

## Monthly Report of February 2005

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### THAILAND

#### News in February 2005

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4. HP, Canon tackle imitators
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#### 1. National symbols

*(from Daily News Newspaper, Thailand, 3 February 2005)*

The Intellectual Property Department will not register any company who use the elephant, golden shower or Thai pavilion, which the cabinet announced these three items as national symbols, as for their trademark.

The Cabinet agreed to bring the elephant as the national animal, the golden shower as the national flower, and the pavilion as the national architectural symbol. The prohibitions for use of three national symbols will be effective immediately. All new business operators try to avoid using these three symbols as logos or trademarks.

#### 2. Convention on biological diversity

*(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 2 February 2005*

*Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 15 February 2005*

*Reuters News, 15 February 2005*

*Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 16 February 2005*

*Bangkok Post Newspaper, Opinion & Analysis Section, page 10, Thailand, 18 February 2005*

*Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 19 February 2005)*

The first global negotiations to develop a new international law on access and benefit sharing of genetic resources was launched in Bangkok. The trade-off between access to genetic resources and the sharing of benefits from their use is a hot topic of discussion among the 188 member countries of the Conventional on Biological Diversity (CBD), including Thailand.

Caretaker Environment and Natural Resources Minister Suwit Khunkitti, who presided over the meeting, said he hoped the new protocol on access and benefit sharing of genetic resources (ABS) would eliminate bio-piracy, an act in which industrialized nations seized biological resources from biodiversity-rich developing countries for commercial exploitation.

The ABS negotiations, however, may take as long as 10 years to reach some sort of agreement because it is a complex issue that involves political and economics aspects, he said. Hamdallah Zedan, executive secretary of the convention, said a challenge to establishing the ABS regime was resolving contradictions between the CBD and the WTO's TRIPs.

The United Nation Environment Programme executive director Klaus Topfer noted in his opening speech that the TRIPs private property regime and patenting of life forms would undermine implementation of the ABS provisions.

Last day's protest over the UNEP chief's statement was led by the Netherlands, on behalf of the European Union, which said that the treaties were not at odds and called on the organization to revise the proposal to prevent further misunderstandings.

The United States said: "UNEP has ignored its mandate and inappropriately interpreted the TRIPs agreement. UNEP has not competence to make such a comment."

The Australian government questioned the appropriateness of the UNEP chief's statement, saying the CBD and TRIPs were mutually supportive.

### 3. Copyright crackdown

*(from Post Today Newspaper, Prime News Section, Page A1, Thailand, 8 February 2005*

*Krung Thep Thurakit Newspaper, Commerce Section, Page 9, Thailand, 8 February 2005)*

Deputy director-general of Intellectual Property Department said after the meeting about drafting of Memorandum of Understanding between the department and the private sectors that two sides would co-operate in raid of copyright piracy. By the private sectors would pay the reward for the person who gave the information, for CD machine not more than 2mln baht per machine, for CD (have to more than 300 CDs) 3 baht each.

### 4. HP, Canon tackle imitators

*(from Bangkok Post Newspaper, Database Section, Page D3, Thailand, 16 February 2005)*

Hewlett-Packard and Canon, together with their legal representative Tilleke&Gibbins International and a police team, have seized over 3,000 HP and Canon branded counterfeit toner cartridges, stickers bearing HP and Canon trademarks and relevant equipment with a total value of over 10 million baht at two warehouses in Samut Prakan.

The search warrant was issued by the Central IP and IT Court, and the warehouses were found to belong to the same owner. The person was charged with criminal trademark infringement under the Trademark Act and the Penal Code. Their representatives stated that they were pleased that police had acted on the matter.

5. Thailand Rights Centre established

*(from The Nation Newspaper, Business Section, Page 1B&6B, Thailand, 18 February 2005  
Post Today Newspaper, Today's News Section, Page A2, Thailand, 18 February 2005  
Krung Thep Thurakit Newspaper, Commerce Section, Page 7, Thailand, 15 February 2005  
Post Today Newspaper, Business Market Section, Page B3, Thailand, 15 February 2005)*

The Thailand Rights Centre has launched to support Thai writers and publishers get into the international market, negotiate licence fees and follow up on licences each year. It has 300 workers on Asian wisdom and children's books in mind for international bookshelves. TRC is a non-profit organization.

6. China infringe Thai brand

*(from Post Today Newspaper, Business Market Section, Page B1, Thailand, 16 February 2005)*

The source from Ministry of Commerce said that after the Intellectual Property Department has established international affairs IP divisions in foreign countries for helping Thai traders to protect their IPRs in those countries, there have many complaints from Thai traders asking the division to exam some products which might be infringed theirs.

