

Monthly Report of July 2005

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1. Fake products ‘pose a threat to fashion hub ambition’
(from *The Nation Newspaper, Business Section, Page 4B, Thailand, 1 July 2005*)

German leather industry experts have warned Thailand’s shoe and leather goods manufacturers and exporters to eliminate counterfeit goods, and focus on improving production to pave the way for establishing Bangkok as a regional fashion centre.

Peter Kern, international marketing and leather specialist for the Thai-German Chamber of Commerce in Bangkok, said the government should concentrate on cracking down on copied goods, so it can achieve the goal of becoming a regional fashion hub. Moreover, local producers should focus more on creating their own design to strengthen the country’s competitiveness.

2. Store picks legal fight with Amway
(from *The Nation Newspaper, Business Section, Page 1B&3B, Thailand, 9 July 2005*)

Sawasdiraksa Co. Ltd, a Suphan Buri convenience-store operator, filed a lawsuit accusing Amway(Thailand) Ltd of stealing its “pick ‘n’ pay” concept by using a service with a similar name to market its distribution centres.

Sawasdiraksa said in the statement submitted to the Central IP and IT Court that it had registered the phrase “pick ‘n’ pay” in 1994. Amway, Thailand’s largest direct-sales company started its “Pick & Pay” concept in 2000, but it never registered the name. But Amway’s law firm, Tilleke

& Gibbins, said Sawasdiraksa had tried to register the words “pick & pay” as recently as 2002. The registration office turned it down, citing the phrase as too common to be reserved by a particular company.

Sawasdiraksa has filed charges at 10 police stations nationwide in places where Amway’s distribution centres are located. Amway’s officer said the company had never been approached. “We have never heard from the company. We only learned about it following the filing of the lawsuit,” said the officer, who requested anonymity. She added that Amway had not registered its concept, as it had been created to reflect the nature of the business between Amway and its agents.

3. Pirated CDs worth Bt35m seized

(from The Nation Newspaper, Local News Section, Page 3A, Thailand, 10 July 2005)

A police raid in Thon Buri uncovered over 100,000 pirated CDs estimated to be worth Bt35 million. Seven people were arrested. Economic Crime Investigation Division (ECID) swooped on a three-storey townhouse in Phasi Charoen sub district, where they found 102,000 CDs and 400,000 CD covers of Sony Music Entertainment Inc Products. Investigators said they would track down the owner.

4. Pirate DVD Rental Shop exposed

(from Bangkok Shuho, Page 1, 11-17 July 2005)

"Council for Protection of Copyright of Television Program of Japan" (Hobankyo), together with Economic Crime Investigation Department (ECID) and Tillike and Gibbins, exposed a pirate DVD rental shop at Soi 55, Sukhumvit Rd., Bangkok on 22 June 2005, and arrested one Thai manager.

According to Hobankyo, this shop was opened January last year, and it recorded Japanese TV programs in Japan, reproduced those into DVDs in Thailand, and rented DVDs to resident Japanese people with charge. Hobankyo claims such acts without authorization are copyright infringement. However, this shop is still on business after the exposure. Japanese manager of this shop said they realize it is copyright infringement. However, since there is demand on DVD video from Japanese customers, they would like to continue their business as far as possible.

In Thailand, there are four VHS video rental shops with authorization of Hobankyo, and they said their sales were dropped to 1/3 after this pirate DVD rental shop was opened.

5. Fake Golf Clubs Exposed

(from Bangkok Shuho, Page 1, 14-24 July 2005)

Economic Crime Investigation Department (ECID), on 7th July, exposed 12 golf shops in Tanya Plaza, confiscated 1542 goods valued around one million baht, and arrested Thai managers of shops. These shops are selling fake golf clubs, bags, wears, head covers, gloves of "TaylorMade", "callaway", "PING", "KING cobra", "NIKE" etc. Some of those are low-quality imitations with typo error of trademark. However, others are very precise copies of originals. These are sold around half price.

According to a manager of other shop in Tanya Plaza, number of shops dealing with fake goods are increased since three or four years ago. This manager welcomed this exposure, also wanted to see more investigation on this issue.

6. Fake Viagra maker nabbed

(from The Nation Newspaper, Local News Section, Page 3A, Thailand, 17 July 2005)

A Turkish man, Gokhan Ozek, who had skipped bail in a fake Viagra case and fled to Cambodia was arrested when he returned to Bangkok International Airport.

