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THAILAND

1. IP & IT Court Symposium aims to make the balance

(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 1 December 2006

Prachachart Thurakit Newspaper, International Section, Page 16, Thailand, 7-10 December 2006)

The Central Intellectual Property and International Trade Court held the symposium entitle “Balancing IPRs Protection: IPR Holder and Public Interest”

In the symposium, Prof. Jaran Pukditanankul, Permanent Secretary of Ministry of Justice gave the lecture under the topic: Intellectual Property in the Light of the Philosophy of Sufficiency Economy. He said that the copyright owners should help eradicate piracy by offering good quality products at lower prices. He also suggested economizing on packaging as a good starting point for companies looking to cut costs. Software patent owners had used basic packaging to market cheaper computers and textbooks for poorer students and were not beset with imitation problems, he added.

Somkiat Tangkitvanich, director of the Information Economy department at the Thailand Development Research Institute, said developing countries tended not to be as strict in protecting intellectual property rights as they didn't want their citizens to lose out on the chance of using patented products, often beyond the price range of much of the population in developing nations. But Thailand should be stricter in protecting copyrights, patents and other legal entitlements so that it can reduce its intellectual property deficit with industrial powers, he said.

About the complain that the software companies charged with the business too high compensation, Mr. Sawney explained that the software companies do not point with the small vendors, but do action with the big companies that can the profit from their businesses, but do not pay for the legal software. Therefore, the software price is the not the main reason because those companies have the budget to buy the legal, but ignore to buy it.

For Chief Judge of IP & IT Court, Mr. Surapol Sonthayanon, said that the IP court would like to make the balance for the right owners and public users.

2. Business booms for movie pirates

(from The Nation Newspaper, Business Section, Page 1B & 5B, Thailand, 7 December 2006)

Thailand has experienced a massive resurgence of movie piracy over the past few months, with an industry insider estimating the problem has resulted in total commercial losses of US\$238 million (Bt8.48 billion) in movie related businesses.

A source at the Motion Picture Association (MPA), an organisation formed by major Hollywood film producers, said police had arrested almost 2,000 people involved in movie-piracy cases this year, an increase on the 1,100 to 1,180 cases last year.

Almost 80 per cent of the cases involve retailers of copied movie products, while the rest are wholesalers and warehouses, as well as manufacturers.

MPA represents Hollywood film studios such as Buena Vista, Fox, Warner Brothers, Columbia Pictures, Paramount Pictures, United Artists Pictures and New Line Cinema, and was formed to deal with the piracy problem.

The source said: "We have found increasing examples of movie piracy in many locations throughout Bangkok such as Sukhumvit, Patpong, Klong Thom, Sapan Lhek and Baan Mor, and even major shopping complexes such as Pantip Plaza, Future Park, Seacon Square and Mah Boonkrong."

Next year, MPA will concentrate on suppressing the masterminds because the arrests so far mainly involve retailers. Moreover, it will ask the government to include copyright violation as part of the money-laundering law to tighten penalties. MPA will also take serious action on electronic crime as a number of violators copy movies through the Internet and cable television.

A massive number of pirated videocassettes once created trade friction between Thailand and the United States. The problem has subsided over the past few years. However, the introduction of DVDs and VCDs has encouraged piracy again because the technology makes it much easier for copycats to illegally pump out fake products.

The source said that piracy had intensified in Thailand since the ousting of the Thaksin government. Since then, the government had not put much effort into piracy suppression because the police had other issues related to national security to deal with.

3. OTOP producers urged to protect their rights

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 14 December 2006)

The Commerce Ministry's Intellectual Property Department has urged One Tambon One Product (OTOP) manufacturers to develop a greater awareness of intellectual-property registration, in a bid to protect local wisdom from being registered by foreigners.

Director-general Puangrat Asavapisit said that most local enterprises lacked awareness of intellectual-property-right protection via copyrights, patents and trademarks. Speaking at the seminar "Promoting Intellectual Property Right Awareness to Protect Thai OTOP Enterprises in Both Domestic and Overseas Markets", Puangrat said only a small number of local enterprises had registered their intellectual property, compared with foreigners.

About 10,000 patents and 38,000 trademarks are registered in Thailand each year, with more than 60 per cent of these registered by foreigners.

"Local enterprises, particularly OTOP manufacturers, understand local wisdom and knowledge but neglect to register them," she said.

To encourage local awareness of property-rights protection, the department will conduct several campaigns next year.

Meanwhile, the department announced awards for 16 OTOP enterprises out of 113 such operations around the country. The successful 16 developed their products to four- or five-star OTOP ranking. Puangrat said such recognition would encourage local producers to develop their products to meet market demand, as well as to encourage them to register copyrights and patents with the department.

It will also increase awareness of Thai intellectual property among local manufacturers.

4. US patent on modified Thai papaya upsets BioThai

(from The Nation Newspaper, Local News Section, Page 4A, Thailand, 16 December 2006)

The Agriculture Department should object to a US government move to grant exclusive rights for a genetically modified (GM) papaya - developed from papaya native to Thailand - to a team of American researchers and Cornell University's research arm, Thai activists say.

Witoon Lienchamroon, director of BioThai, a non-profit group that works to protect farmers' rights and bio-diversity, said the patent would set a precedent that might aid developed countries more advanced in biotechnology and intellectual property rights to exploit the biological resources of Thailand.