The latest one is traditional Thai paste under the brand, Pan Tai Nor Ra Sing, has been infringed trademark and their recipe in China. The division has already asked Chinese official to check about this matter as we have MoU of protection IPRs.

7. US watch list

*(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 16 February 2005  
Post Today Newspaper, Business Market Section, Page B3, Thailand, 17 February 2005)*

President of the International Intellectual Property Alliance (IIPA) said that they would like the US Trade Representative (USTR) to put Thailand in the Priority Watch List instead of in Watch List same as other 14 countries such as South Korea, India, Indonesia etc.

However, Mr Kanissorn Navanugraha, director-general of Intellectual Property Department, believe that Thailand would not be move to Priority Watch List because Thailand has worked very hard in IP protection.

8. IP Festival

*(from [www.ipthailand.org](http://www.ipthailand.org))*

Intellectual Property Department, Ministry of Commerce, will held Thailand IP Fair 2005 during 4-6 March 2005 at the exhibition hall of Department of Export Promotion. Many products and inventions will show, also has the activities and seminars.

9. UK wants Thailand in fighting piracy

*(from Bangkok Post Newspaper, Business Section, Page B1, Thailand, 25 February 2005  
The Nation Newspaper, Local News Section, Page 2A, Thailand, 26 February 2005  
BBC Monitoring Asia Pacific, 26 February 2005)*

The United Kingdom wants Thailand to co-operate in helping to stop the rampant influx of pirated CDs, DVDs and VCDs into the European country, according to Estelle Morris, Britain's Minister for the Arts.

Ms Morris met with Thai intellectual property protection officials to discuss ways to overcome the problem and seek co-operation in dealing with the issue. Many experts on intellectual property violations say that China manufactures the most counterfeit goods in the world even though the country has outlined a policy to suppress piracy.

Ms Morris said the influx of pirated optical goods and downloaded movies and music from the Internet was destroying Great Britain's creative industry, which accounts for 8% of the country's gross domestic product, second only to the finance sector.

Wiboonlasana Ruamraksa, the deputy director-general of the Intellectual Property Department, explained that there were two ways that pirated optical goods were shipped via Thailand: transit and transshipment outside of territorial waters.

For transshipments, the Customs Department has no authority to inspect containers because goods are offloaded to other shops just outside of Thailand's territorial waters. However, if shipments are of a suspicious nature, Thai customs officials could inform the customs department at the final destination.

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## PEOPLE'S REPUBLIC OF CHINA

### News in February 2005

1. IPRs watchdogs meet in HK
2. Wrigley coolwhite trademark rejected by Beijing court
3. Chinese envoy calls for FTA with Japan
4. Chinese courts concludes 8,832 IPR violation cases in 2004
5. Seizures of fake goods rise
6. US hears complaints about trade with China
7. Ferrari receives trademark protection in China
8. US industry group urges WTO talks on China's piracy
9. Japan to launch mission to counter Chinese piracy
10. More evidence needed for China piracy case
11. Beijing exports 200mln USD worth of software in 2004
12. Film industry aims to establish a test case against downloading
13. China considers over legalizing IPR as corporate shares
14. IP rules protect all cost
15. Shanghai encourages patent application
16. Chinese government expresses doubts about ability to curb IPR violations
17. China, EU to set up commission on IP
18. Siemens, Hisense in legal war over trademark
19. School snub bid to stop pirates
20. China destroys fake products, enlists celebrities' in campaign

#### 1. IPRs watchdogs meet in HK

*(from Xinhua News Agency, 1 February 2005*

*BBC Monitoring Asia Pacific, 1 February 2005*

*Xinhua's China Economic Information Service, 1 February 2005*

*Business Daily Update, 2 February 2005)*

Heads of European and Asian intellectual property offices will exchange information on IP protection with the WIPO and other leading IP organizations in a regional conference in Hong Kong. The conference is jointly organized by the European Patent Office and the Intellectual Property Department of the Hong Kong Special Administrative Region (HKSAR) government.

EPO President Alain Pompidou said the conference will provide a unique opportunity to share information on the latest developments in the European and Asian IP offices and trilateral partners, exchange views on the challenges that IP offices are facing and discuss how co-operation can help overcome these.

Entitled “Europe-Asia Heads of Intellectual Property Offices Conference,” is a continual regional co-operative event pursuant to the success of the Europe-Asia Heads of IP offices Conference held in Singapore in 2003.

