

## Monthly Report of June 2005

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### THAILAND

#### News in June 2005

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1. Exporters cautioned on IP rights

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 2 June 2005)*

Patent lawyers warned businesses to register their trademarks and intellectual property in potential international markets to avoid future complications. Experts at a seminar held by Intellectual Property Department and the law firm Baker & McKenzie said some Asian countries, particularly China, Indonesia and Vietnam, have many products already registered in their countries that infringe on the rights of the original makers. This leads many traders to discover they can't sell their products under their own brands in targeted countries.

Kajit Sukhum, director of promotion and development for Intellectual Property Department, said more than 25,000 firms registered trademarks locally last year, but only 300 of them have registered overseas.

Dhirapol Suwanprateep, managing partner of Baker & McKenzie, said that without rights registration, exporters are at risk of being sued and may lose marketing opportunities in targeted markets. Lawyer Manoon Changchumni urged exporters to start rights registrations abroad two to three products because the process is time consuming.

2. 7 more species tagged for protection

*(from Bangkok Post Newspaper, Business Section, Page B4, Thailand, 8 June 2005)*

A government committee has proposed that seven more species be protected under the Plant Variety Act. The seven species are Thai lime, tangerine, sugar apple (*annona squamosa* linn),

tamarind (*tamarindus indica* linn), rambutan (*nephelium lappaceum*), Vanda orchids and water lily (*nymphaea lotus* linn).

Kobkiat Bansit, director of the Plant Variety Protection Office said the seven species were native plants with outstanding characteristics and economic value.

3. Govt urged to put off US talks

*(from Bangkok Post Newspaper, Home News Section, Page 6, Thailand, 9 June 2005  
Post Today Newspaper, Today's News Section, Page A3, Thailand, 9 June 2005)*

Farm advocates, intellectual property rights experts and farmers groups called on the government to postpone the upcoming round of free trade negotiations with the United States that would focus on intellectual property rights to avoid the impact on farmers.

They said the government had provided no assurance that farmers and the public would benefit from the negotiations, and it had no clear stance on the IP issue.

Witoon Lianchamroon, director of Biothai, an independent organization working on promoting biodiversity and communal rights conservation, said such a system-protected inventors' rights but not natural resources on which the inventions were based. That meant farmers' resources here might be exploited freely while they could face fierce competition from new inventions, he said.

Pinit Korsieporn, a Thai trade negotiator, said it was possible to postpone the scheduled negotiation if the public proposed that to the government.

4. Another urge to refrain from adopting US IP laws

*(from Thai News Service, 10 June 2005)*

The Director of Thailand's Intellectual Property Office, Vitoon Lianjumroon, urged the government not to adopt the US intellectual property laws during a seminar on Thailand's stance on the Thai-US FTA proposals.

Mr Vitoon mentioned that Thailand should not accept the intellectual property law for livestock, nor should it enter into an agreement with UPOF, or the use of trademarks on products with geographical titles. For example, the US government should prohibit other strains of rice from being sold or marketed under the name of "Jasmine Rice", which would infringe the Thai intellectual property law.

Furthermore, the Thai government has the right to reject and prohibit the import of GMO products into the Kingdom, as experiments on those GMO products could badly affect the local agricultural industry.

5. PCT join by year-end

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 14 June 2005)*

Thailand expects to be granted membership of the Patent Cooperation Treaty this year to facilitate the registration of intellectual property rights here and to ensure their worldwide protection.

In a step towards treaty membership, the director-general of the Intellectual Property Department, Kanissorn Navanugraha, visited the European Patent Office (EPO) in Munich, Germany. The visit was aimed at closer cooperation on intellectual property protection and patent rights.

The Patent Cooperation Treaty (PCT) came into effect in 1970, was amended in 1979 and modified again in 1984. It establishes a mechanism for cooperation on filing, searching, and examining applications for patents and for rendering special technical services.

The treaty makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing an “international” patent application. Kanissorn said Thailand’s application for membership was expected to be approved later this year. However, improvements are still needed to bring the organization system, management and officers up to standard. For these matters, the EPO will cooperate with the Thai Intellectual Property Office to achieve the goal.

He said becoming a member of the PCT would not only enable the registration of Thai patents among trading partners and ensure global protection, but it would also encourage Thailand to develop its system of registering intellectual property rights.

#### 6. PM asked to reject US view on IPRs

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 15 June 2005  
The Nation Newspaper, Local News Section, Page 3A, Thailand, 15 June 2005)*

The National Human Rights Commission (NHRC) will ask the government not to embrace the United States’ intellectual property rights protection system in the upcoming round of the Thai-US free trade negotiations.

Buntoon Srethasirote, an NHRC member on the bio-diversity and intellectual property rights sub-committee, said Prime Minister Thaksin Shinawatra will be asked to oppose US system which is not in the interest of Thai citizens.

The next round of negotiations is scheduled for next month in the US, where experts and farmers’ groups fear intellectual property will dominate the talks. Mr Buntoon said the US systems, particularly patents, acknowledged only individual rights, but did not require inventors to clarify the source of their inventions.

As a result, he said, natural resources belonging to farmers would likely be exploited, and farmers would not have access to new resources, depriving them of their basic human rights.

#### 7. GI corporation

*(from Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 5, Thailand, 15 June 2005)*

Four years of Franco-Thai collaboration achieved for an efficient promotion and a protection of the Thai farm produce. Mr Laurent Aublin, Ambassador of France and Mr Kanissorn Navanugraha, Director-General of Intellectual Property Department, announced the concrete results of the development of Geographical Indications in Thailand.

After 4 years of collaboration, fertile exchanges between the Thai and French experts of the Thai Department of Intellectual Property, the Embassy of France and the Institut National Francais de

la Propriete Intellectuelle (INPI), gave concrete results as part of the development of GI in Thailand.