The US Patent and Trademark Office (US-PTO) recently issued patent protection to Cornell Research Foundation Inc, Dennis Gonsalves, its director, and his team, over its "invention" of GM papaya that was developed from khaek dam and khaek nual Thai native papaya varieties. The patent covers the genetic pattern and "all scientific methods related to" the production of a novel papaya variety that is resistant to papaya ringspot virus. The Agriculture Department says ringspot virus is a major threat to papaya.

Jade Donovanik, an expert in intellectual property rights, said the patent would not cause Thai farmers to pay patent fees if they grew the GM papaya because the patent holders had exclusive rights only in the US and countries that issue patent protection to the rights holders.

The GM papaya was developed under a collaboration programme between the Cornell Research Foundation Inc and the Agriculture Department in 1994. Two Thai government researchers took khaek dam and khaek nual papayas, plus the papaya ringspot virus, to the research institute for lab tests.

Agriculture Department chief Adisak Srisunpakit said he had learnt about the patent certification and tried to bargain that Thai researchers should hold the patent also. But his request was rejected by the research institute.

5. Patent holder seeks Aids drug dialogue

(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 19 December 2006)

The patent holder of an anti-Aids drug has asked the Commerce Ministry to help initiate a dialogue between the company and the Public Health Ministry over the ministry's planned production of a local version of the anti-Aids drug Efavirenz.

Puangrat Asavapisit, director-general of the Intellectual Property Department, said MSD Co, an agent of Merck Co, and the Asean-US Business Council want the ministry to act as a go-between. Their representatives met with Commerce Minister Krirkkrai Jirapaet.

The move comes after the ministry's recent announcement that it plans to apply for compulsory licensing to produce a local version of the anti-Aids drug Efavirenz to help the HIV-infected people.

Under compulsory licensing, the Health Ministry is required to pay the manufacturers 0.5% of the drugs' market price.

Christian Sellars, director for external affairs of MSD, said the firm would work constructively with Thai authorities to ensure the public can access the medicine.

6. Aids groups upset by amendments

(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 19 December 2006)

Draft amendments to the Drug Patent Act will do more harm than good, HIV/Aids groups say. They want changes scrapped or a "transparent revision".

An amendment proposed by the Department of Intellectual Property will bar objections to drug patents for six months following their award.

The Drug Patent Act 1979 allows objections at any time, according Thai Network of People Living with HIV/Aids president Virat Phurahong.

He asserted the right to challenge patents was important, especially in cases of "trick patenting". Virat said British drug giant GlaxoSmithKline had been forced to withdraw a patent application in Thailand for the HIV anti-retroviral therapy Combivir after a challenge by local and international HIV/ Aids groups.

They claimed the drug was not new because it was simply a combination of existing anti-retroviral and was not an invention.

If a patent had been granted the price of Combivir would have been five times higher than a generic version produced by the Government Pharmaceutical Organisation, Virat said, adding it would have been forced to stop production.

Virat said another problem with the amendment was that it permitted patent applications before new drugs had been fully developed.

"If you think a certain substance has the potential to become a drug, you can seek a patent for it," he said. "This would prevent others from conducting research into that same substance and developing their own drug from it."

7. 2006 proves a step back for intellectual property enforcement

(from Bangkok Post Newspaper, Business Section, Page B3, Thailand, 22 December 2006)

The past year may go down as a difficult one for intellectual property (IP) owners in Thailand. Undoubtedly, positive developments were experienced, but in quieter times of reflection there is a danger that business leaders will conclude that 2006 marked a year in which the Kingdom lost pace with its competitors in the IP arena.

Central to potential progress in the modernisation of the IP system in Thailand in 2006 was the negotiation toward a free trade agreement with the United States. Unfortunately, recent political developments resulted in a postponement of these talks. With them went the opportunity for Thailand to bring its IP laws to the level required to attract modern technological innovation.

The perception of these developments on the business community has presented a difficult situation for the government. Nevertheless, a number of ministries have already recognised the centrality of innovation and IP to the country's development, and as a result stepped-up efforts to ensure that the importance of IP to the country's long-term livelihood remains on the agenda.

Businesses often cite the extent of counterfeiting and piracy within the country as the most problematic area of IP in Thailand. This may be the case, but the past numbers of years have witnessed laudable efforts by police, Department of Special Investigation and Customs officials to bring increasing numbers of infringers to justice. Luckily, most IP owners can confidently turn to Thai officials for help when faced with identified instances of infringement.

Due to the relative youth of IP law in Thailand, there is often a general lack of understanding of severity of IP infringement. This often manifests itself as a form of societal acceptance or tolerance of infringement. In addition, while penalties in Thai IP laws are seen as severe when compared with other types of criminal offence in Thailand, by international standards, the penalties and overall enforcement are sometimes seen as weak. These two hurdles have endeared Thailand to IP criminal syndicates.

There is no silver bullet to stamp out IP infringement - but a number of measures will certainly help ameliorate the business unease with IP infringement in Thailand: continued educational efforts by the likes of Department of Intellectual Property and others will serve to highlight the dangers of trade in fakes.

Continued efforts by enforcement authorities will also convey the impression that criminals will be apprehended. However, IP reform in a manner that communicates Thailand's lack of tolerance for IP offenders will provide the most dividends for the country.

SINGAPORE

2 ringtone retailers face copyright charges

(from The Straits Times Newspaper, Singapore, 8 December 2006)

For the first time, two ringtone and MP3 music retailers have been hauled to court on charges of copyright infringement. If found guilty, they can each be fined up to \$100,000, and staff found guilty of abetting the company's actions face up to five years' jail.