2. Wrigley coolwhite trademark rejected by Beijing court  
(from *Xinhua News Agency*, 1 February 2005  
*Asia Pulse*, 2 February 2005)

Beijing No. 1 Intermediate People’s Court upheld a decision to deny the world’s leading chewing gum maker, permission to trademark its “coolwhite” brand in China. Chinese trademark office made its decision by splitting “coolwhite” from a trademark into two English words. It ruled the two words are “descriptive of the flavor, taste or colour of any gum or candy.” The trademark office believed the trademark could not help consumers discern sources of different products.

Wrigley argued “coolwhite” is a new combination of two words that helps consumers identify the product. The court backed the trademark office’s decision and ruled the trademark could not be used on gum or candies, because it’s meaning refers to common characteristics such as taste and colour.

China’s Trademark Law forbids registration of such trademarks, for they might deprive other businesses of the means to describe their products, according to the court.

3. Chinese envoy calls for FTA with Japan  
(from *BBC Monitoring Asia Pacific*, 3 February 2005  
*Reuters News*, 3 February 2005)

Chinese Ambassador to Japan Wang Yi called on Japan to launch negotiations with China on a bilateral free trade agreement. As trade between China and Japan has been expanding, trade liberalization can help boost the Japanese economy.

Wang said China has taken a positive attitude on an FTA with Japan and added that China wants to see a positive response from Japan. The Japanese government has been cautious about concluding an FTA with China because of intellectual property rights problems.

Wang conceded that intellectual property rights must be protected, but said he is optimistic that the problem can be solved.

4. Chinese courts concludes 8,832 IPR violation cases in 2004  
(from *Xinhua News Agency*, 3 February 2005)

The Supreme People's Court announced that Chinese courts tried and concluded a total of 8,832 civil intellectual property violation cases in 2004, up 46.82 per cent from the previous year. The number of copyright, patent and trademark violation cases rose significantly last year. In 2004, Chinese courts received 4,264 cases relating to copyright protection, up 70.99 per cent from the previous year.

In 2004, 653 people, involved in 932 IPR violation cases, were sentenced to criminal punishment. Another 1,961 people were given sentences for producing and selling fake products, most of which were related to IPR violation, up 16.45 from the previous year.

5. Seizures of fake goods rise

*(from South China Morning Post, 6 February 2005)*

The value of counterfeit goods seized by customs officials in Hong Kong was close to \$43 million last year – up sharply from \$30.7 million in 2003. Officials insisted that the rise was the result of crackdown on outlets that stock counterfeited trademark goods and not a surge in counterfeiting.

The last time the \$40 million mark was broken was in 2000, when counterfeit goods worth \$42 million were seized in Hong Kong. The figures excludes cases detected in transshipment cargo at the border. Last year, there were 578 seizures of counterfeit goods, up from 499 in 2003 but down from the 832 recorded in 2000.

Under the trade's descriptions ordinance, the making, selling or possession for sale of counterfeit goods can result in a fine of up to \$500,000 and five years in jail. So far, the heaviest penalty handed out is \$373,925 fine and 27 months' imprisonment.

To combat intellectual property infringement, the Customs and Excise department employs 250 officers in its intellectual property investigations bureau and 150 officers in a special taskforce.

6. US hears complaints about trade with China

*(from Thai News Service, 7 February 2005)*

A Congressionally appointed commission examining the national security implications of US-China trade began two days of hearings by focusing on complaints of unfair trade practices by China. Six lawmakers told the US-China Commission that China is not complying with world trade rules and not trading fairly.

Members of the Bush administration defended US trade policy when they spoke to the commission. Henry Levine, an official in the Commerce Department, said China has made considered progress in complying with the rules of the WTO, which it joined three years ago. But Mr Levine, who formerly served at the US consulate in Shanghai, said China's biggest shortcoming is theft of intellectual property.

7. Ferrari receives trademark protection in China

*(from Il Sole 24 Ore, 9 February 2005)*

Sports car maker Ferrari became the first Italian company to receive protection as a notorious trademark from the Chinese authorities. The special trademark status prevents any cloning in China of the Ferrari brand on articles of clothing or any other merchandise, but can be expensive to obtain.

In order to grant such protection, the Chinese trademarks office requires proof that a trademark has an exclusive and widespread reputation in China, but also assesses a company's commitment to making investments and spending on advertising within the country.

Other international companies which were most recently awarded the protection include McDonald's, Walt Disney, Jaguar, Lancome, Motorola and Dupont.

8. US industry group urges WTO talks on China's piracy

*(from Kyodo News, 10 February 2005*

*Reuters News, 10 February 2005*

*Krung Thep Thurakit Newspaper, World Business Section, Page 34, Thailand, 11 February 2005)*

A U.S. industry group urged the Office of the U.S. Trade Representative to immediately begin talks with China over copyright infringement under the World Trade Organization. In a recommendation submitted to the USTR, the International Intellectual Property Alliance, a coalition of six trade groups representing 1,500 U.S. copyright-based companies, also called on Japan and Europe to join the United States to press China.

