

Monthly Report of January 2005

- By Country:

THAILAND
PRC
MALAYSIA
SINGAPORE
THE PHILIPPINES
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THAILAND

News in January 2005

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1. Pirated CD factory

(from Post Today Newspaper, Home News Section, Page A8, Thailand, 5 January 2005)

Assistant Customs Officer of Mae Sai, Chiangrai province, said that it was very difficult to solve the copyright piracy in Mae Sai because the border is connected to Myanmar which has many pirated CD factories.

2. Thailand IP firm 2004

(from Thai News Service, 6 January 2005)

Tilleke & Gibbins was awarded AsiaLaw's Thailand IP Firm of 2004. Selection basis for AsiaLaw IP awards combined legal market polls, nominations from a judging panel of over 100 in-house counsel and extensive editorial research.

In early 2004, Tilleke & Gibbins was also ranked the No. 1 firm for both patent and trademark/copyright works in Thailand, in a survey conducted by Managing Intellectual Property magazine.

3. EU and Thailand cooperation

(from Thai News Service, 10 January 2005)

How to improve cooperation in the fight against Intellectual Property Rights violations will be the topic of three days training for Thai customs officers by experts from a variety of European companies starting 27 October.

The event will see some 50 Thai customs officials receive in depth instruction. Representatives of world famous brands and market leaders in the luxury goods, telecom, automotive sectors and consumer goods will share expertise to help officials better identify counterfeit goods and their sources. This workshop will be the first in a series of similar events to be organized with the Customs Department.

Protecting IPR is not only about protecting economic development, it is also about protecting the man, woman and child on the street.

4. Need more educate

(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 13 January 2005)

Business Software Alliance is going to continue the crackdown of software piracy in Thailand. Even the piracy rate in Thailand is reduced but they need more educate to understand about the Internet piracy. Because of broadband technology which can make the transaction easily, the Internet piracy rate is still high.

5. Madrid Protocol

(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 20 January 2005)

Deputy Director-General of Intellectual Property Department said Thailand is studying advantage and disadvantage of being a member of Madrid Protocol. For this, DIP invited the experts from World Intellectual Property Organisation to give a lecture and exchange the opinion with government and private sections.

6. FTA issue

(from Bangkok Post Newspaper, Business Section, Page B2, Thailand, 24 January 2005)

The free trade area agreement with the United States is one of several currently under negotiation under the government's policy to strengthen the country's trade ties overseas. A deal with Australia has already taken effect, while other talks are in progress with India, Japan, Bahrain and other countries.

The FTA strategy has proved controversial, however, with some activists arguing that liberalization will open some sectors to greater competition, thus hurting domestic producers. Based on US FTA negotiations with other countries such as Chile and Singapore, it is believed that Washington will likely insist that Thailand amend certain laws and change regulations in order to open up its markets.

For example, the US sought a longer protection period for the pharmaceutical industry and demanded that its counterparts extend the patent rights on drugs beyond the 20-year requirement set under the Agreement on TRIPs. Thailand's patent law conforms with TRIPs, which was negotiated under the WTO.

Dr Teerana Bhongmakapat, an economics lecturer at Chulalongkorn University, said not only laws related to intellectual property protection, but also those related to banking and telecommunication must be reviewed under the Thai-US FTA framework.

The third round of FTA talks between the two countries is scheduled for March in Hawaii, the same venue as the previous rounds.

7. Geographical Indication

(from *Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 26 January 2005*
Post Today Newspaper, Prime News Section, Page A1, Thailand, 26 January 2005)

The famous grilled pork of Trang province, *mu yang muang Trang*, will be registered for geographical indication and given a trademark to protect it from copycats. Trang Governor Nares Jitsujaritwong has assigned the job to the provincial commercial office, ruling the special pork was a product of particular geographical origin and unique preparation.

Other kinds of local goods such as Trang's cake, *na muen sri* woven clothes, and *thep tharo* wood also be registered for patents if their unique qualities were confirmed.

PEOPLE'S REPUBLIC OF CHINA

News in January 2005

1. Hong Kong readies for copyright law
2. HK, France to hold copyright symposium
3. Bilateral meeting sign of IPR progress
4. GMAC wins Beijing copyright suit campus briefing
5. China destroys 60mln pirated audio-visual discs in one day
6. China urged, again, to protect copyrights and patents
7. Book about copyright is pirated in China
8. Raid nets 20,000 pirated discs
9. China puts Americans on trial for selling pirated DVDs
10. Mainland cities copy 'no fakes'
11. HK gov't budgets more to promote intellectual property rights
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13. Govt sponsored concert calls for public effort to fight piracy
14. China wields greater clout but must fight counterfeiting
15. Intel sues Shenzhen firm over copyright
16. Hong Kong, China officials call for brand protection to clamp down on piracy
17. Trademark suit against Coca-Cola falls flat
18. China sees trademark registration soaring in 2004

1. Hong Kong readies for copyright law

(from *Managing Intellectual Property Magazine, UK, Issue 145, Page 10, Dec 2004/Jan 2005*)

Hong Kong has reopened the controversial debate on criminalizing end-user piracy. New copyright legislation came into force in Hong Kong in 2001. The new law made it a crime to

possess an infringing copy of any kind of copyright work, from pirated software to photocopies of a newspaper article, if it was to be used in business.