The business is worth about \$8 million a year.

A licence is required to sell these ringtones and MP3 music, issued by music licensing agency Compass (Composers and Authors Society of Singapore).

Licensing prices start at \$25,000 a year. A licence covers both the copyright and broadcast rights. Companies selling MP3 files will also need to get the approval of the song's music label. Compass says it wants to curb what it calls the rampant violation of the music industry's intellectual property rights.

PHILIPPINES

1. IP Philippines launches online patent database

(from Manila Bulletin, 11 December 2006)

The Intellectual Property Office of the Philippines (IP Philippines) launched an online application for searching granted and pending patent documents. The Philippine Patent Online Search System (PhilPAT) contains more than 60,000 patent documents starting from 1948 to the present. PhilPAT forms part of the organization's e-government program under the Industrial Property Digital Library for Patents Project.

PhilPAT lists the bibliographic data of Philippine patents which detail patent category, application or serial number, patent number, filing date, issue date, title, International Patent Classification (IPC), national classification system (PH Class), inventor, applicant or assignee, abstract, and representative drawings (when applicable).

Under issued or granted patents, PhilPAT has a total of 60,105 records to-date comprised of 35,741 inventions, 14,459 utility models and 9,905 industrial designs. PhilPAT also has 1,839 records of patent applications from 1998 when the Intellectual Property Code was enacted, consisting of 747 inventions, 312 utility models, and 780 industrial designs.

PhilPAT has links to the European Patent Office (EPO), US Patent Office (USPTO), Japan Patent Office (JPO) and World Intellectual Property Organization (WIPO). It has two types of search pages, the Quick Search and the Advanced Search.

Prior to the launch, PhilPAT was used by researchers in the academe who provided feedback on the functionality of the web application. PhilPAT was launched during the Intellectual Property Rights Week.

Another online project in the pipeline is the e-Gazette Patents. e-Gazette Patents is the web-based version of the IPO Gazette, the official publication of IP Philippines on patents. It will contain patent information regarding pending, issued, and approved patents of inventions, utility models, industrial designs and integrated circuits.

The first issue of e-Gazette Patents will contain a total of 687 published and granted or registered patent documents consisting of 368 published applications and 319 granted or registered applications. It will be uploaded on a weekly basis. In addition, a CD-ROM containing the uploaded e-Gazette Patents for the quarter will be released.

2. NBI seized more than P3 million worth of fake wristwatches
(from Hechanova Bugay & Vilchez Law Office, 12 December 2006)

Prompted by a complaint against the proliferation of fake Louis Vuitton and Tag Heuer wristwatches sold openly in downtown Quiapo, the National Bureau of Investigation (NBI) raided five (5) establishments inside the Plaza Miranda Shopping Mall over the weekend.

By virtue of search warrants issued by a Manila regional trial court judge, the NBI agents confiscated 1,653 pieces of counterfeit Tag Heuer and 1,736 pieces of fake Louis Vuitton wristwatches, pegged to be worth more than P3 million.

The owners of the stores would be charged for unfair competition, in violation of Section 168 of Republic Act 8293 or the Intellectual Property Right Code of the Philippines.

3. PNP confiscated P24 million worth of counterfeit Adidas products and pirated software
(from Hechanova Bugay & Vilchez Law Office, 12 December 2006)

In a back-to-back operation dubbed Operation Mega Shoppers, the Philippine National Police (PNP) confiscated a total of P24 million worth of counterfeit products and unlicensed software in Pasay City and Pasig City.

Armed with search warrants issued by the Regional Trial Court of Manila, the PNP seized 7,476 pairs of counterfeit Adidas products valued at more than P19 million from 32 stalls at the Car Park Shopping Compound in Pasay City, and almost P5 million worth of assorted unlicensed Microsoft and Adobe software loaded in 41 computer units at Drugcheck Philippines, Inc. in Pasig City.

Four Chinese nationals were arrested in the Adidas raid namely, Yang Nga, Lua Co, Aileen Jing and Ato Ke for trademark infringement and unfair competition, in violation of Sections 155 and 168 of Republic Act 8293 or the IP Code of the Philippines.

On the other hand, Zenaida Nicolas and John Catindig of Drugcheck Philippines, Inc. were taken in for questioning for copyright infringement in violation of Section 177 of the IP Code.

4. Counterfeit ring smashed
(from Bangkok Post Newspaper, International News Section, Page 5, Thailand, 17 December 2006)

Philippine police said they arrested 13 Chinese in one of the country's biggest raids on film and audio pirates. The men were caught with 600 million pesos of video and audio disc duplicating machines in a raid just outside Manila. The raid was conducted following complaints from Sony in Japan.

INDONESIA

1. Indonesia, Russia sign MoU on cooperation
(from *Thai News Service*, 4 December 2006)

Indonesia and Russia have signed seven Memorandums of Understanding (MoU) on cooperation in the fields of aeronautics, nuclear energy, law, defence and tourism.

The MoU, signed in Russia's capital of Moscow on Dec. 1, covered cooperation in, among other things, outer space exploration, utilisation of atomic energy for peaceful purposes, protection of intellectual property rights, visa exemption for official visits, and implementation of Russian military assistance in 2006-2010.