"Piracy rates (in China) continue to hover around 90 percent of the domestic market, pirate exports are increasing, and our industries have lost, by conservative estimates, another \$2.5 million in 2004 to piracy in China," the alliance's President Eric Smith said.

"Europe, Japan, (South) Korea and many other countries also suffer staggering losses from piracy and counterfeiting in China," he said.

The alliance also asked the USTR to place China on the "priority watch list" on piracy under the punitive Section 301 of the 1974 Trade Act and to launch a new "out-of-cycle" review of the copyright enforcement situation in China at the end of July to assess progress and consider further bilateral or multilateral action, including the possibility of establishing a WTO dispute settlement panel.

9. Japan to launch mission to counter Chinese piracy

*(from Mainichi Daily News, 12 February 2005)*

Japanese officials are discussing how to help their Chinese counterparts uncover pirated industrial products and illegally copied movies and music. Officials in both government and private sectors are taking part in the crackdown designed to help China uproot such illegal products which hamper genuine companies accessing the Japanese market.

A mission made up of officials from the Ministry of Economy, Trade and Industry, the police force and the entertainment industry will visit China this summer and offer a package of measures.

An investigation by Japan's Patent Office has found that about 54 per cent of pirated products found in Asia were produced in China in fiscal 2002, about 6 per cent higher than the previous year. Therefore, Japanese government officials asked China in May last year to take counter measures, saying that illegally copied products would harm Chinese consumers and damage the reputation of Chinese businesses.

Japanese officials involved in the mission said they would probably propose programs to help Chinese customs house officials weed out illegally copied products. Other support programs under discussion include helping Chinese officials list pirates involved in copying products and distributing them, and providing digital cameras to film pirate products and build a database.

Some companies have already begun providing training programs to Japanese customs house officials.

#### 10. More evidence needed for China piracy case

*(from Los Angeles Times, 16 February 2005*

*Reuters News, 16 February 2005)*

The United States needs to gather more evidence before it can bring an international trade case against China for the piracy and counterfeiting of US goods. US music, movie and software companies who estimate they lost more than \$2.5 billion in China last year from the sale of illegal copies of their products have urged the Bush administration to take the first step toward a case by asking Beijing for consultations at the WTO.

Outgoing US Trade Representative Robert B. Zoellick said intellectual property theft was the "No. 1 item" on the US trade agenda with China. But he also told the Senate Foreign Relations Committee that the United States had more homework to do before bringing a formal complaint at the WTO.

#### 11. Beijing exports 200mln USD worth of software in 2004

*(from Xinhua's China Economic Information Service, 16 February 2005)*

Beijing companies exported 227 million US dollars worth of software in 2004, an increase of 60 per cent from the previous year, according to the Beijing customs office. This means that among every 100 US dollars worth of exported software from China, about 40 US dollars come from Beijing.

As the country's largest base for software research, development and production, Beijing had breakthrough success in its software industry last year, when its sales income surpassed 50 billion yuan (US\$6.3 billion), and five companies exported 10 million US dollars worth of software each in 2004.

Beijing companies successfully developed and own the intellectual property rights to software for 12 computer games, helping Chinese-made software gain a slice from the huge game software market. Currently, a total of 25 Beijing software and related service companies are listed on domestic and foreign stock market.

#### 12. Film industry aims to establish a test case against downloading

*(from South China Morning Post, 17 February 2005)*

The film industry has established a fund to study pursuing civil cases against people who illegally download material from the Internet. Such court cases might be the only way for the industry to attack downloaders until a government review of Hong Kong's copyright ordinance was completed.

Downloading copyrighted material is illegal, but not a criminal act under Hong Kong laws. The industry wants it deemed a criminal act, but meantime it is considering ways to successfully launch a civil case.

### 13. China considers over legalizing IPR as corporate shares

*(from Xinhua's China Economic Information Service, 18 February 2005  
Asia Pulse, 21 February 2005)*

Chinese legislators are expected to mull over draft amendments to the company law next week which would legalize the use of intellectual property rights, stock equity and accredited capital as corporate shares.

The Standing Committee of China's top legislature, the National People's Congress (NPC), would be in session from February 25-28.

The draft amendments, which were passed in principle at an executive meeting of the State Council, or the Chinese central government in December, also aim at improving the corporate governance structure, beefing up protection of shareholders' rights and improving the country's system of corporate fund-raising.

The amendments are oriented towards further lifting government intervention, giving companies free rein and enhancing the protection of shareholders rights.