Thailand voted for a law protecting GI, applied since April 28, 2004; - implementing decrees were written allowing GI to be recorded; - further to a selection among hundreds of potential candidates for GI, a list of a dozen of products was established; 3 are almost recorded: - the Pomelo of Nakorn Chaisri – the Tamarind of Petchaboon – the Hom Mali Rice of Surin.

Mr Philippe Mauguin, the manager of the Institut Francais des Appellations d’Origines, came here to discuss this particular point with the Thai party: -the launching of partnerships between the Thai and French producers implicated in GI – as part of “The Holiday of Taste”, the culinary program of the French cultural festival “The Holiday”.

#### 8. EFTA-Thailand negotiations

*(from bilaterals.org, 20 June 2005)*

Negotiations for an EFTA-Thailand free trade agreement will begin in mid-September. There is a risk that EFTA member states seek to include in that agreement intellectual property rules that undermine access to affordable generic medicines in Thailand. Such provisions that are going further than what is required under the WTO TRIPs agreement have been already included in previous free trade agreement from EFTA with third countries.

#### 9. 26 private sectors signed MoU

*(from Post Today Newspaper, Today’s News Section, Page A3, Thailand, 21 June 2005*

*Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 11, Thailand, 16 June 2005)*

Ministry of Commerce with 26 private sectors signed MoU to pay 50% of anti-piracy campaign. Deputy Minister of Commerce, Suriya Lapwisuttisin, said the rate of producing pirated CDs is reduced, but the factories moved to neighboring countries.

#### 10. Thailand backs Singapore piracy plan

*(from The Nation Newspaper, Regional News Section, Page 5A, Thailand, 23 June 2005)*

Thailand threw its support behind Singapore’s effort to start up a regional hub to tackle the issue of piracy, saying the island-state was geographically in a good position to spearhead the operation. The issue was raised during the first Asia-Middle East Dialogue (AMED).

Thailand had expressed willingness to cooperate in efforts to clamp down on pirates as part of the country’s desire to play a bigger role in enhancing global and regional security. The centre will focus on training and international information gathering and exchange.

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## PEOPLE’S REPUBLIC OF CHINA

### News in June 2005

1. Law to fight Internet copyright violations

2. HK, Singapore have best judicial system in Asia

3. Cutting demand on fakes is global issue
4. US urges China to crack down on piracy
5. China crack down on pirated audio-video products
6. Trademark ruling
7. Seminars to boost HK, Guangdong copyright ties
8. Japan IP protection group to send high-level team to China
9. Beijing shopping center to pay Parker Pen compensation
10. Japan firms target HK imitations
11. Japan, China agree to intensify crackdown on counterfeit goods
12. Chinese colleges lack IPR protection consciousness
13. Anti-piracy campaign commences in 13 leading Chinese cities
14. Japanese firms suffer IP breaches in China
15. 150 pirated CDs seized in Macao
16. China appraises 64 additional trademarks as famous brands
17. China world's no.1 counterfeit source and market
18. Guangdong and Hong Kong join hands in copyright protection
19. Developing countries should protect agricultural knowledge
20. China penalizes more IPR-related crimes
21. Copyright crack down; to be extended a year
22. BSA acts to launch anti-piracy campaign in china

1. Law to fight Internet copyright violations  
*(from South China Morning Post, 1 June 2005)*

Following the move on 30 May, people who violate copyrights can be fined up to 100,000 yuan. It also clarifies the methods that can be used to address infringements of intellectual property rights.

The regulation aims to control activities such as the uploading, saving and linking of other people's original works, which includes video and audio creations. Under the regulation, ISPs are not responsible for copyright violations - unless they are aware or informed of them.

If the author of a work believes their copyright has been violated, they can inform the ISP by giving their credentials and proof of copyright ownership, in addition to evidence of a violation. The ISP is then required to delete the offending content.

But under the new regulation, alleged copyright violators can respond with an "anti-directive" to claim the content was not a violation. If successful, the ISP can reinstate the content and is free from any legal accountability. Although the mainland has promulgated legislation covering Internet copyright, the laws are ambiguous.

2. HK, Singapore have best judicial system in Asia  
*(from AFX Asia, 2 June 2005)*

Hong Kong and Singapore have the best judicial systems in Asia, while those of Indonesia and Vietnam are the worst, according to a survey of expatriate business executives working in the region. Hong Kong piped Singapore for the top spot in this year's survey by the Political and Economic Risk Consultancy (PERC), toppling Singapore from its first position in 2004.

In ranking the countries or cities, the business executives gave weight to how legal systems are used to enforce contracts, resolve disputes, fight intellectual piracy and enforce securities and exchange regulations.

3. Cutting demand on fakes is global issue  
(from *China Daily*, 3 June 2005)

Speaking at the opening ceremony of a global campaign called "Fakes Cost More," Frederick Mostert, honorary chairman at the International Trademark Association (INTA), said Hong Kong still has to rev up efforts in curbing counterfeits.

As an anti-counterfeiting ambassador, international movie star Jacky Chan urged that the degree of punishment on counterfeiting is not enough in Hong Kong. In the face of rising intellectual property rights (IPRs) calls, the mainland has shown strong determination to clamp down on fake industries over the years.

"The mainland government has paid much attention to combating fake goods and protecting IPR," the mainland's Intellectual Property Practice Group member Chen Xuemin said. He revealed the mainland's IPR situation is getting better, especially in Shanghai. "The authority has put much effort on tackling the issue, but, still, much needs to be done." He also pointed out that the most important thing facing the mainland's IPR protection is to implement its IPR-related regulations and laws.

4. US urges China to crack down on piracy  
(from *Financial Times*, 3 June 2005)

Carlos Gutierrez, the US commerce secretary, demanded that China immediately act to protect intellectual property rights yesterday, calling piracy a "crime" that was comparable to counterfeiting money.

