage, protection of registered trademarks and other areas.

#### 2. Customs nips first games IPR violation

*(from China Daily, 13 August 2002)*

Local Customs recently confiscated a batch of padlocks illegally using the name "OLYMPIC" and the Five Olympic Rings. This is the first case of suspected infringement on intellectual property rights of Olympic symbols filed by the Customs since the State Council enacted the Regulations on the Protection of Olympic Symbols on April 1, 2002, according to the local

Customs office. Customs authorities did not name the lock producer but reiterated such goods will be subject to confiscation, if Customs is convinced they violate regulations.

According to the Regulations on the Protection of Olympic symbols of Beijing 2008 Summer Games, including the Five Olympic Rings, flag, motto, emblem, anthem and other special terms concerning the Games, should be authorized by the legal owners of the symbols – the International Olympic Committee, the Chinese Olympic Committee, and the Organizing Committee of Games of the XXIX Olympiad.

In addition, the regulations specify that if imported or exported products are suspected of infringing the exclusive rights of the Olympic symbols, they shall be investigated and dealt with by the Customs under the Customs Law and other related laws and regulations.

### 3. South China province takes lead in patent applications

*(from Xinhua News Agency Bulletin, 13 August 2002*

*BBC Monitoring Asia Pacific-Political, 14 August 2002)*

The Intellectual Property Bureau in south China's Guangdong Province has granted 11,997 patents during the first half of the year, the highest in the country for the seventh year in succession. Statistics from the bureau reveal that the number rose 18 per cent over the same period last year, six percentage points above the average. To date, at least 64 companies in Guangdong have achieved a competitive edge through the possession of patents.

### 4. Tens of thousands of pirated CDs are crushed in Guangzhou

*(from Reuters News Service, 14 August 2002*

*Saigon Times Daily, 15 August 2002*

*Telecom World Wire, 15 August 2002*

*Bangkok Post Newspaper, Business Section, Page 4, Thailand, 16 August 2002)*

Tens of thousands of pirated CDs are crushed in the southern Chinese city of Guangzhou on August 13, 2002 as part of a nationwide campaign to stop the illegal trade. A total of more than 8 million pirated music and VCDs have been destroyed thus far during the campaign.

### 5. Product pirates face list of infamy on mainland

*(from The Standard, 19 August 2002)*

The Ministry of Culture has stepped up its crackdown on audio-visual products piracy by banning people convicted of offences from working in the sector. Units and individuals whose operating licences have been revoked for serious violations will be banned from working in the sector for 10 years.

The ministry has posted a list of banned units and individuals on its [www.av.ccnt.com.cn](http://www.av.ccnt.com.cn) website. The list would contain the names of:

- Units and individuals convicted for involvement in illegal audio-visual products business;
- Units that engaged in wholesale, retail, leasing, screening shows and e-commerce without a licence, and individuals who illegally made audio-visual products;

- Units and individuals whose licences were revoked and individuals who were in charge of these units, such as legal representatives and general managers.

The ministry will require government departments at various levels to check the list before issuing licences to new audio-visual products operators.

6. China denies to raise DVD patent fee to RMB200  
*(from Asininfo Services, 19 August 2002)*

China Electron Video Industry Association vice secretary-general recently denied the parlance said by some media that patent fee of DVD will rise to 200 RMB. Authority in the field think that the patent fee up to RMB200 is n to realistic because domestic competition of DVD is very furious and the profit is rare. If the price of DVD is raised by 200 RMB, the manufacturers are murdering themselves.

7. Unless prices gap narrows piracy will continue  
*(from Asininfo Services, 23 August 2002)*

A recent survey conducted by the China Statistics Bureau indicates that there is still a large proportion of the population buying pirated products and are comfortable with doing so. Among the 600 people polled, 78.2 per cent said they used pirated products. Only 8.5 per cent said they only buy legal versions.

Most people said they understood the negative impact these pirated products had and would have on society. Thirty-three per cent believed piracy cause “serious damage” to the industry and 64.4 per cent said piracy caused “certain damage”.

However, nearly all these people confessed that they would still buy pirated products because they are so much cheaper than legal copies. Those polls also suggested that only when the gap between the prices of legal versions and pirated copies narrows considerably can the pirating industry be destroyed.

8. China to crackdown on companies providing equipment to CD pirates  
*(from BBC Monitoring Asia Pacific-Political, 28 August 2002*  
*Asia Pulse, 28 August 2002*  
*Dow Jones International News, 28 August 2002)*

Companies that sell CD production equipment to Chinese companies found of making pirated CDs will be registered and will not be welcome in the Chinese CD industry, the State Press and Publication Administration (SPPA) has warned.

