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## THAILAND

1. Global companies mount fight against counterfeiting and piracy  
(from *Thai News Service, 1 February 2007*)

CEOs of global companies have come up with a wide-ranging new plan for ramping up the fight against counterfeiting and piracy. It includes a country-by-country performance index on protecting intellectual property, to demonstrate where governments can make improvements.

The executives gathered under the banner of Business Action to Stop Counterfeiting and Piracy (Bascap) at a meeting in Geneva, Switzerland. They plan a series of reports on the economic and social harm caused by counterfeiting, a "global compact" of good corporate practices demonstrating the commitment of business to protect intellectual property and a new model for cooperation on cross-border trade and customs.

Jean-Rene Fourtou, honorary chairman of the International Chamber of Commerce and supervisory board chairman of Vivendi, said, "This new plan addresses piracy and counterfeiting at the root and mobilises global business to educate policy-makers. The plan will quantify the problem and implement durable solutions."

The plan has two aims: to ensure that policy-makers have sufficient information to make decisions, implement policies and apportion resources; and to compel national governments to implement legislation protecting intellectual property, with sufficient resources for enforcement.

"Not only does unfair competition from counterfeiting and piracy worldwide drain billions annually from the virtuous circle of economic growth that intellectual property generates, but we are particularly concerned about the risks for consumers from unsafe counterfeit products," said Nestle chairman and CEO Peter Brabeck-Letmathe.

2. King is the first recipient of award  
(from *Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 1 February 2007*  
*The Nation Newspaper, Local News Section, Page 2A, Thailand, 1 February 2007*)

His Majesty the King will be presented with the Global Leaders Award, given by the World Intellectual Property Organisation (WIPO), for his outstanding roles as an avid inventor and active proponent of intellectual property as a tool for development, the Foreign Ministry said.

Ministry spokesman Kitti Wasinondh said the organisation declared the King to be the first recipient of the prestigious award.

The WIPO website says: "The Global Leaders Award is the organisation's most prestigious recognition of outstanding contributions by world leaders to the cause of intellectual property to promote development."

According to WIPO, the King's inventions have contributed greatly to the well-being of rural communities, such as artificial rain technology and the Chaipattana aerator for wastewater treatment. Currently owning over 20 patents and 19 trademarks, His Majesty was granted the first patent in 1993 for a system to resolve water shortage problems in the dry season.

The award, consisting of a citation and a medal, recognises the King's leadership and personal engagement in promoting intellectual property at the national, regional and international levels.

The WIPO is a specialised agency of the United Nations which promotes international intellectual property systems

### 3. Govt urged to seek talks with drug firms

*(from Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 2 February 2007  
Agence France Presse, 2 February 2007)*

The World Health Organisation yesterday cautioned Thailand over its move to adopt compulsory licensing for producing generic versions of heart disease and anti-Aids drugs.

Speaking during a visit to the National Health Security Office, Dr Chan said she truly felt that the pharmaceutical industry was part of the solution to better drug access and that the government should open negotiations with drug firms over the issue.

She encouraged the Public Health Ministry to improve the public-private partnership in order to give the public better access to drugs. Public Health Minister Mongkol na Songkhla declined to comment on the issue.

The president of Aids Access Foundation, Nimit Tienudom, dismissed the WHO director-general's standpoint. "It's disappointing. The organisation should have supported drug access and promoted the study of quality and inexpensive drugs for the sake of the global population rather than supporting pharmaceutical giants."

Thailand is the first developing country to invoke compulsory licensing under the World Trade Organisation's rules for a non-Aids related drug. The WTO allows a government to declare a "national emergency" and license the production or sale of a patented drug for state use. The patent holder would receive royalties equal to 0.5% of the annual sales, according to the ministerial plan.

However the country's Pharmaceutical Research and Manufacturers Association disapproves of the decision, claiming that compulsory licensing could result in more companies relinquishing patents for heart and anti-Aids drugs and that it could lead to the isolation of Thailand from the global biotechnology investment community. Kaletra is manufactured by Abbott Laboratories, and Plavix by Sanofi-Aventis and Bristol-Myers Squib.

The charity Doctors Without Borders joined support for Thailand's decision to allow generic versions of AIDS and heart drugs, saying the move was in line with WTO rules.

"We fully support Thailand's decision. What Thailand is doing is exactly what WTO members agreed in 2001," said Ellen Hoen from the Nobel Peace Prize-winning Medecins Sans Frontieres at a news conference in Bangkok.

James Love from the US-based Knowledge Ecology International, which promotes the access of AIDS and other drugs to poor countries, also hailed Thailand's decision.

"Thailand's government is trying to do something for people who need treatment. We expect Thailand will issue other compulsory licenses on medicines in the future," Love said.

#### 4. Patent search

*(from Post Today Newspaper, Today News Section, Page A3, Thailand, 5 February 2007)*

At Trading Ideas Symposium, Intellectual Property Department, Ministry of Commerce of Thailand has signed the Agreement on Patent Search Service Guideline with Patent Office of Australia. With this agreement, Australia will provide in patent searching. As Thailand is expecting to join Patent Cooperation Treaty (PCT) this year, DIP expects the number of patent application would be rise.

#### 5. Health Ministry would buy original drugs if prices are reduced

*(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 7 February 2007)*

The Public Health Ministry said it would consider buying the original drugs for treating HIV and heart disease only if the manufacturers bring their prices more in line with generic drugs.

However, Public Health Minister Mongkol na Songkhla said he was not personally going to negotiate with the patent owners of the combination anti-retroviral drugs and an anti-blood clotting drug. The taskforce in charge of compulsory licensing will meet with the drug companies tomorrow, he said. It was expected that the drug companies would discuss the possibility that the ministry continues to buy their original products at an agreed price.

#### 6. CEO lashes out at proliferation of piracy

*(from Bangkok Post Newspaper, Business Section, Page B10, Thailand, 7 February 2007)*

Wanchai Phlaphongphanich, the CEO of Tsutaya (Thailand) Co, the country's largest home-entertainment rental chain, is not shy about giving advice to army-installed Prime Minister Surayud Chulanont.

"If I were the prime minister, I would pay more attention to counterfeit suppression because it would bring back better education and real and legal jobs," said the angry executive. "With piracy suppression, the government could move money from a handful of people who have guns and then distribute wealth to other people who work legally," he added.

Mr Wanchai said Tsutaya's gross revenue last year dropped a substantial 12% from 2005. He declined to reveal the figures. Rampant piracy was a key reason for the decline, he said. At least 12 Tsutaya branches had to be relocated last year in order to distance themselves from the increasing number of illegal DVD and VCD shops popping up around his legitimate business.

Mr Wanchai said piracy not only destroyed business, but also the creativity of the young generation. He was worried that young people would grow up without any concern or awareness that intellectual property violation was a crime.

Also, he questioned how much the government was losing in terms of tax revenue to illegal businesses. This year should be a golden opportunity for the home-entertainment industry because of growing concerns over security and the economic slowdown. As a result, more people prefer to stay at home rather than going out. But rampant piracy would kill that opportunity, said Mr Wanchai.

#### 7. CD counterfeiters face clamp-down

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 8 February 2007*

*Bangkok Post Newspaper, Business Section, Page B4, Thailand, 8 February 2007*

*Krung Thep Thurakit Newspaper, Economic Industry Section, Page 6, Thailand, 8 February 2007)*

The Intellectual Property Department and the Department of Special Investigation (DSI) will start inspecting 38 compact-disc factories nationwide as part of its plan to stamp out copyright infringement in the Kingdom.

Puangrat Asavapisit, director-general of the Intellectual Property Department, said that government agencies would frequently check all CD factories to crack down on copyright violations and the smuggling of machines to produce counterfeit goods in the country.

As part of the crackdown on piracy, the government will keep a close watch on imported CD and DVD machines that could be used to manufacture illegal products, she said. Normally, copyright violations in Thailand are the result of one of two methods - smuggling across the border and illegal domestic manufacturing.

The Intellectual Property Department also plans to take action against foreigners - mainly in China and the United States - who benefit from rights violations of Thai products in terms of patents and trademarks.

For instance, Erawan Food, a leading Thai canned-fruits manufacturer and exporter, has faced design and trademark violations in China. The company has asked the department to help protect its rights and the country's interests. The company claims that the illegal action has damaged it to the tune of about US\$1.5 million (Bt53.7 million).

Puangrat said Erawan products' packaging and trademark were found to have been counterfeited in many areas of China, including Beijing and Guangzhou. The department is cooperating with Chinese authorities to investigate the case.

She also called on Thai exporters to register their rights - both patent and trademark - before exporting to high-risk countries. The department also claims that the US government gave approval to an American businessman to register the name "Sabai" as the name of a spa. In fact, "Sabai" is a Thai generic name, which should not be registered.

It is also talking to Japanese authorities over an application for a patent registration for traditional Thai massage and exercises under a formula known as "ruesi dad ton" (hermit body twists). The Japanese Patent Office will decide whether to accept the registration by the end of March.

Additionally, the Thai Hotel Association will ask the department to tackle the problem of collecting song fees. The association found that many companies had duplicated collection of copyright fees on every occasion that hotels use their songs.

About 130,000 songs are registered under the Copyright Act, but 3,500 were found to be owned by different copyright owners.

#### 8. Ministry urged to clarify its decision

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 10 February 2007)*

The Public Health Ministry should issue a "white paper" to expose the truth about overpriced medicines and the reason for its decision to break drug patents, says the National Legislative Assembly's committee on public health.

Committee chairman Preeya Kasemsant na Ayudhya met executives from the ministry to monitor its performance.

Mr Preeya suggested the ministry issue a white paper to explain the country's need to impose compulsory licensing for the import and production of generic versions of the anti-Aids drug Efavirenz and Kaletra, and the heart disease medicine Plavix.