In March 2002 police raided a factory in Bang Khae district and seized millions of counterfeit Valium and Viagra tablets. They investigated the suspects, who said Ozek was their ingredient-supplier. Working with Pfizer, the authorized manufacturer of Viagra, police arrested Ozek in an international sting operation on Sukhumvit Soi 11 and charged him with manufacturing drugs without permission.

US investigators discovered that bogus Viagra pills were being produced by Ozek in a factory in Cambodia and distributed to many Southeast Asian countries, where they killed many users. Ozek's pills allegedly cost Pfizer more than US\$50 million.

7. Fake toner targeted

(from The Nation Newspaper, Business Section, Page 5B, Thailand, 19 July 2005)

Japanese Electronics giants Sharp and Canon have initiated campaigns in Thailand to clamp down on the production and sale of fake photocopier toners bearing their respective trademarks.

The two firms warned consumers to be aware of low-quality counterfeit photocopier toner products with forged trademarks on packaging, designed to fool shoppers into believing they are buying genuine high-quality goods.

The counterfeiters have the capability to produce packaging that is almost identical to the original products, they said, as evidenced from the latest seizure in Bangkok's Bang Khae district on June 29.

Police said the seizures of the fake products would stop the supply on the market of substandard goods that might damage genuine equipment made by the electronics manufacturers. They said the ringleaders of the operation would face a fine of up to Bt400,000 and/or four years in jail.

8. Thais seek shield against 'biopiracy'

(from Bangkok Post Newspaper, Business Section, Page B1, Thailand, 20 July 2005)

While US trade negotiators seek to strengthen intellectual property protection under the proposed Thai-US Free Trade Area agreement, Thailand is raising the issue of genetic resources and ways to guard against biopiracy. Thailand might seek protection similar or beyond the country's anti-biopiracy proposals to the WTO.

US officials indicated they would seek to expand copyright protection to new technology such as Internet applications. US also wanted to expand trademark protection to cover "scents and

sounds”, covering areas such as the MGM lion’s roar at the start of each of the film studio’s movies.

On enforcement, discussion centred on penalties for intellectual property violations. The US pressed for civil punishment only for IP theft; Thailand wanted both civil and criminal penalties. The sides will fine tune this issue later.

US trade negotiators want to finalise the FTA talks with Thailand by next April. Thai officials are more pessimistic, given the wide gulf in finalizing a basic framework on the talks, particularly regarding services liberalization.

9. EC touts benefits of IPRs protection

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 20 July 2005

Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 7, Thailand, 20 June 2005)

The European Patent Office has urged Thailand to develop its intellectual-property culture to bolster its competitiveness and safeguard individual creativity. Manuel Desantes, vice president of the office's Legal and International Affairs department, said Thailand needed to develop an intellectual-property-rights (IPR) system and include studies of the issue in the education system to promote knowledge in this area.

The seminar, held at a Bangkok hotel, was organised by the Intellectual Property Department, the European Commission and the EPO. It was aimed at encouraging Thai manufacturers to create added value for goods they export to Europe by focusing on IPR.

Friedrich Hamburger, ambassador of the EC Delegation to Thailand, said Europe had as much of a problem with counterfeiters as Thailand. He said both sides should encourage manufacturers to understand the importance of IPR protection by exchanging knowledge to protect assets.

Desantes said counterfeiting could bring only short-term benefits to the country, while in the long run counterfeiters undermine the country's capabilities and creativity, he said. Thai patent documents will be put into the European database by the end of the year under the EC-Asean Intellectual Property Rights Cooperation Programme, he said. That will ensure rights protection for Thai patents worldwide.

Desantes said 340 Thai intellectual-property-rights owners applied to the EPO for patent, trademark and copyright protection between 1997 and 2004. Only 163 trademarks were registered and about eight enterprises received copyright approval. The government should also apply for membership to the Patent Corporation Treaty to ensure patent and invention protection, he said.

10. Surin Hom Mali rice got GI protection

(from Thai News Service, 22 July 2005

Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 7, Thailand, 20 June 2005))

Surin Hom Mali rice, a fragrant rice grown in northeastern Surin province, has become the first Thai product to be protected under the Geographical Indications Act. Officials said the rice was granted the protection by the Commerce Ministry's Department of Intellectual Property.

The intellectual property rights legislation protects the output of specific geographical locations. It also ensures quality control and should add commercial value to the products concerned. Similar laws cover champagne produced in France, and Italy's Parma ham.

Agriculture Department researcher Dr. Laddawan Kannoot said more than 200 farmers groups and agricultural co-operatives had joined the Surin Hom Mali rice production project. They were expected to produce enough to supply both the local and export markets.