Wang Yanbin, a senior official with the SPPA reiterated that the license system still prevails companies producing both read-only CDs and blank CDs in China. All localities and departments that apply for new CD production companies must get the approval and business license from the SPPA. The Customs will allow the importation of production equipment according to the SPPA’s approval.

9. Yamaha stepping up fight against piracy  
(from JIJI Press News Wire, 28 August 2002)

Japan's Yamaha Motor Co. plans to lodge additional lawsuits against Chinese firms that infringe on its trademark rights, following a landmark victory in a piracy suit this month. The move reflects the major Japanese motorcycle maker's increased efforts to crack down on counterfeit Yamaha vehicles as it prepares itself for a full-fledged entry into the Chinese market, Yamaha officials said.

With Chinese counterfeiters becoming ever more wily, using such techniques as attaching the Yamaha mark to products during the distribution process, the Japanese company is poised to pursue its investigations even more rigorously, company officials said. Yamaha plans to file suits as soon as enough evidence has been gathered, they said.

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## HONG KONG

### News in August 2002

1. Hong Kong, mainland enter agreement to fight piracy
2. Put cable pirates in dock, urge stations
3. Four held over pirate disc factory

1. Hong Kong, mainland enter agreement to fight piracy  
(from BBC Monitoring Asia Pacific-Political, 3 August 2002)

The Hong Kong Customs and Excise Department has entered into the Cooperative Arrangement with the Chinese National Copyright Administration to protect copyright and fight against piracy, the government said. Under the agreement, the two sides will meet regularly to discuss and exchange ideas on matters relating to the execution of the arrangement when the circumstance warrants.

2. Put cable pirates in dock, urge stations  
(from South China Morning Post, 7 August 2002)

The Cable & Satellite Broadcasting Association of Asia has reinforced its call for the urgent introduction of criminal sanctions against people using unauthorized connections to television services.

The association called on the government to protect intellectual property rights by outlawing unauthorized connections to subscription cable or satellite television services and the trading of unauthorized reception decoders.

The association's chief executive, Simon Twiston Davies, said piracy was almost killing Hong Kong's film production business and was also hurting the cable TV business. The association, which represents about 110 Asian companies involved in the cable and satellite broadcasting business, said it planned to arrange talks on the issue with the government late this year.

The association will invite experts from other countries, including the United States' National Cable & Telecommunications Association, to share their experiences on how to tackle the piracy issue at its convention in Singapore in early December.

### 3. Four held over pirate disc factory

*(from South China Morning Post, 16 August 2002)*

A factory manufacturing at least 5,000 pirated music and VCDs a day has been discovered in Cheung Sha Wan. The plant was allegedly run by a six-member syndicate that is believed to have had a packaging centre in Chai Wan, a go down in To Kwa Wan and retail outlets in Chai Wan, San Po Kong, Jordan and Western, said Chong Wai-ming, head of the Customs Department's Copyright Investigation Division.

The syndicate recruited teenagers and drug addicts to sell the merchandise. Manufacturing equipment worth \$220,000 was seized. The suspects have been released on bail. Last night, officers were still searching for the alleged ring leader and two others.

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## MALAYSIA

### News in August 2002

1. New measures to fight VCD piracy
2. Move to arrest VCD pirates
3. Pirates quick to cash in on 'The Touch'
4. 11,000 pirated VCDs, porn materials seized
5. BSA offers RM20,000 reward for whistle blowers
6. Three VCD makers to lose licences
7. RM100,000 reward for tip-off on software piracy
8. New entity to handle intellectual property issues
9. Pirated VCDs, DVDs worth RM1.5 mil seized
10. Crackdown on software piracy to intensify
11. Microsoft recruits 800 resellers, vendors in anti-piracy programme
12. 5,000 pirated VCDs seized in raid

### 1. New measures to fight VCD piracy

*(from New Straits Times Newspaper, Malaysia, 3 August 2002*

*The Straits Times Newspaper, Malaysia News Section, Page 28, Singapore, 4 August 2002)*

The Domestic Trade and Consumer Affairs Ministry, having crippled several syndicates involved in pirated VCDs and CDs, is taking new measures to curb the problem. Among the

new measures are close monitoring of factories licensed to produce VCDs/CDs, collecting evidence from machines used to destroy defective CDs which are suspected of being used to destroy pirated discs and evidence after a tip-off on possible raids.

All factories buying such machines would also have to obtain permits from the Customs Department and the International Trade and Industry Ministry.