Following widespread concern that its provisions on end-user criminal liability were too draconian, the government rushed a new law, the Copyright (Suspension of Amendments) Ordinance, through the Legislative Council in April 2001. The temporary legislation abolished end-user criminal liability except for unauthorized copyright of movies, TV dramas, computer programs and music for business use.

Now the government wants to take a long-term decision on the issue and has asked the public and industry for their views. Hong Kong's government is also consulting on whether it should relax the rules governing parallel imports of copyright works.

But the plan prompted an outcry from copyright owners in the music and movie industry, worried that new, legally imported copies of their films and songs would find their way into karaoke bars and pubs across Hong Kong. Although entertainment venues would need a licence from the copyright owner to show the work in public, the film and music industry argued that this rule would be difficult to enforce in practice.

2. HK, France to hold copyright symposium

(from Xinhua News Agency, 7 January 2005

BBC Monitoring Asia Pacific, 7 January 2005)

A regional copyright symposium, co-organized by the government of the Hong Kong Special Administrative Region and the French government, will be staged in Hong Kong on Jan. 27 and 28, the Intellectual Property Department of HKSAR government said.

The symposium will bring together distinguished speakers who are senior government officials and senior executives of business enterprises from France, the Chinese mainland and HKSAR to share views on how to achieve success and create wealth through brand building.

3. Bilateral meeting sign of IPR progress

(from Associated Press Newswires, 10 January 2005

Dow Jones international News, 10 January 2005

BBC Monitoring Asia Pacific, 11&13 January 2005

Xinhua News Agency, 13 January 2005

Xinhua Financial Network News, 13 January 2005

Finance Times, 13 January 2005

The Wall Street Journal, 14 January 2005

Business Daily Update, 14 January 2005

China Daily, 14 January 2005

Xinhua's China Economic Information Service, 17 January 2005)

A China-US intellectual property rights roundtable acknowledged Beijing was making progress in IPR protection, but it will still take time before fundamental changes reach all corners of the country. US Secretary of Commerce Donald Evans said China had taken some steps to address IPR violations but they were still short of US expectations.

James Zimmerman from the American Chamber of Commerce in China said they believed China has taken progressive steps to improve both its civil and criminal penalties on IPR violators. But

he urged the Chinese Government to consider new measures aimed at strengthening administrative enforcement.

Vice-Premier Wu Yi admitted, however, that China's governments, businesses and consumers have to make long-term concerted efforts before IPR protection in the country can be changed thoroughly. She also spoke highly of the judicial interpretation announced last month. It made clear that offenders pirating more than 250,000 yuan of copyrighted products could be jailed for up to seven years.

Another big move last year was the formation by the State Council of a group to oversee IPR protection across the country, according to Wu, who is also head of the group. The group launched a yearlong campaign in September to crackdown on IPR infringements nationwide.

The Ministry of Commerce and the IPR Protection Working Group have also established a regular communication mechanism with foreign IPR holders.

4. GMAC wins Beijing copyright suit campus briefing
(from *Financial Times*, 10 January 2005)

The Beijing High court has ruled in favour of the Graduate Management Admission Council in the council's copyright infringement suit against the Beijing New Oriental School. The Court's ruling recognizes the Council's copyrights under Chinese law for the GMAT test, the entry test for business schools. The case is one of the first intellectual property cases to be litigated in China after China's entry to the WTO.

BNOS was ordered to destroy all of its infringing course materials and to pay the plaintiff, GMAC and Educational Testing Service Dollars 774,000. The school also has to publish an apology in China's Legal Daily.

5. China destroys 60mln pirated audio-visual discs in one day
(from *The Press Trust of India Limited*, 13 January 2005)

Amid a high-level SinoCast China Business Daily News-US discussion on protecting Intellectual Property Rights, the Chinese government announced that it has destroyed 63.35 million pirated audio-visual discs, the largest till date.

This is the largest-ever during similar campaigns for four consecutive years to rectify China's audio-visual markets.

All the destroyed discs were confiscated last year, among which 13 million were destroyed in southern China's Guangdong province and five million in the eastern Jiangsu and Shangdong provinces. China's largest city as well as the Communist nation's commercial hub, Shanghai also participated.

6. China urged, again, to protect copyrights and patents
(from *Asia Pulse*, 14 January 2005
AFX Asia, 14 January 2005
The New York Times, 14 January 2005
Krung Thep Thurakit Newspaper, World Business Section, Page 15, Thailand, 15 January 2005)

Donald Evans' contention that China must do more to stamp out the unlicensed reproduction of software, industrial designs, drugs and other patented products has been a mantra of his visits to Beijing. He said that it was time for China's leaders to forcefully confront the problem posed by the theft of intellectual property rights.

American trade officials, lawyers and companies generally agree that the message has not fallen on entirely deaf ears, and that China has developed an impressive arsenal of laws and rules to fight industrial piracy. But they also say those weapons are rarely used, and piracy remains as widespread in China as it was four years ago, if not more so.

The Development Research Centre, a Chinese government policy research institute, estimated in 2003 that the value of pirated goods made in China was \$19 billion to \$24 billion a year.

7. Book about copyright is pirated in China
(from *Financial Times*, 15 January 2004)

A Beijing company has been found guilty of offering bootlegged digital versions of a series of books about copyright piracy. Beijing Scholar Digital Technology was fined Rmb56,500 (Pounds 3,650) for publishing on the Internet eight books by a Chinese expert on online copyright abuse.