"Clarifying the ministry's move is essential, especially when people are still very confused whether the policy goes against international trade agreements and intellectual property rights," ministry spokesperson Suphan Srithamma said after the meeting.

Vichai Chokewiwat, chairman of the Government Pharmaceutical Organisation's board, said he agreed with the recommendation and had already started compiling information to draft the white paper. The ministry's announcement of compulsory licensing for the drugs drew mixed reactions from pharmaceutical firms and health advocates.

Local and international experts on health policy and intellectual property rights have applauded the move, saying that it provides greater access to drugs for those in need. But drug manufacturers demanded the government revise the decision, saying it would negatively affect their businesses.

Some academics, meanwhile, urged the government to be prepared for the repercussions of the decision to break drug patents.

Jiraporn Limpanananont, of Chulalongkorn University's faculty of pharmaceutical sciences, said health officials should be more cautious about marketing strategies of multinational drug firms affected by the compulsory licensing.

She raised the concern after the drug firm Abbott Laboratories, the patent holder of Kaletra, agreed in principle to reduce the price of Kaletra to increase its availability to HIV-positive people following the government's approval of compulsory licensing for its drug.

The firm's move has raised fears among health activists and officials that it might lead to the production of low-quality drugs as the firm might cut costs.

Earlier, Merck Co, the patent holder of Efavirenz, also offered to lower the drug price from 1,400 to 850 baht, which was still too expensive when compared with generic imports from India which cost about 650 baht.

Ms Jiraporn urged the Food and Drug Administration to conduct strict tests and quality controls on drugs subject to compulsory licences in order to ensure the public would gain quantitative and qualitative access to essential drugs.

Public Health Minister Mongkol na Songkhla said he would not negotiate with any drug company that was leaning towards such tactics.

9. Abbott open to lowering cost of AIDs drug Kaletra  
*(from The Nation Newspaper, Thailand, 10 February 20070*

Abbott Laboratories yesterday agreed in principle to lower the price of its life-saving anti-Aids drug Kaletra, an official from the Public Health Ministry said. Executives from the pharmaceutical giant

agreed to seek ways to lower the price, during their first round of negotiations with the ministry since the announcement last month that compulsory licensing for the drug would be imposed in Thailand, said the official who led the ministry's negotiating team, Dr Thawat Suntrajarn.

The ministry's announcement last month that it would impose compulsory licensing on Kaletra and a drug to treat heart disease, Plavix, was hailed by health activists as a move that would save Thai lives while foreign business leaders warned that it was a threat to foreign investment.

Compulsory licensing allows the patent on the drug to be suspended so that a less expensive generic version could be sold in Thailand. Kaletra is a so-called second-line drug for Aids patients and is used by those who are resistant to the first line.

Abbott had agreed to find ways to reduce the price of Kaletra, and the ministry said it will determine the exact amount of the drug it needed, Thawat said. He said a final agreement had not been reached but there was plenty of time to reach one. With at least four to six months worth of stocks of Kaletra the ministry had enough time to reach a satisfactory agreement on price, he said. Kaletra costs Bt6,000 per patient per month.

Figures from the National Health Security Office (NHSO) show that compulsory licensing would cut the cost by one-third - to Bt4,000 per patient per month. This could save up to Bt200 million per year, said NHSO chief Dr Sa-nguan Nitayarumphong.

About 8,000 Thais need the drug, said Dr Sombat Thanprasert-suk, head of the Bureau of Aids, Tuberculosis and Sexually Transmitted Diseases. Meanwhile, a shipment of a generic version of Efavirenz has arrived in Thailand and is ready for distribution. It was the first HIV drug to face compulsory licensing here.

#### 10. US won't link drugs suspension to review

*(from The Nation Newspaper, Business Section, page 1B, Thailand, 10 February 2007*

*Krung Thep Thurakit Newspaper, Prime News Section, Page 1&4, Thailand, 10 February 2007)*

Washington has assured Thai officials that it will not link the recent suspension of pharmaceutical patents by the Public Health Ministry with its annual revision of unfair trade practices by its trading partners.

Puangrat Asavapisit, director-general of the Intellectual Property Department, said after meeting with James Carouso, a senior economic officer at the US Embassy, that the US official nonetheless noted that the government had decided to suspend protection for the two drugs without informing the affected companies in advance.

Bangkok was concerned that the United States might link the decision with its annual revision of trade practices by its trading partners. The review directly affects US decisions about whether to impose trade sanctions.

Carouse also asked Puangrat Asavapisit about the progress the Kingdom was making on the suppression of intellectual property violations and the passage of a new copyright law. Puangrat said she had told him that the new copyright law was pending consideration by the Council of State. She expects the law to sail through the National Legislative Assembly in July. She added that a draft patent act and a draft trademark act were both awaiting Cabinet consideration.

She said that the US official was collecting information until February 12 to submit to the US Trade Representative. The USTR produces an annual report on all its trading partners on April 30.

11. Thailand not agree in US copyright guideline

*(from Post Today Newspaper, Today's News Section, Page A3, Thailand, 12 February 2007)*

Puangrat Asavapisit, director-general of the Intellectual Property Department, said after the APEC meeting in IP working group that US presented the protection and suppression in intellectual property rights violation guideline which no member object, US would submit to the APEC Minister meeting in June.

However, Thailand is not agree with that guideline yet. Thailand has cooperated with China in make the IP system stronger and also need US support in various ways. But the way of that guideline is point in trade too much.

12. Compulsory licensing on hold

*(from Organisation of Asia-Pacific News Agencies, 13 February 2007)*

Thailand's Public Health Ministry has said it has no intention to override additional drug patents in the near future while defending its controversial decision to issue compulsory licences for three original drugs.

Public Health Minister Mongkol na Songkhla insisted that the government did carefully and thoroughly consider its earlier move to effectively 'break the patents' of two AIDS drugs and a heart disease medication because it was aware of possible negative repercussions from the international pharmaceutical industry. But he stressed that the move was necessary if the government wanted to ensure broader access to necessary medicines.

The ministry has appointed a new panel to review whether it would be necessary to take similar action on any other drugs still under the patents of pharmaceutical giants. A committee set up by the previous administration recommended a list of 10 medicines including diabetes, cancer and cholesterol reduction pills.

Dr. Mongkol said no decision has been reached while the review is still on-going. "We don't do it without necessity or rationale," the minister stressed. When asked if the move could upset the pharmaceutical industry and dissuade original drug manufacturers to introduce innovative treatments to the Thai market, Dr. Mongkol said he would take into account the length of time during which the drugs in question have been introduced locally.

In addition, there would necessarily be appropriate committees to consider the pros and cons of adopting compulsory licensing before any recommendation is sent to him, the minister said. He hoped that the policy on compulsory licensing would lead to a dialogue between health authorities and the pharmaceutical industry over public access to inexpensive and quality medical treatment over the long run.

"If companies see that their drugs are in the market for some time, they can bring prices down on their own. Then we don't have to enforce compulsory licensing because we honestly don't want to. It only creates ill feelings between us," Dr. Mongkol said.

13. Boost for industrial competitiveness

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 13 February 2007)*

The Industry Ministry will invite the Labour and Education ministries to join its intellectual-property plan, said Industry Minister Kosit Panpiemras. The plan is being drawn up by the Industry Ministry in conjunction with the Science and Technology Ministry.

Kosit said the plan needed cooperation from bodies in the public sector in order to solve two weak points in the industrial sector: scientific knowledge and innovation.

One of the plan's goals is to have at least 35 per cent of Thai manufacturers adopt more advanced technology - a big increase on the current figure of only 6 per cent. Moreover, manufacturers will have to work more closely with educational institutions and researchers to bring out new technologies and products.

The most important goal is to raise Thailand's standing in the R&D rankings by the International Institute for Management Development from 53rd to 35th in five years, he said. The ministry plans to achieve all three goals in five years, Kosit added.

Kosit said Thailand formerly promoted investment in the manufacturing sector. Now the plan will focus on boosting production efficiency in the industrial sector. "If our industries have good efficiency, our competitiveness against other countries in the industrial sector will be also be hiked," he said.

He said the Board of Investment would attract operators to invest in R&D by providing tax incentives for eight years.

14. Thailand plans to break patents on 14 drugs-firms  
(from Reuters News, 14 February 2007)

Thailand is planning to break the foreign patents of 14 HIV/AIDS, cancer and heart drugs, a move that may prompt companies to withhold new drugs from the Thai market, pharmaceutical firms said.

"This action is completely unprecedented anywhere in the world," said Teera Chakajnarodom, president of the Pharmaceutical Research and Manufacturers' Association of Thailand, which has 43 member drug firms.

The 14 drugs targeted by the Health Ministry also included antibiotics, Teera said in a statement.

The ministry has announced compulsory licences for three of the 14 drugs, allowing it to buy or make generic versions of the two HIV/AIDS drugs and a heart disease medicine. Ministry officials were not immediately available to comment.

On Monday, Health Minister Mongkol na Songkhla told Reuters a ministry panel was studying drugs Thailand needed and could make or buy copies while haggling for best prices of patented versions. He did not name the drugs being studied.

Foreign drug makers say Thailand's military-appointed government gave no notice to the affected companies before issuing the compulsory licences.

"When governments resolve to take away the property of the private sector, they need to begin with consultation and end with the consent of the property owner," Teera said. He said the Thai government was using the licences as a tool to negotiate cheaper prices that did not reflect the high cost of developing new medicines.

"Individual pharmaceutical companies will certainly consider the very significant risk this policy poses when deciding whether to bring their latest medicines to the Thai market," he said.

"Far from providing poor patients with the best medicines, the compulsory licence policy might block access to new treatments in Thailand."

Under World Trade Organisation rules, a government is allowed to declare a national emergency and license the production or sale of a patented drug without the permission of the foreign patent owner.