The Department of Intellectual Property is working on similar applications for three other products: Pla Salid Bangbor (snakeskin gourami fish raised in Bangbor); Phetchabun Sweet Tamarind; and Nakonchaisee Pomelo. The Geographical Indications Act applications for these three are expected to be granted by end of the year.

Such protected products were especially popular in European markets, according to Dr. Laddawan. The Agriculture Department was also preparing to support protection for other local rice varieties, including Sangyod rice from Pattalunng province, she said.

11. IBM offers developers free access to software

(from The Nation Newspaper, Prime News Section, Page 1A&4A, Thailand, 29 July 2005)

IBM Thailand has pledged the free use of 500 pieces of its patented software to individuals and groups working on open-source software in Thailand. Its intention is to give software developers the opportunity to use IBM know-how to produce new applications on their own.

Open-source software is any computer program whose source code is published for scrutiny and use by anyone. It made available under a license agreement that permits recipients to copy, modify and distribute the program's source code without payment of fees or royalties.

12. Tom Yum Goong

(from Bangkok Post Newspaper, Home News Section, Page 3, Thailand, 29 July 2005)

Prime Minister Thaksin Shinawatra has asked police to crack down on copyright violations of Thai movies after Tom Yum Goong, a martial arts action film, earned more than 600 million baht in overseas markets.

The Metropolitan Police Bureau has asked Sahamongkol Film, producers of the popular movie, to join the suppression drive against pirated VCDs.

PEOPLE'S REPUBLIC OF CHINA

News in July 2005

1. Beijing's "Silk Street" sued for trademark infringement
2. China's number of registered trademarks reaches 2.37mln
3. Step up to protect trademarks
4. HK official urges Japan to lobby China on piracy issue
5. China, US reach consensus on IPRs
6. International Patent Fair
7. China cracks 18,130 trademark infringement cases

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1. Beijing's "Silk Street" sued for trademark infringement
(from Xinhua's China Economic Information Service, 7 July 2005)

A market popular among foreign tourists for selling cheap clothes in Beijing was sued on July 6 for illegally using the trademark of a consulting company.

Under the name of "Silk Street", Beijing Xiushui Haosen Clothing Market Company and Beijing Xinya Shenghong Real Estate Development Company were in court on July 6 for infringing rights of the Beijing-based consulting firm, namely, Beijing Yelusheng Commerce and Trade Company, the trademark owner.

The plaintiff claimed 3.5 million yuan (423,000 US dollars) in compensation but the defendant denied all charges at July 6's hearing held in the Beijing No. 2 Intermediate People's Court. According to the defendant, the name of the "Silk Street" was around long before the trademark was registered and the registration itself was malicious.

The Trademark Bureau of the State Administration for Industry and Commerce authorized the Yelusheng Company's registration of "Silk Street" trademark in 2002, says plaintiff attorney Wu Xiaodong, emphasizing the two defendants used the Silk Street logo and characters without securing permission from his client.

The plaintiff claimed a corporate reputation tainted by the fact that defendants' new department store was caught selling fake brands earlier this year, and asked the defendants to stop using the problematic logo and issue a public apology.

However, the defendants argued the "Silk Street" was widely recognized as the name of a place and a department store instead of trademark owned by a consulting company. The court did not reach a verdict on July 6.

2. China's number of registered trademarks reaches 2.37mln
(from Asia Pulse, 11 July 2005)

China's accumulated number of registered trademarks had reached 2.37 million by the end of this June, according to the latest statistics released.

In 1983, China's annual trademark applications for registration were less than 20,000 and among which only 1,687 were foreign applications. By 2004, the number of annual applications had reached 588,000, and China has been on the top of the world for three consecutive years.

Out of the annual applications, 60,000 were foreign trademarks, and the United States, Japan and Germany ranked first, second and third in the number of trademark applications, with 13,343, 11,945 and 5,961 applications respectively, said Li Dongsheng, deputy director of the State Administration of Industry and Commerce, at a press conference in Beijing Monday.

This demonstrated China has a comprehensive and sound trademark system, China's protection on the exclusive right to use a registered trademark is effective and foreign investors have strong confidence in China's market environment, he said.

3. Step up to protect trademarks

(from South China Morning Post, 12 July 2005)

Beijing is making an extra effort to protect 30 renowned trademarks, according to a senior official, as the number of trademark infringement offences across the country soars. Li Dongsheng, deputy director of the State Administration for Industry and Commerce, said authorities had identified brand names that would receive special protection in trademark disputes and assessments.

