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### THAILAND

#### 1. Merck lowers price of patented Aids medicine

*(from The Nation Newspaper, Prime News Section, Page 1A & 2A, Thailand, 2 June 2007)*

After months of negotiations, the Public Health Ministry has finally succeeded in making the giant drug firm Merck lower the prices of its patented HIV/AIDS drug efavirenz. The company will also offer a special package to provide free Aids drugs to 2,500 children, said the chairman of the ministry's committee on compulsory licensing.

Vichai said that although the latest price offered by MSD Thailand was still 5 per cent higher than the generic version it was likely the ministry would buy the Aids drug, which has been put under compulsory licence, from MSD Thailand as the special package offered by the company was so "interesting".

However, he said, Merck still has to officially submit its offer in writing by June 12 to the ministry's committee on price negotiation for patented essential drugs.

Efavirenz was the first drug patent that Thailand decided to ignore by allowing a cheaper generic version to be imported for patients under three government programmes: the universal health scheme, the social-security fund and medical-welfare benefit for state officials.

The other two companies, Abbott Laboratories, which holds the patent for Lopinavir/Ritonavir, and Sanofi-Aventis, the patent-holder of Clopidogrel, are still negotiating with the health ministry.

2. Push to release Traditional Knowledge Act

*(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 4 June 2007)*

Puangrat Asawapisit, director-general of Intellectual Property Department, said about the study result of protecting Thai traditional knowledge which done by Chulalongkorn University and National Center for Genetic Engineering and Biotechnology (Biotec) and will submit to Minister of Commerce for considering to bill drafting the protection in Thai Traditional Knowledge Act.

3. US to help Thailand fight intellectual property piracy

*(from Asia Pulse, 6 June 2007)*

The United States has expressed its willingness to give assistance in all areas to ensure that Thailand efficiently suppresses intellectual property piracy, according to Intellectual Property Department director-general Puangrat Asawapisit.

Speaking after meeting with visiting US Patent and Trade Office deputy under secretary Margaret Peterlin, Mrs. Puangrat said although Thailand was placed in the US priority watch list for intellectual property piracy, Washington is sincere and ready to help Thailand cope with the piracy in all means.

She said the US government is willing to share information with Thai personnel, as well as knowledge and training on intellectual property supervision.

Mrs. Puangrat said the department is set to send officials for training in the US so that they could gain added knowledge and skills in addressing patenting and intellectual property piracy.

She said the US asked Thailand to take legal action against those who pirated intellectual property concretely and seriously.

4. New Thai patents in the offing

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

The Thailand Centre of Excellence for Life Sciences (TCELS) is preparing to seek patents for its Para-rubber latex whitening cream in Singapore and India.

TCELS president Dr. Tongchai Thavichachart said he plans to ask the Thai government to invest in a factory to produce the cream as the market value was around Bt1 billion. The whitening cream – derived from Para-rubber latex – is the result of a project sponsored by TCELS.

5. Govt to go ahead with compulsory licensing

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 7 June 2007)*

A meeting to negotiate drug prices between the Food and Drug Administration (FDA) and two pharmaceutical firms remained deadlocked as the Public Health Ministry confirmed that it would go ahead with its plan for compulsory licensing.

Abbott Laboratories and Sanofi Aventis stood by their previous price list, while the FDA wanted them to lower the prices to 5% above that for the generic version of the same drugs.

The ministry says it is determined to finalise its decision on compulsory licensing by the middle of next month.

Vichai Chokewiwat, chairman of the Government Pharmaceutical Organisation, said the ministry would like to defer the decision until after the US Trade Representative reviews a list of export products expected to be withdrawn from the US Generalised System of Preferences (GSP) on July 1.

#### 6. Exit Chaiyo's Ultraman goods

*(from The Nation Newspaper, Business Section, Page 3B, Thailand, 14 June 2007)*

Major department stores and hypermarkets across the country will have to stop displaying and selling Ultraman character goods licensed by Chaiyo Productions. Sampote Thianthong, managing director of Pro-Link said that they would notify those next week.

In April the Intellectual Property Court prohibited Chaiyo Productions from licensing Ultraman characters and their spin-offs, which are Ultraman Millennium, Dark Ultraman and Ultraman Elite. The court ruled that Sompote Saengduenchai and his companies Tsuburaya Chaiyo and Chaiyo Production hold the copyright only to the nine Ultraman movies mentioned in their 1976 agreement with Tsuburaya Productions, and not to any Ultraman characters.

Pro-Link has bought space in major newspapers to launch its advertorial designed to promote public awareness of its rights to Ultraman characters. They will also take legal action against all infringing products of Ultraman characters as well as their producers. They have already contacted nearly 10 companies, which make merchandise like CDs, urging them to stop producing and distributing those illegal products immediately.

#### 7. Thai team gets US pa for malaria drugs breakthrough

*(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 19 June 2007)*

The National Science and Technology Development Agency has been given a US patent for a new method of treating drug-resistant malaria. Having the US patent will help Thailand and other developing countries enjoy cheaper treatment for the disease, Science and Technology Minister Yongyuth Yutthawong said.

Mr Yongyuth headed the team researching ant malarial pyrimidine derivatives and methods of making and using them.

"This discovery is very meaningful for people in developing areas of sub-Saharan Africa, where over two million people die from malaria each year," he said. "This method will help scientists develop more effective drugs against malaria."

Although the number of Thai people who die from Malaria is not high, almost 100% of the patients show a symptom of drug resistances, he said.

"That will be probably develop into a major public health problem in the near future because currently we have only two medicinal formulas to treat malaria," the minister said.

The NSTDA applied for a US patent for the method in 2003.

Mr Yongyuth has spent more than 25 years studying Malaria. His team found that drug-resistant malaria is a result of DNA mutation, which lowers the effectiveness of the enzyme DHFR (Dihydrofolate reductase) to combine with the molecules in the medicine attacking the disease.

He said his team found a way to synthesise chemical functioning to increase the enzyme's effectiveness. The discovery also leads to development of new treatments for Malaria, he said.

8. Piracy busters

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 20 June 2007)*

Police Maj-General Visut Vanichbut, Tarun Sawney, director of anti-piracy operations for the Business Software Alliance, and Somporn Maneeratanakul, managing director of Thai Software Enterprise, hold a press conference about protecting software copyright. 33 raids have been conducted in Bangkok, Nonthaburi, Ratchaburi and Ayutthaya this year, they said.

9. Thailand hosts ASEAN, EU intellectual property fair in November

*(from Organisation of Asia-Pacific News Agencies, 18 June 2007)*

Thailand has invited its fellow members in the Association of Southeast Asian Nations (ASEAN) to join with some members of the European Union (EU) to participate in an intellectual property (IP) fair to be held November 16-18, a senior commerce ministry official said.

Intellectual Property Department director-general Puangrat Asavapisit said the fair would be held at a major mall here in order to celebrate the 80th birthday of His Majesty the King on December 5.

Each participating country will display patented innovative products which would enable Thai manufacturers to further develop on commercial basis, said Mrs. Puangrat.

The Intellectual Property Department will also organize another IP fair July 20-22 at the Queen Sirikit National Convention Center in Bangkok, but only Thai-made products will be on display for sale, she said.

10. Thailand is within its rights says US representative

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 22 June 2007)*

Some members of the US House of Representatives have demanded the US Trade Representative (USTR) remove Thailand from the Special 310 Priority Watch List (PWL) and respect its right to issue compulsory licences for drugs.

Republican representative from California Henry Waxman, in a letter on Wednesday signed by 34 congressional colleagues, told USTR ambassador Susan Schwab to reply by July 9 on their call for her office to reassess the policy.

The letter said Thailand's use of compulsory licensing to purchase generic versions of several drugs that were too costly for the government was a legitimate act within the international rights and obligations stated in the agreement on Trade-Related Aspects of Intellectual Property (Trips), under the World Trade Organisation (WTO).

The letter urged the USTR to reassess its policy towards Thailand to reflect the US commitment and respect for the rights of other nations to implement their intellectual property rules in a way that supports public health.

Being put on the PWL has led to the elimination of the duty-free access Thailand currently receives under the Generalised System of Preferences (GSP) for gold jewellery and other exports to the US. This will take effect on July 1.