15. IP Dept denies seeking ruling on licensing

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 15 February 2007  
The Nation Newspaper, Local News Section, Page 2A, Thailand, 15 February 2007  
Post Today Newspaper, Business Market Section, Page B3, Thailand, 15 February 2007  
Krung Thep Thurakit Newspaper, Health Quality Section, Page 7, Thailand, 15 February 2007)*

The Intellectual Property Department denied it had sought a ruling on the Public Health Ministry's decision to enforce compulsory licensing on drugs.

Department chief Puangrat Asavapisit told Aids activists led by the Aids Access Foundation, Doctors without Borders and non-government organisations that the agency had not sought advice from the Council of State, but the department was considering legal arguments raised by pharmaceutical firms.

Drug manufacturers have questioned Thailand's decision, asking whether it flouted drug patents.

The department would mediate if the Public Health Ministry and multinational drug companies could not settle the issue, he said.

The Public Health Ministry said it would impose compulsory licences for the import and production of generic versions of anti-retroviral Aids drug Efavirenz, and Kaletra, and Plavix, which are heart disease drugs.

Nimit Tienudom, director of the Aids Access Foundation, said activists opposed any move to ask the Council of State, the state's legal arm, whether the government could issue patent-overriding licences for generic versions of heart and HIV/Aids pills. They met the department chief yesterday to pass on the message.

Merck & Co, patent holder of Aids drug Efavirenz, last month asked the Commerce Ministry, which oversees the department, to start talks between the company and the Public Health Ministry over the ministry's plan.

Mr Nimit said the Intellectual Property Department should not be doing the drug firms' bidding, by pushing for a legal opinion. Instead, it should try to settle on an acceptable royalty fee which the state must pay the patented drug holder when compulsory licensing is imposed.

Under that regime, the drug patent owner is eligible to receive a royalty fee of up to 5% of the market value of its product.

16. NLA lobbied hard to back FTA deal with Japan

*(from Bangkok Post Newspaper, Home News Section, Page 3, Thailand, 15 February 2007)*

The Foreign Ministry is lobbying hard for the National Legislative Assembly's support for a free trade area (FTA) agreement with Japan as Foreign Minister Nitya Pibulsonggram prepares to visit Tokyo at the end of this month.

In preparation for the NLA debate today, Pichai Wassanasong, chairman of the NLA committee on foreign affairs, has collated information from negotiators and sounded out the views of the private sector, NGOs and academics over the past few weeks.

Although the NLA could not vote for or against the trade pact, there was a sense of openness during the NLA debates, and the public could benefit from the sharing of information, Mr Surin said.

Somkiat Tangkitvanich, research director at the Thailand Development Research Institute, said the NGOs were exaggerating the extent of damage which could be caused by the trade pact. There were applicable and available internal measures to deal with any adverse effects, Mr Somkiat said.

"We can apply excise tax on [industrial] waste if we see any problem. As for the bio-piracy they fear will spread around Thailand if the agreement is signed, the Commerce Ministry can issue guidelines for micro-organism patenting procedures to prevent naturally occurring micro-organisms being patented," he said. "After all that, we can still go to the intellectual property court in the event of a dispute."

The argument that the government would have less of a free-hand in capital controls was also invalid since there were temporary safeguards in the text of the agreement, said Mr Somkiat . The only valid argument from the NGOs was about the non-transparent process of negotiations, he said.

Negotiators always cited the necessity of secrecy when selective disclosure was possible.

"There needs to be a revision of Article 224 in the 1997 constitution, that clearly defines the meaning of sovereignty affected by an international treaty or agreement that requires parliamentary endorsement," he said. "Moreover, we need a specific international trade agreements to spell out the public hearing process and categorise what agreement requires legislative approval."

Paiboon Ponsuwanna, vice-chairman of the Federation of Thai Industries, said at a hearing of the NLA committee on foreign affairs that the trade pact was crucial to boosting exports of Thai agricultural products to Japan.

Mr Nitya will meet Japanese Foreign Minister Shinzo Abe on Feb 26 and jointly open the celebration of 120 years of diplomatic relations the following day. He will also meet the heads of the Japan International Cooperation Agency, Keidanren, MP Yasuo Fukuda and foreign news correspondents.

#### 17. Anti-piracy seriously

*(from Post Today Newspaper, Home News Section, Page A6, Thailand, 15 February 2007)*

Acting Police Chief Seripisut Temmiyavej said after the music company representatives hand him a list of mafia in pirated CDs businesses that if he found there are any police offer involve with the gang, they would be moved out that area immediately.

#### 18. Thai-Japan FTA

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 17 February 2007)*

The Thai-Japan Free Trade Agreement will pave the way for the patenting of naturally-born microorganisms if it is adopted in its present form, biodiversity and medical experts have warned. Naturally born microorganisms are widely used in agriculture and the drugs development sectors in Thailand.

Article 130 (3) of the trade pact is written in a way that patent application on naturally occurring organisms could not be rejected if the organisms meet all the patenting requirements of novelty, inventive steps and industrial applicability, they said.

The article reads: "Each party shall ensure that any patent application shall not be rejected solely on the grounds that the subject matter claimed in the application is related to a naturally occurring micro-organism."

The clause might override the World Trade Organisation's rules on intellectual property, which limits patenting only to modified microorganisms, said Witoon Lianchamroon, director of BioThai, a nongovernmental organisation promoting preservation of biological resources and communal rights.

Mr Witoon said the definitions of "naturally occurring micro-organism" and patenting requirements of novelty and inventive steps were still unclear under Thai law. Once Japan claims that its microorganisms meet all the patenting criteria, it would be impossible for Thailand to stop them from patenting the organisms, he said.

"This issue is critical to the country because micro-organisms have been used widely among small scale farmers in producing organic fertilisers," he said.

Fertilisers made from microorganisms are popular with Thai farmers, who want to reduce the use of farm chemicals.

BioThai and the National Human Rights Commission's working group on biological resources held a joint press conference, where it demanded that the government remove the clause from the Thai-Japan FTA and delay its decision to sign the pact with Tokyo.

Jiraporn Limpananont, of Chulalongkorn University's Social Pharmacy Research Unit, said that she too believes that the pact's Article 130 (3) overrides the WTO's rules.

In addition, the article contradicts Thai law, which bars patenting on microorganisms, she said.

"Micro-organisms found naturally have been used a lot in the development of drugs, and there are a lot more of them that we have not yet learned about. Therefore, it is unreasonable to allow anyone to claim ownership of them," said Ms Jiraporn.

Puangrat Asavapisit, chief of the Department of Intellectual Property, said the group's concern was worth listening.

Patenting on naturally occurring microorganism is prohibited under the Thai intellectual property law, she said. However, in preparation for the enforcement of the Thai-Japan FTA, a new regulation should be introduced to deal with the patenting of microorganisms.

#### 19. Local drug firms say Thai laws put multinationals first

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 17 February 2006)*

Public health advocates urged the Department of Intellectual Property (DIP) to protect the Thai drug industry rather than the benefits of multinational pharmaceutical companies.

The department had used patent law mainly to protect multinational pharmaceutical firms, which are the patent holders, but disregarded the adverse impact on local drug manufacturers, said Jiraporn Limpananont, an academic from Chulalongkorn's Social Pharmacy Research Unit.

"The rules and regulations regarding intellectual property rights and data protection should at least enable the local industry to grow," the academic said during a seminar on the impacts of patent law on the local drug industry.

At the moment, local generic drug producers cannot get access data related to patented drugs, such as manufacturing technology and the patent expiry date. This limited the capacity of local pharmaceutical firms to produce and sell generic versions when the patent expired, she said.

The practice of producing generic versions of a drug when its patent is nearly expired is secured under the Bolar Provision, which allows the generic producer to market and manufacture their goods as soon as the patent expires.

Ms Jiraporn said growth opportunities had been present for Thai generic pharmaceutical producers since the patent law took effect in 1992. In India and China, the drug industry was booming due to pro-local intellectual property rights protection policies, she said.

The DIP deputy chief Wiboonlasana Ruamraksa, however, said that local generic drug producers would be better advised to carry out their own research and development rather than merely waiting to produce cheap copycat drugs.

Chernporn Tengamnuay, president of the Thai Pharmaceutical Manufacturers Association, said the national policy on drug manufacturing gives privileges to the Government Pharmaceutical Organisation (GPO), the state-owned drug manufacturer. They should end, he said. He also urged the DIP, which has been working on the patent law amendment, to solve patent related problems that obstruct research and development plans of Thai pharmaceutical firms. If the obstacles to generic drug production were not removed, the problem of poor access to drugs would continue, he warned.

The Public Health Ministry recently broke the patents on anti-retroviral Aids drug Efavirenz, and heart disease drugs Kaletra and Plavix.

The ministry has just released an 80-page white paper detailing the reasons behind its decision. Public Health Minister Mongkol na Songkhla said the move was in line with the WTO agreement on Trade Related-Aspects of Intellectual Property Rights.

20. Thailand fed up with high drug prices  
(from Reuters News, 19 February 2007)

Thailand will likely override international patents on more drugs, including those for cancer and heart disease, if pharmaceutical giants do not significantly cut their prices, the country's health minister says.

"We have thought about this for more than five years. It's long enough," said Mongkol na Songkhla, who is leading one of the biggest challenges to Big Pharma's patent rights in years.

He said price talks with major drug firms had become "easier" since Bangkok issued compulsory licences allowing generic drug production on two HIV/AIDS drugs and a medicine for heart disease, the first time a developing nation has done so for such a treatment.

"If they reduce their drug price to our satisfaction, there is no need to make a compulsory licence," Mongkol said in an interview. But he said it was too late for drug giant Merck, which had a licence issued against its HIV/AIDS drug Efavirenz in November, and last week slashed the price in Thailand by nearly half to 700 baht per patient per month.

"If they had reduced the price before we announced the CL, it would have been more helpful. Why did they wait until we did something?" he said, adding that the licence would stay in force.