The brand names, including DuPont, Gillette, Lancome, Boss, Philips and Disney, had been singled out after the launch of a nationwide intellectual property rights protection campaign last July, he said.

The authorities busted 40,171 trademark infringement and counterfeiting cases last year, representing a 51.66 per cent increase on the figure from 2003. Of last year's cases, 5,401 were foreign trademarks. Meanwhile, the number of trademark registrations has skyrocketed since the enactment of the Trademark Law in 1982.

The total number of registered trademarks on the mainland had reached 2.37 million by the end of last month, Mr Li said, of which 422,000 had been registered by foreign companies hailing from 129 countries and regions.

Mr Li admitted that China lagged behind many developed economies in terms of intellectual property protection, but its experience of running a market economy was measured in decades, rather than centuries, as in the west. "It is unrealistic to expect that China has reached the standards like those in the west," he said.

But he said the mainland's "double-tracked" intellectual property protection system, which involves judicial and administrative forces, had been effective as more than 90 per cent of disputes were resolved through administrative channels rather than the courts as was often the case in the west.

4. HK official urges Japan to lobby China on piracy issue

(from BBC Monitoring Asia Pacific, 12 July 2005)

A senior anti-piracy official from Hong Kong on Tuesday [12 July] urged Japanese content holders, including filmmakers, publishers, music labels and game producers, to lobby the Chinese government to stop illegal copying because pirated item manufacturers are often protected through cozy ties with local governments.

Speaking at a Tokyo anti-piracy seminar attended by Japanese content holders, Sam Ho, director of operations in Greater China at the Motion Picture Association [MPA] International said it is vital for intellectual property rights holders to make written requests or reports on illegal copying incidents they have witnessed to such Chinese central government bodies as the State Council and Ministry of Culture.

As for trading of pirated items through Internet auctions, Ho said criminal prosecution is possible in Hong Kong and Taiwan, but only administrative punishments can be imposed on traders in mainland China due to lack of proper legislation in the country. According to data compiled by the Cultural Affairs Agency in Japan, 84 per cent of Japanese content products in China were pirated in 2003, causing an estimated 550bn yen in damage. In 2002, the combined damage from the piracy of Japanese products in Hong Kong and Taiwan was an estimated 80.9bn yen, according to questionnaires completed by consumers of those items.

5. China, US reach consensus on IPRs

(from Asia Pulse, 12 July 2005

BBC Monitoring Asia Pacific, 12 July 2005)

Top Chinese and US trade officials wrapped up their day-long negotiation here on July 11 with consensus on intellectual property rights (IPR) protection.

The annual session of the Joint Committee on Commerce and Trade (JCCT) was jointly chaired by Chinese Vice-Premier Wu Yi and US Secretary of Commerce Carlos Gutierrez and US Trade Representative Robert Portman.

The two sides agreed to set up cooperation mechanisms on cross border prosecutions for IPR violations and on the protection of movie copy rights, sources with the Chinese Ministry of Commerce said.

The Chinese officials also asked their US counterparts to pay attention to the protection of the intellectual property of the Chinese herbal medicine, traditional culture and genetic resources.

In addition to IPR protection, the two sides also agreed to establish a dialogue mechanism for security monitoring agencies and a joint working team under the framework of the JCCT on tourism cooperation.

6. International Patent Fair

(from Industry Updates, 12 July 2005)

China's State Intellectual Property Office (SIPO) announced here on July 12 that the 2005 China International Patent Fair will be held Aug. 18-20 in Dalian, a seaport city of Northeast Liaoning Province.

The SIPO invited academic institutes and companies from more than 20 countries and regions, including Canada, France, Japan and the United States, to join the fair. A group of multinationals are expected to show their latest technologies and products at the fair.

The SIPO will also organize outstanding patented technologies resulting from the National Hi-tech Research and Development Program and the National Key Research and Development

Program to show at the fair. Meanwhile, financial institutions, venture capitalists, intellectual property agencies and property appraisers are also invited to the fair.

7. China cracks 18,130 trademark infringement cases
(from Xinhua News Agency, 14 July 2005)

China has cracked a total of 18, 130 trademark infringement cases during the first six months of this year. The country's industrial and commercial authorities were said to have send 1.01 million inspectors, checked 2.68 million business households, some 12,000 trade markets and ferreted out 1, 745 hideouts of producing or selling fake products.

Of all trademark infringement cases, 2,451 were related to foreign trademarks. Approximately 14.45 million fake trademark logos and nearly than 40,000 counterfeiting facilities were seized while 7.01 million fake products were disposed have.