"Intellectual property rights violations are a crime and we don't believe we should be negotiating crimes with our trading partners," Mr Gutierrez said in a toughly worded speech to the American Chamber of Commerce in Beijing. "Everything else (including textiles) is up for negotiation."

Mr Gutierrez did not spell out what he expected Beijing to do to reduce piracy, which affects not just foreign films and music, but also manufactured goods, pharmaceuticals and chemicals.

The music and films industries in the US have already begun lobbying the US government to take a case to the WTO against China for piracy. WTO rules governing intellectual property rights allow member states to file complaints against other nations on the grounds that their intellectual property regimes are not acting as a deterrent against piracy.

5. China crack down on pirated audio-video products  
(from *Xinhua's China Economic Information Service*, 3 June 2005)

China's Ministry of Culture recently ordered a crackdown on pirated discs under the label of publishing houses. The ministry has issued a list of audio and video products imported by some publishing houses from 2000 to May 2005 on the website [www.ccm.gov.cn](http://www.ccm.gov.cn).

"The campaign has produced tangible effects. But we know piracy is still rampant in some places, especially in the production and sale of discs under pseudonyms," the official said. The content of the pirated discs ranges from American films to Japanese cartoons and pop music in Hong Kong and Taiwan.

6. Trademark ruling

*(from Shanghai Daily, 4 June 2005)*

The Shanghai No. 2 Intermediate People's Court yesterday ordered Yin Guohua and Xu Jianfeng to pay 200,000 yuan (US\$24,096) to Crocodile Garment (Zhongshan) Co Ltd for trademark infringement. Shanghai Qiaozhekeman Garment Manufacture Co Ltd was also ordered to pay 20,000 yuan to Crocodile. Yin and Xu, former employees of Crocodile's local office, entrusted Qiaozhekeman to make garments and use Crocodile's trademark and labels without its agreement last August. The court ruled Yin and Xu violated Crocodile's trademark rights and said Qiaozhekeman should also pay compensation as it didn't check Yin and Xu's qualifications carefully.

7. Seminars to boost HK, Guangdong copyright ties

*(from IPR Strategic Information Database, 7 June 2005)*

According to news.gov.hk, a seminar will be held in Huizhou and Jiangmen on June 7 and 9 to boost ties between Guangdong and Hong Kong on intellectual property matters, especially those concerning small and medium enterprises. The seminars are organized by the Intellectual Property Department, Trade Development Council and the Guangdong Provincial Intellectual Property Office. Director of Intellectual Property Stephen Selby said the seminars are a continuing co-operative effort between Hong Kong and Guangdong to promote intellectual property protection.

The seminars in Huizhou and Jiangmen will show SMEs in both regions how intellectual property can be used as a tool for wealth creation. They will concentrate on the need to ensure that enterprises protect their patents, designs and trademarks both in Hong Kong and the Mainland as each place has separate copyright laws and regulations.

8. Japan IP protection group to send high-level team to China

*(from Jiji Press English News Service, 7 June 2005)*

Japan's International Intellectual Property Protection Forum will send a high-level team to Beijing to step up the fight against illegal copy products.

The team, which will stay in China for four or five days from Sunday, will propose stronger cooperation through such programs as training for Chinese regulators and increased exchanges of information.

The forum, which comprises 170 companies and business groups, is sending such a group for the third time. The previous two missions focused on making requests for tighter crackdowns by Chinese authorities.

9. Beijing shopping center to pay Parker Pen compensation

*(from Xinhua Financial Network News, 8 June 2005)*

Xidan Shopping Centre in Beijing has agreed to pay compensation of 60,000 yuan to Parker Pen (Shanghai) Ltd for selling pirated products. The two companies reached the agreement in the Beijing No 1 Intermediate People's Court.

The shopping center has promised not to sell any pens in future that violate Parker's trademark.

#### 10. Japan firms target HK imitations

*(from Nikkei Weekly, 13 June 2005)*

The unauthorized registration in Hong Kong of companies with names similar to those of Japanese electronics manufacturers is a growing problem, along with mass production and sale in China of cheap knock-offs. Estimating losses of several hundred billion yen, Japanese firms have asked Hong Kong, via the Tokyo government, to put a halt to such practices.

Hong Kong Matsushita Electric and many similarly named companies are unrelated to Japanese manufacturers and usually exist only on paper.

From four companies alone - Matsushita Electric Industrial Co., Hitachi Ltd., Toshiba Corp. or Sanyo Electric Co. - a total of 120 sound-alike names have been registered without authorization, according to the Japan Electronics and Information Technology Industries Association (JEITA). These firms in April asked for protection from the Japanese government, under a program that will investigate infringements of intellectual property rights through JEITA. Two more firms will soon join the drive.

If the investigation can clearly cite trademark infringements by Oct. 4, Tokyo will officially ask Hong Kong to tighten its regulations. If diplomatic negotiations go nowhere, Japan may bring the issue to the World Trade Organization.

JEITA plans to call on other sectors, including precision-machinery makers and the automotive industry, to join in the effort. Saito explained, "We want to inform public opinion worldwide." But for now, the big electronics manufacturers can only wait and see whether Tokyo is able to get some action on the issue from Hong Kong.

#### 11. Japan, China agree to intensify crackdown on counterfeit goods

*(from Jiji Press English News Service, 16 June 2005)*

Japan and China have agreed to step up cooperation in cracking down on illegal copies of Japanese goods made in China.

Under the agreement, Japan will dispatch experts to China to hold seminars that will help Chinese regulators distinguish counterfeit products from genuine goods. Japan will also provide China with past samples of illegally copied goods.