11. RS waives some copyright fees

*(from The Nation Newspaper, Business Section, Page 2B, Thailand, 23 June 2006)*

RS will next month start to collect its copyright fee from 440 restaurants and hotels nationwide, to increase protection of its intellectual property right, according to the company's senior legal and copyright official, Sutthisak Prasatkarukarn.

But copyright fees for enterprises in the Deep South will be waived for the rest of the year as a special concession. Sutthisak said the company planned to increase intellectual-property awareness for its alliance business and people nationwide. The company copyright fee ranges between Bt10,000 and Bt25,000 per month.

Despite targeting an income of Bt200 million from copyright fees, the company expected only Bt130 million to Bt150 million because of the economic slow down.

12. Compulsory licensing on cancer drugs moves closer

*(from Bangkok Post Newspaper, Home News Section, Page 3, Thailand, 24 June 2007)*

The National Health Security Office (NHSO) has begun reviewing the distribution system of the top 100-listed essential medicines, including high-priced cancer drugs needed for treating patients under the universal healthcare scheme.

The NHSO sub-panel overseeing the possibility of using compulsory licensing on essential drugs will meet next week to discuss the efficiency of drug distribution methods for patients under the universal healthcare scheme.

Dr Mongkol earlier said compulsory licensing of cancer drugs was essential since the disease was the fifth most likely cause of death for Thais, after accidents, HIV/Aids, heart diseases and old age. The government spent more than 1.2 billion baht last year on about 50,000 cancer patients receiving treatment through the universal healthcare scheme run by the NHSO, he said.

A source at the NHSO said the meeting would also review the feasibility of distributing more expensive cancer drugs for patients under the universal healthcare scheme.

13. Bandung declaration

*(from The Nation Newspaper, Business Section, Page 1B&9B, Thailand, 26 June 2007)*

Thailand has joined 50 other developing countries in Asia and Africa to call on developed countries to accept a greater measure of international protection for traditional cultural expression (TCE), traditional knowledge (TK) and genetic resources (GRs).

The move is aimed at protecting the intellectual property (IP) of developing countries from unfair use by developed countries.

The demand came in the Bandung Declaration, made during a meeting last week of the Asia-Africa Forum on TCE, TK and GRs in Bandung, Indonesia. It seeks to stop the unfair use by developed nations of the IP resources of developing countries and prevent "all forms of misuse, distortion and misappropriation".

The declaration will be submitted to the final meeting of the World Trade Organisation's Intergovernmental Committee on Intellectual Property in Geneva, Switzerland, next month. Developing nations will urge all countries to accept the protection of TCE, TK and GRs as an international commitment.

Intellectual Property Department director-general Puangrat Asavapisit said all developing nations agreed that the protection of traditional culture, local wisdom and resources should be accepted internationally.

Much of the IP of developing countries was being registered as patents in developed countries. Examples of this included Thailand's kwao krue herb (*Pueria mirifica*), which is patented in Japan, and a Peruvian herb called miga that is registered in the US.

"All countries should accept the protection of local resources and take concrete measures to maximise local benefits from their own resources," she said.

The campaign for IP-rights protection of TCE, TK, and GRs began in 2005. However, developed countries such as the US, Japan, South Korea and European Union countries have not accepted the proposal, because they are afraid of extra payments to developing nations. At present, developed countries enjoy the use of resources from developing countries without concern for violating international rules, she said.

Next month's meeting in Geneva is a last-ditch effort to ensure that the TCE, TK and GRs of developing countries will be protected from use by developed nations, Puangrat said.

Meanwhile, the Intellectual Property Department is working with 37 concerned government agencies and private companies to upgrade Thailand's trade status from the current US "Priority Watch List" ranking, imposed because of the country's record on IP-rights violations.

Puangrat said the department would draw up a work plan for each product with a high rate of violations. These include cable TV, medicines, CDs and DVDs and textbooks. The move is aimed at having Thailand's trade status upgraded in the US government's revision next year.

#### 14. Govt to import generic version of heart drug

*(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 27 June 2007)*

Thailand plans to import a generic version of the heart drug clopidogrel, marketed as Plavix, from an Indian drug maker next month as price negotiations with patent holder Sanofi-Aventis have shown no signs of progress.

"If the price of the original heart drug cannot be reduced by more than this, any further negotiations may not be necessary. We will buy the generic version to treat patients instead," said Public Health Minister Mongkol na Songkhla.

Thailand issued compulsory licences to bypass patents on the anti-Aids drug Efavirenz last November, followed by licences for Kaletra and then the heart medicine Plavix in January.

Negotiations to bring down drug prices have been taking place since late March between the government and the pharmaceutical giants Merck, Abbott Laboratories and Sanofi-Aventis, the patent holders of the drugs. However, no agreement has been reached.

Dr Mongkol, who was attending a meeting in Geneva, said the ministry is going to import a second-line heart drug from a generic maker in India next month due to the urgent need for the medicine among Thai patients.

Thailand is currently only able to produce first-line heart medications. The second-line heart drug produced by the Indian drug maker costs only about three baht per tablet and is still under the registration process with the Food and Drug Administration, he said.

Dr Mongkol said he was also working on cutting the price of cancer drugs to about 20 times below those of original versions via compulsory licensing.

According to a source at the National Health Security Office (NHSO), the leukaemia drug Imatinib is among the list of cancer drugs being targeted for compulsory licensing. The medicine is not yet available under the universal healthcare scheme due to its high cost. Cancer patients have to spend up to 4,000 baht a day on the medication.

The Government Pharmaceutical Organisation has begun importing the generic version of Efavirenz from a drug maker in India and plans to buy Plavix and also Aluvia, the heat-stable version of Kaletra, next month.

#### 15. Police seize 200 CDs

*(from Bangkok Post Newspaper, Database Section, Page D2, Thailand, 27 June 2007)*

Two people have been arrested and more than 200 CDs said to contain pirated Microsoft programs were confiscated as evidence in a recent raid at Zeer Rangsit by the Economic and Technical Crime Suppression Division following complaints lodged by Microsoft.

Microsoft announced in a press release that the goal of the sweep was to gather evidence against criminal organisations that steal software as well as vendors that sell pirated software via retail businesses.

Pol Lt Col Klod Prachumsuk was quoted as saying "this is a blow to this type of criminal activity," and he reportedly added that "wealthy and powerful criminal organisations are behind most software piracy in Thailand, and these organisations use profits from software piracy to fund other illicit and sometimes violent activity, including drug and human trafficking."

Microsoft also noted in the press release that "officials also suggest that criminals selling pirated software anywhere in Thailand, including other major IT malls, are at risk of arrest, fines and prison sentences."

Microsoft spokesperson for intellectual property enforcement in Thailand Rebecca Ho said the company was committed to partnering with the Thai authorities to enforce IP rights. In August last year Microsoft and the Business Software Alliance signed a MoU with the aim of reducing software piracy here.

The press release added that since then "at least one retail shop has had its lease terminated by the management of the mall in which the shop was located, due to efforts by the Department of Intellectual Property."

The company also warned that users of pirated versions of Windows Vista "might eventually also have functionality disabled by the new anti-piracy technologies" in the software.

16. Hotels set to boycott RS music

*(from The Nation Newspaper, Business Section, Page 1B, Thailand, 29 June 2007)*

The Thai Hotels Association (THA) will lobby all 3,000 hotel operators, including 600 hotel members, throughout the Kingdom to boycott RS by not playing its songs at their hotels. More than 500,000 staff working in the hotel industry will be encouraged not to buy or use RS's music products. The move is part of the association's campaign against the music company over its latest collection of copyright fees from hotels that play its songs in their function rooms.

Chanin Donavanik, THA president, said the new copyright fee collection would be too expensive for all hotel operators, particularly small and medium hotels that had been heavily affected by the economic down turn. Some had lost more than 20 per cent of their revenues in the first half of the year.

He said that while hotels in Thailand had suffered a significant drop in revenues and visitor numbers, due to the economic and political difficulty, rival hotel operators in Singapore, Vietnam and Malaysia had enjoyed increased revenues of 10-40 per cent.

Pavornwan Koonmongkol, president of the Thai Restaurant Association, which has about 70,000 members, said the association had been in dispute with holders of music copyrights for almost four years and had tried to find a solution that was fair to all. The current fee seems to be higher for restaurant operators, especially small-and medium sized establishments.