An aggregated cash penalty of 115 million yuan (about 13.9 million US dollars) has been collected. Meanwhile, 88 people were taken over by judicial authorities for further investigation. At the meeting held in north China's Tianjin Municipality, An Qinghu, director of the National Trademark Bureau, said that China has made substantial achievements in protecting intellectual property rights through judicial means.

According to him, the numbers of trademark infringement cases and suspects taken over by judicial departments at various levels between January and June are 3.2 times and 2.3 times as much as the same period of last years separately.

Moreover, the number of cracked trademark infringement cases in the first half of this year grew 13.4 percent over the same period of 2004 while the number of cracked cases involving foreign trademarks grew 55.5 percent.

8. Pirated Harry Potter
(from Agence France Presse, 15 July 2005)

The official publisher of the Chinese version of the new Harry Potter book said that it was rushing to translate the latest novel in the hope of beating pirated versions. The sixth book in the hugely successful series, 'Harry Potter and the Half-Blood Prince', will be published on July 16.

According to the Guangming book-lovers' website, the publisher launched the Chinese edition of the fifth Harry Potter book in September 2003, just three months after the original version came out in June that year.

But it was still not soon enough with online editions of the book appearing only a month after the original English version was launched. Pirated hardcopy versions hit stores in China soon after.

Violations of intellectual property rights are rampant in China, from music and films on DVDs to books in print. Pirated books are widely stocked in small neighbourhood book shops and sold on ubiquitous hawkers' tricycles across Chinese cities.

9. China committed to protect copyrights of Hollywood movies
(from Xinhua News Agency, 16 July 2005)

China film authorities and the Motion Picture Association (MPA) have signed a memorandum on the crackdown on pirated US home video products for the protection of copyrights of Hollywood movies.

China's Ministry of Culture(MOC) and the State Administration of Radio, Film and Television (SARFT) inked the document with the MPA on Wednesday following the bilateral consensus on protecting intellectual property rights reached during US Secretary of Commerce Carlos Gutierrez's visit to China early this week.

According to the memo, the anti-piracy departments in China will form action plans targeted at pirated US home video products. The MPA will submit the release date and titles of US movies scheduled to be screened in China by its member companies to the MOC and SARFT every three months, making it possible for the Chinese side to identify the pirated movie products.

Zhang Pimin with the SARFT said that combating piracy in China is an issue that not only attracts much attention from the American side, it also has a great bearing on the Chinese movie industry.

The MPA now has seven Hollywood member companies, Walt Disney, Warner Bros., Universal, Twentieth Century Fox, Paramount, Metro-Goldwyn-Mayer and Sony. Chinese law enforcement authorities seized 175 million pirated audio and video discs and busted 21 underground production lines last year.

10. Flooring makers accused of patent violation

(from Dow Jones Chinese Financial Wire, 20 July 2005)

Some foreign firms have accused Chinese laminate flooring makers of intellectual property rights infringement. Three U.S. flooring manufacturers and Netherlands-based Unilin filed petitions in a U.S. court asking it to launch investigations into Chinese products under article 337 of the U.S. tariff law.

They claim that Chinese firms have infringed their patents by using a locking system for laminate flooring. The China Timber Distribution Association is calling on Chinese laminate flooring makers to work together to deal with the case.

11. China urged to enhance protection of IPR in medical industry

(from Xinhua News Agency, 20 July 2005)

Zhang Qingkui, an official with the State Food and Drug Administration (SFDA), showed his worry at a pharmacy IPR summit forum opened that if China does not have a legal system to protect the intellectual property right (IPR) in medical and pharmacy industry, 60 percent of the newly introduced medicine will no longer exist.

"The IPR protection encourages the research and development of new medicines," said Ding Jinxi, the professor with the China Pharmaceutical University (CPU), "However, China's IPR protection in this industry is relatively weak, especially the education of it."

In a survey conducted by CPU in 22 pharmaceutical universities and institutions in east China's Jiangsu province, Zhejiang province and Shanghai shows that only two of them have set majors on medical IPR protection.

The pharmacy IPR summit forum was sponsored by SFDA, vowing to improve people's awareness of IPR protection in the industry.

12. Chinese made cartoon plans long road to patent sale

(from NewsTrak Daily, 21 July 2005)

A Hong Kong based patent product licensing company, Zhen Tung International, sees enormous business opportunities in building its own brand of cartoon products. Indeed, Hong Kong and mainland China have strong background and production technology to produce cartoon peripheral products that target worldwide customers.