The agreement came after a series of meetings held between Chinese intellectual property right officials and the delegation, which is led by former Honda Motor Co. Chairman Yoshihide Munekuni. The delegation, which arrived here for a five-day visit, also includes officials from the Ministry of Economy, Trade and Industry.

#### 12. Chinese colleges lack IPR protection consciousness

*(from Xinhua's China Economic Information Service, 17 June 2005)*

A large number of China's colleges and universities are unaware of their intellectual property rights, according to a recent survey.

The survey, conducted by the Zhejiang Polytechnic University at the request of the State Intellectual Property Office, shows that 75 percent of China's colleges and universities have never or have applied for very few patent rights in the past five years.

The survey shows that nearly 30 percent of research achievements made by Chinese colleges and universities have lost as a result of lacking patent protection. Analysts say the phenomenon shows China faces an urgent task of enhancing the awareness of IPR protection among the public, particularly among the institutions of higher learning.

### 13. Anti-piracy campaign commences in 13 leading Chinese cities

*(from Xinhua News Agency, 19&20 June 2005*

*Xinhua's China Economic Information Service, 20 June 2005 )*

China's 2005 summer campaign on Intellectual Property Rights (IPR) protection has been commenced in 12 cities across the country, following the launching ceremony held in the national capital.

The two-month campaign was initiated by eight central government departments, including the Office of the National Anti- pornography Working Group, the Ministry of Culture, the Press and Publication Administration and the General Administration of Customs.

China will carry out its 2005 summer action on IPR protection in 13 leading cities, including Shanghai, Tianjin, Chongqing, Nanjing, Wuhan, Guangzhou, Chengdu, Shenyang and Lanzhou, said Liu Binjie, deputy head of the national work team on crackdown of pornographic and illegal publications.

The campaign will last through Aug. 31 to mete out severe blows at the IPR infringement and uproot production and distribution networks of the pirated products, Liu said.

### 14. Japanese firms suffer IP breaches in China

*(from Asia Pulse, 20 June 2005*

*Business Times Singapore, 24 June 2005)*

Almost half of the Japanese companies that do business with China have suffered from intellectual property rights infringement by Chinese firms, a survey by the Ministry of Economy, Trade and Industry shows.

According to the survey, 68 of 134 major Japanese companies that have transactions with or a presence in China found imitations and pirated versions of their products exported from China to destinations worldwide.

The survey, the first of its kind by the ministry, reveals that 67 of the 134 firms have officially called on the Chinese government to redress the problem. Among them, 4,263 applications for disciplinary administrative action were filed in the two years from 2003.

The Chinese government acted on 4,029 of the complaints, but most offenders were let off rather easily. While 3,043 complaints resulted in the confiscation or disposal of counterfeit products,

only 317 led to seizures of income from sales of illegal products, and 145 ended with the scrapping or impounding of manufacturing equipment.

Furthermore, 34 of the 67 Japanese firms that had sought disciplinary action by the Chinese authorities later found that the same offenders were again exporting fake products. Consequently, Japanese companies are requesting that Chinese customs officials disclose information on counterfeit product exporters, ensure that impounded goods are destroyed and strengthen the training of those policing illegal exports.

#### 15. 150 pirated CDs seized in Macao

*(from Xinhua News Agency, 23 June 2005)*

The Macao authorities have seized 150 pirated CDs. The customs officers, on a tip-off, searched a shop near the Macao- Zhuhai Barrier Gate and recovered the contraband. Two suspects, a married couple, were arrested.

Macao, one of the founding members of the World Trade Organization (WTO), is legally committed to fight intellectual property rights violations.

#### 16. China appraises 64 additional trademarks as famous brands

*(from China Industry Daily News, 24 June 2005)*

The Trademark Bureau of the State Administration for Industry and Commerce recently granted 64 additional trademarks "Famous Brand Titles."

Sixty of the total trademarks were registered by Chinese companies, including two state-owned enterprises, eight foreign-funded companies, 49 other kinds of companies and one Hong Kong-based company.

The remaining four trademarks were registered by foreign companies, including two Japanese enterprises, a UK-based company and a venture from France.

In addition, several companies are from the financial services and real estate rental and management sectors, the first time that the Chinese authority granted famous-brand title to the two industries.

#### 17. China world's no.1 counterfeit source and market

*(from Asia Pulse, 27 June 2005)*

China is the world's largest source and market for counterfeit goods and the poor-quality products that it makes will seriously hurt its economy and pose a major latent threat to public security, Mainland Affairs Council (MAC) Vice Chairman You Ying-lung claimed.

Citing the finding of a report commissioned by the MAC, You said that due to the Chinese authorities' lax controls, about 70 per cent of the world's bootleg products come from China, ranging from brand-name clothing to medicine. Nearly 90 per cent of consumers have purchased such fake products, he claimed.

According to the report, China's increased counterfeiting has seriously hit many worldwide famous brands and it has become an international issue.

The report ascribed the rampant counterfeiting in China to various factors that include a lack of public respect for intellectual property rights, lax government regulations and punishments and strong local demand. China's vast size has also helped worsen the problem, it added.

#### 18. Guangdong and Hong Kong join hands in copyright protection

*(from NewsTrak Daily, 28 June 2005)*

Although conveniences are given by CEPA, there are still few intellectual property rights agency organizations in Pearl River Delta. Even in the capital of China, Beijing, there are only two to three intellectual property rights (IPR) agencies.

Many Hong Kong enterprises in mainland China could not register their newly set-up companies. Registration of trademark is nearly impossible. The reason for this is that people in Hong Kong generally lack legal knowledge of China. Generally, people do not have a clue even where to apply for these registrations and what the normal required procedure is.