The first 16,000 bottles of generic Efavirenz from Indian drug maker Ranbaxy Laboratories, part of a contract for 66,000 bottles, arrived in Thailand this month, he said.

Although legal under world trade rules, the licences, which allow Thailand's military-appointed government to make or buy copycat versions of medicines needed for public health measures, stunned the drug makers who received no prior warning.

"This action is completely unprecedented anywhere in the world," an industry lobby group representing 38 foreign drug makers in Thailand said last week, adding that it believed another 11 drugs would be targeted.

Mongkol did not give a number, but he said other "essential medicines" to fight cancer, heart disease and other leading causes of death in Thailand were being studied. While he has faced strong criticism outside of the country -- the Wall Street Journal wrote an editorial last week on what it called the "Theft in Thailand" -- at home Mongkol's ministry scored the highest in a poll on the government's performance.

Mongkol said he did not believe major drug firms would go through with a threat to withhold new medicines if Thailand issued more licences. He also rejected industry arguments that high prices are necessary because drug companies need to invest heavily in research and develop new medicines.

"R&D does not cost them so much, but they do a lot of marketing," he said, referring to one of his favourite books, *The Truth About the Drug Companies*, whose author argues the industry is a "vast marketing machine" that "lives off of government-funded research and monopoly rights".

#### 21. Govt orders more FTA talks

*(from Bangkok Post Newspaper, Thailand, 21 February 2007*

*The Nation Newspaper, Thailand, 23 February 2007)*

The cabinet instructed officials negotiating the Thai-Japanese Free Trade Agreement not to sign any deal without further talks with Tokyo to clear the air on issues like toxic waste imports and the patenting of microorganisms.

The resolution came after academics and some members of the National Legislative Assembly (NLA) cautioned that the pact, if inked in its present form, would not only pave the way for the import of Japanese toxic waste to Thailand, but also allow the patenting of micro-organisms, commonly used by Thai farmers and pharmacists.

Foreign Ministry's deputy permanent-secretary Pisan Manawapat, head of the Thai team, said yesterday that the cabinet had already given the green light to the ministry to inform Tokyo that Bangkok "will only sign the pact after the two countries' negotiators have resolved concerns over waste imports and the patenting of micro-organisms".

Mr Pisan said the Thai negotiators would try their best to make Japan understand our concerns, but admitted that it would not be easy to convince Japan to revise the text.

"We hope to see a positive response from Japan as we believe that they too want the pact being put into force to win public consensus," he said.

The cabinet has ordered the team to only submit the pact for final approval after solutions to the two controversial issues have been found. Mr Pisan expects the two countries to be able to clear all the hurdles and sign the FTA deal by the end of April.

Surichai Wungaeo, a member of the NLA's public participation panel, hailed the government's decision to hold further negotiations with Tokyo, saying that the move reflects that they had indeed heeded the civil sector's concerns. But he urged the government to be transparent every step of the way by keeping the public informed of the progress of the talks.

"What matters is not the outcome, but the process. Since the trade pact carries a lot of risks, the issues should not be handled only by one particular sector," said Mr Surichai, a political scientist from Chulalongkorn University.

However, Buntoon Srethasirote, of the National Human Rights Commission's sub-panel on intellectual property rights, insisted that the government should suspend the pact signing process and revise the whole text of the Thai-Japan FTA.

The National Legislative Assembly (NLA) will petition the Prime Minister to object to the Cabinet's approval for the government to sign the Thai- Japanese bilateral trade agreement as the government did not give enough time for the assembly to study the text of the agreement.

Tuenjai Deetes, an NLA member, said she had not yet seen the full version of the text of the Japan-Thailand Economic Partnership Agreement (JTEPA), which became controversial when a number of non-government organisations opposed an idea to allow the contracting parties to patent microorganisms - and allow Japan to dump toxic waste in the kingdom.

She said NLA members now are collecting signatures to send a letter to the Prime Minister Surayud Chulanont asking for the issue to be brought back for the consideration of the NLA.

## 22. Joint move on counterfeit goods

*(from The Nation Newspaper, Thailand, 21 February 2007)*

Major foreign computer manufacturers and distributors in Thailand have joined forces with police to crack down on counterfeit goods in Bangkok, with more than 1,000 items seized worth more than Bt1 million.

Legal representatives of Hewlett-Packard, Canon Kabushiki Kaisha, Brother Industries, Samsung Electronics and Seiko Epson recently jointly raided a manufacturing plant and warehouse on Chan Road.

Tilleke and Gibbins International, a law firm that works as a consultant to these companies, yesterday said the main fake products seized were counterfeit toner/ink cartridges.

Those arrested will be prosecuted for trademark infringement and could face a maximum fine of Bt400,000 and/or four years' imprisonment. Representatives from the companies said they would continue to coordinate their efforts with police to rid the market of counterfeit goods.

"We were pleased the police acted out of concern that consumers could be deceived with regard to the origin and quality of these questionable products on the market," one representative said. He said the police would further step up the campaign against manufacturers and retailers of dubious products.

## 23. Fake batteries pose problem for Motorola

*(from Bangkok Post Newspaper, Database Section, Page D2, Thailand, 21 February 2007)*

In an exclusive interview, Tongpipat Poshyananda, country sales manager, and Albert Wong, director of distribution for two-way radio products, Motorola, explained that there were two types of piracy in the industry.

One is where the user knowingly buys counterfeit equipment as it is cheaper, while the other is when they buy it unknowingly.

"One government agency was supplied with a counterfeit radio as part of a larger contract. The battery only lasted two hours and the battery and radio often fell apart. We had to come in and help educate them so they would not be conned into buying more counterfeits," Tongpipat said.

Wong explained that Thailand has been a very important market for Motorola since the early 90s. The visit came on the back of a case in China where a company not only copied the design of a Motorola radio, but also had the audacity to file for a patent for the copied design. This documentation actually made it easy for Motorola to pursue the case against them.

Motorola sells a variety of radios in Thailand, from walkie-talkies through to enterprise level communications solutions. Two-way radios requiring a government-licensed band come in black and are sold to government agencies and oil and gas exploration operations. Others have a pre-set frequency allocation for the commercial market and come in red.

"For those who knowingly purchase a counterfeit product because of the price, we simply have to try harder and increase our value proposition by adding warranty, a support and after-sales network and better promotions," Wong said.

#### 24. IIPA wants Thailand in the priority watch list

*(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 23 February 2007)*

The International Intellectual Property Alliance (IIPA) recommends that USTR should move Thailand to the Priority Watch List as Thailand is still have high level in copyright piracy. Puangrat Asavapisit, Director-General of Intellectual Property Department, said DIP was making the report to US Embassy in Thailand which would be send to USTR. The report will help the USTR's consideration under the special 301.

#### 25. Mahidol researchers got patent from US

*(from Krung Thep Thurakit Newspaper, Innovation Section, Page 10, Thailand, 26 February 2007)*

Mahidol University Research Team got the patent on Andrographis Paniculata Gel as an adjunct in the treatment of periodontitis (gum disease) after study for 14 years. This Gel is much cheaper than the imported drug. They will continue register in Europe and Asia.

#### 26. Viagra fakes widespread here

*(from The Nation Newspaper, Business Section, Page 3B, Thailand, 26 February 2007)*

Pharmaceutical company Pfizer believes its sexual-potency drug Viagra has been aggressively pirated in many Thai tourist destinations. The New York-based company recently filed a complaint with the Intellectual Property Department (IPD).

A survey by Pfizer (Thailand) showed that more than 50 per cent of Viagra sold in the country was fake and violated the company's patent. Of 46 drugstores checked in Bangkok, 24 were selling fake Viagra. The situation was even worse in tourist destinations. Pfizer found fake Viagra being sold in 14 of 20 stores in Phuket, 16 of 21 stores in Koh Samui and 33 of 36 stores in Pattaya.

IPD director-general Puangrat Asavapisit said Pfizer (Thailand) had urged the department to suppress pirated medicine. The department held a meeting with Pfizer's top management in Bangkok last week.

Manu Sawangjaeng, Pfizer's country manager for Thailand and Indochina, warned that the fake Viagra affected the company's image and could also seriously harm consumers.

Puangrat said the department had cooperated with the Department of Special Investigation over the issue. The Food and Drug Administration will conduct stringent inspections at all drugstores nationwide to solve the problem.

Drug piracy is rising in many countries, particularly Thailand, China, India and Pakistan.

Puangrat warned consumers to be wary when they purchased drugs such as Viagra. Patented drugs are more expensive than generic drugs. Besides Viagra, other drugs frequently faked include others for sexual potency and those to treat heart disease, cholesterol and cancer. Frequently they are traded via the Internet.

27. Thailand won't renegotiate FTA with Japan

*(from Asia Pulse, 27 February 2007)*

Thailand will not seek to renegotiate any part of the finalised free trade agreement with Japan, Thai Foreign Minister Nitya Pibulsonggram told the powerful Japan Business Association.

Mr Nitya assured senior Japanese executives that the Thai government would stand by its commitment to liberal trade and investment arrangements with Japan -- its top export market and largest foreign investor -- despite calls by several members of the National Legislative Assembly, academics and NGOs for a rethink.

Critics of the FTA feared the proposed agreement could pave the way for the dumping of hazardous waste and the protection of microorganism inventions under Thai patent law.

"We merely ask Japan to put our common understanding reached during the negotiations into words in the relevant paragraphs of the text, so that it can never be misinterpreted by anyone otherwise," Mr Nitya said at a luncheon speech at Japan Business Association or Keidanren.

He said it would be in the mutual interest of all the parties that Japan-Thai Economic Partnership Agreement does not encounter protests or public disagreement before or after signing. He hoped the Keidanren could help resolve the issues so that the pact could be signed soon.

28. Thailand aims to protect heritage

*(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 27 February 2007)*

Thailand will propose that 200-year-old inscriptions and statues that teach traditional Thai yoga at Wat Pra Chetupon Wimolmangalaram be included in the Unesco Memory of the World (MOW) Programme in 2009.