After the cartoon is internationally released, the producers will sell the cartoon patent right to manufacturers to produce Terracotta Warriors stationery, DVD, CDs, toys, fashion and giftware. These products attract a 15% patent fee. Zhen Tong reveals that some manufacturers have already contacted them about licensing.

13. Fake Nike sports shoes seized in China

(from China Daily, 27 July 2005)

Over 13,000 pairs of fake Nike sports shoes worth USD 679,000 have been seized from a warehouse in Baiyun District of Guangzhou, capital of the southern Chinese province of Guangdong.

A two month-probe by the economic investigation team of the Guangdong Provincial Administration for Industry and Commerce led to the unearthing of the hideout in a residential area where the fake shoes were kept.

Early in June, the administration had received complaints from Nike's trademark agency in China about a large number of fake sports shoes in Guangzhou, according to Hu Yanni, an official with the administration.

Those operating the factory have fled and the case will probably be transferred to the police for further investigation.

14. Customs officers bust largest fake goods racket

(from China Daily, 28 July 2005)

Hong Kong Customs smashed the largest ever counterfeit goods syndicate in the territory, seizing about HK\$62.5 million worth of imitation clothes and leather. The raids, which came after a three-month investigation, were codenamed "Sniper".

In the operation, Customs officers raided 18 targeted locations - a shop, eight companies, three warehouses and five residential premises - and arrested nine men and two women aged 21 to 48. The officers also seized 157,000 articles of counterfeit clothes and leather goods, valued at HK\$1 billion.

The department would, for the first time, apply the Organized and Serious Crimes Ordinance in a trade mark infringement case to freeze the crime proceeds of the syndicate, estimated to be around HK\$20 million.

It was shown that a number of garment and trading companies in Hong Kong and a retail network in Japan were involved in the syndicate activities, according to the Customs investigation. The officers declined to name the companies.

The Japanese buyers came to Hong Kong to select and order the counterfeit goods. Once the models and quantities of the goods were confirmed, the syndicate arranged for them to be manufactured on the mainland. The goods were then transported to and stored in Hong Kong for delivery to Japan.

15. US official, HK leader discuss aviation, IP
(from *BBC Monitoring Asia Pacific*, 30 July 2005)

The American deputy secretary of state, Robert Zoellick, has said he will discuss foreign policy and economics with senior Chinese officials when he travels to Beijing this weekend. Mr Zoellick made the remarks after meeting with the chief executive, Donald Tsang.

He said his that the meeting with Mr Tsang enabled him “to listen and to learn” about the regional economy and recent political changes in Hong Kong. He said aviation agreements and intellectual property protection were among the topics discussed.

MALAYSIA

News in July 2005

1. Strengthen protection of IPRs
(from *Business Times*, 8 July 2005)

Malaysia should strengthen the protection of intellectual property rights, reduce regulatory uncertainty and improve its public service delivery system to get ahead in the regional competition for foreign trade and investment.

“If Malaysia wants to move from manufacturing to research and development, it has to have effective protection for IP,” US ambassador to Malaysia Christopher J. LaFleur said.

He was speaking at seminar on “Enhancing US-Malaysia Business” organized by the Federation of Malaysian Manufacturers with the support of US Embassy and the American Malaysian Chamber of Commerce in Kuala Lumpur. He hopes that Malaysia will agree to partner US on the concept of an IP rights roundtable soon.

The roundtable would help raise awareness of the impact of IP piracy, share information and strategies for attacking the problem and identify resources that the US can help Malaysia enhance the effectiveness of its enforcement regime.

2. Only 26% of cases to court
(from *Bernama Daily Malaysian News*, 20 July 2005)

Various enforcement agencies have conducted 133,564 raids from 1999 to 2005 and only 34,592 cases have been filed in court so far, revealed Datuk V.L Kandan while presenting a paper entitled "Recovery Through Legal Measures: How Effective?" during the second day of the Malaysian Commercial Fraud and Financial crimes Conference 2005.

He said the value of goods seized during the same period was RM335,567,389.00 and mainly related to computer programmes, VCD, CD, CD-ROM, LD, DVD, video and musical cassettes. There were 12,840 investigations resulting in 1,385 raids from January to June this year and the value of infringing goods seized was RM70,552,458.00.

SINGAPORE

News in July 2005

1. France's Lacoste wins round in Chinese Court over logo
(from *Dow Jones International News*, 13 July 2005
Xinhua News Agency, 13 July 2005)

French sportswear maker lacoste has won a round against a Singapore rival in a Chinese Court battle over which can use a crocodile logo on its clothing. A Shanghai appeals court threw out a ruling that awarded rights to Singapore-based Crocodile International.