Seven of them dealt with piracy issues. One was entitled "Knowing the Enemy and Yourself; winning the Intellectual Property War".

A Beijing court recently ordered that the fine be paid in compensation to Zheng Chengsi, an author and editor of the Chinese Academy of Social Sciences. Scholar Digital was also ordered to apologise publicly. The case reflects the increasing willingness of Chinese people to use local courts to enforce their copyrights and patents.

8. Raid nets 20,000 pirated discs
(from *Shanghai Daily*, 17 January 2005)

Authorities in Zhabei District seized more than 20,000 pirated DVDs and VCDs from a local residence on Yangqu Road. The paper stated the discs were the largest number of pirated products seized in one raid since the Chinese government strengthened laws on intellectual property rights on December 21.

9. China puts Americans on trial for selling pirated DVDs
(from *Associated Press Newswires*, 18 January 2005
San Jose Mercury News, 18 January 2005
The Wall Street Journal, 19 January 2005)

Two US citizens accused of selling almost US\$1 million worth of pirated movies online are on trial with two alleged Chinese accomplices. The trial comes as China steps up enforcement of laws against rampant bootlegging of DVDs, CDs and other intellectual property, under pressure from the United States and other trading partners.

The group on trial is suspected of using the Internet to sell more than 180,000 counterfeit DVDs to buyers in 25 countries. State media have publicized the case in an effort to show that China is

cracking down on product piracy while also possibly trying to deflect criticism of Beijing by highlighting the role of foreigners. The four defendants could face up to 15 years in jail.

10. Mainland cities copy 'no fakes'

(from South China Morning Post, 19 January 2005)

The intellectual property chief said more mainland cities were expected to join a “no fakes” campaign in Guangdong province following the fake milk powder scandal, which claimed at least 12 infants’ lives on the mainland last year.

About 150 shops in Guangzhou, Shenzhen, Dongguan and Foshan have already joined the campaign, which is similar to the No Fake Pledge Campaign in Hong Kong. Shops pledging not to sell counterfeit goods are given logos to display, raising customer confidence. The campaign would be extended to other mainland cities later this year.

11. HK gov't budgets more to promote intellectual property rights

(from Xinhua's China Economic Information Service, 19 January 2005

The Standard, 19 January 2005

Business Daily Update, 19 January 2005)

About seven million Hong Kong dollars have been budgeted for public education in the coming financial year in Hong Kong to promote intellectual property rights, according to the Intellectual Property Department of Hong Kong government.

Director of Intellectual Property Stephen Selby said this when announcing the result of the Sixth Annual Survey on Public Awareness of Protection of Intellectual Property Rights 2004 on January 18.

More promotional effort is also required to educate the public about the importance of respecting intellectual property rights in the cyber world. More than 70 per cent of respondents knew that file sharing was an infringement of intellectual property rights. Less than 10 per cent were often or sometimes involved in file-sharing activities on the Internet.

The survey revealed younger males with higher education level tend to visit news groups or unauthorized websites to download files for file sharing. The survey also showed that public awareness of intellectual property rights has improved as the awareness level of the relevant law has grown from 55.2 per cent in 1999 when the survey first started to 71.2 per cent in 2004.

It found 95.7 per cent of respondents believed it was necessary to protect intellectual property rights in Hong Kong. About three-quarters of them considered the infringement of intellectual property rights in Hong Kong was serious, a slight increase compared to 74.5 per cent of 2003.

12. 10 men arrested in anti-piracy raids at five

(from The standard, 20 January 2005

South China Morning Post, 20 January 2005)

Ten men were arrested and pirated goods worth HK\$340,000 seized in joint raids by Customs and police officers on five Tsim Sha Tsui showrooms. The operation, codenamed “Sky-hawk”

and part of a continuing blitz against fake goods, netted 600 counterfeit watches and 400 leather goods.

Police officers said a long-term anti-piracy campaign has driven many hawkers off the streets and into upstairs showrooms where they keep a limited supply of brand counterfeits to minimize losses from raids.

Selling counterfeit goods in Hong Kong contravenes the Trade Description Ordinance. Offenders face a HK\$500,000 fine and five years' prison if they are found guilty.

13. Govt sponsored concert calls for public effort to fight piracy

*(from Xinhua News Agency, 26 January 2005
Business Daily Update, 27 January 2005)*

To stamp out piracy, the Chinese government has aroused not just the police, but also popular musicians to encourage their fans not to buy pirated products.

On Feb 26, the Chinese government will sponsor a rare, unprecedented anti-piracy concert in the national capital of Beijing, inviting more than 100 performing stars, including 20 from Hong Kong, Macao and Taiwan, as part of its ongoing effort to clamp down on piracy.

The concert is designed for raising anti-piracy awareness among the general public especially music fans.

14. China wields greater clout but must fight counterfeiting

*(from Xinhua Financial Network News, 27 January 2005
AFX Asia, 27 January 2005)*

China's growing economic clout has earned it a higher profile at the World Economic Forum but has also provoked calls for Beijing to safeguard intellectual property rights. The Chinese delegation of academics, politicians and business leaders at this annual forum is led by Vice Premier Huang Ju.

His government can boast economic growth in excess of nine pct, and Fan Gang, director of the National economic Research Institute of the China Reform Foundation also underscored the country's relatively low debt to growth ratio of 20 pct.