## 2. Move to arrest VCD pirates

*(from New Straits Times Newspaper, Malaysia, 5 August 2002)*

Anti-piracy raiding teams will now include police and Customs personnel to enable suspects to be arrested. Domestic Trade and Consumer Affairs Deputy Minister Datuk S. Subramaniam said this was part of the all-out war against piracy.

In another development, Subramaniam said the Attorney-General's Chambers was studying a proposal to punish those who conducted get-rich-quick schemes. He said the Bill was expected to be tabled in Parliament in December. Subramaniam added that those who lost their savings in such schemes would not be compensated if the organizers absconded.

## 3. Pirates quick to cash in on 'The Touch'

*(from The Nation Newspaper, Regional News Section, Page 5A, Thailand, 6 August 2002)*

The latest to discover the scourge of the piracy business is Michelle Yeoh, actor and producer of "The Touch". Just three days after she released the movie in Malaysia and Hong Kong, pirated versions have surfaced, selling above the normal black market price.

A random check of vendors showed that pirated copies were available, but in limited quantity. Recently, Yeoh promised that she would destroy every pirated copy of 'The Touch' that she could find while in Kuala Lumpur. Her warnings have apparently failed to "touch the hearts of the pirates."

## 4. 11,000 pirated VCDs, porn materials seized

*(from New Straits Times Newspaper, Malaysia, 7 August 2002)*

Police seized about 11,000 pirated VCDs and pornographic materials in a raid on a shopping complex in Sri Petaling. The raid was conducted at 3pm by four officers from the Federal police commercial crimes division following a tip-off.

A police source said that a man, in his mid-20s, was arrested at the premises for allegedly running the store. He added that the value of the seizure was about RM55,000.

## 5. BSA offer RM20,000 reward for whistleblowers

*(from New Straits Times Newspaper, Malaysia, 11 August 2002)*

The Business Software Alliance has offered a RM20,000 reward to an informant for his whistleblower role against a company using pirated software. The information resulted in a

successful raid on a Petaling Jaya-based Internet and telecommunications company last April by the State enforcement division of the Domestic Trade and Consumer Affairs Ministry.

BSA offers rewards of RM500 to RM20,000 to informants. Sometimes, the money is spread out among a group of informants. The ministry also offers informants rewards amounting to RM20,000.

6. Three VCD makers to lose licences

*(from New Straits Times Newspaper, Malaysia, 11 August 2002)*

The Domestic Trade and Consumer Affairs Ministry will revoke the licences of three VCD and CD manufacturers for their involvement in intellectual property piracy. Minister Tan Sri Muhyiddin Yassin said the involvement of the manufacturers in the illegal trade was detected as a result of the ministry's aggressive policy in combating piracy.

Muhyiddin said the ministry is also planning to tighten the issuance and renewal of licences for VCD and CD manufacturers. He said it would also be proposed that producers of original copies of VCDs and CDs be allowed to take part and assist in enforcement activities and are required under the proposal to register their products with the ministry to make it easier to detect if they had fallen victim to piracy.

He said proposals for the additional regulations in the issuance and renewal of the licences will be discussed by the ministry's licensing committee next month. He added that the ministry had also set up an intelligence unit which will directly inform the enforcement officers of any detected piracy activity.

7. RM100,000 reward for tip-offs on software piracy

*(from Malay Mail, 13 August 2002*

*New Straits Times Newspaper, Malaysia, 13 August 2002)*

Informants on software piracy will receive a reward of up to RM100,000 from the BSA for this month. The increased reward from RM20,000 for this limited time only, is to create greater awareness among the public and businesses, and address the problem of software piracy.

BSA regional enforcement manager (Asia-Pacific) Tarun Sawney said increasing the reward was one way to tackle the problem of software piracy which reached 70 per cent last year.

8. New entity to handle intellectual property issues

*(from New Straits Times Newspaper, Malaysia, 13 August 2002)*

The Domestic Trade and Consumers Affairs Ministry will have greater autonomy in handling intellectual property issues with the setting up of the Malaysian Intellectual Property Corporation on Jan 2 next year.

The corporatised entity will have more flexibility in recruiting IP experts and patent examiners besides financial autonomy. Minister Tan Sri Muhyiddin Yassin said the new body would also have its own development action plan.

He said the Ministry would soon launch a campaign aimed at raising awareness among Malaysians on the importance of getting IP protection for their products and services. He said that the Government would try to shorten the approval process of a patent application to between three and four years from the current average of five years.