Both companies have been selling clothing with slightly different crocodile logos in China for more than a decade. The case drew attention amid complaints of widespread copying of such trademarks by Chinese product pirates.

2. Book on local patent law launched
(from *The Straits Times Newspaper*, Singapore, 29 July 2005)

While Singapore's economy may have endured some ups and downs in recent years, the country's intellectual wealth has gone from strength to strength. Attorney-General Chan Sek Keong said at the launch of the first book on patent law in Singapore that this book would be immensely useful to both academics and lawyers.

The book was a collaborative effort by staff of law firm Alban Tay Mahtani & de Silva and two officers of the Intellectual Property Office of Singapore, and took a year to write.

THE PHILIPPINES

News in July 2005

1. NBI seizes pirated software
(from *Philippine Daily Inquirer*, 4 July 2005)

Agents of the National Bureau of Investigation (NBI) seized P2-million worth of pirated computer software in a raid in Makati City. The NBI Intellectual Property Rights Division raided Wireless Technology Solutions Inc. on the third floor of ITC Building on Gil Puyat Avenue and seized fake AutoDesk software and computer.

The local distributors of AutoDesk products sought the help of the bureau after learning that reproduced copies of their software have been proliferating in the market.

2. Special courts to try IP cases needed
(from *Business World*, 27 July 2005)

The Intellectual Property Office (IPO) has proposed the creation of special courts that will focus on intellectual property (IP) rights cases.

IPO Director-General Adrian S. Cristobal, Jr. has submitted the proposal to Supreme Court Chief Justice Hilario Davide. Currently, IP cases are being handled by commercial courts designated by the High Court.

He proposed the creation of two special courts in the National Capital Region: one in Makati City and another in Manila.

The IPO said creation of the special courts could boost the country's bid to be removed from the Priority Watch List of the United States Trade Representative. The IPO chief said the creation or designation of special courts would hasten the resolution of IP cases and back the government's drives against piracy and counterfeiting.

INDONESIA

News in July 2005

1. RI, Japan focus on cooperation
2. Copyright Law is enforced
3. Open source software

1. RI, Japan focus on cooperation
(from *The Jakarta Post Newspaper*, 19 July 2005)

Japan and Indonesia are focusing their series of negotiations on setting up an Economic Partnership Agreement (EPA) to strengthen cooperation in trade, investment and intellectual property rights.

The group on intellectual property rights, meanwhile, is to focus on information exchange and cooperation, while the Expert Group on Cooperation, will explore efforts in areas of capacity building for the Indonesian private sector in penetrating Japanese and international markets through the improvement of quality, standards and technical requirements.

2. Copyright Law is enforced
(from *Kompas*, Page 23, 7 July 2005)

Investigator of Criminal Detective Agency of State Police of the Republic of Indonesia, on Monday, July 6, 2005, gave eight accused sellers of pirated software and evidence goods of 33,418 pieces of compact disc of unlicensed software from Adobe, Autodesk, Macromedia, Microsoft, and Symantec, to High Prosecutor Office of Jakarta Capital.

The giving of the accused persons was law enforcement on copyright in accordance with Law on Copyright No. 19/2002. The accused persons would be sentenced Article 72(2) of the Law because circulating or selling to public goods of copyright infringement result with imprisonment for maximum period of five years and or a fine for maximum amount of Rp500 millions.

3. Open source software
(from Kompas, Page 41, 21 July 2005)

The government started to propagandize utilization of Open Source Software (OSS) since last year through campaign of Indonesia Go Open Source (IGOS). The IGOS's appearance was pushed by validation of Law of Intellectual Property Rights (IPR) to overcome software piracy and result of international forum for overcoming gap of information technology between developed countries and developing countries.

OSS is software which is free to be used without paying license. OSS has flexible nature so enable us to use it freely, modify and develop it in accordance with our necessity without having to pay to developer for the first time.

Although the OSS is free, however Indonesian people are used to use Windows which has been known since the first time of using computer. So applying the OSS system has still confused user thereof.

VIETNAM

News in July 2005

1. Vietnam to boost co-operation with Silicon Valley
2. First Vietnam bank granted trademark in US
3. Fake goods ruin Vietnam major textile fair
4. Vietnam develops trademarks for five major aqua products

1. Vietnam to boost co-operation with Silicon Valley
(from Thai News Service, 4 July 2005)

Vietnam wants to receive assistance and co-operation from Vietnamese nationals living in the US and other countries, particularly those working at the Silicon Valley, to develop the national economy, said Tran Quoc Thang, Deputy Minister of Science and Technology. Mr. Thang said Vietnam would like to receive further transfer of knowledge from Vietnamese Americans in science, high-tech, bio-technology and production.