Daniel Vasella, head of the Swiss pharmaceutical group Novartis said, however, that goodwill shown by Chinese authorities would not suffice without efforts to tackle the issue of counterfeiting. He said that it would take "years" before China had an adequate framework in place to safeguard intellectual property rights.

15. Intel sues Shenzhen firm over copyright

*(from South China Morning Post, 27 January 2005
SinoCast China Business Daily News, 27 January 2005
Xinhua News Agency, 28 January 2005
Xinhua's China Economic Information Service, 28 January 2005)*

United States-based Intel Corp filed the suit against Shenzhen Donjin Communication Tech in Shenzhen Intermediary People's Court. The company is seeking US\$7.96 million compensation for losses due to Donjin's alleged infringements.

Intel believes Donjin has reproduced copyrighted software and distributed it to its customers. The alleged intellectual property infringement concerned header files that were "unique to Intel". However, the statement also acknowledged that property rights needed strengthening in China and urged the government to do more to educate people on the subject.

16. Hong Kong, China officials call for brand protection to clamp down on piracy

*(from Agence France Presse, 27 January 2005
Xinhua Financial Network News, 28 January 2005
The Standard, 28 January 2005)*

Hong Kong and Chinese officials called for brand protection as a way to clamp down on rampant piracy problems in the Special Administrative Region and the mainland. China urgently needs to have a number of brands that are influential in world markets.

To achieve that they need to further strengthen exchange and co-operation in the areas of brand-based trading and intellectual property protection.

As part of a two-day "The Year of France in China" event, representatives from major French brands such as Alcatel and Peugeot will discuss the issue of brand building. On the agenda will also be intellectual property rights policies and administration systems for protecting brands in the Asia-Pacific region.

Besides widespread copying of US movies, music and software, Chinese pirates also manufacture and sell brandname clothing, pharmaceuticals and other items, including household item such as soap powders and toothpaste.

17. Trademark suit against Coca-Cola falls flat

(from Shanghai Daily, 28 January 2005)

A trademark violation lawsuit against Coca-Cola China Beverages Ltd fizzled out in No. 1 Intermediate People's Court. The suit had been brought by Shanghai Yaqing Industry and Trade Co Ltd, which claimed consumers would confuse its Kuhai trademark with Coke's Qoo brand.

Shanghai Yaqing said it registered the kuhai trademark for beverage products in November 2000 and received approval from the State Trademark Administration a year later.

The court ruled that the pronunciation and graphic font of Qoo's Chinese characters are different from Kuhai's, and because Kuhai has not been used, consumers cannot become confused. Qoo's cartoon character also help keep the tow trademarks distinctive, the court ruled.

18. China sees trademark registration soaring in 2004

(from Xinhua's China Economic Information Service, 31 January 2005)

China saw its trademark registration soar in 2004, with up to 588,000 applications, the highest in the world for three years in a row. The 2004 number is an increase of 30 per cent from 2003 and more than double the number in 2001 when China was admitted to the WTO.

Overseas applicant have also on rise, exceeding 60,000 in 2004, a 29.82 per cent growth over 2003. The soaring trademark registrations not only show China's achievements in protecting intellectual property rights, but indicate great confidence in China's investing environment and market of overseas applicants.

MALAYSIA

News in January 2005

1. Malaysia seizes massive pirated, imitation goods in 2004
2. Malaysia mulls jail term for VCD peddlers
3. Software management seminar against piracy
4. Malaysia, US to hold 2nd FTA talks in February

1. Malaysia seizes massive pirated, imitation goods in 2004
(from Xinhua News Agency, 7 January 2005)

Malaysian enforcement officers seized pirated and imitation goods valued at 124 million ringgit in 2004, government minister said. The enforcement officers of the Ministry of Domestic Trade and Consumer Affairs seized a total of 5.5 million pirated VCDs and CDs valued at 52.3 million ringgit in some 21,500 raids on the piracy last year.

In addition, five illegal factories with seven VCD/CD production machines worth 15 million ringgit were put out of business, the minister said. He said the enforcement officers also seized pirated computer software worth 9 million ringgit. In more than 1,700 cases involving imitation goods.

To check the booming piracy industry, stiffer punishments are imposed in the country. Under the new Optical Discs Act, those found producing pirated VCDs or pornographic discs can be fined up to 250,000 ringgit in addition to jail sentences.

It is reported that the level of awareness on intellectual property is still low in the country and this is one of the reasons for rampant piracy and purchase of pirated or counterfeit items.

2. Malaysia mulls jail term for VCD peddlers
(from The Nation Newspaper, Regional News Section, Page 6A, Thailand, 26 January 2005)

Producers, distributors and peddlers of pirated VCDs will face mandatory jail sentences under a proposed amendment to the Copyright Act 1987. A high-level meeting to review the Act would be held in February.

This was aimed at curbing VCD piracy, which was said to have worsened in recent years. The mandatory jail sentence was one of several new provisions that would be included Intellectual

Property he Act to give it more bite. The review would include increasing the maximum fines for such offences.

3. Software management seminar against piracy

(from New Straits Times Newspaper, Malaysia, 27 January 2005)

Business Software Alliance (BSA) will continue to rely on a combination of approaches, including education, enforcement and policy throughout the year in its fight against software piracy. According to chair of BSA Malaysia Committee Ajay Advani, in the area of education, BSA is offering its software asset management (SAM) seminars nationwide. These free seminars, he said, have proven to be effective in reaching out to the public with BSA's message.