To protect intellectual property rights of foreign companies, Guangdong and Hong Kong may joint together to fight with the illegal activities or crimes toward intellectual property rights. A "Genuine Product League" was recently set up in Guangdong for this purpose. There are 130 member enterprises of the league. Furthermore, a website is opened to provide information about intellectual property rights. The address is: [www.ip-prd.com](http://www.ip-prd.com) . It is hoped that more work will be put into IPR protection. The formation of the league is just a beginning.

#### 19. Developing countries should protect agricultural knowledge

*(from BBC Monitoring Asia Pacific, 28 June 2005)*

A Chinese official called for developing countries to take more actions to protect intellectual property rights (IPR) in the agriculture field, saying traditional knowledge and genic resources in some developing countries had been robbed by developed countries.

Zhang Zhigang, director of the State Office of Intellectual Property Protection Work Group, said at a press conference that IPR protection in the agricultural field has encountered with some new problems, as developed countries have pirated traditional knowledge and genic resources of some developing countries, and applied for patents.

Without giving the developing countries any compensation, developed countries have seriously infringed on the interests of developing countries, said Zhang, also vice minister of commerce.

According to him, India and Thailand have discovered cases of their own IPR in agricultural being robbed by some multinationals. High-level talks within the framework of the World Trade Organization have been going on to seek solution to the protection traditional knowledge and genic resources.

#### 20. China penalizes more IPR-related crimes

*(from Xinhua News Agency, 28 June 2005)*

China has witness a growth in the number of intellectual property right (IPR)-related cases uncovered by law-enforcement departments and transferred from administrative departments to the police since it launched a nationwide IPR protection campaign last September.

"Up to now, administrations for industry and commerce at all levels have investigated and handled 24,189 trademark infringement cases and imposed fines of 157 million yuan (19 million US dollars) ," Vice Minister of Commerce Zhang Zhigang said at a press conference held by the State Council Information Office.

Press and publishing authorities, cultural departments, copyright administrations and the police have confiscated 167 million sets of illegal audio-video products and pirated products, destroyed 24 illegal CD production lines and closed down 2,960 illegal printing workshops, said Zhang, also office director of the state IPR protection working group.

The Ministry of Culture destroyed 63.35 million pirated compact discs, and the patent authorities uncovered 1,115 patent imitation cases and 153 patent counterfeit cases, he said. Customs offices have uncovered 949 cases related to the import and export of goods related to IPR infringement, involving a total value of 73.04 million yuan.

From January to May 2005, the procuratorate departments warranted the arrest of 882 persons involved in the production and selling of fake and shoddy products, up 51.5 percent year on year. "Altogether 844 of them were prosecuted, up 45 percent year on year," Zhang said.

The procuratorate departments also warranted the arrest of 340 suspects involved in IPR infringement, 58.9 percent more than a year earlier, with 258 of them prosecuted, up 20.6 percent, he said.

In the five months, Chinese courts handled 1,280 cases involving IPR infringement, the production and distribution of fake and shoddy products and illegal business operations, up 23.19 percent year on year, he said.

#### 21. Copyright crack down; to be extended a year

*(from South China Morning Post, 29 June 2005*

*China Daily, 29 June 2005*

*Xinhua Financial Network News, 29 June 2005*

*Post Today Newspaper, International Economic Section, Page A12, Thailand, 29 June 2005)*

Beijing rejected criticism of its failure to check rampant copyright violations and counterfeiting, but promised to extend a crackdown on intellectual property rights (IPR) infringements.

Zhang Zhigang , director of the State Office of Intellectual Property Protection and a vice-minister of commerce, said it was regrettable that the US had added China to a list of countries to be targeted for scrutiny because of poor IPR protection records.

"The US allegation was not based on facts," Mr Zhang said. "We do have some problems with IPR protection {hellip} and our efforts still fall short of the expectations of top leaders and the public. But we are trying our best to resolve them."

Mr Zhang said that to prove Beijing's commitment further, the State Council-led crackdown would be extended for a year after its scheduled finish in August. He called on other countries, especially the US and members of the European Union, to understand and work with China's efforts to protect intellectual property.

22. BSA acts to launch anti-piracy campaign in China  
(from *SinoCast China Business Daily News*, 29 June 2005)

Business Software Alliance (BSA), the foremost organization dedicated to promoting a safe and legal digital world, intends to launch anti-piracy campaign in China. BSA hopes to open up a new way of anti-piracy through combination of education and attack. Specifically, China's National Copyright Administration and local copyright administration collaborate to popularize software assets management among software users in an effort to crack down on pirated software.

BSA began to cooperate with Beijing Municipal Bureau of Copyright, Shanghai Copyright Bureau, Sichuan Copyright Administration to train companies engaged in software development, advertisement, architectural design and help them to manage software assets, and lower costs last year, according to the person who is familiar with the affair.

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## MALAYSIA

### News in June 2005

1. Finding out more about IP management  
(from *New Straits Times Newspaper, Malaysia*, 16 June 2005)

Companies which want to know more about intellectual property (IP) management can turn their search to Multimedia Development Corporation (MDC).

Through a series of seminars and advisory services, MDC is providing assistance to companies, particularly those with the Multimedia Super Corridor (MSC) status, to gain practical know-how in protecting their IP.

Introduced last year, the MSC IP series of seminars is aimed at introducing basic information on IP and how it may be used to enhance the competitive advantage of a business, according to vice president of MDC's capacity development division Ng Wan Peng.

The half-day seminar began in November last year, with an introduction to the role and importance of IP in a business and broad description of the different types of IP. This was followed by other relevant topics including patents, which seminar was held in March this year, trademarks in April, and industrial designs in May.

Four more seminars are expected to be organized for the rest of the year, with one seminar to be held once in six weeks. Apart from seminars, MDC also offers the MSC IP Advisory Services, or one-on-one advisory sessions for MSC companies with IP consultants.