Sutisak Pasarnkarukarn, managing director of RS subsidiary Thai Copyright Collection, said the company did not understand the boycott of RS products announced by the THA, because the company had been collecting music copyright fees from all hotel function rooms for almost two years now.

He said the company was willing negotiate with the THA for temporary discounts but would not consider any cancellation of copyright collection.

17. US will cut GSP benefits

*(from The Nation Newspaper, Business Section, Page 4B, Thailand, 29 June 2007)*

Washington will soon cut tax benefits on four more Thai export items – but the Commerce Ministry has urged the Public Health Ministry not to invoke compulsory licensing on more pharmaceutical products as a trade retaliation against the US.

The Health Ministry had planned to impose more compulsory licenses next month after the US government announces its revision of its Generalised System of Preferences (GSP).

“The Thai government should exercise caution in response to more cuts in tariff privileges,” a Commerce Ministry source said.

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## MALAYSIA

1. Protect your intellectual property

*(from Business Times, 6 June 2007)*

The Multimedia Development Corp (MDeC) will launch its intellectual property (IP) grant scheme later this year to woo more Malaysian inventors to register their innovations locally.

MDeC chief executive officer Datuk Badlisham Ghazali said several programmes are under way to create more awareness about the importance of IP registration.

"These include the MSC Malaysia IP series, advisory services and IP grant scheme, which are to be launched soon," he said after the opening of Innovation Forum 2007 in Kuala Lumpur.

Last April, Prime Minister Datuk Seri Abdullah Ahmad Badawi announced a RM5 billion fund to protect local IP, including helping inventors develop products and register their creations. The fund will allow more Malaysians to file copyrights, patents, trademarks and industrial designs.

## 2. New intellectual property grant scheme by fourth quarter (from *Tech&U*, 11 June 2007)

Multimedia Development Corporation (MDeC)'s chief executive officer Datuk Badlisham Ghazali said the organisation is now in discussion with the Government in setting up an IP grant scheme aimed at helping companies register their innovations.

"From our survey, we found that many companies still see filing their IP as a cost to the business, and many still lack the knowledge of going through the process. The new grant will help them in this process." According to Badlisham, the New intellectual property grant scheme by fourth quarter IP grant scheme is expected to be launched by the fourth quarter of this year, but he declined to comment on the size of the grant or how much a company could get.

"The grant will be provided through MDeC, but successful companies will need to file their IP through MDeC's service partners who will assist them in the filing process."

MSC Malaysia has 1,072 IP registered over the past 11 years, and MDeC projects 1,400 more IP to be registered in the next five years.

On creating awareness on IP, MDeC since 2004 has conducted regular IP programmes such as MSC Malaysia IP Series and IP advisory services. MDeC is also in discussion with Intellectual Property Corporation of Malaysia (MyIPO) on how the current Acts and laws can be amended to make the IP filing process faster and easier. One way is to reduce the time spent on reviewing IP applications.

Badlisham said the number of IP reviewers in the country has been increased to 62 from 50, and another 15 are expected to be added soon. "This will certainly help in speeding up the process of reviewing IP applications."

## 3. Intellectual Property Courts to be set up (from *New Straits Times Newspaper, Malaysia*, 21 June 2007)

The cabinet has approved the Domestic Trade and Consumer Affairs Ministry's proposal to set up 21 Intellectual Property (IP) courts. They will include 15 Sessions Courts which will specifically handle criminal intellectual property cases. The courts will be set up in all states.

The others are six High Courts which will sit as "special designated courts" in states with the highest number of IP infringements: Kuala Lumpur, Selangor, Johor, Perak, Sabah and Sarawak.

Domestic Trade and Consumer Affairs Minister Datuk Shafie Apdal said the courts were expected to start hearing cases by next month.

"Malaysia is still under the international watch list of countries with a high number of IP offences. The setting up of the courts shows that we are serious about protecting intellectual property. Malaysia is second after Thailand in setting up such a court," he said.

Cases to be handled by the courts will include those under the Trade Description Act 1972, Patent Act 1983, Copyright Act 1987, and Optical Disc Act 2000.

4. Software consultant also a 'pirate'

*(from New Straits Times Newspaper, Malaysia, 22 June 2007)*

Ministry officers who raided the man's office in Cheras that has been a consultant on software solutions for several years, together with police found 65 pirated software worth RM115,000. They seized the software and nine computers worth RM27,000. They also found that the man was running his business without a licence.

Domestic Trade and Consumer Affairs deputy director-general Iskandar Halim Sulaiman said the operation was carried out following a complaint from the Business Software Alliance (BSA), formed to assist the authorities in fighting piracy. The director has been remanded.

5. Malaysian-Russian joint commission to be set up

*(from Thai News Service, 22 June 2007)*

Malaysia and Russia will set up a joint commission to expedite the signing of several agreements between the two countries to enhance bilateral relations and co-operation, Malaysian Prime Minister Abdullah Ahmad Badawi said on June 19.

PM Badawi, who is on a three-day official visit to Russia, said that Malaysia and Russia have agreed to sign a number of agreements, including those on avoidance of double taxation and protection of intellectual property rights.

Members of the joint commission would be made up of Cabinet ministers and would meet once a year alternately in Malaysia and Russia, PM Badawi said. He added that Malaysia and Russia were opening up new areas of cooperation, including space exploration and oil and gas.

6. Dupont to crack down IPR violations in Malaysia

*(from Bernama Daily Malaysian News, 25 June 2007)*

DuPont, a U.S. science-based products and services company which offers a wide range of innovative products and services for a number of market segments, including agriculture and food, building and construction is cracking down on violators of its intellectual property rights (IPR) in a number of countries, including Malaysia.

With a view to protecting the intellectual property of its non-ozone depleting refrigerants, DuPont announced this week enforcement actions against companies infringing on its patents in Malaysia, India, China and Spain.

The refrigerants - Suva (r) 407C and Suva (r) 410A - are leading hydrofluorocarbon (HFC) products used globally for air-conditioning and heat-pump applications, for which DuPont has patents in various countries, including Malaysia, India, China and Spain.

DuPont filed an infringement suit and was granted an interim interlocutory injunction against refrigerant resellers in Malaysia, where DuPont owns a patent covering HFC-407C.

DuPont said that the injunction, issued by Malaysia's High Court in Kuala Lumpur, restrains two resellers from selling and importing the product into Malaysia for the period of the interim injunction.

She emphasized that DuPont will continue to take "aggressive action to enforce our rights and to protect against counterfeiting, patent and trademark infringement, and theft of trade secrets".

7. Malaysia successfully combating product piracy  
(from *Indo-Asian News Service*, 30 June 2007)

Malaysia is currently engaged in a programme to shake off its reputation as a paradise for faked goods, and it's enjoying some success. According to figures from the US intellectual property trade alliance (IIPA), loss in business turnover put down to faked goods made in Malaysia fell from \$328 to 147 million between 2001 and 2005.

In January, Malaysian police confiscated a CD making machine that could produce up to 4,000 copies a day along with tens of thousands of fake DVDs. Four men were arrested in that operation.

Lawyers are now calling for stiffer punishments for those involved in pirating goods and not just fines. The police themselves can be another problem - in many raids up to 50,000 fake CDs and DVDs are found but only 30,000 declared.

Music pirating operations are often organised by gangs. Sometimes officials are threatened so they keep a low profile. The music and software industry also have to change their strategies and get closer to their customers.

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## SINGAPORE

1. Couple jailed for selling fake cigars  
(from *The Straits Times Newspaper*, Singapore, 8 June 2007)

A couple were sentenced to jail and fined a total of \$144,000, in the first successful prosecution for the sale of fake cigars.

District Judge Amy Tung - in sentencing Esther Goh Soo Im, 53, and her husband, Jacob Quek Gim Siew, 52 - said investors and owners of goods count on Singapore to protect their intellectual property rights.

Previously, peddlers of other fake tobacco products like cigarettes have been successfully prosecuted for trademark infringement. Their offences involved more than 1,500 counterfeit cigars.

The complainant is The Pacific Cigar Company, the exclusive distributor for several cigar brands for the Asia-Pacific region.

Each offence carries a fine of up to \$10,000 per counterfeit good or five years' jail or both.