### 14. IP rules protect all cost

*(from Dow Jones Chinese Financial Wire, 24 February 2005)*

Rules guarding against the infringement of intellectual property rights apply to all companies regardless of their nationality, European Union Trade Commissioner Peter Mandelson said. Mandelson, who is on his first official visit to China since taking the trade commissioner post, was responding to a question over a dispute between German engineering firm Siemens AG and Chinese appliance maker Hisense Group.

The dispute is being heard in a court in Germany, but Mandelson was asked during a visit to a university about the likelihood of a Chinese company receiving a fair hearing. China has long been accused of breaching the intellectual property rights of international companies. But in this case a Chinese company says it is attempting to protect what it alleges is its own trademark.

### 15. Shanghai encourages patent application

*(from SinoCast China Business Daily News, 24 February 2005)*

Shanghai city of mainland China will actively reward and subsidize the enterprises that apply for patents according to the meeting on intellectual property of enterprises.

Shanghai will implement its strategic program of intellectual property in an all-round way, it will choose 100 enterprises to promote the strategy of intellectual property and establish information service platform for intellectual property. The new patent products that are considered having independent intellectual property will be given the special funds as the subsidy of research and development within three years.

Moreover, Shanghai Economic Commission will encourage industry associations and social agencies to organize enterprises to apply for patents, reward the enterprises and entrepreneurs that have many patent application or high proportion of increasing patent application, and subsidize the key industry and enterprises.

#### 16. Chinese government expresses doubts about ability to curb IPR violations

*(from AFX Asia, 24 February 2005)*

The Chinese government has expressed doubts over its ability to stamp out the rampant piracy intellectual property despite doubling the number of confiscated electronic publications and audiovisual products in 2004.

China cannot win the anti-piracy battle if it relies only on government crackdowns and judicial punishment. Despite the government's pledge and enhanced efforts to stamp out piracy, intellectual property infringement is rampant.

At present, only one such organization in China, the 3,000-member Music Copyright Society, has been formally established under China's stringent non-governmental organization rules. Last year, copyright administrations across China confiscated some 85 mln pirated publications.

By the end of 2004, police in China had busted more than 200 illegal production lines which were capable of making billions of pirated discs every year. Besides the large-scale copying of movies, music and software, Chinese are also engaged in the widespread manufacture and sale of brand-name clothing, pharmaceuticals and other items.

#### 17. China, EU to set up commission on IP

*(from Dow Jones International News, 25 February 2005*

*The Asian Wall Street Journal, 28 February 2005)*

European Union Trade Commissioner Peter Mandelson said that the EU and China would set up a joint commission to help enforce intellectual property rights in China. At the end of the second day of his three-day visit to China, Mandelson told reporters during a brief press conference that intellectual property was the main topic of discussion in meetings with China's Minister of Commerce Bo Xilai and Vice Premier Wu Yi.

China has been identified as a major source of counterfeit brands that undermine international copyright, patent and trademark laws.

#### 18. Siemens, Hisense in legal war over trademark

*(from Dow Jones International News, 25 February 2005)*

German engineering firm Siemens AG and Chinese appliance maker Hisense Group will have to solve their trademark dispute in court after failing to find an extra judicial solution.

Top managers and lawyers of Hisense will travel to Germany on April 14 for a court hearing. Hisense has accused Siemens' China unit of illegally registering the Hisense trademark in 1999 after a trade fair that the Chinese appliance maker attended in Germany.

Siemens later said it would sell the Chinese company the trademark for CNY400 million. Hisense has "about a 75%" chance of winning the case but the lawsuit could drag on for two years.

#### 19. School snub bid to stop pirates

*(from South China Morning Post, 26 February 2005)*

Secondary schools have given a government campaign aimed at teaching students not to buy pirated music, films, software and fake consumer goods the cold shoulder. Just 14 out of 501 took part in the drive, run by the Hong Kong Intellectual Property Department with the support of the Hong Kong Professional Teachers' Union.

The campaign – Intellectual Property Tutor Programme in Schools – which cost \$200,000, recruited recent graduates and unemployed teachers to teach Form One and Two students about intellectual property rights.

#### 20. China destroys fake products, enlists celebrities' in campaign

*(from Associated Press Newswires, 26 February 2005*

*Dow Jones International News, 26 February 2005*

*Xinhua News Agency, 26 February 2005*

*Reuters News, 27 February 2005*

*Krung Thep Thurakit Newspaper, International News Section, Page 3, Thailand, 27 February 2005*

*China Daily, 28 February 2005)*

China launched a massive crackdown on pirated goods destroying tens of thousands of fake discs and publications and enlisting celebrities' to promote intellectual property rights.