2. IP court likely in two years  
(from *New Sunday Times*, 19 June 2005)

An Intellectual Property (IP) court to handle cases of infringement could be set up within the next two years.

The Domestic Trade and Consumer Affairs Ministry is lobbying hard for this, Minister Datuk Shafie Apdal said. "The court will have judges and lawyers who specialize in IP so that the rights of owners can be properly represented," he said after his ministry's annual meeting with the private sector here yesterday. Shafie said there was a huge backlog of IP cases which was being heard at the Sessions Court "due to the lack of expertise".

"We have looked at various aspects, like capacity and various property legislation." Shafie said with the specialized court, Malaysia can resolve ongoing issues of piracy, imitation and counterfeit. "Protecting IP rights is necessary for Malaysia to honor its international promises. It also creates a favorable trade and investment environment and improves the quality of the economy." He said the ministry was stepping up enforcement so that more foreign firms would register their IP and invest here.

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## SINGAPORE

### News in June 2005

#### World IP body opens office in Singapore

*(from The Straits Times Newspaper, Singapore, 8 June 2005*

*Business Times Singapore, 8 June 2005*

*The Nation Newspaper, Local News Section, Page 4A, Thailand, 8 June 2005)*

The World Intellectual Property Organization (WIPO) opened its first Asian office in Singapore. WIPO will work with governments and other intellectual property (IP) agencies on legislation, education and other efforts to 'instil a culture of IP' in the region, said its deputy director-general for economic development, Mr Geoffrey Yu, after the inauguration ceremony.

The main focus of the new office will be to support neighboring countries in protecting IP rights, Mr Yu said. One way to achieve this would be to help Myanmar and Cambodia draw up laws to protect intellectual property.

In order to reduce the risk of piracy, WIPO will negotiate with producers to make products available at more affordable prices.

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## THE PHILIPPINES

### News in June 2005

#### 1. US industry officials urge special court for IPR cases

*(from Business World, 10 June 2005)*

American investors are calling for the creation of a special court in Manila to litigate intellectual property rights (IPR) cases, which would help de-list the Philippines from a US priority watch list. The US embassy in Manila said representatives of US firms who participated in roundtable discussions on Tuesday also pushed for continuous court hearings of IP infringement cases.

"Weak IP protection remains a strong disincentive for domestic and foreign investors," the embassy said. Washington last year reported a \$139-million loss from pirated products in the Philippines.

The embassy said it hosted the meeting with US company executives and industry representatives to discuss areas of mutual interest as well as improving IPR protection and enforcement in the Philippines.

2. Anti-piracy drive gains steam  
(from *Manila Standard*, 15 June 2005)

The intensified campaign against piracy of intellectual property has resulted in the confiscation of fake items valued at P33.1 million in the first quarter of 2005. "We will go after big-time syndicates producing fake products until we get rid of them all," NBI Director Reynaldo Wycoco said in a statement.

Wycoco said the NBI will take measures to protect the genuine makers of quality products and go after those who want only to infringe on the rights of these legitimate businessmen.

NBI records showed that from January to March, it received, investigated and recommended for prosecution 172 cases against individuals and establishments for violating the IPR. Among the complaints received came from food manufacturers such as Nescafe and Nestlé; signature products such as Lee t-shirts, Louis Vitton bags; rubber shoes and men's and ladies' apparels.

The NBI warned manufacturers of fake products to cease from producing counterfeit products or face appropriate charges that would be filed against them. Vito Barcelo

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## INDONESIA

### News in June 2005

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| 1. Factory of counterfeit brake lining raided          | 5. Indonesia eyes Microsoft research center                |
| 2. Japan, Indonesia set for economic partnership talks | 6. IP issue hindering Indonesia-US trade deals             |
| 3. Internet cafes are threatened to be closed          | 7. Microsoft 'may legalize' illegal Windows for \$1        |
| 4. Regulations expected to curb discs piracy           | 8. Indonesia & US discuss TIFA on IPRs and illegal logging |

1. Factory of counterfeit brake lining raided  
(from *Suara Pembaruan*, Page 19, *Indonesia*, 1 June 2005)

A factory of brake lining of counterfeit Honda trademark has been raided by Industry and Commerce Unit of Directorate of Special Criminal Detective of Regional Police of Jakarta Metropolis recently.

Since one latest year, the factory has been able to produce about 10,000 units of counterfeit brake lining. Director of Special Criminal Detective, Big Commissioner (Police) Drs Syahrul Mamma

said, the product counterfeiting has been taken place since one latest year with marketing area in Jakarta and surrounding.

When the raid was taken place, amount of evidence goods was confiscated by the police, among others are 2,000 package plastics, 2,381 brake sets of counterfeit "Honda" trademark which was ready to be marketed, five press board, 12 pack paper, two sheets of hologram, five stickers of counterfeit "Honda" and 25 sheets of number printing tools.

Usually the price determined about 50 percent lower than that of original spare parts. Besides cheaper, on the counterfeit product was also not sealed the lining serial number. When used, the brake lining was also worn out faster than the original. The suspected person shall be sentenced with Law No. 15/2001 on Trademark.

## 2. Japan, Indonesia set for economic partnership talks

*(from Nikkei Report, 2 June 2005*

*Bangkok Post Newspaper, Business Section, Page B4, Thailand, 3 June 2005)*

Prime Minister Junichiro Koizumi and Indonesian President Susilo Bambang Yudhoyono signed an agreement on promoting bilateral economic partnership talks, including a free trade accord. The negotiations, slated to begin as early as this month, will cover a wide range of issues, such as tariffs and customs, as well as policies regarding intellectual property and competition.

## 3. Internet cafes are threatened to be closed

*(from Kompas, Page 10, Indonesia, 6 June 2005)*

Thousands of Internet cafes in Indonesia were threatened to be closed by police party because of using licensed application software illegally for Internet. It could affect in generating tens thousands of new unemployed people because of closing of this business field.