2. Amendments to the Singapore Patents Act as of 1 April 2007  
(from *Mondaq Business Briefing*, 21 June 2007)

In line with changes made to the Patents Co-operation Treaty (PCT) as of 1 April 2007, the Singapore Patents Act and Rules have been amended. The amendments make it possible, for patent applications filed on or after 1 April 2007 in Singapore, to extend the convention deadline up to two months and correct a missing part of a patent specification, without losing the priority date, subject to filing relevant documents before specific time period.

The Intellectual Property Office of Singapore has proactively amended the Patents Act and Rules so that they are in concurrence for both local applications filed on or after 1 April 2007 and PCT applications having an international filing date on or after 1 April 2007.

3. Police raid fourth firm

*(from Channel News Asia, 21 June 2007)*

A fourth Singapore-linked firm in six months has been raided on suspicion of software infringement, after the Business Software Alliance (BSA) was tipped off. A local land-surveying consultancy became the latest company to be raided by police.

Officers from the Intellectual Property Rights branch of the Criminal Investigation Department (CID) seized a server, 10 CD-ROMs, 24 desktop and two laptop computers from the company, the police said in a statement.

The firm may have breached several licensing agreements because it had installed software on more computers than permitted, said the police.

It is also suspected of having installed pirated software into its server and computers. These programs, which came from Adobe, Autodesk and Microsoft, could be worth \$180,000, said the BSA in a separate media statement.

The alliance, an international organisation that represents the commercial software industry, educates consumers on issues such as software management, copyright protection and cyber security.

It relaunched an anti-piracy hotline in February 2005, soliciting for tip-offs on companies using illegal software and promising monetary rewards to informants who gave strong leads. But not all calls received are acted upon.

Said Mr Tarun Sawney, BSA's Asia director for anti-piracy: "Of the 116 calls we received this year, only about 33 per cent were leads we could follow up on. The rest were either hearsay or enquiries."

The organisation has extended its deadline to July 15 because "a number of companies have told us at the last minute that they want to participate, but require more time to conduct their self-audits", said Mr Sawney.

Since the Copyright Act was amended in January 2005, those found guilty of copyright infringement face a six-month jail term or a maximum fine of \$20,000 or both.

4. A softer way to curb software piracy among firms

*(from TODAY, Singapore, 28 June 2007)*

About 420 firms that are using legal software will now have the added assurance of a grace period to set things right - if they should be reported to have inadvertently breached intellectual property rights laws.

As part of a trial to encourage the use of legal software, the 14-day grace period will be valid for 12 months, under an arrangement inked between the Business Software Alliance (BSA) and CommerceNet Singapore (CNSG).

"This will allow our members to concentrate on their business without worrying about copyright violations, whether through an oversight in the use of software in their business or indiscriminate software downloading by employees," said CNSG chief executive officer Wong Jeh Shyan.

The 420 local firms, accredited by CNSG with the TrustSg seal, include Singapore Post and the Network for Electronic Transfers (Nets). TrustSg is a nationwide trust mark initiative recognising merchants that fulfil a stringent set of online business practices, such as consumer data protection and secure payments.

CNSG is a non-profit local organisation that promotes the advancement of e-business worldwide, while the BSA is the world trade body for software firms. It runs an anti-piracy email and phone service for whistle-blowers and passes on credible leads to the authorities.

The police raided a land-surveying consultancy last week for suspected use of unlicensed and illegal software after a tip-off from the BSA. It was the second such raid held here this year. In April, Indonesian officials carried out anti-piracy raids on two Singapore companies in Batam.

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## PHILIPPINES

### 1. NBI agents seize fake Louis Vuitton items (from *Philippines News Agency*, 4 June 2007)

Agents of the National Bureau of Investigation (NBI) seized more than P 1.8 million worth of counterfeit Louis Vuitton products in a series of operations, the bureau reported.

Lawyer Jose Justo Yap, chief of the NBI-Intellectual Property Rights Division (IPRD), said his men conducted a series of raids against establishments allegedly selling products bearing the unauthorized representation of trademarks belonging to Louis Vuitton.

Surveillance and test buys confirmed the complaints filed by the Philippine representatives of the Louis Vuitton.

Seized during the raids were 3,462 assorted pieces of counterfeit products bearing the trademarks, designs and general appearance Louis Vuitton products. The estimated value of the seized items was placed at more or less P1.8 million.

The establishments are facing charges of violations of section 168 (Unfair Competition) in relation to Section 170 of R.A. 8293 (Intellectual Property Rights Code of the Philippines).

### 2. Customs law changes passed; drug bill pending (from *Business World*, 5 June 2007)

Lawmakers are rushing to pass at least two more bills into law as they wrap up sessions of the 13th Congress this week.

A bicameral conference committee yesterday approved a consolidated version of a bill amending provisions in RA 9280 or the Customs Brokers Act of 2004. Pending its passage at the House of Representatives, the Senate has also scheduled for bicameral approval this week a bill amending intellectual property laws to allow for cheaper medicines.

The House, however, did not act on any legislative proposals yesterday, failing to muster the required quorum, but an official expressed optimism that the Cheaper Medicines Act could be passed on third reading this week.

As of press time, the House had not acted on pending legislation, particularly the Cheaper Medicines bill, having consumed much of the session time on checking whether there was a quorum. House

officials finally ruled that no quorum was present, as only 106 legislators were in attendance, below the required 119. But House Majority Leader Prospero C. Nograles said he is still optimistic that he can stir the chamber into approving the measure this week.

House Bill 6035 would allow the importation of cheaper patented drugs. The Senate passed its own version, Senate Bill 2263, in February before Congress went on recess for the May mid-term elections.

3. June marks 10<sup>th</sup> of Intellectual Property Code in Philippines  
(from *Asia Pulse*, 5 June 2007)

The Intellectual Property Office of the Philippines (IP Philippines) commemorates 10 years of the Intellectual Property Code or Republic Act 8293, the law that created the office, with a series of activities in June.

The office is launching the 10th year anniversary logo of the code with the theme "Celebrating Creativity" and a diamond as the visual symbol.

Creativity is the focal point in the vision of IP Philippines: Fostering a creative and competitive Philippines that values, nurtures and uses IP as a strategic tool for national development. With its uses in the scientific field (patents) and commercial enterprises (trademarks), and having inspired countless art forms (copyrights), the diamond as a symbol for excellence best represents the office's anniversary theme.

Praised internationally as among the most advanced IP laws in the world, Cristobal said, the IP Code was a strategic response to the changing world economy where intangible assets are supplanting physical assets as the most important resource for creating wealth and promoting economic development.

On June 6, the office will inaugurate the IP Research and Training Institute (IPRTI). The institute is envisioned to be the centre of IP education and research in the country and in the region.

As the research and training arm of IP Philippines, IPRTI intends to raise the awareness level on intellectual property. Its course offerings are designed for academic and research institutions; business owners of small-and medium-sized enterprises, IP right holders (scientists or inventors, artists); and IP professionals (private and government lawyers as well as officials involved in IP protection and enforcement).

IP Philippines will also present its three-year strategic plan to its various stakeholders in the public and private sectors on June 6. The plan outlines the new vision and mission, and the activities to fulfill the offices objectives.

On June 22, the office's Alab Art Space will open its anniversary exhibition based on the theme "Celebrating Creativity", featuring the works of 15 established visual artists.

On June 29, IP Philippines, in cooperation with the International Confederation of Societies of Authors and Composers (CISAC), will host a conference for the visual arts to inform participants of their basic IP rights, and how to organize a collection management society for the artists.

4. Fake footwear seized in Binondo  
(from *Philippine Daily Inquirer*, 10 June 2007)

Agents of the National Bureau of Investigation (NBI) have seized around P120,000 worth of fake footwear in Binondo, Manila. Over 600 pairs of fake Nike shoes, slippers and sandals were found in

Relaxo Footwear and Sam Hung Footwear Retailer—stores on Luna Street in Binondo which were raided.

NBI Intellectual Property Rights Division chief Jose Justo Yap said they also seized 189 pairs of counterfeit shoes, slippers and sandals bearing the Batman and Superman trademarks owned by DC Comics.

The NBI conducted the raids after receiving information from Nike International and DC Comics that imitations of their footwear products were being sold in several stores in Binondo.