The United States and other foreign governments have been pressuring China to stop rampant product piracy and enforce intellectual property rights as part of its obligations as a member of the WTO.

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## MALAYSIA

### News in February 2005

1. US-Malaysia FTA may take some time
2. Malaysia needs more patent examiners to expedite approvals
3. Protecting IP creation

#### 1. US-Malaysia FTA may take some time

*(from Bernama Daily Malaysian News, 19 February 2005)*

The US-Malaysia FTA talks are unlikely to begin this year as the two countries have only begun formal discussions on the Trade and Investment Framework Agreement (TIFA) earlier this

month. However, the outlook for an FTA looks promising with the first formal official TIFA talks in Kuala Lumpur on Feb 3 described as “very positive” and “very robust and constructive” – covering a wide range of issues including market access, custom procedures and intellectual property rights.

2. Malaysia needs more patent examiners to expedite approvals  
(from Xinhua News Agency, 21 February 2005)

Malaysia needs about 500 patent examiners to expedite the approval of patent applications, which now takes about five to six years, a minister has said. The rising number of intellectual property registrations in the country, mainly from foreigners, was another reason for more patent examiners, Domestic Trade and Consumer Affairs Minister Mohamed Shafie Apdal said.

However, the lack of patent examiners, qualified patent lawyers and agents involved in drafting patents could slow down the approval process. At present there are only 42 patent examiners in the country.

3. Protecting IP creation  
(from New Straits Times Newspaper, Malaysia, 28 February 2005)

The Science, Technology and Innovations Ministry, in its proposal to the Economic Planning Unit for the national plan, is suggesting steps to encourage intellectual property creation and provide relevant protection on IP.

According to its Minister Datuk Seri Dr Jamaludin Jarjis, this is important because IP is an important commodity in k-based industries.

As part of measures to encourage IP creation, the Ministry, he said, is recommending the introduction of incentives for IP creation and is studying various models such as the US and Europe, India, Japan and China. One of the ways is sharing rights of IP and revenues earned from commercializing that IP into products and services.

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## SINGAPORE

### News in February 2005

1. Singapore launches new anti-piracy hotline  
(from Xinhua News Agency, 16 February 2005  
*Business Times Singapore, 17 February 2005*)

Singapore’s Business Software Alliance has launched a new anti-piracy hotline to help monitor piratic activities. People who find the use of unauthorized or pirated software in the workplace may report through the hotline, and thus get qualified for a reward of up to 20,000 Singapore dollars.

It is a criminal offense for businesses in Singapore to infringe copyright on purpose for commercial gain, as stipulated by the recently amended Copyright Act. The BSA hopes that the

hotline will help lower the piracy rate in the city state, which was 43 per cent in 2003, resulting in economic losses of 90 million US dollars.

## 2. DG IP office Singapore calls on Commerce Minister

*(from Pakistan Press International Information Service, 24 February 2005)*

The Director General of the Intellectual Property Office of Singapore (IPOS) Ms. Liew Woon Yin called on Federal Minister for Commerce Humayun Akhtar Khan at the Ministry of Commerce to hold consultations on certain Intellectual Property Issues. The major objective of Ms. Yins visit is to obtain the views of key public/private stakeholders on the following two areas:

i) Organizational and functional aspects of the proposed Pakistan Intellectual Property Rights Organization (PIPRO). Ms. Woon Yin is to provide inputs to the Government of Pakistan on PIPRO, especially in light of the regional experience on the establishment of integrated Intellectual Property Offices, and;

ii) Possible elements of an Innovation and Intellectual Property (IP) Strategy for Pakistan. Ms. Woon Yins team is to prepare a paper on Innovation and IP Policy. The paper would identify IP issues that might need to be addressed in order to ensure successful implementation of policies in areas such as trade, industry, science and technology, agriculture, health, education culture. The paper would be factored into deliberations on ways to enhance innovation and competitiveness of the national economy.

The Commerce Minister briefed the DG on PIPRO related matters and said that government was paying high priority to the Intellectual Property Issues in order to fulfill its international obligations.

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## THE PHILIPPINES

### News in February 2005

1. OMB signs pact to boost fight against pirated discs
2. Philippines's anti-piracy law to take effect
3. US firms want RP on piracy watch list
4. Piracy down in RP, says intl watchdog

#### 1. OMB signs pact to boost fight against pirated discs

*(from Manila Standard, 2 February 2005)*

The Optical Media Board (OMB) and the International Federation of the Phonographic Industry (IFPI) signed a memorandum of agreement to crack down on pirated music records in the Philippines.