Prior to the signing of the MoU, Indonesian President Susilo B. Yudhoyono and his Russian counterpart Vladimir Putin held a tete-a-tete, which was followed by a bilateral meeting between ranking officials of the two countries.

2. Copyright Law to be reviewed
(from *The Jakarta Post Newspaper, Indonesia*, 5 December 2006)

The House of Representatives and the government agreed Monday to review the 2002 Intellectual Property Rights Law to settle the conflict between intellectual property owners, producers and users.

The agreement was reached in a hearing of the House law commission with the intellectual property rights director general at the Justice and Human Rights Ministry, Ansori Sinuwung.

Also in attendance were songwriters, the Association of Indonesian Recording Companies (Asiri), the Indonesian Hotel and Restaurant Association (PHRI), and National Police chief detective Comr. Gen. Makbul Padmanegara.

"An immediate review of the law is needed, especially to recognize the existence of YKCI (the Indonesian Creative Works Foundation) representing intellectual property owners in collecting royalties from those producing, duplicating and broadcasting their works," law commission chairman Almuzamil Yusuf said.

He said that the establishment of a collective management organization was needed to help ensure intellectual property owners' rights and to help support the life of Indonesia's songwriters and composers.

"Intellectual property rights are a part of Indonesian culture that all sides, including recording companies, hotels and entertainment centers, should have to maintain and develop. Besides, the nation has to respect songwriters and pay for the use of their works to support their lives and their families," Ansori said, adding that his side would prepare a bill to review the law.

The meeting became tense at one point, when the YKCI and songwriters accused Asiri and PHRI of violating intellectual property rights.

YKCI chairman Enteng Tanamal defended his foundation, which collects royalties on 8,500 songs on cassettes, CDs and VCDS that are played at hotels, restaurants and entertainment centers.

Members of PHRI and the Indonesian Trade and Commerce organization said they refused to pay royalties to YKCI because the latter often unilaterally increased royalty fees. It also deployed thugs and debt collectors to force hotels, restaurants and entertainment centers to pay royalties, they added.

3. Local products should seize market
(from *Bisnis Indonesia*, 21 December 2006)

Indonesian products are expected to triumph only in his home, meaning that they should be able to compete with illegal imported and forged goods.

Minister of Trade Mari Elka Pangestu stated that the national producers should dominate the domestic market as well as the export one.

Mari added that technology was needed to produce products that met international standard. Product and market, she inserted, were two other important things that could not be ignored. "It is important for the businesses to start making more investments in design instead of only copying."

She revealed that the government in the road map targeted Indonesia to have 200 good product designs by 2010.

Mari further emphasized the importance of giving protection to intellectual property-based product design in Indonesia. "Craft product designs, for example, should be registered at the Directorate General of Intellectual Property Rights and in other countries through Trade Attaches."

In responding to this, brand and Intellectual Property Rights expert Insan Budi Maulana hoped the government could make the industrial product design registration process more time-efficient.

VIETNAM

1. Vietnam trademarks to be displayed
(from *Thai News Service*, 1 December 2006)

An international trade exhibition displaying well-known local trademarks will begin at Giang Vo exhibition centre in Hanoi.

Co-organised by the Vietnam Trade Promotion Agency, the Standard Association for Customer Safety and the National Office of Intellectual Property of Vietnam, the seven-day exhibition has attracted 230 enterprises in industries ranging from electronics to tourism.

Organisers hope the exhibition will expose foreign executives to Vietnamese products and trademarks, and lure more investment into the country.

The National Office of Intellectual Property of Vietnam will also set up a stall to explain intellectual property laws and suggest ways local businesses can protect their trademarks after the country begins implementing World Trade Organisation (WTO) regulations.

At the exhibition's opening ceremony, the co-organizers will announce the winners of this year's well-known and most prestigious trademarks awards.

2. Intellectual Property becomes hot
(from *Saigon Times Weekly*, 2 December 2006)

Intellectual property rights will become a hot issue very soon after Vietnam's accession into the World Trade Organization, as some economic experts have remarked.

Pham Dinh Chuong, head of the Department of Intellectual Property, said most applications for patent certificates submitted to the department over the past 10 years were from foreigners. From 1995 to 2005, the Vietnamese submitted 6% of the applications in Vietnam, and only 2.2% of which were approved.

Most new products and technologies are created overseas or under foreign ownership; so the use and import of these new products and technologies into Vietnam are dominated by the owners. Unlike in the past, when legal loopholes provided grounds for infringements of intellectual property rights, the Government and people now have to obey international laws. Foreigners readily make claims for their rights, since they are now supported by an international legal guarantee.

Viet Anh, a lawyer from the law firm Pham & Associates, said Vietnam now has no time to delay in enforcing intellectual property rights. For instance, in the past if a motorbike imitated the style of Honda, it might be collected and only its plastic parts were destroyed. In the future, Honda has the right to request complete destruction of an imitation to ensure that the copycat will never appear on the market again.

In addition, Vietnam has to adjust regulations on punitive sanctions in compliance with international practices. Based on practices from other countries, heavy administrative fines are considered the best solution to intellectual property right violations. In reality, only small fines are applied to infringements in Vietnam with a maximum fine of VND100 million (according to Decree 12/1999/ND-CP on administrative sanctions on intellectual property right violations). In practice, the biggest single fine was VND75 million imposed on Lisohaka Co.

According to Pham Dinh Chuong, for developing countries like Vietnam, the acceptance and application of strict standards regulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) issued by the World Trade Organization (WTO) will bring about challenges and even bad impacts in some aspects.