5. NBI seizes P27 million worth of fake apparel  
(from *Philippine Daily Inquirer*, 11 June 2007)

Around P27-million worth of fake apparel were seized by operatives of the National Bureau of Investigation (NBI) at a popular mall in Makati City as part of the agency's crackdown against pirated goods.

Agents of NBI-Intellectual Property Rights Division (IPRD), headed by lawyer Jose Justo Yap, confiscated 8,052 pieces of counterfeit Juicy Couture products on June 1 at the Lovell Manabat store on the third level of Glorietta 2 in Ayala Center, and at the store's other outlet on San Clemente Street, Barangay Capitolyo, Pasig City.

In his report, Yap said his group conducted surveillance and confirmed the sale of the fake items, following a complaint from the legal counsel of Juicy Couture Inc. & Liz Claiborne Licensing Inc.

Judge Reynaldo Ros of the Manila Regional Trial Court issued the search warrant to the NBI-IPRD, which then raided the establishments and seized the fake items. Charges of violations of the Intellectual Property Rights Code, or trademark infringement, are being readied against the storeowner.

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## INDONESIA

1. Indonesia to host Asian –African intellectual property forum  
(from *Organisation of Asia-Pacific News Agencies*, 8 June 2007)

An Asian-African forum on intellectual property will be held in Bandung, Indonesia, from June 18- 20.

Ibnu Hadi, director for Asia Pacific and Africa Inter-Regional Cooperation said that the forum was a concrete implementation of a joint commitment in the Asian-African Strategic Partnership, reached during the Asia-Africa Summit in Jakarta in 2005, according to Indonesia's Antara news agency.

The aim of the "Asian-African Forum on Intellectual Property and Traditional Cultural Expression, Traditional Knowledge and Genetic Resources 2007" is to encourage negotiations in the Inter-Governmental Committee (IGC) on genetic resources, Traditional Knowledge and Folklore in the World Intellectual Property Organisation.

It will also create international legal protection for genetic resources, traditional knowledge and folklore in Asian and African states, the agency said.

Indonesian cabinet ministers, ambassadors from Asia and Africa as well as delegates from 106 countries will attend the forum to be organised jointly by the Indonesian Foreign Affairs Ministry, the Indonesian Justice and Human Rights Affairs Ministry and the World Intellectual Property Organisation.

2. Asia, Africa unify on cultural and genetic rights  
(from *The Jakarta Post Newspaper, Indonesia, 18 June 2007*)

Africa and Asian countries may have rich cultures, traditional knowledge and genetic resources but unclear international regulations have meant they often fail to profit from them, something both regions hope to now change.

Hundreds of officials and representatives from civil groups from some 50 Asian and African countries will gather from Monday to Wednesday in the historical city of Bandung, where Asian and African countries vowed in 1955 to fight for independence from Western colonial powers, to come up with a unified proposal for clear regulations on cultural and genetic rights.

Beside representatives from Asia and Africa, officials from the World Intellectual Property Organization (WIPO), an authority on intellectual property rights, will also attend the conference to address the issue.

"We will come up with what we call the 'Bandung Message' calling on the world, especially the industrialized countries, to give attention to the fact that our rights on cultural expression and knowledge, and genetic resources need internationally legal protection," Foreign Ministry director for Asia-Africa inter-regional cooperation Ibnu Hadi said.

Traditional cultural expressions include a wide range of folklore, which has traditionally been passed on from generation to generation, while traditional knowledge includes information on herbal medicine and clothing specifically made by certain ethnic groups.

Genetic resources refer to plants, animals or even viruses that only grow in particular countries in Asia and Africa that have attracted world-wide attention because of their beauty or use to science and medicine.

Asian and African countries have for years complained that their properties have been stolen and misused by people from industrialized countries. Indonesia, for instance, has complained for years that its traditional batik patterns and herbal medicine formulae have been stolen by other countries without anything it can do in the absence of internationally-recognized regulations.

The country also has received nothing from rare plants and animals used by other countries to form different species.

Indonesia has recently demanded royalties for sharing the bird flu virus to create a vaccine for the world. The unified position from Asian and African countries, Ibnu said, will be brought to the WIPO conference in Geneva early in July.

"We hope that our proposal can have a strong influence on WIPO's position as Asian and African countries are all standing together to address the issue," Ibnu said.

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## VIETNAM

1. 5 courses on intellectual property rights open in Hanoi  
(from *Vietnam News Agency Bulletin, 5 June 2007*)

Protecting intellectual property rights (IPR) is tantamount to safeguarding Viet Nam's economy, said the Director of the Assistance for the Development of Exchanges in Economic and Financial

Technologies (ADETEF) 20 Viet Nam, Emmanuel Lybatallan, at a training course in Ha Noi, on May 17.

At the two-day course centred on IPR enforcement, law and intellectual property experts from France and the European Union (EU) present the requirements on trade related to IPR enforcement and protection in the EU 20 while Vietnamese experts introduced temporary measures to seize counterfeit 20 products.

2. 9 intellectual property offices upgrade filing system  
(from *Vietnam News Agency Bulletin*, 8 June 2007)

The Viet Nam National Office of Intellectual Property (NOIP) began using an electronic filing system for the first time to enhance accuracy and speed when handling industrial property applications as of June 1.

The software can be downloaded for free at [www.noip.gov.vn](http://www.noip.gov.vn).

NOIP's new programme will automatically check data, issue registration numbers and post applications on the Intellectual Property Administration System. This method prevents human errors that occur during data input and saves three to five days in assigning registration numbers, said NOIP officials.

The software is part of a joint project to develop intellectual property (IP) systems in Viet Nam that is sponsored by the Japan International Cooperation Agency (JICA) and NOIP. The project also aims to help NOIP set up an IP information search system and an IP digital library for public use.

Prior to this project, the Japanese government helped NOIP establish a full IP application database with software and a network consisting of five servers and 100 personal computers between 200 and 2004.

According to Pham Phi Anh, NOIP's deputy director, his office is looking for clients to provide feedback on the system and how it works.

The project is based on a growing number of companies and agencies using electronic filing software to do business in Japan.

"The first Paperless Plan was authorised in 1983 and electronic filing began in 1990. The number of electronic filing applications has quickly increased," said Iwasaki Yoshiaki, the project's chief advisor.

3. Local business fined for trademark piracy  
(from *Thai News Service*, 13 June 2007)

The People's Committee of Quang Ninh province meted out a 100 million VND (6,250 USD) fine to a local company for trademark piracy.

The Ha Khau Building Materials and Construction firm was found to of illegally displayed the Gieng Day trademark of the Gieng Day Ceramic and Construction Company for its own brick and tile products.

The provincial authorities also ordered Ha Khau to immediately halt the use of the Gieng Day trademark for all of its products.

4. Vietnam-US joint commission convened in Washington in June  
(from *Asia Pulse*, 21 June 2007)

The annual meeting of the Vietnam-US Joint Commission on Economic and Trade Development was held in Washington from June 18-19.

The meeting was held within the framework of the Vietnam-US Bilateral Trade Agreement (BTA) with the aim of reviewing the two country's cooperation over the past five years.

The two sides reviewed the bilateral economic, trade and investment cooperation during the 2006-07 period as well as the five-year (2001-06) implementation of the BTA, including various areas such as trade in goods, intellectual property rights, services, investment and the improvement of the legal environment in Vietnam in line with the market economy and BTA commitments.

Legal regulations concerning anti-money laundering with the US Treasury and Department of Justice, facilitation for Vietnamese commercial banks to open representative offices in the US with the FED and the implementation of commitments on intellectual property rights made in Hanoi with the US Patent and Trademark Office (USPTO) were also high on the agenda of the sub-meetings.

After the meeting, the two sides were both of the opinion that the BTA had proved to be a successful agreement between Vietnam and the US.

5. 22,400 literary works copyright registered  
(from *Organisation of Asia-Pacific News Agencies*, 27 June 2007)

Viet Nam 's WTO accession and commitments to other trade agreements have fuelled an increased adherence to intellectual and trademark property rights in the country. Artists have also been quick to learn the value of protecting their interests and products from pirating, which is evidenced by the more than 14,000 certificates of copyright and related rights on 22,400 literary works having being granted to date.