The agreement will enable OMB to use IFPI's forensic examination facility in London to further strengthen the agency's efforts to curb piracy rate in the Philippines, currently at 89 per cent for movies, 95 per cent for software games and 61 per cent for music.

Robert Youill, IFPI Southeast Asia regional anti-piracy enforcement coordinator, said that the agreement would enable OMB to track down the origin of manufactured discs. Youill noted that Southeast Asia is the center of pirated optical disc manufacturing in the world.

In the Philippines alone, the music industry lost P1.9 billion to piracy as of end-2004. Actual industry revenue is estimated at P1.31 billion last year against a potential market size of P3.3 billion.

2. Philippines's anti-piracy law to take effect  
(from Xinhua News Agency, 3 February 2005)

The Philippines is stepping up its anti-pirate efforts with the approval of a law to impose hefty punishment on the manufacturers, sellers, and buyers of pirated CDs, VCDs and DVDs.

Optical Media Board (OMB) executive director Maria Victoria Benedicto said that ruled by the Optical Media Act of 2003, sellers of pirated CDs, VCDs and DVDs would face a fine of 1.5 million pesos and possible imprisonment from one month to nine years.

On the other hand, the buyers of pirated optical discs will also face penalties of one month to 12 years imprisonment depending on the value of pirated products found in their possession during the arrest, she said.

3. US firms want RP on piracy watch list  
(from Business World, 15 February 2005)

The United States coalition of copyright-based industries recommended that the Philippines be kept on the "Priority Watch List" of the US Trade Representative's (USTR) Special 301 review for 2005 because of continuing copyright piracy in the country that has cost US creative industries an estimated \$139 million in 2004.

But an out-of-cycle review was also recommended for the Philippines later this year, to assess its protection of intellectual property rights and its resolve to prosecute violators. That review will also determine whether the Philippines can be upgraded.

USTR will look into whether it can consider "favorably" recent steps taken by Manila to improve copyright protection, particularly the enforcement of the Optical Media Act and other actions against other forms of piracy such as the illegal photocopying of books, end user piracy of business software, and bootlegging of videogames in Internet cafes.

4. Piracy down in RP, says intl watchdog  
(from Manila Standard, 17 February 2005)

Piracy of movies and software declined in the Philippines last year, according to an international watchdog group. The International Intellectual Property Alliance (IIPA), which makes recommendations to the US Trade Representative regarding the Section 301 Watch List, released its 2004 report last week showing piracy rates declining in movies, business software and games, the Optical Media Board said in a statement.

For the year, movie piracy was down to 85 per cent from 89 per cent in 2003; business software piracy to 70 per cent from 72 per cent; and entertainment software to 90 per cent from 95 per cent. Music piracy remained constant at 40 per cent, IIPA said.

The statistics were independently generated and submitted by the respective industries. Last year was the first time that piracy levels in the Philippines declined. Despite the decline, IIPA recommended that the Philippines remain on the priority watch list for now, pending an out-of-cycle review in 2005 to evaluate the country's progress.

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## VIETNAM

### News in February 2005

1. Workshop to discuss copyrights of books  
(from *The Saigon Times Daily*, 23 February 2005)

A workshop on the translation and reproduction of copyrighted literary works will take place tomorrow in the New World Hotel in HCMC. The US Commercial Service, the US-Vietnam Trade Council and the HCMC General Sciences Library organize the seminar, which will also see donations and the participation of the Association of American Publishers.

Peter Fowler, senior counsel of the Office of Enforcement under the US Patent and Trademark Office, will review the existing legal framework for copyright protection.

The workshop will wrap up with a reception to introduce the Intellectual Property Rights Reference Collection, which the US-Vietnam Trade Council sponsored, at the HCMC General Science Library.

2. Vietnam to create trademark for export products  
(from *Thai News Service*, 24 February 2005)

The Ministry of Trade this year plans to create a national trademark for Vietnamese exports, said Ngo Van Thoan, director of the Trade Promotion Department under the Ministry of Trade. Enterprises that have exports labeled "Vietnam Value Inside" will enjoy several preferences for at least two years.

The project is part of an ongoing programme initiated by the department to build national image for Vietnamese products in domestic and overseas markets.

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## INDIA

### News in February 2005

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1. India drug ready to benefit from new patent regime  
(from *The Press Trust of India Limited*, 1 February 2005  
*Asia Pulse*, 2 February 2005)

Indian pharmaceutical companies are ready to take advantage of the new product patent regime. Indian pharmaceutical industry was fully prepared to take advantage of 50 billion dollar worth of drugs going off patents in the next five years after introduction of the new patent regime.