This inclusion would also save the "Rusie Dutton" (Hermit Body Twists) from patent conflicts, after a Japanese company last year registered it as trademark and company name with the Japan Patent Office (JPO).

At a meeting at the Bangkok temple, chairperson of the National Committee on the MOW Programme, Prof Khunying Maenmas Chavalit, said Wat Pra Chetupon Wimolmangalaram was regarded as the country's first university, built on the orders of King Rama I (1782-1809).

Early last year, news of the JPO approval to Japanese businessman Masaki Furuya's application for two trademark registrations for his Thai yoga school and a self-taught Thai exercise book/magazine under the "Rusie Dutton" trademark stirred up a public outcry in Thailand.

Many saw it as yet another intellectual property rights violation of Thai traditional knowledge, leading to the Intellectual Property Department to urge Tokyo to revoke the trademark.

The National Committee on the MOW Programme is currently in the process of applying for the 102-year-old abolition of slavery document passed by King Rama V for inclusion in the MOW Programme.

The committee's first success was the inclusion of King Ramkhamhaeng's first inscription in the MOW Programme in October 2003.

Unesco launched the MOW Programme in 1992 to guard against collective amnesia by calling upon the preservation of invaluable archive holdings and library collections all over the world and ensuring their wide dissemination.

29. US brands slam Thai piracy record

*(from The Nation Newspaper, Business Section, Page 1B, Thailand, 28 February 2007)*

Leading American brands Levi's, Marlboro and LM, the Cable Broadcasting Satellite Association of Asia and the American Apparel and Footwear Association have urged the US government to down grade Thailand to its Priority Watch List, citing worsening counterfeiting, according to the US Trade Representative's recent report.

Thailand is currently categorized in the Watch List as making limited progress in suppressing intellectual property violations. The USTR will announce its revision of the intellectual property violation grouping in April.

If Thailand is moved from the Watch List to the Priority Watch list, it would face difficulties when the USTR considers the country's status in the US's Generalised System of Preferences and in terms of trade retaliation practices.

In the letter submitted to the USTR, Levi Strauss & Co, one of the world's largest brand name in Thailand is severe. The situation is hurting its local and international business. It said the Kingdom serves as a manufacturing base for imitation goods, and is a leading exporter of those goods.

The company reported that Levi-brand fake products were found in many retail distribution channels in greater Bangkok. "Thai law has failed to clamp down on copyright violators," the report said.

Phillip Morris International, the world's leading tobacco company and maker of Marlboro and LM cigarettes, said Thai officials had failed to crack down on counterfeiting and smuggling of cigarettes in the country, particularly cross-border trading.

The Cable Broadcasting Satellite Association of Asia (CBSAA) said the pay-TV industry situation in Thailand was disordered and facing serious intellectual property violations. It said the government had failed to license cable TV operations or enforce the law to reduce violations.

The Intellectual Property Department argues that the government has acted to protect intellectual property rights. Piracy has steadily dropped in the past 10 years.

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## SINGAPORE

1. Campaign to focus on dangers of Net piracy

*(from The Straits Times Newspaper, Singapore, 1 February 2007)*

This year's anti-piracy public education efforts will focus on raising awareness of the perils of online piracy. Students and professionals will be among the key groups targeted in the campaign.

The campaign, which is expected to roll out in April, will also see the celebration of World IP (Intellectual Property) Day, said Ms Liew Woon Yin, director-general of the Intellectual Property Office of Singapore (Ipos).

The authorities here want to promote a 'piracy-free' lifestyle and are working on a wide range of outreach and contact programmes. 'A strong intellectual property regime needs the support of an IP-savvy culture,' said Ms Liew.

One initiative by Ipos is the formation of the Honour Intellectual Property (HIP) Alliance comprising government agencies, IP industry associations and private enterprises.

She said: 'Calling for people to 'Live for Real', HIP hopes to bring about a generation of firm believers who will respect IP and live a piracy-free lifestyle.' She added that the IP crusade has already signed on more than 7,000 members who pledged a piracy-free lifestyle.

2. Video game maker raided for using illegal software  
(from *The Straits Times Newspaper, Singapore, 10 February 2007*)

A company that develops video games was raided morning - allegedly for using illegal software.

The case has more than a touch of irony, considering the company is part of an industry that has always railed against the impact of software piracy on its bottom line.

A police spokesman said officers from the Criminal Investigation Department's Intellectual Property Rights Branch seized two servers, eight desktops, 14 notebooks and three CD-ROMs believed to contain copyright-infringing software from a company in the Orchard Road area.

Mr Cyril Chua, who represents the video game industry organisation Entertainment Software Association, said it is 'even more deplorable and unforgivable' that a gaming industry firm should use unauthorised software to create intellectual property for sale.

Singapore chapter of the International Games Developers' Association spokesman Allan Simonsen echoed the sentiment: 'This is horribly ironic. If you are in the business of making software, you really shouldn't be using other people's software illegally.'

Someone had tipped off the software industry watchdog Business Software Alliance (BSA) to the firm's alleged infractions last year, said its director of anti-piracy for Asia, Mr Tarun Sawney.

The BSA operates a phone and e-mail hotline for whistleblowers. It is known to pay up to \$10,000 for leads that result in successful lawsuits. This is the second time a company here has been raided by the police since the Copyright Act was toughened in January 2005 to make the use of unauthorised software for 'commercial advantage' a criminal offence.

3. Singapore good role model in managing software piracy problem  
(from *Channel NewsAsia, 21 February 2007*)

The Business Software Alliance (BSA) said this is due to the country's campaign against software piracy through awareness building and strong enforcement.

As part of the move to protect intellectual property, Singapore criminalised software piracy in 2005. Singapore can be a role model for the fight against software piracy in Asia Pacific.

A year later, it successfully prosecuted an offender, PDM International, in court and is now taking another company to task for software infringements.

Tarun Sawney, Director, Anti-Piracy, BSA, said: "We think that the action taken by the police and the steps taken by the Singapore government are having a very good effect in reaching out and changing mindsets over here that IP is crucial to Singapore and we should respect it."

The BSA, which represents major software industry players, said the authority's action has successfully created greater awareness amongst companies to stay on the right side of the law.

"The nice thing about Singapore is that most companies are legal voluntarily. Occasionally, we do come across companies (that do not abide by the law), but once we bring the matter up to the attention of the management, most of them act very responsibly and expediently to get it legal," said Mr Sawney.

Studies show that a 10-percentage point reduction in piracy rate can add US\$770 million to Singapore's economy and help create about 3,700 new jobs.

The BSA said it would continue with public education as a means to create greater awareness and drive piracy rates down.

4. Piracy whistle-blowers on the rise  
(from *Business Times, Singapore, 26 February 2007*)

The BSA has seen a sharp spike in the number of corporate software piracy tip-offs since the revision of Singapore's copyright laws and the launch of its anti-piracy hotline.

A combination of fear, greed and exasperation is prompting more and more employees to blow the whistle on companies that are using illegal software in Singapore.

The Business Software Alliance (BSA) now receives around 127 leads a month through its hotline and website on companies that are flouting the republic's toughened copyright regime. The current monthly average is nearly three times more than the number of calls the anti-piracy trade group got in the whole of 2004, which totalled less than 50.

Under Singapore's amended Copyright Act, which came into effect in January 2005, individuals and companies can now face a double-whammy of criminal and civil lawsuits for using bootleg applications.

Previously, civil litigation was the only recourse for software makers and organisations like the BSA, which represents over 20 companies including IT behemoths Microsoft and Adobe Systems. In line with the change, the BSA also launched a toll-free hotline for reporting copyright infractions and doubled the cash carrot for successful tip-offs to a maximum of \$20,000.

According to Tarun Sawney, BSA's director of anti-piracy in Asia, the group has received over 1,700 calls to its hotline (1-800-33-33-999) in the last two years, as well as an additional 1,200 leads from its website. 'With the growing awareness that it is a criminal offence for businesses to willfully infringe copyright for commercial advantage, and that it is illegal for companies to engage in under-licensing or use unauthorised or counterfeit software, the BSA has certainly seen an increase in the number of leads that we receive,' he told BizIT.

However, not all whistle blowers are lured by BSA's cash reward. He said some are coming forward 'because they feel strongly that their employer should not be using unlicensed or pirated software' or that 'their calls to management to get genuine software have fallen on deaf ears'.

According to a BSA-commissioned survey, the republic's piracy rate stood at 40 per cent in 2005, its lowest level in recent years. This is a two-percentage point drop from the previous year and, for the first time, puts Singapore among the world's top 20 countries with the cleanest software piracy record.

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## PHILIPPINES

### 1. Senate approves Bill 2263 for affordable medicines

*(from Hechanova Bugay & Vilchez Law Office, 1 February 2007)*

The Senate approved on third and final reading Senate Bill 2263 that seeks to amend certain provisions of the Intellectual Property Code (IPC) to make medicines more affordable in the Philippines.

The bill, as approved by the Senate seeks to: (i) amend Section 72.3 of the IPC to adopt the “early working” doctrine that would allow manufacturers to prepare early for the production and sale of a generic drug shortly after its patent expires; (ii) amend Section 72.1 of the IPC to expressly adopt the “doctrine of international exhaustion of intellectual property rights;” (iii) amend Section 159 of the IPC for an exception to the application of trademarks and trade name restrictions when applied to parallel imports; (iv) amend Section 26 of the IPC to disallow the issuance of another patent for new uses of an existing substance that has already been patented; and (v) amend Section 74 of the IPC, “Use of Invention by Government” to exempt the government from the long and tedious compulsory licensing process.

“This is just a first step toward promoting competition in the local pharmaceutical market that would increase people’s access and lead to lower prices of medicines to ensure our people’s health,” stated Senator Mar Roxas who authored the Bill.