As for the enforcement, BSA will continue with its Tulen Patrol programme where its representatives approach and meet companies and their employees to inform them of the importance and advantages of using legal software.

Last year was a productive year for BSA in Malaysia and it was able to meet its objectives with co-operation from the Government, especially the Domestic Trade and Consumer Affairs Ministry.

4. Malaysia, US to hold 2nd FTA talks in February

(from Business Times, 28 January 2005)

Malaysian and US officials will meet in February to discuss the second stage of negotiations of a proposed bilateral free trade agreement (FTA). Malaysia is the 10th largest trading partner of the US while the latter is Malaysia's largest trading partner. American investments in Malaysia stand at around RM110.2 billion.

The meeting will touch on, among other things, protecting intellectual property, expediting the liberalization of Malaysia's financial services sector and increasing the transparency of the Government's economic decision-making process.

SINGAPORE

News in January 2005

1. Software sales up with tighter rules
2. Licensing revenue from patents up 51% to \$132m
3. IP survey
4. Focus on intellectual property

1. Software sales up with tighter rules

(from The Straits Times Newspaper, Singapore, 3 January 2005)

A tougher copyright law that came into effect has seen sales at three software companies rise since the amendments were announced last October. Adobe, which sells imaging and publishing software, saw a 35 per cent surge in sales.

Office productivity software sold by Microsoft also saw a hike in sales, although the company declined to give figures. The consortium was initiated by the Intellectual Property Office of Singapore in October last year, when amendments to the Act were made public.

2. Licensing revenue from patents up 51% to \$132m
(from *Business Times Singapore*, 10 January 2005)

Licensing revenue from patents and new technologies developed in Singapore grew 51 per cent to \$132 million in 2003, according to a recent R&D survey by the Agency for Science, Technology and Research (A*Star).

The findings, which were taken from about 617 companies, spell increasing awareness of intellectual property protection and ownership, with the number of patents applied rising to 1,001 from 936 in 2002. For the same period, the patents awarded inched up to 460 from 451. This brings the cumulative number of patents owned by companies in Singapore to 2,314 as of the end of 2003.

The results augur well for the combined efforts that IPOS, A*Star and EDB (The Economic Development Board) have put in raising awareness and capabilities on intellectual property protection and exploitation for our growing technology sector.

While that spells increasing awareness of IP protection and ownership, most of the licensing revenue is still derived from the private sector, and the bulk of it, from the manufacturing industry.

3. IP survey
(from *The Straits Times Newspaper, Singapore*, 18&22 January 2005)

A study on consumer piracy by the Intellectual Property Academy (IPA) of Singapore found that 82 per cent of the respondents felt that content creators should have their rights protected, while 71 per cent recognized that obtaining content through illegal means infringed upon these rights.

However, 25 per cent of those surveyed admitted to downloading content from the Internet, while 26 per cent indicated that they had bought pirated material. Of those guilty of illegal downloading, almost four in 10 (37 per cent) said they did not care if the materials were copyrighted, while nine in 10 (91 per cent) were more concerned about their computers contracting viruses.

This is the first study done on consumer reaction towards obtaining media content through illegal means, such as Internet downloads and buying pirated materials. It was conducted in May last year via phone interviews with 1,000 Singaporeans aged between 15 and 50 years old.

IP Academy will organize seminars and conferences to increase IP awareness and aim to help them discover this potential source of revenue as it broadens its original mission.

4. Focus on intellectual property
(from *The Straits Times Newspaper, Singapore*, 18 January 2005)

Singapore's strong reputation for intellectual property laws is one asset that the Ministry of Law will focus on protecting. The ministry and the IPOS will ensure that Singapore's IP framework keeps pace with international and domestic developments.

This will enhance Singapore's attractiveness to IP-intensive companies, and spur greater innovation in the biotechnology, branding, media and other IP-rich industries. The government will help Singapore-based entities leverage on their IP assets in both local and overseas markets, and will promote their acquisition of IP rights overseas.

Singapore will also strengthen its partnership with the WIPO, which has decided to establish an office to service the needs of its Asia-Pacific constituents.

THE PHILIPPINES

News in January 2005

1. File piracy complaints
(from Manila Standard, 6 January 2005)

The National Telecommunications Commission is urging legitimate cable television operators to file complaints against entities that pirate cable TV signals. NTC has been closely coordinating with the Intellectual Property Office on cable television piracy because they know that cable piracy is a problem.

Despite these joint efforts, it would be difficult for the NTC to act against any parties when no complaints have been filed. There are currently two million cable TV subscribers in the country, only half of which are paying customers.

2. Japan, Philippines agree to discuss tax treaty revisions
(from Nikkei Report, 11 January 2005)

Japan and the Philippines agreed to begin negotiations on tax treaty revisions as part of efforts to facilitate bilateral investments. Japan also seeks to discuss lowering rates on patent and trademark licensing fees. The timetable for the talks will be finalized in the near future.

INDONESIA

News in January 2005

1. Officials raid pirating operation
(from The Jakarta Post Newspaper, Indonesia, 6 January 2005)

The director general of intellectual property rights at the Ministry of Justice and Human Rights led a raid on a suspected VCDs pirating operation in West Jakarta. The same company, identified as PT Medialine, was raided by the police. In that first operation, officers confiscated a total of 27,000 pirated VCDs and machines used to copy the VCDs. This company was able to produce 40,000 pirated VCDs a day.