“However, if we know how to overcome these challenges and our weaknesses, we will harvest great benefits in the long term. In general we believe that striving for intellectual property right practice in compliance with TRIPs and WTO will bring about positive results for Vietnam, Chuong remarked.

At present, the Department of Intellectual Property has not yet adequately assessed the negative impact of strict adherence to TRIPs-WTO standards in Vietnam, but some of them can be anticipated. It is easily seen that a complicated legal environment created by TRIPs will put Vietnamese enterprises and investors in hot water, prompting extra costs.

Up till now, many Vietnamese people are still unclear about the meaning and content of the TRIPs' protective mechanism for intellectual property rights. In practice, many enterprises consider that without any intellectual property right products, there will be no relationship between their businesses and intellectual property rights. But all businesses will eventually become entangled in a legal environment which protects intellectual property, and they may be dragged into disputes and lawsuits.

3. Pirated software confiscated
(from *Thai News Service*, 11 December 2006)

Thirty computer processing units containing unauthorised software applications were confiscated at the My Duc Ceramics company in Ho Chi Minh City's district 10 by inspectors from the Ministry of Culture and Information.

Estimated value of the software programmes Lac Viet Dictionary, Vietkey, WinZip, Symantec Antivirus and Microsoft Office was VND1.5 billion (around US\$90,300).

The inspection was conducted jointly with the Ministry of Public Security's Hi-tech Crime Prevention Department. The raid, the first of its kind targeting corporate-end users infringing software copyright in Ho Chi Minh City, demonstrated the increasing visibility of the Government's Nationwide Anti-Software Piracy Campaign begun this year in Hanoi and Ho Chi Minh City.

A draft law on copyright violations has proposed that the fines for intellectual property violations be raised from the current level of VND30 million (nearly \$2,000) to VND100 million (\$6,200), or five times the commercial value of the violation.

Chief Inspector of the Ministry of Culture and Information, Vu Xuan Thanh, has said enforcement will continue to be conducted regularly to protect the local software industry and encourage foreign investment.

4. Smuggled, fake goods flood market
(from *Thai News Service*, 19 December 2006)

With trade fraud and smuggling still rampant, particularly in border towns, industry experts are recommending stiffer penalties for violators. According to a recent report from the Ministry of Public Security's General Department of Police, the police since 2001 have settled 62,543 trade fraud and smuggling cases in the country.

The police department has suggested that the National Assembly and the Government amend current regulations and decrees concerning smuggling and fraudulent trade. Relevant authorised agencies need to actively draw up strategies to fight intellectual property infringement, money laundering, and organised crime, according to the report.

Since 2001, police have confiscated a total of VND2,000 billion (US\$125 million) in goods. Some 65,000 people were involved in these violations. Of these violations, more than 20,000 cases involved smuggling; 19,500, banned goods; 1,260, counterfeit items; and 4,288, goods that had been traded without taxes being paid.

After the Steering Committee for Smuggling, Counterfeit Goods and Trade Fraud was established in late 2001 by a Prime Ministerial decision, trade fraud eased for a while, but more sophisticated methods have led to a resurgence in trade fraud, according to the ministry's report. The further lowering of tariffs on goods next year should help curb smuggling.

According to Vietnam's trade commitments after it joined AFTA (ASEAN Free Trade Area) and the rules under the international General Agreement on Trade and Tariffs (GATT) import taxes will by 2007 fall from 40-60 per cent to 0-5 per cent. But fraud persists, usually in the form of temporary imports and re-imports, establishment of 'ghost businesses' and cheating on VAT (value-added tax) refunds.

The police agency blamed the proliferation of fraud on loose co-ordination between management and production sectors, loopholes in laws on imitation goods, and the absence of an agency responsible for inspection and assessment of commodities.

Market experts said that fraud had also gained a foothold due to a lack of awareness and sense of responsibility among domestic consumers, the agency said. They have rushed to buy fake products, only concerned about purchasing the famous brand's name on their product and not the quality inside.

Smuggling, along with the production and trade of fraudulent goods, has hurt both the national economy and domestic consumers, they said.

INDIA

1. India plans better IPR protection, anti-piracy pacts

(from Dow Jones Commodities Service, 1 December 2006

The Press Trust of India Limited, 1 December 2006)

India will ensure stringent enforcement of laws to protect intellectual property rights and plans to sign IPR protection agreements with several countries, Junior Industry Minister Ashwani Kumar said.

"We signed an agreement with France (on IPR protection) three months ago. We are looking at signing such agreements with many more countries," Kumar said at a seminar on fighting counterfeiting and piracy organized by the International Chamber of Commerce and Federation of Indian Chambers of Commerce and Industry.

The minister declined to name any countries with which India is discussing such pacts.

He said the government has made its legal system compliant with the Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPs, and Indian judges have become more aware of IPR issues.

Quoting a study by the International Data Corp, he said that a mere 10% reduction in piracy in India could result in 115,000 new jobs in the information-technology industry, attract \$5 billion in investment and earn \$386 million as tax revenue for the government.

The committee, christened Copyright Enforcement Advisory Council (CEAC), will be chaired by the Human Resource Development Secretary with police chiefs of 21 states as its members, besides other stakeholders.

"What we need is the effective implementation of existing laws to counter the problem (of IP theft)," Minister of State for Industry Ashwani Kumar said while addressing a seminar on "Fighting Counterfeiting and Piracy," jointly organised by FICCI and International Chamber of Commerce (ICC).