Senator Roxas stressed that Filipinos should not be made to pay five times or more than those in other countries for quality medicines.

In a separate statement, Senate President Manuel Villar said the passage of the bill is proof of the Senate's “commitment to pass measures that would address the people's health, education and other key requirements.”

“Ultimately, it may ease the burden of Filipinos, especially the poor, who cannot afford medicines anymore,” Villar said.

Upon Senate approval, the bill will pass through a bicameral conference committee where its provisions will be reconciled with the counterpart House Bill 6035 in the House of Representatives. It will then revert to the plenary of both Chambers for approval and thereafter sent to the President for her signature.

### 2. Fake drugs a law enforcement concern, not an IPC issue

*(from Philippine Daily Inquirer, 7 February 2007)*

The Pharmaceutical and Healthcare Association of the Philippines (PHAP) would deny the Filipino people access to affordable medicines by opposing Senate Bill 2263. This proposed law seeks to amend the Intellectual Property Code (IPC), and thus reduce the price of medicines in the country.

In a statement to the Inquirer (1/23/07), PHAP warned that if signed into law, the bill would open the floodgates to fake drugs. PHAP is doing its best to link the IPC amendments to its scare campaign on fake drugs. The amendments, however, will help ensure that patents do not deprive Filipino patients of access to cheaper medicines of the same quality. The proliferation of fake drugs is a law enforcement concern that has nothing to do with patents.

PHAP is acting irresponsibly by confusing the issue. Poor Filipinos are unnecessarily dying or suffering prolonged illnesses because they cannot afford medicines. It's about time that giant pharmaceutical companies put people's health over profits in this country.

The legislators should get past PHAP's claims and not succumb to pressure; both the Senate and House bills on this issue are enjoying support across party lines. We appeal to both chambers to immediately pass the pending bills.

The proposed law would reduce the cost of medicines by allowing parallel importation of the cheaper generic versions of expensive, locally manufactured medicines critical to the health of poor Filipinos; and by discouraging foreign pharmaceutical companies from denying the people access to cheaper medicines.

The safeguard measures in the proposed law allow competition between generic drugs against the foreign pharmaceutical companies' patented medicines, the only proven method to reduce the price of medicines. These safeguards have been implemented in many other countries, and are permitted under the World Trade Organization's TRIPs (Trade Related Aspects of Intellectual Property Rights) Agreement.

Under TRIPs, the Philippines is allowed to make available in the market the generic versions of patented medicines, even when a patent monopoly still exists; as well as to ensure rapid and early introduction of generic medicines upon the expiration of their patents.

There are enough indications that PHAP is doing everything in its power and influence to prevent the government from addressing the health care needs of the people. We hope that public interest will prevail in our legislators' deliberations and decisions.

### 3. McDonald's rights upheld by high court (from *Business World*, 9 February 2007)

The Supreme Court has once more upheld McDonald's Corp.'s exclusive use of the "Mc/Mac" prefix trademark for its food business in rejecting a 16-year pending patent application by Cebu-based MacJoy Fastfood Corp.

The high court's first division reversed a July 29, 2004 Court of Appeals decision, and reinstated a December 28, 1998 ruling of the Intellectual Property Office (IPO) declaring that once a trademark is registered, in this case the word "Mac," its validity must be presumed.

"One cannot help but wonder why out of all the possible letters or combinations of letters available to respondent MacJoy, its president had to choose and adopt a mark with the prefix "Mac" as the dominant feature thereof," the high court decision penned by Associate Justice Cancio C. Garcia stated.

MacJoy claimed it had come up with its name from a "term of endearment" used on the president's niece, a certain Scarlett Yu Carcel, and had first used the name "MacJoy" on December 7, 1987 for its fastfood business in Cebu, ahead of McDonald's entry into the province in 1992.

The tribunal, however, said there was "absolutely no connection between the name 'Scarlett Yu Carcel' and 'MacJoy' to merit the coinage of the latter word."

The high court also said the law's protection of trademarks encompassed the entire country and was "not only confined to a certain region, province, city or barangay."

MacJoy first applied for the trademark "MacJoy & Device" on March 14, 1991. This was opposed by McDonald's, which said the trademark resembled its corporate logo, the Golden Arches or "M" design and other marks, and would confuse consumers. Officials from McDonald's and MacJoy were not immediately available for comment.

4. RP, Washington sign pact to fight piracy  
(from *Manila Standard*, 9 February 2007)

The Intellectual Property Office of the Philippines and the United States Patent and Trademark Office signed a cooperation agreement to advance and strengthen intellectual property rights in both countries.

The three main activities of the two offices, as provided for by the memorandum of understanding, are improving the administration of the intellectual property protection system; identifying the effectiveness of legal protection for and in the use of intellectual property; and developing professional skills through information sharing and exchange, and capacity-building.

"This technical cooperation agreement is a clear recognition of the importance of intellectual property to economic development and growth," said Adrian Cristobal Jr., director general of IP Philippines in a statement.

The signing took place during the IP Trading Ideas Symposium hosted by IP Australia where Cristobal was invited.

"With this MoU, our strategic partnership with USPTO has gone beyond enforcement strategies, it now includes capacity-building for patent examinations in biotechnology, strategies for commercialization of patented technologies, and raising public awareness and education on the importance of IP in today's knowledge economy," said Cristobal.

USPTO will provide technical assistance on the development of patents (particularly utility model and industrial design) and trademark examination manuals, automated patent and trademark examination tools, and other modernization projects.

"The USPTO appreciates this opportunity to work with the Philippines. We are confident that, together, we will contribute to enhancing the administration of intellectual property rights for IP users in both the Philippines and the United States," said Jon Dudas, US undersecretary of commerce for intellectual property and USPTO director.

The two agencies will exchange information on intellectual property rights-related matters and compile and publish information materials such as reviews of best practices. The two offices will also provide each other copies of their respective laws and regulations, manuals and guidelines for examiners, and other references such as literature, statistics, judgments and decisions on intellectual property cases.

5. WTO exec backs measure to lower drug prices  
(from *Philippine Daily Inquirer*, 26 February 2007)

World Trade Organization Director General Pascal Lamy expressed support for legislative moves to lower the cost of medicines, saying this was an expression of the country's ability to change rules to answer social needs.

Roxas is author of Senate Bill No. 2263, which seeks to provide affordable medicines through changes in the Intellectual Property Code.

"Enabling countries to import lower-priced quality medicines from neighbors is a positive example of how governments can optimize globalization to benefit the poor," Roxas said. "I informed the head of the WTO that this legislation is in accordance with the Doha round of negotiations and the TRIPs (the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights) and conforms to existing practices followed by other countries," he added.

The Senate unanimously approved SB 2263 before the end of the regular session earlier this month while its house counterpart, House Bill No. 6035, was approved on second reading in a controversial session where members of the House ordered lobbyists from the pharmaceutical industry to leave the gallery.

Roxas said he and Lamy also discussed economic integration among members of the Association of Southeast Asian Nations (ASEAN) as well as the Japan-Philippines Economic Partnership Agreement, which is awaiting Senate action. Lamy said he was impressed with the progress of ASEAN's efforts toward integration to enhance regional development and competitiveness, according to Roxas.

A number of countries have increased activities related to bilateral and regional free trade agreements with the impasse at the WTO on the Doha Development Round, which collapsed in July 2006.

6. Traditional and alternative medicines pushed in Philippines  
(from *Asia Pulse*, 28 February 2007)

An official from the Philippine government's research and development arm in the health sector is pushing for the massive utilization of traditional and alternative medicines to address the perennial problem of high costs of commercial drugs.

"We have to discover ways to produce medicines that are favourable to the Filipino culture," said Dr. Jaime Montoya, Executive Director of the Department of Science and Technology's health research arm, the Philippine Council for Health Research and Development (PCHRDDOST).

To achieve this, the health research capability in the development of traditional and alternative medicines should be developed which could eventually lead to the lowering of drug prices in the country.

Montoya cited that the reason why countries such as India are able to manufacture cheap medicines is because they spend a big amount for research and development (R & D). He said India conducts research on producing the generic version of a patented drug so when the drug's patent comes off, they could sell the much cheaper generic version to the market immediately.

Citing the Bolar provision, Montoya said, local generic drug manufacturers must develop generic drugs two years before a patent drug expires so that the generic drug would be immediately available by the time the patent expires.

Montoya admitted though that local health research and development lacks the necessary support and capacity as "more funding" is needed for health research.

Furthermore, the country is far behind the five-percent benchmark set by the World Health Organization (WHO) on health research spending. Health research includes biomedical research or the discovery of new ways in the detection, diagnosis and treatment, including technologies which could answer health problems; operational or health systems research or the enhancement or health systems to provide better health service; and health policies research, which is used as the basis for the creation of laws related to health.

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## INDONESIA

1. Intel wins brand victory over Indonesian clothing maker  
(from *Financial Times*, 2 February 2007)

Intel scored a legal victory in Indonesia that brings the country more into line with global practice on intellectual property protection.

The Supreme Court has cancelled a local apparel maker's domestic trademark, ruling that the world's biggest chipmaker was entitled to copyright protection as a well-known brand in spite of the fact that Intel Jeans products bore no resemblance to electronic chips.

"This is a good decision for Intel, but it's also a good decision for other well-known brand names who haven't had their trademarks recognised by the courts. This is a very positive step forward because it solidifies the way Indonesia is meeting its international obligations," said Sarah Holder, a Jakarta-based legal consultant.

Intel is still fighting what is now a 13-year legal battle against another Indonesian company using the Intel name. Lawyers and intellectual property experts said it was still likely to be years before intellectual property protection was sufficiently enforced in Indonesian culture for foreign investors to have confidence in the market.

According to the Business Software Alliance, 87 per cent of software used in Indonesia is fake. The estimated Dollars 280m in lost revenue this causes, according to the industry group, puts Indonesia behind only Vietnam and Zimbabwe.