2. Snatch pirated VCDs/DVDs in police office

(from Kompas, Page 17, 14 January 2005)

Atmosphere in yard of Bekasi Police Office in Cikarang, Thursday, January 13, 2005, was crowded with functionaries of Bekasi County. There were also adult people and children who seriously saw a truck which was crushing ten thousands bottles of liquor and thousands pieces of pirated VCD/DVDs which were confiscated by Bekasi Police.

It was the first time Bekasi Police performed this action. It was a pride to directly announce and show their working result to society.

VIETNAM

News in January 2005

1. Hanoi seizes 250,000 pirated porn, violent CDs
2. Vietnam to declare war against music plagiarism
3. Multinationals get new voice in Vietnam
4. Vietnam slashes fees for foreign applicants

1. Hanoi seizes 250,000 pirated porn, violent CDs

(from Bangkok Post Newspaper, International Section, Page 8, Thailand, 7 January 2005)

Officials in the Vietnamese capital said that they have confiscated some 250,000 pirated CDs of violent games and pornographic films. The CDs were confiscated in three private CD shops in downtown Hanoi, an inspector of the city's Culture and Information Department said.

Vietnam became the 156th member of the Berne Convention for the protection of literary and artistic works in October last year. But copyright piracy remains rampant across the country as the authorities try to tackle the problem.

2. Vietnam to declare war against music plagiarism

(from Vietnam News Brief Service, 19 January 2005)

Vietnam will take drastic measures to fight plagiarism in the field of music composition as a way to fully respect the Berne Convention on intellectual property that took effect in the country last October. Such copyright violation should be totally uprooted in Vietnam.

The ministry is now ready to impose heavy punishment on dishonest musicians and will ban copied compositions from any performances and publications. Music Management department had submitted to the culture ministry a list of 70 songs suspected to be copycat versions of other compositions for further investigation. The detected songs are among more than 100 songs by around 20 Vietnamese musicians illegally published in a collection titled "101% Copy-cover 2004".

Despite of that, the cultural official warned local songwriters of heavy fines that they cannot bear if they are charged of plagiarism. Under international conventions, if two songs have a similarity of more than 30%, one can be sued of plagiarism.

In Vietnam, most songwriters have never registered their compositions of copyright protection. Just a few have done so since the establishment of the Music Copyright Association in recent times.

3. Multinationals get new voice in Vietnam
(from Legal Media Group, 23 January 2005)

Foreign companies in Vietnam have launched a lobbying group to help them campaign more effectively on Intellectual Property issues. The government this month approved the establishment of the Vietnam Anti-Counterfeiting and IP protection Association of Foreign Invested Enterprises, Vietnam's first anti-counterfeiting association for foreign invested companies.

Multinationals including Unilever, GlaxoSmithKline, Nike, Procter&Gamble, Ajinomoto Vietnam are already member of the group.

4. Vietnam slashes fees for foreign applicants
(from Emma Barraclough, Hong Kong, 23 January 2005)

Foreign trade mark applicants in Vietnam will be able to pay their filing fees in local currency rather than US dollars from February 1, ending the dual pricing structure for locals and foreigners.

The Vietnamese government is also cutting its fees for multiple filings. Under a new circular issued by the Ministry of Finance, applicants will have to pay D150,000 for up to six filing in each classes. An additional filing in each class will cost D25,000. At the moment, foreign applicants pay \$40 for a filing in each class.

This regulation will benefit all overseas applicants by reduction the fees that Vietnam charges for establishing and protecting their IPR and by creating more equality between and foreign companies. It will also benefit local enterprises by creating more competition.

INDIA

News in January 2005

1. Patent law may shake up domestic drug industry
2. New amendments patent Act to affect farm sector
3. India introduces new product patent regime
4. India join 10-nation bloc for GI extension
5. Patent regime not to affect prices of life-saving drugs
6. Demonstration against patent ordinance
7. India, Japan discuss economic cooperation
8. Experts for special courts to deal with patent cases

9. Experts call for sensitizing people on patents
10. Local companies may get an easier route to challenge grant of patent in US
11. India, Ukraine to sign IPR pact
12. Patent amendment to impact Indian healthcare costs
13. Scrap patents ordinance
14. ITC sues fake apparel makers
15. Farmers plan protest against patent law
16. Workshop on IPRs gets under way in Shimoga

1. Patent law may shake up domestic drug industry

(from Indian Business Insight, 1 January 2005

The Statesman, 1 January 2005)

The domestic drug industry is likely to be affected adversely with India set to recognize foreign patents under the new Patent Law from 2005. India permitted its pharmaceutical manufacturing companies to copy drugs patented overseas since the early 1970s by using different processes, which enabled companies to grow and make cheaper medicines for the poor.

Multinational companies, including GlaxoSmithKline Plc, Pfizer Inc and Novartis AF are waiting for the new regime with cautious optimism. According to the Government of India and the foreign companies, drug prices are not expected to go up as 95 per cent of the drugs sold in India are older molecules. They stated that the supply of generics drugs will continue.

2. New amendments patent Act to affect farm sector

(from Financial Express, 2 January 2005)

The new Ordinance, issued by the government for amending the Patent Act, 1970, is likely to affect the farm sector as it extends the product patent regime to agro-chemicals, food and biotechnology products, apart from drugs and pharmaceuticals.