He said effective implementation of IPR can add to the Governments' tax earnings, besides creating 115,000 additional job opportunities. He also hinted at the signing of more bilateral agreements with other countries for the effective implementation of the IPR regime, saying talks were already in offing.

2. India needs stronger IP regime

(from The Hindu, 7 December 2006)

The Microsoft Technical Computing Vice-President, Mr Tony Hey, has said that for Indian IT companies to emulate global giants such as Microsoft, there has to be a much stronger intellectual property regime in the country.

Commenting on the R&D spending of some of the global IT companies' vis-à-vis the Indian companies, Mr Hey said that as Indian companies would grow more mature, they would be able to increase their R&D spending similarly to their global counterparts.

Indian companies will not be able to grow if they merely continue developing software for multinationals. He added that for the Indian IT majors to become at par with leading global IT companies, it was just a matter of right technology.

3. India to seek recognition for patent office
(from *Business Standard*, 7 December 2006)

India plans to approach the World Intellectual Property Organisation (WIPO) for recognition of its patent office as the International Search Authority (ISA) and International Preliminary Examination Authority (IPEA).

This would enable patent offices across the world to outsource patent search services to the Indian patent office, Ajay Dua, secretary, department of Industrial Policy and Promotion said. Dua said Indian patent offices were equipped to handle international responsibilities. The Rs 1,300-crore modernisation plan is complete and patent offices are now completely computerised. "The offices will be interlinked by March 2007 to facilitate easy search of patent database," Dua said.

"Once the linkage of patent offices is complete, we will approach WIPO," he added.

Jon W Dudas, US under secretary of commerce for intellectual property and director of the United States Patent and Trademark Office said the power of IP was so immense that it generated around \$5.5 trillion for the US economy. Eighty per cent of the US economic growth was driven by intellectual assets and 20 per cent by hard assets, he said.

He underlined the importance of educating businesses, particularly small and medium enterprises, about the IPR regime. India R&D 2006 was organised by the ministry of Science and Technology and Federation of Indian Chambers of Commerce and Industry.

4. Protecting traditional knowledge
(from *The Hindu*, 11 December 2006)

With the move to protect its traditional intellectual property rights, Kerala is aiming for fair and equitable sharing of the benefits of knowledge acquired over many generations.

The Directorate of Ayurveda Medical Education announced that it was embarking on an ambitious project to create a digital library of the traditional knowledge systems of Kerala.

The Hindu the project - billed as Traditional Knowledge Digital Library-Kerala (TKDL-K) - aims to establish a database that would help protect the intellectual property rights (IPRs) of traditional healers and ward off the threat of piracy of ayurvedic concepts and medicinal formulations.

In the context of Kerala's newfound and ongoing enthusiasm for medical tourism, this move spells wisdom for, around the world, the alert independent traveller is seeking out firsthand, authentic experiences that reflect the ethos and values of a particular culture. Most of such experiences arise from the realm of "traditional knowledge".

The free encyclopaedia traditional knowledge - also referred to as "indigenous knowledge" or "local knowledge" - generally refers to the matured long-standing traditions and practices of certain regional indigenous or local communities.

Traditional knowledge also encompasses the wisdom, knowledge, and teachings of these communities. In many cases, traditional knowledge has been orally passed for generations from person to person. Some forms of traditional knowledge are expressed through stories, legends, folklore, rituals, songs, and even laws.

Traditional knowledge has long played a role in Kerala's social, economic and cultural growth. One key element in what has come to be called the "Kerala model of development" is the sustained emphasis on public health.

Kerala has led the pack in terms of the highest per capita expenditure on public health among all the Indian States. Today Kerala boasts the country's most advanced equitable and accessible healthcare system.

Though Keralites have acquired a reputation for parochialism and inwardness, as far as medicine and wellness are concerned, they tend to display a healthy cosmopolitan benevolence, so much so that their predilection for therapeutic and curative treatment is not confined to traditional systems of medicine.

Thus the modern Western-oriented allopathic and homeopathic systems co-exist happily with a host of alternative indigenous systems, the most renowned of which is ayurveda, the ancient holistic and comprehensive Indian system of therapy that revolves around organism-environment interaction and relies on a rich herbal pharmacopoeia.

This care and concern for ayurveda has benefited hundreds of Keralites - and now, equally, the rest of the world. Today, the global passion for alternative medicine and therapy has led countless foreigners to travel to Kerala for a bout of rest and recuperation, often combined with a more conventional sun-and-sand holiday.

5. US official slams India's patent laws

(from Electronic Engineering Times, 11 December 2006)

A U.S. government official leading a business delegation here called India's patent and copyright laws antiquated and unable to offer the necessary protections for foreign companies doing business in the country.

Patent and copyright laws in India are outdated and do not "meet world standards," said Franklin Lavin, undersecretary of commerce for international trade. India and the United States, Lavin said, "need to work out a proper regulatory framework by identifying the weak areas. India needs to seek more participation by U.S. companies."

Lavin made the remarks at a business seminar in New Delhi as leader of a delegation that included 225 U.S. corporate executives from about 100 companies, including IBM, AT&T and Motorola. The delegation was scheduled to visit Mumbai, Bengaluru, Chennai, Hyderabad and Kolkata in addition to New Delhi.

India has been a member of the World Trade Organization since 1995. The intellectual-property provisions of that trade body require members to protect a range of IP, including semiconductor layouts and designs.