9. Pirated VCDs, DVDs worth RM1.5 million seized

*(from Malay Mail, 14 August 2002*

*New Straits Times Newspaper, Malaysia, 14 August 2002)*

Enforcement officers from the Domestic Trade and Consumers Affairs Ministry seized about RM1.5 million worth of pirated VCDs and DVDs at a budget hotel in Jalan Petaling. A 10-man team, headed by city assistant enforcement officer Yusuf Bakar, crippled what is believed to be a storage and distribution centre for the CDs. The team was acting on a tip-off by an officer from the Music Authors Copyright Protection Bhd.

10. Crackdown on software piracy to intensify

*(from Computimes, 19 August 2002*

*Business Times, Malaysia, 24 August 2002*

*Bernama Daily Malaysian News, 26 August 2002*

*New Straits Times Newspaper, Malaysia, 27 August 2002*

*Bangkok Post Newspaper, International News Section, Page 6, Thailand, 28 August 2002*

*New Straits Times Newspaper, Malaysia, 28 August 2002*

*Reuters News Service, 31 August 2002)*

Ops Tulen, which begins on Sept 1, comes in wake of statements by the Government that software piracy and copyright infringement must be stopped at all cost. In announcing Ops Tulen, the Domestic Trade and Consumer Affairs Ministry noted that, for whatever reasons, certain companies are not managing their software properly.

These companies are urged to conduct an audit trail to ensure that their software are legal. By ensuring compliance, software users protect themselves from the risk of running foul with the law while maximizing organizational productivity through efficient use of software as a management tool. Letters will be issued and advertisements placed to announce the campaign to ensure maximum coverage of the consequences of engaging in software piracy.

11. Microsoft recruits 800 resellers, vendors in anti-piracy programme

*(from The Edge, Malaysia, 22 August 2002)*

Microsoft (Malaysia) Sdn Bhd has since February 2001 recruited 800 computer resellers and vendors to be in its compliance programme in an effort to encourage them to sell original software. In a statement on August 22, Microsoft said this was to protect corporate and retail customers as well as end-users from legal risks of using unlicensed software.

Microsoft (Malaysia) small business group director Sandra Goh said these errant vendors failed to see that they were committing an offence which would have a negative impact on the country. With Ops Tulen to be launched on September 1, she hoped more companies in the distribution channel would work with Microsoft to combat this illegal trade.

#### 12. 5,000 pirated VCDs seized in raid

*(from New Straits Times Newspaper, Malaysia, 24 August 2002)*

Federal police seized over 5,000 copies of pirated VCDs worth about RM50,000 in a raid at a shop at the Sungei Wang Plaza in Bukit Bintang. A man in his 30s believed to be the shop owner was arrested in the operation. All the VCDs seized were recently released movies currently being shown in cinemas.

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## SINGAPORE

### **News in August 2002**

#### Japanese patents to be approved speedily in Singapore

*(from JJI Press News Wire, 12 August 2002*

*Asia Pulse, 13 August 2002)*

The Japan Patent Office announced that it has set up a system through which patents approved in Japan can be expeditiously approved in Singapore. Those applying for patents in Singapore for inventions that received patent approval in Japan will be able to win approval in Singapore with simple, additional screenings if they submit papers proving their patents were approved in Japan as well as the documents' English translations. The expedited approval process will take effect on Thursday. Japan and Singapore concluded a free trade agreement in January.

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## THE PHILIPPINES

### **News in August 2002**

1. Software piracy scheme nets P13.5M junk items
2. CIDG seizes pirated optical discs
3. NBI seizes fake Fundador brandy
4. Philippine confiscates 20mln US dlrs fake VCDs, equipment

#### 1. Software piracy scheme nets P13.5M junk items

*(from Business World, Philippines, 2 August 2002)*

A total of P13.5 million worth of computers and software programs have been confiscated from companies believed to be using pirated software in their business operations since the start of the nationwide crackdown against software pirates, the BSA said in a statement.

BSA announced the result of its crackdown last May after the Go ICT, Stop Software Piracy campaign ended in April. The campaign gave companies 45 days to check their software licenses without any threat of legal action from BSA.

In the Intellectual Property Code, copyright violators can face of up to nine years imprisonment plus a maximum fine of up to P1.5 million. Those raided by the National Bureau of Investigation included a publishing company, an appliance company and a gaming center. These companies were using unlicensed software programs developed by members of BSA.

In the recent global software piracy study released by BSA, software piracy rate in the Philippines went up last year to 63%, reflecting a 2% increase from the 61% piracy rate in 2000. It said the industry lost P1.2 billion in the process.