The figures were released by the Literature and Arts Copyright Department at its 20th anniversary ceremony that was held in Hanoi recently.

The department has been active in providing conferences, training workshops and seminars as it looks to promote the enforcement of copyright in the country both as protection mechanisms for domestic purposes and to exhibit the government's zero tolerance policy on piracy violations of overseas-based companies and artists' work.

On average, the office annually organises 10 programmes to publicise the Law on Intellectual Property in the fields of press, publishing, cinema, the arts, recording and computer software.

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## LAO

1. Generate fair competition and protect consumers  
(from *Organisation of Asia-Pacific News Agencies*, 18 June 2007)

As, Lao PDR has joined ASEAN Free Trade Area (AFTA) and in the process to accede into the World Trade Organisation (WTO), there has been significant boost up in volume of products trafficking within and across nation.

Through the promotion of investment policy, the Lao government has made the considerable effort to set up the legal framework to allow the increase in investment as well as provide the fair competition environment to all business entrepreneurs. Intellectual property is one of the tools used by the Lao government to encourage investment and innovation in its country.

The Prime Minister decree on Intellectual Property (IP) area has been enacted and now the IP law has been revised and in the process to be approved by the National Assembly, as part of the WTO's requirement.

The government has been alert with the counterfeit issues, which does not only affect the rightful owner of the invention but also toward to the reputation of the Lao PDR, if no action has been taken to counter the problem.

Japanese products seem to be the very common products that have been severely affected by the imitated products. Unicharm Co, LTD, Japan is one of the companies, which has been the victim from the infringing of its registered trademark, design of its well known products such as sanitary towel SOFY and diaper MAMY POKO.

More recently, the counterfeit products have been spot in many shops nationwide.

Thus the claim for the request to impose the measures against the infringement has been submitted to Development of Intellectual Property, standardisation and metrology; Prime Minister Office by Unicharm Co, Ltd, Japan.

The claim proposes the relevant authorities to enforce the law, which will protect the right of legally registered trademark under the law of Lao PDR.

To ensure, the fair competition and enforcement on the Prime Ministerial Decree on Trademark has been implemented.

2. Champassak puts fake goods on fire  
(from *Organisation of Asia-Pacific News Agencies*, 20 June 2007)

More than 500 packs of imitated and fake sanitary and diaper products, "SOFY" and "MAMY POKO" of Unicharm Company, were put on fire last Saturday in Champassak province.

The imitated goods were seized in markets in Champassak province after a meeting on dissemination of the Prime Ministerial decree and regulations on the Intellectual Property and the Protection of Intellectual Property (IP) rights was closed at the end of last week.

The meeting has approved a seizure measure on imitated goods are available for sale in Champassak's markets to destroy in the presence of official concerned This was to protect the IP rights of Unicharm Co., Ltd from Japan, in relation to its sanitary and diaper products "SOFY" and "MAMY POKO", respectively, and all other registered trademarks including word mark, logo, three dimensional shape and other that belong to Unicharm Co, Ltd.

Unicharm Co, Ltd strives to combat with the counterfeit products and illegal trafficking distribution and sale of counterfeit products in all provinces of Laos, especially Vientiane Capital and Champassak and all provinces in Laos.

Besides this activity was held to protect the customers in the goods consumption.

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## INDIA

1. US denies granting patents for ancient Indian yoga  
(from *Agence France Presse*, 5 June 2007)

The United States has denied granting patents and trademarks for the ancient Indian practice of yoga, popular among western celebrities, a statement from the US embassy said. The US government has conducted a search of all patents issued and no patent on yoga, "asanas" or exercises have been identified, it said.

"Although the US government is unaware of any US patents on the yoga, the US Patent and Trademark Office has granted patents on new and non-obvious devices that may be used in conjunction with yoga," the statement said without explaining what the materials were.

The US statement follows Indian health ministry officials saying last week that New Delhi was scrutinising yoga related patents and trademarks granted by the United States to have them invalidated.

Searches of the database of the United States Patent and Trademark Office had showed dozens of yoga-related patents have been granted, including one for a breathing exercise, and more than 1,300 such trademarks have been registered.

In the past, India has managed to turn over patents on the yellow spice turmeric, a traditional antibiotic, and on the leaf of the neem tree, which has antiseptic uses.

## 2. India to translate yoga hymns to stop patents in other nations (from *The Press Trust of India Limited*, 6 June 2007)

Preparing the defences against those raiding its indigenous wealth, India will translate ancient Sanskrit hymns describing yoga postures in 5 foreign languages to stop countries from handing out patents for things already known for centuries.

The Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) has engaged top institutes such as Morarji Desai National Institute of Yoga and Kewal Dham of Pune to translate Sanskrit hymns describing yogic asanas (postures) in English, French and German among other languages.

The move is aimed at preventing grant of patents by other countries to the likes of Indian-origin Bikram Choudhury, who applied to patent yoga practised in a steam room.

The United States Patent and Trademarks Office is understood to have granted over 150 yoga-related copyrights, besides hundreds of trademarks for yoga accessories.

"Traditional Knowledge Resource Classification (TKRC) software, being used for translation, will also include video footage demonstrating yoga postures," official sources said.

Work on digital library of other traditional systems of medicines like Ayurveda, Unani and Siddha has been completed. Over 1,20,000 medicinal formulations have been digitised.

Once these patent offices have been given the database, they would not grant any patent on anything already documented as traditional knowledge. Taking a strong view of grant of patents to yoga asanas in the US, the government has already asked its mission in Washington to take up the matter with American authorities.

Department of AYUSH in Health Ministry has written to Department of Industrial and Policy Promotion under Commerce Ministry on the issue, which has, in turn, brought the matter to the notice of the Indian mission in Washington to be taken up with the US Trade Representative.

India has in the past won similar patent-related cases in the US on turmeric and neem.

3. Customs to be armed to take action against IPR violators  
(from *The Economic Times*, 7 June 2007)

This one is sure to bring cheer to companies, especially MNCs, suffering violation of intellectual property rights (IPR) by imported products. The finance ministry is introducing new norms to curb IPR violation by imported goods.

The new rules will enable companies to complain and stop import of goods if they find violation of patents, trademarks, copyright or even geographical indications, according to Central Board of Excise and Customs sources. Such rules were not in place till now since the country's IPR norms started evolving only after the advent of the World Trade Organization (WTO).

Multinationals with big brands like Nike or Reebok had to act against fakes in the Indian market only at the point of sale or production. If fake goods were being imported, there was no procedure to stall them before they enter the Indian market.

The new norms would arm companies with the power to hold up fakes or items which violation IPR in any form at ports by complaining to the customs department. If it is found, for example, that fake Rolex watches are being imported, manufacturers of the premium product or their representatives could complain to the customs and seek seizure of the consignment. The customs department would watch out for the item concerned for one year after the alert.

The move will enable multinationals to check flow of fakes from countries like China into the Indian market, a government official said. Companies that produce popular brands feel that India is a large market and protection from imported fakes would come as a major relief. Chinese manufacturers, in particular, are considered to have the capability to produce goods sporting popular brands and such items are freely available in various markets in South-East Asia.

An Indian company can easily import Chinese goods with specific brands of their choice without the consent of the IPR owner. The new rule will provide the facility to act against such offences.

The government has been tightening IPR norms to comply with the commitments made to WTO. After introducing product patents, the UPA government has been specifying detailed procedures to ensure that IPR violations do not go unchecked. Companies from developed countries like the US have been demanding tightening of IPR property norms.

4. India to ask US to stop 'misappropriation' of yoga system  
(from *The Press Trust of India Limited*, 13 June 2007)

Government said it has asked the Indian Ambassador in the US to take up issue of "misappropriation of Yoga system" through the American patent office.

"Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)...Has already written to the Indian Ambassador in Washington to take necessary steps to address the issue of misappropriation of the Indian Yoga system through US Patent and Trademark Office (USTPO)," a Commerce Ministry statement said.

It said while no patent has been allowed on 'asanas' (postures), the US has allowed 131 patents on yoga devices.

According to a report sent by the US Embassy here to the Commerce Ministry, there are 3700 trademarks which have been listed in the database of registered and pending trade marks by USPTO.

For preventing blatant commercial misuse of the traditional Indian knowledge, the government is embarking on an ambitious project to translate ancient Sanskrit scriptures in five foreign languages and send them to patent offices globally, particularly in the US and the European Union.