6. India must coordinate to combat software piracy

(from The Times of India, 15 December 2006)

India has always been in news for piracy and this time it is software piracy that is eating up though minuscule but a growing chunk of industry's revenues.

According to the statistics, the software industry posted a revenue loss of \$566 million in 2005, which is 9% higher than \$519 million in 2004.

This is despite piracy rate dropping marginally to 72% in 2005 from 74% in 2004 as per the Global Software Piracy Study.

"India has a huge software piracy market largely due to lack of awareness about IPR laws and little awareness of the benefits of using original software," Roland Chan, director-marketing (Asia), Business Software Alliance (BSA) told The Times of India.

Comparing the scenario with China, Chan said: "Though India is way ahead of China in terms of ranking, but the latter seems to be gearing fast to curb software piracy with the government and the corporates working hand-in-hand since the start of their WTO negotiations, to address IPR issues on a large scale."

Emphasising the need for a similar approach in India, Chan added: "Government needs to seriously work for the IP cause and can look at options like setting up of specialised judges to address IP issues on a large scale.

Citing the example of US which has the highest software usage and therefore posted the highest revenue loss of \$6.5 billion in 2005 despite its lowest rank at 21%, Chan said: "In a country like India where IT industry is growing at a tremendous pace, Indian corporates, bodies like Nasscom and the government needs to work in co-ordination to address the growing menace of software piracy."

7. Casio stumped by counterfeit products flooding Indian market (from *The Press Trust of India Limited, 16 December 2006*)

Faced with a deluge of counterfeit products in Indian markets, consumer electronics major Casio, has taken a number of measures to retain its customer base.

Like all other electronic companies, Casio has also faced the onslaught of fake products, particularly in the range of scientific calculators, which it had pioneered in Indian markets.

Kulbhushan Seth, Head of Sales, Casio India, today said at least 15 persons, mostly from Kolkata, had been jailed in the last six months for selling counterfeit Casio products.

"We are now educating our customers on the purchase of genuine products and not fake ones, which are available in the market at a much cheaper rate. We are extending the warranty period for some of our products," Seth, who is here in connection with a road show told reporters.

The company is also working with the government to put a stop to the 'grey market' and the situation is gradually changing, he said.

Admitting that counterfeit products or those Casio products sneaking into India, without paying proper government taxes posed a huge challenge to Casio, Seth said the parent company had opened a special cell at its Tokyo headquarters to deal with the intellectual property rights issue. Raids were conducted in collaboration with local governments to confiscate counterfeit products, Seth said.

8. Be abreast of IPR laws (from *The Hindu, 19 December 2006*)

Chief Justice of the Karnataka High Court Cyriac Joseph on Monday stressed on the need for judicial officers to be thoroughly acquainted with intellectual property rights.

Mr. Cyriac Joseph was speaking at a workshop on "Intellectual property rights" organised for the judicial officers by the European Union-India Trade and Investment Development Programme (TIDP), New Delhi, and the Karnataka Judicial Academy.

High Court Judge and Karnataka Judicial Academy president H.L. Dattu presided over the programme.

9. US, India sign IP cooperation deal
(from *AFX Asia*, 21 December 2006)

U.S. and Indian government officials said Wednesday that the two countries have reached their first-ever agreement to cooperate on intellectual property issues. The pact was signed by representatives from the U.S. Patent and Trademark Office and the Indian Ministry of Commerce and Industry.

Jon Dudas, under secretary of commerce for intellectual property, and Ajay Dua, secretary of the Indian Ministry of Commerce and Industry, signed a memorandum of understanding focused on human resource development and building public awareness of intellectual property.

The U.S. Patent office, part of the Department of Commerce, will help train Indian patent and trademark examiners, develop education material for the examiners and produce a manual on patent practice for Indian examiners and the public. Then plans will be made to establish specific areas for cooperation over a two-year period, which can be renewed.

The Bush administration in April placed 48 countries, including India, on watch lists for copyright piracy in an annual report that highlighted global intellectual property rights' problems.

The watch list designations indicated the White House's desire to conduct special consultations to get those countries to correct perceived deficiencies in copyright enforcement. Along with India, 12 other countries were singled out for the closest scrutiny, including the two worst offenders, China and Russia.

10. Advantage Pakistan over India in 301 watchlist war
(from *The Economic Times*, 22 December 2006)

End-December 2006, the number of patents filed with Patent offices in India is expected to touch 30,000, a 30% jump over 23,000 last year. With this, India might have progressed on the Intellectual Property Rights (IPR) front but what is baffling the patent firms is that the country is still on the 301 watchlist.

The special 301 priority watchlist aims to identify countries not providing adequate protection to copyrights, patents and other IPR and bring them under higher scrutiny by the US authorities.

"IPR protection in India is much better than in most developing countries. Our IP enforcement is excellent. It is painful to see India on the 301 watchlist, while countries which do not even have their patent systems in place, are not being monitored by the US. In Pakistan, it takes ten years to get a patent but they are off the watchlist," says Mr A A Mohan of law firm Mohan Associates.

The conversion of pirated software version into legitimate ones for Microsoft has yielded more than \$ 250 million from India alone, he said.

The presence of MNCs too has improved the patent scenario in India. For example, Japanese giant Honda Corporation filed a suit against a Delhi-based pressure cooker manufacturer for using the Honda name. "Though the line of business of both companies was entirely different, Honda used its international repute to win the legal battle on trademarks," he said.