2. CIDG seizes pirated optical discs

*(from Business World, Philippines, 7 August 2002)*

Members of the Criminal Investigation and Detection Group (CIDG) conducted a raid on a major supplier of counterfeit optical discs in this city on Monday, netting some 200,000 pirated discs worth close to P8 million. The CIDG said the object of the operation was a certain Pandi Yaquin, reportedly the biggest supplier of pirated video and audio compact discs in the Davao Region.

3. NBI seizes fake Fundador brandy

*(from Business World, Philippines, 7 August 2002)*

Some 300,000 bottles of fake Fundador brandy were seized by agents of the National Bureau of Investigation (NBI) from four establishments in Batangas during separate raids last weekend. NBI Director General Reynaldo Wycoco identified the establishments as Citimart, Nini's Commercial Store, Alvares RTW and Mario & Lita Bathan, all located in Atienza St., Lemery, Batangas. Charges of violation of Intellectual Property Code or Republic Act 8293 are being readied against the owners of the stores, he said.

4. Philippine confiscates 20 million US\$ fake VCDs, equipment

*(from Xinhua News Agency Bulletin, 20 August 2002*

*Reuters News Service, 20 August 2002*

*Saigon Times Daily, 21 August 2002)*

Philippine authorities confiscated one billion pesos (US\$20 million) worth of pirated VCDs and equipment to make the VCDs. Agents of the Videogram Regulatory Board and local police forces also arrested 12 foreigners including seven Indonesians at the underground pirated VCD factory in Quezen City of Metro Manila.

President Gloria Macapagal-Arroyo visited the site of the pirated VCD factory, congratulating the VRB for its victory in busting the major video piracy syndicate. The VRB has launched a

crackdown on video piracy following an order from President Arroyo for an “all-out-war” on crime.

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## VIETNAM

### News in August 2002

1. Microsoft VN opens office in HCMC
2. PetroVietnam fights for trademark in US patent office
3. Baker & McKenzie launches trademark protection service
4. IFPI pledges help with copyright protection

1. Microsoft VN opens office in HCMC  
(from *Saigon Times Daily*, 2 August 2002)

Ngo Phuc Cuong, general director of Microsoft Vietnam, said Microsoft had been trying its best to support the local industry to stay updated with its technologies and products. Microsoft opened its first office in Hanoi, Vietnam in 1996 but until now its revenue from the Vietnamese market is still very humble, given the fact that software piracy is rampant in the country.

However, statistic shows that the condition has been improved over the past year with the piracy rate falling to 94% last year from 97% in 2000. Microsoft also announced it is going to develop two computer labs for schools in Hanoi and HCMC with a combined value of US\$30,000. This project is undertaken through a non-government organization called Room to Read.

2. PetroVietnam fights for trademark in US patent office  
(from *Platt's Commodity News*, 7 August 2002)

PetroVietnam has written to the US Patent and Trademark Office in a bid to block an application by US-based Nguyen Lai Corp to register PetroVietnam's trademark and logo for itself. The letter included a description of PetroVietnam and its business. PetroVietnam was alerted some time ago that Nguyen Lai had applied to the USPTO to register the exact same trademark and logo as used by PetroVietnam. Meanwhile, PetroVietnam will pick a domestic law firm soon to help it register with the USPTO.

3. Baker & McKenzie launches trademark protection service  
(from *Saigon Times Daily*, 14 August 2002  
*Vietnam News Brief Service*, 15 August 2002)

International law firm Baker & McKenzie in HCMC has launched the trademark registration service for Vietnamese goods in the United States at a package price of US\$1,600 for a brand name, an executive said.

The law office needs one to one and a half years to complete registration procedures. The protection of trademarks in the US conforms to the 'first to use and first to place' principle.

Therefore, Vietnamese business should do trademark registration procedures as soon as possible because claiming back (a trademark) will be very costly. The USPTO has allowed any business to implement on-line trademark registration at the website. The registration fee for once case is US\$325. But Vietnamese businesses find it hard to implement on-line registration due to language barriers, complicated procedures and an international deposit account with a minimum balance of US\$2,000.

4. IFPI pledges help with copyright protection  
*(from Saigon Times Daily, 29 August 2002)*

The International Federation of the Phonographic Industry (IFPI) will help Vietnam prevent copyright infringements in the recording industry, said Leong May Seey of IFPI's Asia Regional Office.

She said IFPI will share with Vietnam their experience in fighting against pirated records and they will help Vietnam join IFPI and from now on will supply updated information relating to making and distributing recording counterfeits in order that the country will be well-prepared.

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