This is the third amendment to the patent law, in succession. This was done to fulfill the country's commitment to TRIPs and WTO. The amended patent law came into effect from January 1, this year.

The new amendment has not categorically excluded seeds developed by novel means. Though India had earlier opted for the sui generis system for protection of plant varieties and had subsequently put in place, the Plant Varieties Protection & Farmers' Right Act, lack of clarity in the amended patent law will lead to a situation of patenting of seeds developed by novel means, particularly the transgenic seeds. The seed industry, engaged in developing transgenic seeds, is eager to seek such a protection, citing Article 27 of the TRIPs agreement.

3. India introduces new product patent regime

(from Asia in Focus, 3 January 2005

Business Standard, 4 January 2005

Asia Pulse, 4 January 2005)

India kicked off the new year with a new product patent regime for food, drugs and chemicals, and embedded software coming into effect on January 1. India, along with Brazil and China are

among the few countries which have advanced their deadline to meet their Trade Related Intellectual Property Rights commitments.

The government introduced the product patent regime by amending the Patent Act by way of ordinance on December 26 and releasing the rules on December 28. The government will now start to process product patents, which is expected to take up to three to four months with about 12,000 applications already in the mail box.

4. India join 10-nation bloc for GI extension
(from *Financial Express*, 5 January 2005)

India has joined 10 countries in demanding that the WTO should ensure that a decision on appropriate action for GI-extension beyond wines and spirits is taken by July this year. New Delhi is keen on extending protection of geographical indication (GI) under the WTO framework to products like Basmati rice and Darjeeling tea.

In a submission made to WTO co-sponsored by India, the EU, Bulgaria, Guinea, Kenya, Liechtenstein, Madagascar, Moldova, Romania, Switzerland, Thailand and Turkey, it has been pointed out that a mere procedural arrangement for further treatment of 'GI-extension' will not be appropriate action.

Member must engage in a constructive manner, and in a substantive discussion in these consultations before July on questions of concern and avoid moving in circles. The result of the consultations on 'GI-extension' by WTO director-general must enable the General Council to decide on appropriate action by July.

5. Patent regime not to affect prices of life-saving drugs
(from *Financial Express*, 5 January 2005
Business Line, 6 January 2005
The Hindu, 6 January 2005)

The new patent regime in India will not affect prices of the 350 essential (life-saving) drugs available in the market, the government has clarified. As much as 97% of the drugs available in the market are already off-patent globally and are not likely to be patented in India.

These drugs, therefore, would not experience any price increase. Only up to 3% of the domestic pharma market were likely to get covered by patents in the coming months as the government took decision on mailbox applications. And, there are therapeutic alternatives for most of these drugs. However, under the product patent regime, the government would have no control over the prices of new patented drugs.

6. Demonstration against patent ordinance
(from *Financial express*, 5 January 2005)

Hundreds of workers, students and youth joined the joint action committee (JAC) in a demonstration before Parliament. They were protesting against the ordinance on the Patent amendment. According to JAC, the Patents ordinance, which resulted in a change over the product patent regime, will affect Indian, particularly the domestic pharmaceutical and agricultural sectors, as it will empower the MNCs to dominate the Indian economy.

More importantly, it will adversely affect the common people by making prices of drugs unaffordable. JAC, which comprises central unions, industrial and employee' federations, farm workers and science forums, will follow up the demonstration with a joint convention against the ordinance in all major cities, including Delhi, and will also hold another demonstration before Parliament on the second day of the opening of the Budget session in February.

7. India, Japan discuss economic cooperation
(from *Asia Pulse*, 14 January 2005)

India and Japan discussed ways of improving economic cooperation, including tax matters, to boost investment and growth in the two countries. The two countries agreed to start negotiations for revising the existing tax treaty.

The first meeting on this issue would be held in Tokyo on February and the two countries hope to wrap up the negotiations in 1-2 years time. Tax cuts and patent royalties would be the focal point in the upcoming talks between Indian and Japanese Finance ministry officials.

8. Experts for special courts to deal with patent cases
(from *Financial Express*, 15 January 2005
Hindustan Times, 16 January 2005)

Legal experts feel that India has to produce quality patent attorneys in order to safeguard its own interests. They also said that a fair patenting system is a better alternative for strong patenting system worldwide. Addressing a session on the role of patents in society and commerce, the experts pointed out that India has an edge when it comes to coming up with new ideas. But these ideas have to be suited for practice in order to qualify for patenting. Only the skilled patent attorneys will add value to fresh patent applications, they will also put more merit in them.

9. Experts call for sensitizing people on patents
(from *The Hindu*, 16 January 2005)

Experts in the field of intellectual property rights have called for sensitizing people about the concept of patenting to help scientists, industrialists and inventors protect their innovations.

This was stated at a two-day workshop on Intellectual Property Rights organized by the University of Mysore in collaboration with the National Law School of India University, Bangalore. The workshop is being held to create awareness among academics, innovators, creators and enforcement officials on salient features of the concept.

10. Local companies may get an easier route to challenge grant of patent in US
(from *The Economic Times*, 20 January 2005)

Domestic generic drug companies over-awed by the 'monumental' litigation costs in busting patent barriers in the lucrative American market may get an inexpensive shortcut some time from now.

The US Congress is considering the introduction of a post grant patent opposition mechanism to allow generic drug rivals an opportunity to bust a patent already granted, without going to court.