Three years ago, the patent scenario was different, when nine out of ten cases related to trademarks only. Now, if there are three cases on patents, four are on trademarks and three on designs and copyrights. "This reflects the increasing awareness on patents," he added.

In 2001, about 6,000 patents were filed. The filings touched 23,000 in 2005. By the end of 2006, the filings are expected to breach the 30,000 mark. Chennai accounts for 30% of the total filings, he said.

Foreign companies constitute about 70% of the total filings. Around 12,000 filings pertain to drugs, reflecting the pharma sector's buoyancy. "In fact, the opposition to patents has increased. Over 300 cases in the drugs area alone are pending in courts, which is a recent development," Mr Mohan said.

The mechanical engineering service sector, be it automobiles, tractors, components or accessories, constitute 15% of the overall patent filings. The balance is absorbed by electronics and electrical segments.

Though patent capturing is viewed as an important function by Indian companies, small and medium enterprises are still not part of the patent system, he noted.

PAKISTAN

1. Pakistan geared to become major pharmaceutical exporter (from *Organisation of Asai-Pacific News Agencies*, 7 December 2006)

Pakistan is geared to position itself as a major exporter of pharmaceuticals, pursuing implementation of Intellectual Property Rights (IPR) laws, protection of patents to safeguard rights of all stake holders, protect investments and ensure people get quality drugs on affordable rates, Prime Minister Shaukat Aziz said.

Talking to Alan P Larson, Senior International Investment Advisor to a US based law firm & former Under Secretary, Economic, Business & Agricultural Affairs, he said government has set up Intellectual Property Rights Organization (IPRO)- an independently run regulatory body, fully dedicated to prepare and implement IPR laws in line with best international practices.

Shaukat Aziz said in addition to introducing strict laws, Pakistan also made substantial progress on enforcement of IPR laws by strengthening enforcement mechanism. The country is gradually moving towards complete enforcement of these laws.

He said Pakistan has tremendous potential in pharmaceutical industry and appreciated it is pursuing innovative methods in various disciplines of life sciences.

2. Pirated DVDs, CDs destroyed (from *Business Recorder*, 27 December 2006)

The Directorate General, Intelligence and Investigation (Customs, Federal Excise and Sales Tax) destroyed various confiscated items including 87,960 pirated CDs/ DVDs and their packing material.

The pirated CDs/DVDs were lying at its warehouse, in Islamabad near Directorate General's State warehouse, Tarnol on Fateh Jang Road. The Director General, Intellectual Property Organisation (IPO), Pakistan was the chief guest on this occasion. Senior officials of Central Board of Revenue (CBR), DG Intelligence and Investigation and the local representatives of the International Federation of the Phonographic Industry (IFPI) attended the proceedings.

Officers and officials of the Directorate General along with representatives of the Collectorate of Customs, Rawalpindi, Directorate of Excise and Taxation, Rawalpindi, Federal Inspector of Drugs, Ministry of Health and Anti-Narcotics Force, Rawalpindi monitored the burning.

OMAN

Oman-US FTA awareness conference
(from *Mist News*, 3 & 7 December 2006)

The Oman-US FTA Awareness Conference will be organised on December 6 at the Oman Chamber of Commerce and Industry (OCCI). This vital conference will be attended by 400 people, which includes eminent personalities, from within and outside the country and is expected to benefit Omanis working within various economic sectors in the Sultanate.

Participants will discuss how free trade promotes economic growth, creates employment, benefits consumers, promotes transparency, and strengthens bilateral relationships. The private sector representatives will draw from regional experience in discussing how the FTA can encourage greater sales and investment opportunities by reducing tariffs, promoting competition, securing intellectual property, and ensuring a predictable, legal framework for trade and investment.

The conference will feature presentations on the importance of free trade to the global economy, the experiences of free trade in other countries with FTAs, and the prospective benefits of free trade to Oman. Regional experiences on how the FTA encourages greater sales and investment opportunities by reducing tariffs, promoting competition, securing intellectual property, and ensuring a predictable, legal framework for trade and investment were also shared.

JORDAN

BSA honours DG of Dept of National Library in Jordan
(from *Middle East Company News*, 14 December 2006)

Mike Hawkes, Vice President, Middle East and Africa of Business Software Alliance (BSA), the foremost organization dedicated to promoting a safe and legal digital world, recently visited Jordan to present an award to Mamoun Talhouni, Director General, Department of National Library, in recognition of his efforts to fight software piracy and protect Intellectual Property Rights (IPR) in the Hashemite Kingdom of Jordan.

'The steadfast commitment shown by the National Library under the guidance of Mr. Talhouni to bring down piracy rates in Jordan is certainly reaping rich rewards. There is evidence of steadily increasing awareness in Jordan among traders and users of software to use only original versions, and this is a result of the sustained efforts by the National Library in co-operation with law enforcement authorities in Jordan to protect IPR. We are pleased to recognise the contributions of Mr. Talhouni and we are certain that he and his team will continue the excellent work they have been doing in curbing piracy in the Kingdom of Jordan,' said Mike Hawkes.

The Jordanian government is seeking to develop the country's IT and communication sectors and has enacted laws to ensure protection of Intellectual Property Rights. Jordan's drive against software piracy, which has the direct backing of King Abdullah Bin Al Hussein, has earned widespread appreciation for its effectiveness and impact.