State Minister of Research and Technology or Head of Agency for Assessment and Application of Technology, Kusmayanto Kadiman in Jakarta, last week end said the government needed to issue policy by giving fund aid to owner of internet cafe, proposing validation of easy payment system, and motivating development of open source-based application software.

The explanation was related to ratification of Government Regulation No. 20/2005 on Intellectual Property Technology Shift and also Research and Development Result by University and Research and Development Institute in Indonesia.

## 4. Regulations expected to curb discs piracy

*(from The Jakarta Post Newspaper, Indonesia, 7 June 2005)*

The government expects the recent enactment of a set of regulations on optical discs will enable it to significantly curb rampant piracy, which one estimate says accounts for about 90 percent of optical discs produced in the country.

The Ministry of Industry's director general for agricultural, chemical and forestry products, Benny Wahyudi, said that Government Regulation No. 29/2004 on high technology production facilities for optical discs should substantially reduce the estimated 320 million pirated optical discs, which come mostly in the form of DVDs, VCDs, CDs and software products.

The rulings would require all the 150 optical disc producing factories, of which about 140 are allegedly involved in some form of piracy, to obtain specific operating licenses from the ministry. The factories also have to register their machines, stamp factory identification codes on the discs they produce and file quarterly reports on their production activities with the ministry.

5. Indonesia eyes Microsoft research center

*(from Xinhua News Agency, 8 June 2005)*

Indonesia is expected to host the fifth Microsoft research center in the world as there are two in the United States, one in the United Kingdom and one in China, State Minister for Research and Technology Kusmayanto Kadiman said.

Kusmayanto was quoted by the Antara news agency as saying that the idea of establishing the research center in Indonesia arose after a meeting between Indonesian President Susilo Bambang Yudhoyono and Bill Gates in Seattle on the sidelines of Susilo's visit to the United States late last month.

During the visit, Bill Gates fully supported Indonesia's intention to build a research center in Indonesia after taking into consideration Indonesia's population of over 220 million, Kusmayanto said.

In cooperation with the Indonesian government, Microsoft will help create a research center capable of meeting local demands, he said. Indonesia, he claimed, respects intellectual property rights, but on the other hand, the government has also taken into consideration the purchasing power of the people.

The minister, however, said he did not know when the project could start or where the Microsoft research center would be established. More negotiations will be held with Microsoft soon, he added.

6. IP issue hindering Indonesia-US trade deals

*(from Xinhua News Agency, 8 June 2005)*

Trade and investment agreements between Indonesia and the United States are being hindered by the issue of intellectual property rights, state-owned news agency Antara quoted Indonesian Minister of Trade Mari E. Pangestu as saying here.

Mari said the negotiations were part of the efforts to create a trade investment facility agreement (TIFA) between the two countries. "One of the requirements in TIFA regards (the enforcement) of intellectual property rights," she said.

"(The trade ministry) in cooperation with the Directorate General of Intellectual Property Rights of the Ministry of Justice and Human Rights will draw up an action plan to get rid of the violations," she said. Mari said Indonesia had sufficient laws to prosecute those found illegally pirating intellectual property but their implementation was still poor.

7. Microsoft 'may legalize' illegal Windows for \$1

*(from The Jakarta Post Newspaper, Indonesia, 9 June 2005)*

U.S. software giant Microsoft Corp. is considering legalizing pirated Windows systems already installed on government computers here as part of a planned amnesty on software pirating before Indonesia cracks down on the illegal trade.

Minister of Information and Communication Sofyan Djalil said on Wednesday the amnesty would allow the government to pay US\$1 for each computer that had an illegal version of Microsoft's Windows operating system installed.

However, legalizing pirated software would take some time as the government must register all desktop computers in its offices nationwide, estimated to total more than 50,000 PCs.

Microsoft was happy to provide developing countries with an amnesty as long as it was assured the company was committed to upholding intellectual property rights by cracking down on producers and distributors of pirated software.

By making its package more affordable, Microsoft hoped to gradually reduce software piracy Indonesia and neighboring countries.

8. Indonesia & US discuss TIFA on IPRs and illegal logging  
(from *Bisnis Indonesia*, 24 June 2005)

Indonesia and the United States return to hold bilateral meeting concerning the Trade and Investment Framework Agreement (TIFA) that discusses Intellectual Property Rights enforcement and illegal logging issues.

The official press release also stated that the two senior officers discussed joint plan to improve Intellectual Property Rights in Indonesia in a very constructive way. TIFA is a cooperation to liberalize trade and investment and also covers issues, such as tariff barrier, Intellectual Property Rights enforcement, and so on.

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## VIETNAM

### News in June 2005

1. Seminar "Vietnamese rice: quality and trademark"
2. Vietnam join IP convention next month
3. Japan okays VN's WTO accession
4. Vietnam PM meets Microsoft's Bill Gates
5. Vietnam asks businesses to stop using pirated software

1. Seminar "Vietnamese rice: quality and trademark"  
(from *Thai News Service*, 1 June 2005)

How to promote the Vietnamese rice trademark in the international and domestic markets was discussed at a seminar in the Mekong Delta province of Can Tho on May 30.

The seminar titled "Vietnamese rice: quality and trademark" focused on the Mekong Delta farmers' experiences in growing specialty rice and businesses' current successes and difficulties in rice production and export.

The seminar drew the participation of rice experts, managers, producers and exporters, and leaders in charge of agriculture and rural development in Mekong delta provinces.

2. Vietnam join IP convention next month

*(from Organization of Asia-Pacific News Agencies, 5 June 2005)*

Vietnam will become a member of the group of nations adhering to the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication.