AYUSH has engaged top institutes such as Morarji Desai National Institute of Yoga and Kewal Dham of Pune to translate Sanskrit shlokas describing yogic asanas in English, French and German among other languages.

In the first phase, to be completed by December this year, work on 150 asanas will be completed. The plan is to cover 1,500 most commonly used 'kriyas' and 'asanas'.

5. Pirated CDs worth Rs3.5 lakh seized, four arrested  
(from *Daily News & Analysis*, 14 June 2007)

Four persons were arrested and pirated CDs worth Rs 3.5 lakh seized by CBD Belapur police. Pornographic movies were also seized from the four accused who were selling it openly near the CBD Belapur Railway Station. Inbaraj Pandian, an official of Private Eye Intellectual Property Rights, an organisation fighting against piracy, had lodged the complaint with the police.

As many as 1020 DVDs, 350 CDs, MP3 and VCDs and 36 pornographic movies were seized from the accused. The four have been identified as Badshah Ajman Khan (35), Geet Younus Khan (20), Raghubir Singh (25) and Lahu Gaikwad (20), Belapur police said.

All the accused are residents of Sion Koliwada and earlier were involved in the wholesale of pirated CDs. The accused used to buy the CDs from a Khar-resident Vijay and had recently switched to retail considering the profit involved in it, Pandian said.

The pirated CDs included that of latest releases like 'Shootout at Lokhandwala' and 'Cheeni Kum'. The accused have been booked under various sections of Copyrights Act.

Commenting on the incident, Pandian said sale of fake CDs had increased in Navi Mumbai and Mumbai. The CDs purchased by hawkers for Rs 12 are sold for Rs 100 or even Rs 150, which not only causes loss to producers but also to the government. The fake CDs and VCDs also pose a threat to the electronic equipments.

6. Cancer drug patent case takes new turn  
(from *The Times of India*, 19 June 2007)

The much-awaited appeal proceedings in a cancer drug patent case could not begin on Monday as Swiss major Novartis AG, turning the tables on the government, raised a conflict-of-interest objection to the composition of the two-member bench of the Intellectual Property Appellate Board (IPAB).

How can an officer who swore an affidavit on behalf of the government turn into a judge in the same matter?

Novartis objected to S Chadraseskharan, former controller general of the Indian Patent Office, being the technical member on the bench that will decide its appeal against a decision taken last year by his then subordinate, rejecting its patent application for cancer drug Glivec.

This puts the government in a fix in a case that is being keenly watched around the world as it is the first patent appeal to be heard by IPAB under the 2005 patent law enacted to comply with India's obligation under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs).

Since Chandrasekharan was appointed to IPAB as technical member (patents) barely two months ago, it will be embarrassing to the government if he is forced to reclude himself from the very first case that has come up before his bench.

And since he is the only technical member competent to deal with patent appeals in IPAB, the celebrated Glivec case may then have to be transferred back to the Madras High Court.

In January 2006, the patent office in Chennai refused to grant patent for Glivec on the ground that the molecule on which the drug was based had been discovered way back in 1993, two years before the cut off for recognizing product patents for drugs in India.

Novartis filed its appeal before the Madras HC, which transferred the matter to IPAB as a result of Chandrasekharan's appointment to that body.

The bench consisting of Chandrasekharan and judicial member M H S Ansari asked the government and generic drug manufacturers on Monday to give their response by July 2 to the objection raised by Novartis.

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## PAKISTAN

### 1. WIPO holds IPRs seminar (from *Business Recorder*, 6 & 7 June 2007)

WIPO has arranged the workshop in collaboration with Small and Medium Enterprise Development Authority (Smeda), Intellectual Property Organisation (IPO), Pakistan and Japan Patent Office (JPO) to discuss the use of intellectual property by SME institutions dealing in the food processing sector. Director General IP Yaseen Tahir,

Assistant Director, JPO, Tokyo Shinichiro Hara and Senior Program Officer, WIPO, Geneva Dr Francoise Simon-Vianes also addressed the inaugural session.

Shahab Khawaja said that the globalisation of business has compelled the economic and financial mangers to look beyond national boundaries to benchmark the national products and services with global standards. This situation has attached the economic and business benefits with intellectual property rights. He added that under utilization of the IP system amongst SMEs in the developing countries like Pakistan.

Pakistan had taken a strong initiative for exploiting its IP potential by setting up the IPO, and Smeda has joined hands with WIPO and IPO to increase awareness of the role of intellectual property for enhancing the competitiveness of SMEs in Pakistan, he added.

Speaking on the occasion, Dr Francoise Simon-Vianes, Senior Program Officer, from WIPO Geneva, expressed deep gratitude to Smeda and IPO for their strong assistance support in organising the workshop. She said that taking the augmenting economic significance of SMEs into account, WIPO had re-oriented some of its programs.

In September 2000, the General Assembly of WIPO approved a proposal submitted by the International Bureau of WIPO to create a substantial new program of activities focusing on the intellectual property-related needs of small and medium enterprises, including the micro-enterprises, she said.

The groups further discussed identification of product, manufacturing technology, successful development of product, adoption of trade mark before actual trial, trial and testing of product, target consumer, advertisement campaign, packing, price, launching, distribution through normal channels, time and man power in the inventive process, the amount spent on acquisition of a patent.

2. Microsoft, LG sign patent agreement in Pakistan  
(from *Asia Pulse*, 15 June 2007)

Microsoft Corp and LG Electronics (LGE) recently announced that they have entered into a patent cross-license agreement to further develop their current and future product lines, according to a press release issued.

Microsoft has focused on patent agreements recently, aiming to develop a best practice model for protecting intellectual property (IP) and respecting IP rights of others as well as building bridges with an army of industry leaders, including consumer electronics, telecommunications and computer hardware providers.

Through this agreement, LGE will be able to use Microsoft's patented innovations in its products, including Linuxbased embedded devices. Microsoft will have access to LGE's patents and will license other patents development by LGE that are now owned by business solutions provider MicroConnect Group.

The specific financial terms of the agreement are confidential, but the parties are disclosing that Microsoft will be making a net balancing payment to LGE and MicroConnect for operating system and computer system-related patents.

LGE and MicroConnect for operating system and computer system-related patents.

LGE will make ongoing payments to Microsoft for the value of Microsoft patents as they relate to Linux-based embedded devices that LGE produces.

In the past twelve months, Microsoft has announced similar agreements with companies such as Novell, Samsung, NEC, Fuji-Xerox, Selko-Epson and Nortel to help build bridges between the world's leading computer hardware, software and telecommunications solutions provinces.

3. Seminar on geographical indications held  
(from *Business Recorder*, 22 June 2007)

A two-day seminar was held on the subject of Geographical Indication's under the patronage of Saeed Ahmed Alvi, Secretary Commerce and Investment Department, Government of Punjab.

The Commerce and Investment Department under the leadership of Punjab Chief Minister Chaudhry Pervaiz Elahi took the lead in facilitating the growers, producers and stakeholders to protect their geographical indications.

The geographical indications and registration of products is the first project of its own kind being run by the Commerce and Investment Department under Project Director Maqsood Ahmed Chaudhry Additional Secretary Commerce and Investment Department, which will play a role in development and diversification of geographical indications products.

Geographical indications, according to the agreement on Trade Related Intellectual Property Rights (TRIPs), are that the goods originating in the territory or a region or a locality in that territory where a

given quality, reputation or other characteristics of the goods are essentially attributable to its geographical origin.

The program was spread over three sessions of mango, horticulture and heritage respectively. Saeed Ahmad Alvi said that commerce being a domestic issue, efforts was focused on export supply chain, adding that public-private partnership and joint ventures must be encouraged.

Orange Institute, Sargodha, Director Niaz Ahmad told the audience that two million tons of orange was produced by Pakistan annually. Seedless Kinnow was being propagated and 153 varieties had been under research, he added.

Last session on heritage was presided over by ex-DG Archaeology Saifur Rehman Dar. Lahore College of Women University Director Nudra Shahbaz Naeem emphasised that we must build and protect our heritage, which had great value in the world.