This will substantially lower the legal hurdle to trip the patent, as the evidence required to invalidate a patent under this system is likely to be far less than the “clear and convincing evidence” required under US federal evidence rules.

The new legislation is expected to give opposing parties a hearing before the board of appeals in the patent office.

11. India, Ukraine to sign IPR pact

(from Unian, 21 January 2005)

India and Ukraine will soon sign an agreement to protect intellectual property rights especially in the sphere of Science and Technology. Negotiations between the two countries are at an advanced stage and the agreement is likely to be signed during his visit to Ukraine next year.

The two countries are currently working on 30 joint projects but the potential is high for cooperation in many other areas.

12. Patent amendment to impact Indian healthcare costs

(from Asia Pulse, 24 January 2005)

The latest amendment to patent laws in India will increase healthcare costs over time and create opportunities along the entire healthcare value chain, according to a study. The eventual increase in prices of drugs after coming of product patent regime into force will make them less affordable to many Indians, which in turn could prove to be an opportunity for health insurance firms-both domestic and foreign.

The new regime is expected to have an impact not only on the pharmaceuticals market but also on the entire healthcare value chain. An increase in healthcare costs may prompt the entry of customized healthcare management firms in India in the near future.

This product patent regime effectively eliminates the potential for copycat production, thus making India a favourable destination for Multi-National Corporations who would have protection against reverse engineered generics flooding the market.

13. Scrap patents ordinance

(from Business Line, 25 January 2005)

The Kerala Shastra Sahitya Parishad (KSSP), a leading non-government organization, has demanded the withdrawal of the Patent Rules Amendment Ordinance.

A resolution to this effect was passed at the meeting of the district-level committee of the KSSP. An anti-patent rule amendment convention was also staged as part of the event.

14. ITC sues fake apparel makers

(from Financial Express, 26 January 2005)

In a petition filed by ITC Ltd alleging violation of its intellectual property rights, the Delhi High Court has asked Delhi-based units to file their written statements by April 24. Earlier, the court

had restrained them from selling, marketing or distributing apparel with trademarks/logos Wills Sport, John Players, ITC or any other deceptively similar trademark or logo.

15. Farmers plan protest against patent law

(from The Hindu, 29 January 2005)

The Karnataka Rajya Raitha Sangha leader said that farmers will stage a dharna in all district headquarters against patenting of local varieties of plants, regime under WTO regulations. Farmers will stage a dharna on February 10 seeking protection of local plant varieties from the patenting regime.

Farmers from throughout the country will meet in New Delhi for “Parliament Chalo” on March 1 and 2. The Government has been promoting breeding of exotic cattle. The indigenous breeds such as Amritha Mahal are on the verge of extinction. The Government should promote these indigenous breeds. Farmers will take up this issue during their meeting with the Chief Minister.

16. Workshop on IPRs gets under way in Shimoga

(from The Hindu, 30 January 2005)

Head of the Centre for Intellectual Property Rights Research and Advocacy at the National Law School of India University, Bangalore, has said that India cannot afford to ignore intellectual property rights, particularly in the era of globalisation and liberalization marked by the advances in telecommunication.

Inaugurating a two-day workshop on intellectual property rights organised by Kuvempu University and the NLSIU at Jnana Sahyadr, being a party to the agreement on TRIPs, is making changes in laws pertaining to IPR.

BRUNEI DARUSSALAM

News in January 2005

Brunei seeks US help over rights protection

(from Borneo Bulletin, 28 January 2005)

Brunei has sought assistance from the United States in understanding and implementing the Intellectual Property Rights Protection, which is crucial in attracting foreign direct investment. The Sultanate is also looking up to the US in capacity building towards implementing the Container Security Initiative, which makes it mandatory for containers to undergo screening before entering US markets.

Government stakeholders under the Trade and Investment Framework Agreement had exchanged views with United States Trade Representatives for closer collaboration on capacity building in several key trade and economic investment areas.

Key areas on agriculture, aquaculture, CSI, intellectual property rights protection, and improving the investment climate were tabled during the two-day closed door Trade and Investment Council meeting. Also on the discussion table were possible implications of the Multi-Fibre Agreement phase out.

On the Intellectual Property Rights Protection, the exchange of expertise in this area was proposed as Brunei is still a new player in this area as compared to the US representatives from the attorney-general's chambers of Brunei gave a briefing on the status of the country's Intellectual Property Rights regime including customs procedures and enforcement activities. Brunei's current capability in enforcing Intellectual Property Rights Protection was also highlighted, although it seems Brunei already have that part of the infrastructure – regulations and enforcement – it still lack the experience, particularly in fully understanding the implementation measures.

CAMBODIA

News in January 2005

European Union assistance to help Cambodia's WTO bid
(from Thai News Service, 10 January 2005)

The European Union (EU) signaled its backing for Cambodia's bid to join the WTO with the signing of an agreement to provide trade-related technical assistance worth 2,074,000 euro.

The overall objective of the assistance programme is to help Cambodia build basic conditions for sustained and stable economic growth. Cambodian officials will be trained in economic and legal issues to boost their understanding of international trade policy.

In the field of institutional support specific actions will include the establishment of part time courses in international trade at the Faculty of law and economics. A course will be created in intellectual property rights at the Royal School for Judges and Prosecutors to expose judges to the requirements of the WTO Agreement on Trade Related aspects of Intellectual Property. Support will also be given to the establishment of a commercial court to handle trade and commercial disputes.