The Literary - Artistic Copyright Department under the Ministry of Culture and Information told the press in Ha Noi on June 3 that so far 74 countries have acceded to the convention, which was established on October 29, 1971.

On October 26 last year, Vietnam took a significant step towards becoming integrated in the international system of copyright protection by acceding to the Berne Convention for the protection of literary and artistic works.

Both the Berne and Geneva conventions recognize that the scope and nature of copyrights are a matter of each of the nations' legal discretion, however the agreements are built on an ideal of mutuality and national consistency. Participating nations will accordingly extend the same rights to copyright holders of other countries domestic artists.

The Geneva Convention goes one step beyond the Berne Convention by specifically outlining an international right of duplication which all signatories must respect, meaning that participating nations must ensure that persons who duplicate sound recordings have the permission of the producers.

3. Japan okays VN's WTO accession

*(from The Saigon Times Daily, 13 June 2005)*

Vietnam has gained new momentum in its accession to the World Trade Organization by reaching a basic agreement on bilateral talks with Japan, one of Vietnam's four key negotiating partners. The two sides reached a "basic agreement" on bilateral trade talks on Thursday during the one-day Vietnam visit by Japan's Minister of Foreign Affairs Nobutaka Machimura to Hanoi.

Japan is considered one of the four most difficult negotiating partners, who, including the European Union, the United States and China, have imposed many conditions on Vietnam. Japan, one of Vietnam's biggest foreign investors and donors, also asked Vietnam to further open up the banking, transport and distribution sectors and revise laws involving industrial property.

4. Vietnam PM meets Microsoft's Bill Gates

*(from Reuters News, 21 June 2005)*

*Post Today Newspaper, International Economic Section, Page A11, Thailand, 22 June 2005)*

Vietnamese Prime Minister Phan Van Khai pledged to combat software piracy as he met with Microsoft Chairman Bill Gates, during the first visit to the United States by a top leader of the communist nation since the Vietnam War.

Khai signed two agreements committing Vietnam to work with Microsoft in curbing theft of intellectual property and removing licensing barriers for used computers donated to schools, Microsoft spokeswoman Tami Begasse said.

5. Vietnam asks businesses to stop using pirated software  
(from Vietnam News Brief Service, 23 June 2005)

Vietnam has officially appealed to local businesses and people to respect software copyrights in a move to prepare for the country's targeted accession to the World Trade Organization.

A letter, signed by Tran Chien Thang, Deputy Minister of Culture & Information, Jeff Hardie, chairman of Asia Pacific Business Software Alliance and Truong Gia Binh, chairman of Vietnam Software Association, was sent to more than 12,000 enterprises nationwide.

The appeal is Vietnam's latest move to raise public awareness of software copyrights. Other activities include holding seminars, inspecting major computer suppliers in economic hubs Hanoi and Ho Chi Minh City and relevant agencies signing a deal to push efforts to curb theft of intellectual property rights in Vietnam.

As well, Vietnamese Prime Minister Phan Van Khai on Monday pledged to combat software piracy during talks with Microsoft Chairman Bill Gates during his ongoing US visit. Mr. Khai then signed an agreement committing Vietnam to work with Microsoft in curbing theft of intellectual property rights.

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## INDIA

### News in June 2005

1. AU to start course on IPR
2. Workshop on IPRs
3. India, Singapore sign CECA pact

1. AU to start course on IPR  
(from Hindustan Times, 8 June 2005)

Intellectual property is a complex issue and to understand clearly the technicalities in development, recognition and ownership of intellectual property assets Allahabad University (AU) is introducing a six-month certificate course on Intellectual Property Rights (IPR) from the forthcoming academic session.

Being started by the AU Faculty of Law, the course will help graduates understand IP as a concept and provide a literature on various forms of IPR.

The challenges faced in the practical enforcement of these rights will be covered during the course curriculum besides making students aware of the strategies which are formulated to safeguard the issues related to the present day technologies.

The course on IPR would be an initiative that would provide professionals the knowledge of the recent developments in the subject. The Course is planned with an objective of spreading awareness on various issues relating to intellectual property rights with a focus on its protection so that inventors, musicians, litterateurs among other creators do not get cheated out of the fruits of their labor," Prof Tiwari said.

## 2. Workshop on IPRs

*(from Business Standard, 30 June 2005)*

To create awareness about the importance of Intellectual Property Rights (IPRs), particularly patents, a two-day certificate-training programme - The ABC of Patents in India and Abroad.

Sharing his views, Pradeep V Desai, director (technology innovation management), Philips Innovation Campus, said that in an intellectual economy, ideas and technologies were the ingredients and IPR the merchandise, and that people expect smarter products with more convenience. It was the technology leaders that fuelled the innovation, he added.

Among other things, the training programme will provide an insight into critical issues relating to patents, hands-on training on patent search and sensitization into claim drafting aspects and provide a platform to interact with the IP heads of leading corporate. It will also elucidate procedural issues for filing patents in India/abroad along with providing a preview of the new patent regime and the international patenting scenario.

The programme is a joint effort of The Confederation of Indian Industry (CII) and the Andhra Pradesh Technology Development Centre (APTDC) and is meant for both people from the industry and the academia.

## 3. India, Singapore sign CECA pact

*(from Indian Express, 30 June 2005*

*Business Times Singapore, 30 June 2005)*

India and Singapore took a major step forward in boosting their bilateral ties by signing a Comprehensive Economic Cooperation Agreement (CECA). Singapore also conveyed its support to India's candidature for permanent membership in the UN Security Council. The CECA was signed today between PM Manmohan Singh and his visiting counterpart from Singapore, Lee Hsien Loong. The agreement seeks to substantially bolster trade and investment. The 739-page document is an integrated package liberalizing trade in goods and services besides an agreement on investments. It also has pacts for cooperation in customs, science and technology, education, e-commerce, intellectual property and media.

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