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## UNITED ARAB EMIRATES

1. UAE for protecting intellectual property rights  
(from *Organisation of Asia-Pacific News Agencies*, 3 June 2007)

The UAE Ministry supports intellectual property rights and legally authorized computers software for the development of IT sector, attract more investments and establish the UAE status in international reports on software piracy rates, according to UAE Minister of Governmental Sector Development Sultan bin Saeed Al Mansouri.

The Ministry, he said, will sign comprehensive agreements with suppliers of genuine software for all UAE governmental departments in order to boost and encourage local IT industry and skills. Al Mansouri made his remarks at a meeting of the Ministry's team which is tasked with coordinating efforts and activities related to IT and telecom as well as the use of original software and protecting intellectual property rights.

He said coordination among the Federal Government and local governments in this regards is part of a federal strategy. He underscored having standardized agreements with software developers and suppliers.

2. Fresh anti-piracy raids on IT resellers in UAE lead to more arrests and confiscations  
(from *Middle East Company News*, 5 June 2007)

The UAE's tough stand on violators of Intellectual Property Rights (IPR) laws were evident once again with law enforcement authorities in the UAE conducting fresh raids on several IT resellers in the two emirates. The raids were initiated by Microsoft, as a Business Software Alliance (BSA) member.

The raids conducted on three IT resellers in Dubai's Bur Dubai area led to the arrest of three persons, confiscation of four PCs with illegally downloaded software and 118 CDs of pirated versions of software including Windows XP Service Packs. The Abu Dhabi raids resulted in four arrests, seizure of three PCs and 84 CDs loaded with pirated software applications.

3. Dubai Customs to host the 4th global conference on IPR  
(from *Middle East Company News*, 11 June 2007)

Dubai to host the Fourth Global Congress on Combating Counterfeiting and Piracy that will take place from 5-7 February 2008.

In a remarkable initiative that reinforces the position of Dubai as the main business hub in the region and more and more involved in protecting intellectual property rights, Secretary General of the World Customs Organization (WCO), Mr Michel Danet, made the announcement.

This important global event is being organised by the WCO, with the support of Dubai Customs, in partnership with Interpol, the World Intellectual Property Organization (WIPO), the International Chamber of Commerce (ICC) through its BASCAP initiative, the International Trademark Association (INTA) and the International Security Management Association (ISMA).

The announcement was made during a meeting of the Congress Steering Group which met at Dubai Customs headquarters in June 2007. Dubai Customs team had an earlier visit to the World Customs Organization headquarters in Brussels in the process of the preparations for the 4th Global Conference on IPR.

In making the announcement, the WCO Secretary General welcomed the support of Dubai Customs and stated that these Global Congresses (Brussels, Belgium 2004; Lyon, France 2005; and, Geneva Switzerland 2007) have become the premier international forum for shaping practical strategies to combat counterfeiting and piracy and that this was the first time that the Global Congress would be held outside Europe.

#### 4. UAE determined to stamp out software piracy

*(from Organisation of Asia-Pacific News Agencies, 14 June 2007)*

The UAE ministry of Economy signed on Wednesday a Memorandum of Understanding with the Business Software alliance, an international association established by the software industry, aiming at strengthening the transition to a knowledge-based economy by combating software piracy.

Top officials said the memorandum, due to serve into integrating the efforts of the MOE and the BSA to reinforce anti-piracy initiatives, is designed to boost the country's image as a viable business destination and top encourage foreign capital investments particularly in IT.

Engineer Mohammed Ahmed Bin Abdullaziz, Undersecretary of the MOE for planning sector, said that signing this referendum is a response to the general strategy of the UAE that H.H Sheikh Mohammad Bin Rashid Al-Maktoum, Vice President and Prime Minister of the UAE and the ruler of Dubai had announced in a bid to create a real partnership between the government and private sectors to encourage investments and protects innovations.

Issues of supporting the mandate of the MOE to administrate copyrights in the UAE, ensuring authorities possess the necessary skills and tools enabling them to assist anti-piracy issues, ensuring the continuing involvement of the BSA in raising awareness of the Intellectual property protection by providing laws to assistant regulate the whole process and reducing the software piracy rate.

The MOU will further facilitate our collaborative efforts with the MOE in crushing the illegal trade and helping attract new investment opportunities to the UAE" said Al-Reda referring that this MOU is the first one to be signed in the region which he expects to encourage other countries for follow.

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## BAHRAIN

#### Piracy still rampant in Bahrain IT sector

*(from Mist News, 4 June 2007)*

Pirates still rule the IT sector, say industry analysts, with counterfeit software making up as much as 60 per cent of the market in Bahrain. The amount of pirated software in Bahrain has remained steady since 2005, according to a new study by the Business Software Alliance (BSA), an international association set up by the global software industry to promote safe and legal digital reproduction. The study covers some 102 countries. "Bahrain's IT industry has been witnessing a period of expansion, resulting in an increased demand.

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## **JORDAN**

Jordan Customs, JISM, ASEZA and DaimlerChrysler join hands to fight fake spare parts  
(from *Middle East Company News*, 10 June 2007)

Jordan Customs, the Jordan Institute for Standards and Metrology (JISM) and Aqaba Special Economic Zone Authority (ASEZA), along with experts from DaimlerChrysler Middle East, have held training sessions in Amman and Aqaba.

Attended by nearly 100 representatives, to begin a campaign to protect consumers from the dangers of buying and using fake Mercedes-Benz spare parts. It is estimated that counterfeiting accounts for between 5 and 10 percent of global trade and directly affects the revenue of governments in terms of customs and taxes.

'Mutual co-operation between the authorities and the manufacturer is the key to successfully fighting against the use of fake spare parts and property rights infringements,' said Ma'n Al-Hamawi, Brand Protection Manager, DaimlerChrysler Middle East.

'The use of a trademark without the owner's approval breaks Jordanian and international laws.'

Auto spare parts counterfeiting has serious safety consequences for the customer. The use of, for example, fake brake pads or windscreens, could threaten the safety of the driver and his family as they are far more likely to fail in an emergency situation.

'These parts are manufactured solely to make a quick profit. They use low quality materials and are not subject to the extensive quality tests that we perform at DaimlerChrysler,' added Al-Hamawi.

'Although the customers may think they have a good bargain, we still advise them to report any kind of suspected parts to our general distributors' network in Jordan, which is T. Gargour & Fils Co., where competent staff will be glad to help.'

The Parts Manager at T. Gargour & Fils Co. also addressed the importance of using genuine parts for its high quality and for the safety of the passengers as well as road users.

DaimlerChrysler would like to thank Jordan Customs, JISM & ASEZA for their dedication in protecting the property rights of the consumer and manufacturer.

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## **LEBANON**

Computer, software piracy goes down but costs more  
(from *Daily Star*, 13 June 2007)

Computer and software piracy in Lebanon fell to 73 percent in 2006 from 76 percent in 2005 but the financial losses caused by the illegal practice jumped by \$4 million to \$39 million, according to the

Business Software Alliance (BSA). The BSA, which monitors copyright violations around the globe, said in a report released that Lebanon ranked as the third-worst country in Middle East and 35th in the world in terms of piracy.

BSA officials attributed the prevalence of piracy to instability and events that have disrupted the work of the Computer Crime and Intellectual Property Rights Bureau (CCIPRB).

They added that pirates have benefited from the chaos to increase their operations.

"However, the copyright industry, including BSA, has been active, and last January destroyed hundreds of thousands of pirated CDs and DVDs in a huge display at the Roumieh Prison," Aly Harakeh, an official from BSA, said in a statement.

Enforcement of intellectual property is among the strict conditions of the World Trade Organization (WTO) and the Lebanese government has promised the trade body to reduce copyright violations.

Economy and Trade Minister Sami Haddad, who has been working diligently to remove all barriers before joining WTO, admitted recently that more efforts are needed to stamp out the practice.

The BSA said in its report that progress was made in 2006 in the fight against software piracy. "Of the 102 countries covered in this year's study, the piracy rate dropped in 62 countries from 2005 to 2006," the report said. It added that the piracy rate increased in 13 countries.

"However, because the worldwide personal computer market grew much faster in higher-piracy countries and regions, the worldwide personal computer software piracy rate remained at 35 percent for a third consecutive year." It added that at the same time, because the size of the market grew significantly in 2006, losses from piracy at that rate rose by more than \$5 billion, a 15 percent increase over 2005.

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