John Matheson, Intel's group general counsel for Asia-Pacific, said Indonesia was "at the start of the curve" compared with most other Asian nations. "There's no doubt that Indonesia has made improvements in its system and the commitment to improving IP protection seems to be real," he said. "But enforcement lags behind the letter of the law."

## 2. Registration of Geographical Indications products waits for PP (from *Bisnis Indonesia*, 13 February 2007)

The Directorate General of Intellectual Property Rights at the Department of Justice and Human Rights targets the registration of geographical-indicated products to be made this year since the Government Regulation (PP) on the registration is ready to be signed by the President.

According to Emmawati Junus, Director of Brand at The Directorate General of Intellectual Property Rights at the Department of Justice and Human Rights, the PP had arrived at the State Secretariat and would be ready for the President to sign.

If the President has signed the PP, the registration of geographical-indicated agricultural and industrial products can be made this year.

"The Directorate of Brand is ready to receive application for registration and officers will be ready to make socialization to regions potential to have geographical-indicated products," she said

Geographical-indicated products are products that can only be found in certain regions because of the regions' climate or the regions' human resources.

Emmawati continued that the directorate of brand would cooperate with the associations of coffee, chocolate, tobacco, and pepper to make socialization to regions. "The products are potential to be registered to have legal protection since they have been popular overseas."

A survey made by the Directorate General of Intellectual Property Rights at the Department of Justice and Human Rights, in collaboration with the Department of Agriculture and other institutions, had found many Indonesian agricultural and handicraft products potential to be protected based on Geographical Indication argument.

3. Intellectual property rights still not secure in RI  
(from *The Jakarta Post, Indonesia, 16 February 2007*)

The government still has a lot of work to do as regards the protection of intellectual property, despite a pat on the back last year when the U.S. upgraded Indonesia's status in the fight against piracy.

The U.S. trade representative moved Indonesia from the Priority Watch List to the Watch List last November thanks to the government's improved commitment to fighting piracy. However, the government is still lagging behind many other countries in promoting the concept of intellectual property rights among small and medium enterprises, especially as regards patenting their designs.

As of 2006, only 27 small and medium enterprises had registered industrial designs, as compared to 4,899 larger businesses.

Firms have to pay Rp 600,000 (about US\$66), and wait for nine months for the official registration of industrial designs, pay Rp 450,000 and wait for 14 months for the registration of a trademark, and pay up to Rp 575,000 and wait for 36 months for the registration of a common or simple patent. However, the patenting process can take longer and end up costing many millions of rupiah.

Meanwhile, the registration of an individual copyright costs Rp 75,000, and a corporate copyright Rp 150,000, with no set deadlines for processing.

The government is currently conducting a campaign stressing the importance of intellectual property rights. According to Ansori, the patent office is offering a discount of up to 50 percent of the fee for the registration of an industrial design.

"Under the intellectual property rights system, applicants who are in the process of registering receive what is known as preliminary protection so that they can continue to run their businesses without having to wait for the issuance of their certificates," he explained. This, he said, was contrary to what was believed by many entrepreneurs.

The latest figures from the State Ministry for Cooperatives, and Small and Medium Enterprises show that the number of micro, small and medium enterprises nationwide currently stands at about 45 million, employing 78 million workers. They contributed 54.2 percent to 2006's GDP, which was worth Rp 1.48 trillion.

According to Ansori, the government takes the issue of intellectual-property rights very seriously.

"The enforcement of the Intellectual Property Law has led to the arrests of some 500 people believed to have infringed copyrights." However, he gave no figures on how many of these had actually been convicted and sent to jail.

Most of the violators are vendors who sell counterfeited VCDs and DVDs in shopping centers. According to the Intellectual Property Law, the maximum punishment for violators is seven years in jail and/or a Rp 5 billion fine.

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## VIETNAM

1. Violators of intellectual property, food hygiene targeted in 2007  
(from *Thai News Service, 6 February 2007*)

Market managers said at a conference in Hanoi on Feb. 5, they will clamp down on violations of intellectual property rights and regulations on food safety and hygiene in 2007.

The regulators also said they will reinforce inspections on the quality of goods traded on the market, tightening in the same time, the monitoring of transport and trade of smuggled goods.

The Trade Ministry's Market Management Department fears that smuggling activities, counterfeit commodities trade, and trade frauds, will be more sophisticated with the inflow of foreign goods in 2007.

2. Tet and fighting counterfeit products  
(from *Thai News Service, 13 February 2007*)

As the traditional Lunar New Year festival (Tet) is coming soon, the need for goods, especially food and foodstuff is increasing. But there is a lot of public concern about counterfeit products. This year, enterprises and production units put many new high quality products on the market. Hai Ha Confectionary Company in Hanoi (Haihaco) has launched 40 new products for Tet and its confectionary volume is three-four times more than last Tet's figure. Haihaco has participated in the trade fair with the aim of bringing goods to customers' hands.

Haihaco is a renowned trademark and of course its products are counterfeited. Alcohol is one of its favourite goods which are illegally copied during Tet so the company has paid great attention to anti-counterfeiting by changing their designs.

Do Tuan Hai, branch director of the Dong Xuan Alcohol Agency in Hanoi said this year customers tend to prefer white wine due to a lot of counterfeit products. Customers still prefer domestic products to imported Chinese wine.

Pham Trung Dung, owner of the Phuc Loc meat pie production establishment in Tran Khat Tran Street, Hai Ba Trung, Hanoi said Phuc Loc has built its trademark and will export its products in the near future. Businesses can register copyright of models and should change designs to avoid counterfeit.

How to solve the issue of safe and hygienic food is complicated. Most businesses said those who illegally copy products are not heavily fined. They are turning to authorities for assistance so that they can protect their trademarks and boost production.

In a recent online exchange with VOVNews, Tran Dang, the Health Ministry's Department of Food Safety and Hygiene, said each customer should learn how to tell genuine products from counterfeit ones.

3. 9 Vietnam, EC launch IP training centre in Hanoi  
(from *Vietnam News Agency Bulletin, 27 February 2007*)

Viet Nam and the European Commission (EC) have inaugurated a training centre in Ha Noi in the framework of their cooperation in protecting intellectual property rights (IPRs).

The inauguration, held on Feb. 27, was attended by Deputy Minister of Science and Technology Le Duc Tien, Ambassador-Head of the EC delegation to Viet Nam Markus Cornaro and representatives of relevant Vietnamese agencies.

According to Deputy Minister Le Duc Tien, the EC-Viet Nam IPR cooperation project under the ECAP II has been implemented effectively since March 2005, practically contributing to the development of an IP management system in Viet Nam and helping enhance the ability of IP enforcement in the country.

The IP training centre is a joint effort between the National Office of Intellectual Property (NOIP) and the EC-ASEAN Intellectual Property Rights Cooperation Programme (ECAP II) in improving NOIP's officials and other Vietnamese stakeholders' knowledge of IP.

Besides the NOIP, other Vietnamese IP agencies, including the People's Supreme Court, the Market Control Department, the Ministry of Science and Technology, the Copyright Office of Viet Nam, the Economic Police and the Department of Science and Technology in Ho Chi Minh City, also received information technology equipment to facilitate IP administration in their offices.

With a comprehensive set of equipment worth 200,000 USD funded by the ECAP II, IP agencies will be able to organise in-door trainings, seminars and workshops for their officials. These materials will also ease the access to international IP databases, and will help officials from the NOIP and other IP agencies reduce the time for granting IP titles.

Vietnamese IP agencies will help domestic right holders better protect their IPRs in the country and abroad by using a regional database which will be launched in the coming days.

The funding of information technology equipment of the training centre is part of efforts by ECAP II in promoting IP in Viet Nam. With 1.5 million Euros in funding, Viet Nam represents the largest financial component launched in March 2005 of the ECAP II budget.

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## INDIA

### 1. Registration of plant varieties from February 20 (from *Business Standard*, 6 February 2007)

The registration of plant varieties under the sui generis system (specifically evolved own system) of plant variety protection, mooted in the Protection of Plant Varieties and Farmers Rights Act, 2001, will formally begin from the third week of this month.

The Protection of Plant Variety and Farmers' Rights Authority (PPV&FRA) set up in November 2005 for this purpose will, to begin with, start documentation and registration of varieties of 12 crops from February 20.

These crops include rice, wheat (bread wheat types), maize, sorghum (jowar) and kidney bean (rajmah).

The registration of varieties of these crops with this authority will provide them internationally recognized protection against piracy. The global agreement on trade related intellectual property rights (TRIPs) gives the countries the right to either start patenting of plant varieties or provides them protection under a sui generic system of protection. India had opted for the latter and passed the Protection of Plant Variety and Farmers' Rights Act in 2001.

The authority set up for this purpose in November 2005 is headed by S Nagarajan, former director of the New Delhi-based Indian Agriculture Research Institute. It has already evolved the detailed rules and regulations for this.

### 2. Germany keen to cooperate with India on renewable energy, IPR (from *Asia Pulse*, 7 February 2007)

Germany is keen to cooperate with India in the field of renewable energy and energy efficiency products, besides the possibility of a bilateral agreement on intellectual property rights (IPRs).

German Minister for Education and Research Annette Schavan, along with a 15-member delegation, met Commerce and Industry Minister Kamal Nath on Tuesday and discussed the need for cooperation in science and technology, manufacturing and energy sector, an official statement said here.

The ministers also took up the issue of cooperation in the area of IPRs, including the possibility of a bilateral agreement on them.

Inviting German investment in the pharmaceutical and engineering sectors, Nath stressed the need for interaction between Small and Medium Enterprises (SMEs) from both the countries.

India's exports to Germany in 2005-06 stood at US\$3.52 billion, while imports were US\$5.82 billion.

Major items of export include RMG cotton, machinery, instruments, drugs and pharmaceuticals, while machinery, electronic goods and transport equipment constitute the imports from Germany.