Most Silicon Valley entrepreneurs attending the meeting have established operations in Vietnam and are seeking further opportunities to invest in the country. The executive director of Advantek company in Palo Alto said he plans to run high-tech training courses in Vietnam.

At the meeting, many entrepreneurs expressed concerns about Vietnam's inconsistent legal system and its effect on their operations and the protection of intellectual property rights. Some entrepreneurs proposed that the Vietnamese Government should pour more investment into training to develop the country's high-tech industries.

2. First Vietnam bank granted trademark in US
(from *Vietnam News Brief Service*, 7 July 2005)

The Bank for Investment and Development of Vietnam (BIDV) on July 6 held a ceremony in Hanoi to receive the trademark registration certificate from the US Patent & Trademark Office, becoming the first Vietnamese bank to have its trademark registered in a foreign country.

The US organization has certified the registration and protection of the BIDV trademark, in the financial and banking services in the US, according to the law firm Pham & Associates, the bank's industrial property representative in defining the trademark ownership of BIDV in the US.

With the certificate, the BIDV trademark will be protected for 10 years and the period will be extended if the bank desires.

3. Fake goods ruin Vietnam major textile fair
(from *Thanh Nien News*, 19 July 2005)

The six-day 2005 Vietnam Fashion Fair (VFF) has so far left participating companies extremely dissatisfied following the presence of booths showcasing faulty products. Those booths, which are without signboards or company details, display mainly Chinese copycat goods.

Furthermore, a large number of booths display products carrying the brand name and logo of Nike, although Nike has confirmed that it did not participate in the VFF. Nike has filed a complaint to the Vitas, the Ministry of Trade, the Ministry of Industry and the Vietnam Trademark Protection over the VFF's displaying of fake Nike products.

4. Vietnam develops trademarks for five major aqua products
(from *Thai News Service*, 29 July 2005)

The Fisheries Ministry has invested in developing national trademarks for five major aqua products, namely shrimp, tra and basa catfish, tuna, tilapia and mollusk.

In addition, the ministry also assists localities to advertise their special products, such as shrimp from southernmost Ca Mau province, clams from southern Ben Tre province, tra catfish from southern provinces of An Giang and Dong Thap, and tuna from the central region.

The trademark promotion for these key and potential export staples helps not only to enhance exports but also protect the products of Vietnam's trademarks on the world market. At present, shrimp exports play a key role and increase annually, representing 50 per cent of the total annual export turnover of aqua products. Fish exports have also been increasing, making up 23 per cent of the total turnover.

INDIA

News in July 2005

1. Biodiversity Act will curb exploitation of natural resources
2. KAU seminar
3. India wants amendment to TRIPs

1. Biodiversity Act will curb exploitation of natural resources
(from *The Hindu*, 2 July 2005)

The newly enacted Biological Diversity Rules 2004, taken with the Intellectual Property Rights Act, would ensure India's abundant natural resources were not exploited by other countries without prior permission, Union Minister for Environment and Forests, A. Raja, said.

"India was one of the first few countries to enact a legislation to achieve the objectives of the United Nations Convention on Biological Diversity (CBD). The biodiversity act will ensure that our natural resources are not exploited by other countries without our consent in the post-WTO era," he said in Chennai.

2. KAU seminar
(from *The Hindu*, 24 July 2005)

A State-level workshop on 'Protection of Geographical Indications (GIs) of Goods for Better Marketing' has been held at the Seminar Hall of the College of Horticulture, Vellanikkara.

The workshop, aimed at creating awareness on the implications of GIs in marketing of goods, ways to protect them by legal approaches and future line of action, has been jointly organised by the Intellectual Property Rights Cell of the Kerala Agricultural University (KAU) and Department of Plant Breeding and Genetics of the College of Horticulture.

3. India wants amendment to TRIPs
(from *The Hindu*, 30 July 2005)

India has called for changes in the TRIPs agreement in the WTO to protect traditional knowledge and bio-diversity. In a letter to 31 trade ministers recently, Commerce and Industry Minister Kamal Nath has suggested a parallel line of action similar to that on public health issues such as a Ministerial Declaration on the issue at the Hong Kong meeting later this year.

He has emphasized the need to develop a sharper and more aggressive strategy on this issue as it has a strong bearing on large sections of people who are holders of traditional knowledge and are poor or disadvantaged. "We need to form a common position before Hong Kong for taking the process towards a logical outcome," he said.