2. India to set up dedicated patents court  
(from *Daily International Pharma Alert*, 2 February 2005)

As India awaits the approval of its new WTO-complaint patent legislation, local reports suggest that the government could set up a special court to handle the expected rise in intellectual property cases in the country. An international delegation of patent specialists and industry representatives is also understood to have recommended the creation of a dedicated agency for the purpose.

The likely inadequacy of patent enforcement after the new patent law's introduction has been a known factor for quite some time. Senior Indian legal officials have admitted that the country's legal system lacks the necessary specialists and, despite the recent opening of 10 new regional patent offices, despite the recent opening of 10 new regional patent offices, the country is unlikely to be able to handle claims efficiently in the short term.

3. Fake printer cartridges seized  
(from *The Hindu*, 3 February 2005)

The Video Piracy Cell of the CB CID police raided some shops selling fake printer cartridges. Following complaints of a large-scale racket of printer cartridges of a particular brand, the police along with Enforcers of Intellectual Property Rights conducted raids in Flower Bazaar, Ashok Nagar, Kodambakkam, Thirumangalam and Nungambakkam.

4. IPR agreement between Russia, India in final stages  
(from *The Hindu*, 12 February 2005)

The Russian Ambassador to India, Vyacheslav I. Trubnikov, said the Intellectual Property Rights agreement between Russia and India to protect sensitive defence and hi-tech information was being finalized.

He said the agreement was important to deal with delicate and sensitive information related to mutually beneficial scientific research work.

5. Intellectuals should raise voice against changes in patent laws  
(from *Hindustan Times*, 12 February 2005)

More than 300 delegates drawn from various Left-leaning outfits assembled from across the State to oppose recent changes in the patent law.

The resolution cautioned that there would be a hike of 20 to 100 per cent in the prices of medicines of heart ailments, cancer and AIDS once the new patent laws become effective and treatment of such diseases would be beyond the reach of a common man. Prices of seeds and fertilizers would also go up.

6. Indian govt assures on drug patent regime  
(from *Pharma Marketletter*, 14 February 2005)

Despite Communist Party Opposition, India's Forthcoming legislation to protect drug patents will soon be approved by parliament, Indian Commerce and Industry Minister Sri Kamal Nath has said in London, UK.

Intellectual property protection laws are essential if Indian pharmaceutical manufacturers are to acquire more value, he said. Moreover, despite the fact that the large multinational drug makers have deep research pockets. He also said that Indian companies could compete with them on new product development, by both taking advantage of India's lower costs and by making deals with the MNCs.

The government has committed some \$46 million to improving oversight of the patent system so that it can administer a police the new regime, he added.

7. Seminar on copyright  
(from *The Hindu*, 20 February 2005)

The Department of Computer Science and Engineering of the Manonmaniam Sundaranar University will organize a two-day seminar on copyright on March 17 and 18. Experts in the field of Intellectual Property Rights would participate in the seminar to discuss issues pertaining to 'Copyright Protection in the Digital Environment'.

8. Left rolls back reservations over Patent Bill  
(from *The Economic Times*, 25 February 2005)

The government achieved a breakthrough in its attempt to introduce and pass the crucial Patents Bill when it upon the Left leadership to remove a legislative minefield it had laid to ambush the introduction of the Bill.

The government has told the Left leaders that after the introduction, the Bill will be referred to the Standing Committee for discussion during which the Left could move some 'realistic' amendments that the government could consider.

According to sources, there could be an amendment seeking compulsory licensing for Patent to specific drugs on the ground of public health. There could also be a consensus in amending the Bill to provide provisions for registering pre and post-grant objections to the Patent authorities.

The fact of the matter is that if we fail to pass the Bill, there is no escape form facing its international consequences.

9. Rally against patent law  
(from *The Hindu*, 27&28 February 2005)

The Communist Party of India, Communist Party of India (Marxist), the Bharatiya Janata Party, NGOs, leaders of Andhra Pradesh Medical and Sales Representatives Union and activist of Jana Vignana Vedika took out a rally in protest against the Patent's Ordinance passed recently in Parliament.

They said the new patent's law being sought to be enacted through the ordinance was 'outrageous' and that it permitted patenting of products while the 1970 Patent Act, which had been in force all along provided for patenting of only the manufacturing process of any product, drug, etc.

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**LAO P.D.R.**

**News in February 2005**

Discussion on IPRs  
(from *Organisation of Asia-Pacific News Agencies*, 17 February 2005)

Representatives from various sectors in Vientiane capital attended the second conference on intellectual property rights held from 15 to 25 February in Vientiane capital. The main goals of the conference are to create awareness on intellectual property rights, discuss the main issues involved, and to upgrade the knowledge of officials in this area.

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