3. India to amend trademark law  
(from *Indo-Asian News Service*, 8 February 2007)

The central cabinet Thursday paved the way for amendment of a trademark law as it approved India's accession to the Madrid Protocol concerning International Registration of Marks.

Announcing the decision, Finance Minister P. Chidambaram said the government would amend the Trade Marks Act, 1999 to enable India's accession to the Madrid Protocol.

This will provide better and extensive protection abroad for Indian trademark owners and filing of applications by foreign marks owners in India. It will also facilitate transfer of technology through trademark licensing and franchising.

4. India to join Madrid Protocol to boost to overseas trade  
(from *BBC Monitoring South Asia*, 8 February 2007)

The Indian government Thursday [8 February] approved the country's accession to the Madrid Protocol, which will provide extensive protection to Indian trademarks overseas and facilitate foreign firms to file their marks in India.

The approval for India's accession to the Madrid Protocol was given by the Union Cabinet, Finance Minister P. Chidambaram told reporters here after the Cabinet Committee on Economic Affairs (CCEA) meeting.

The government would bring a bill in parliament for enabling the country's accession to the Madrid Protocol, 1989, which is administered by the World Intellectual Property Organization (WIPO).

The accession would facilitate speedy registration of Indian marks in different markets worldwide and promote business confidence in the Indian intellectual property rights (IPR) system globally, Chidambaram said.

5. Pirated CDs, MP3s seized  
(from *Daily News & Analysis*, 8 February 2007)

3 hawkers arrested from sec-17, Vashi together with 514 CDs, MP3s and VCDs were seized including some of latest Bollywood movies like Guru and Risk and Marathi plays and three persons arrested in connection with the incident. The value of the seized material was collectively pegged at Rs 71,000.

The accused identified as Shrikant Ghule, Naeem Siddiqui and Vinayak Gopale have been arrested under various sections of Copyright Act. The accused used to sell the pirated CDs and VCDs on pavements in sector 17, Vashi inspector D B Patil said, adding the seized material included both English and Hindi titles of popular movies.

In August last year, close to 1,325 pirated VCDs and MP3 disks of Bollywood movies including those of Kabhi Alvida Na Kehna and Krrish were seized during a raid at Panvel. The value of the pirated CDs was pegged at Rs 2.53 lakh. Three persons were also arrested. In November, pirated CDs and VCDs worth Rs 7.50 lakh was seized and two persons arrested in connection with the incident by Navi Mumbai Crime Branch personnel.

Inbaraj Pandian Nadar, an executive of Private Eye Intellectual Property Rights which provided the vital clues to police, said sale of fake CDs had increased in Navi Mumbai and Mumbai. The CDs purchased by hawkers for Rs 12 are sold for Rs 100 or even Rs 150, which not only causes loss to producers but also to the government.

6. Congressman calls for end to challenge to Indian Patent Laws  
(from *Washington Drug Letter*, 19 February 2007)

Days before the start of a hearing challenging India's drug patent laws, House Oversight and Government Reform Committee Chairman Henry Waxman (D-Calif) called for an end to the challenge by Novartis, saying that a victory for the company could limit access to low-cost generic drugs.

In a Feb. 13 letter sent to Novartis Chairman and CEO Daniel Vasella, Waxman had asked the company to reconsider directly challenging certain new drug efficacy requirements needed to obtain a patent under Indian law.

Novartis moved to challenge parts of India's drug patent law after regulators rejected a patent application submitted last year for its cancer treatment drug, Glivec (imatinib), according to the letter.

Under India's drug patent laws, only a new form of an existing substance that demonstrates a higher efficacy can be granted a drug patent. The main ingredient in Glivec is currently on the market in India, and the patent office denied the application after the company failed to prove its drug would result in enhanced efficacy.

Waxman is concerned that efforts by Novartis to influence domestic Indian law could negatively effect global access to much-needed medicines because drug companies in that country export two-thirds of their production to developing countries.

Generic versions of Glivec would remain on the market in India regardless of the outcome of the legal proceedings, Novartis said.

7. Govt begins registration of seeds developed by farmers  
(from *The Press Trust of India Limited*, 20 February 2007)

The government began registration of seeds developed by farmers, which would help them benefit financially by getting an exclusive right over the variety for commercial production.

"The registration under the 'Plant Varieties and Farmers' Rights Act' is a historic and path-breaking development in Indian agriculture," Union Food and Agriculture Minister Sharad Pawar said here today while launching the registration.

India has to circumscribe its laws as per the requirements under the Trade Related Aspects of Intellectual Property System (TRIPs) Agreement as the country is a signatory to it. The Act has been enacted without diluting plant breeders' rights, he added. The minister also underlined the need to increase seed replacement rate in the country.

8. Centre to give geographical indications status to 35 regional products  
(from *The Economic Times*, 26 February 2007)

Goa's feni, Bikaneri bhujia, Tanjore and Madhubani style of painting are all set to get geographical indication (GI) status. Once a product is registered as a GI, producers of other varieties of the same products cannot use the registered name to sell their ware.

The government is about to give 35 regionally-known agri and textile products the exclusive right to carry the tag of their place-of-origin in a bid to transform them into globally-acclaimed products like French champagne, Mexican tequila or Vietnam's salty fish sauce phu quoc.

The products that are in line for GI protection are Goan spirit feni, Bikaner bujia, several varieties of mangoes, Tanjore and Madhubani styles of painting, Ooty's eucalyptus and Kerala's poovan banana and pokkali rice, which grows in marshy lands. These products are known for their taste, thanks to the peculiarities of soil and climate and enjoy a strong regional demand. Once the protection is granted, produces from other regions cannot be passed off as the protected ones.

The original producers could claim a premium as the supply would be limited. "Considering their existing demand, many of these products could claim at least 10-20% premium. Eventually, we could transform them into global brands," said an official source. Unlike patents and copyrights, GI protection is granted to an association of producers of a particular product.

A few days ago, the geographical indication registry granted protection to two regionally known products from Andhra Pradesh - ornamental pens called Kalahasti kalamkari and beautifully-carved wooden toys called Kondappally bommalu that are widely sold in the state.

"Geographical indication protection has helped many families in Tamil Nadu that have been making Kancheepuram silk saris, to get out of penury as the machine-made products from other regions could no longer copy its thread pattern without inviting infringement suits from the state department of handlooms and textiles that secured the protection. Most retail clothing chains now enforce GI protection of the original product as a consumer protection measure," said the official.

The government has already granted protection to 30 products and is expected to grant GI to another 35 later this year. Chanderi sari from Madhya Pradesh, Kullu shawl, Darjeeling tea, Aranmula mirror from Kerala, Mysore's silk, sandalwood oil and rosewood inlay are among the products that have already been granted GI.

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## BHUTAN

Bhutan hosts sub-regional meeting on copyright  
(from *BBC Monitoring South Asia*, 27 February 2007)

Participants from Afghanistan, Lao, Myanmar, Cambodia, Pakistan, Papua New Guinea, Samoa, Bangladesh, Brunei Darussalam, Sri Lanka and Bhutan will meet in Paro tomorrow for a two-day sub-regional round table meeting on copyright and related issues.

Organized by the Intellectual Property Division of the Trade Ministry in cooperation with the World Intellectual Property Rights, the round table will discuss challenges faced by certain developing

countries such as Bhutan in the establishment of collective management societies for more effective enforcement of copyright and related rights.

The meeting will look at the international copyright and related rights regime in light of new developments and the general trends, issues and prospects of collective management in Asia and the Pacific.

Participants will also present country reports on the current status and future needs in establishing collective management societies. Bhutan will present a paper on the national experience on copyright issues.

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## JORDAN

### Intellectual property rights Forum in Jordan

*(from Middle East Company News, 26 February 2007)*

Business Software Alliance (BSA), the international association established by the software industry to promote a safe and legal digital world, has announced today the opening of the two-day Intellectual Property Rights (IPR) Forum in Amman, Jordan.

The Forum is being organised in partnership with the Jordan Ministry of Culture's Department of the National Library and will focus on the achievements of Arab countries in IPR protection.

All authorities concerned with safeguarding intellectual property rights in the region are taking part in this forum, which is in its third year. The Forum serves as a platform for participants to share their experiences and best practices on various issues pertaining to curbing piracy and protection of IPR laws.

Mamoun Talhouni, Director General, Jordan National Library, said, 'The IPR Forum in Amman will provide an ideal setting for participants to share best practices, knowledge and experiences in IPR protection, and deliberate on innovative and more effective methods of curbing the piracy menace in the region's software industry. The Forum will help highlight various economic detriments of piracy that could affect societies and economies of the Arab world.'

'The fact that Jordan is hosting this conference for the second time reinforces the country's commitment towards IPR protection with an underlying objective of bringing about socio-economic benefits. We call upon all concerned authorities to provide their support to create a safe digital world; we should also leverage the Forum's platform to work towards greater cooperation with various governments and authorities to fight piracy. We are glad to be part of this forum standing next to BSA helping them curb the menace of piracy.'

A study conducted by IDC (International Data Corporation), the IT industry's leading global market research and forecasting firm, showed that software piracy levels in the Middle East dropped one percentage point in 2005 to 57 per cent, while the global piracy rate remained unchanged at 35 per cent.

The study shows that the Middle East and Africa region has made substantial progress in tackling the problem of software piracy, with piracy rates dropping in as many as 19 of the 26 countries in the region.

Jawad Al Redha, Co-Chairman, Business Software Alliance, Middle East, said, 'Governments and corporate in the Middle East have recognised the fact that the degree of success achieved by a

country in its economic progress is to a large extent dependent on the efficient implementation of IPR and the use of original software by the industry.

The concerted efforts by the authorities, government departments and agencies to bring down piracy rates in their respective countries have shown positive results, with a marked decline in piracy rates in most of the Arab world.'

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