

Monthly Report of March 2002

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THAILAND

News in March 2002

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1. 'Masterminds have ties to govt officials'

(from The Nation Newspaper, Local News Section, Page 3A, Thailand, 2 March 2002)

The House subcommittee on countering intellectual property violations said authorities' efforts to counter intellectual property crime were ineffectual because the piracy business involved masterminds who were former Cabinet members and generals.

Hose subcommittee chairman Somsak Kiatsuranon claimed past crackdowns on intellectual property law violations had been ineffectual as they involved bringing alleged perpetrators with ties to government officials and bureaucrats to justice.

Somsak said the meeting had concluded that punishment including transfer or disciplinary investigation should be introduced for officers who failed to rid their precincts of piracy. Copyright-owners were urged to cooperate with the authorities.

2. Fresh strike at piracy

*(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 3 March 2002
Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 3 March 2002)*

The Commerce Ministry's high-profile campaign to protect copyrighted products kicked off with a ceremony at Pantip Plaza and was followed by a raid on a warehouse that netted counterfeiting machinery which had previously been impounded by police. The ministry's campaign is aimed at promoting copyrighted items to protect software-development of new, innovative intellectual property, the ministry said. The mall-and shop-owners had asked for another month to "clear" all pirated items, he said.

3. Singers urge more protection of rights

(from Bangkok Post Newspaper, Business Section, Page 12, Thailand, 8 March 2002)

Local singers urged the government to amend related legislation to protect their rights, claiming they have been taken advantage of by record firms. At a seminar on copyright law amendments held by the Department of Intellectual Property, they asked the authorities to look specifically into the issue of music reproduction.

A clearly written contract between the recording firm and the singer should be required in the law to avoid disputes, they said. They said they should have the rights in line with music copyright owners and all parties involved on music use.

At the seminar, Deputy Commerce Minister Suvarn Valaisathien said that in addition to cracking down on piracy, the ministry also attempted to promote the law and a good understanding between copyright owners and users.

4. Guarantees from US over jasmine rice

(from The Nation Newspaper, Business Section, Page 2B, Thailand, 12 March 2002)

The US Department of Agriculture has reaffirmed that the country has no intention of deriving any commercial benefit from its study of Thai jasmine – or hom mali – rice.

Deputy Commerce Minister Suvarn Valaisathien said that he had a letter from the Agriculture Department saying the US strictly respects international law. Two US scientists who conducted research on Thai jasmine rice have already agreed to send their finding on the strain and on any new varieties to the International Rice Research Institute in the Philippines. The US will also send a copy of its correspondence with the IRRI to the Thai government to promote better understanding.

5. Bodies to collect copyright fees

(from The Nation Newspaper, Business Section, Page 2B, Thailand, 13 March 2002)

The Commerce Ministry said more than one copyright fee-collecting organization would be allowed to deal with the wide variety of copyrights in an attempt to end the controversy among big music camps as well as to protect against copyright violations.

Yanyong Phuangrach, director-general of the Department of Intellectual Property, said having more than one collecting agency would ensure that fees would be collected from all users.

The department held a workshop to brainstorm amendments to the Copyright Law, particularly on the setting up of a fee-collector. The workshop came up with the idea that there should be more than one such agency because there were many kinds of commercial users.

6. Plan for honorary representatives to police piracy

(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 18 March 2002)

In an attempt to protect intellectual property rights of Thais overseas, Newin Chidchob, the deputy commerce minister, plans to appoint honorary representatives of Thailand abroad to monitor copyright violations.

Mr Newin, who oversees the Intellectual Property and Commercial Registration Department, said the honorary representative overseeing intellectual property would operate similarly to Thai honorary trade representatives.

The IP department will spend the next couple of months studying the legislative framework in which honorary IP representatives could operate.

7. Department of Intellectual Property is supporting the development of local products

(from Thai Daily Digest, 18 March 2002

Thai News Service, 19 March 2002)

Department of Intellectual Property is giving financial support for people who want to patent products they have developed from local materials. The department is holding a series of seminars and competitions to encourage innovations in the development of preserved foods, processed grain products, health foods made from local agricultural products, instant Thai foods, herbal health or personal care products, agricultural tools, mining tools, food preservation tools, gem working tools, leatherworking tools, products made from local cloth, ceramics products, and products made from wood, stone, metal or glass.

The winners of the various competitions can apply for financial support from the department to cover the processing fees for applying for a patent or copyright on their products. The department will give grants of up to 7,000 baht to the first 200 applicants.

8. Thailand to sell anti-HIV drug

(from Asian Wall Street Journal, 22 March 2002)

Thailand said it has started producing a single-pill anti-HIV cocktail drug to be sold in government hospitals beginning next month. The Government Pharmaceutical Organization, which is making the cocktail, will hold a 10-year patent on the drug, a combination of Nevirapine, Stavudine and Lamivudine.

9. Two face Ultraman copyright warning

(from Bangkok Post Newspaper, Business Section, Page 12, Thailand, 22 March 2002)

Tsuburaya Productions Co of Japan, the copyright owner of the Ultraman character, will next week send a copyright violation warning to Bangkok-based Tsuburaya Chiyo Co and the Nation Multimedia Group Plc.

If the two Thai parties ignored the warning, the company would proceed to sue them, said Sompote Thianthong, managing director of Pro-Ling, a public relations agency representing Tsuburaya Productions.

The two Thai companies earlier this week signed an agreement that allowed National Multimedia to publish and distribute Ultraman books locally and overseas.

10. Laos studies Thai copyright laws

(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 26 March 2002)

Thailand will become a model for Laos in the area of copyright legislation as Vientiane is drafting an intellectual property law, according to Laotian officials. Four high-ranking judges from Laos have been in Thailand since March 17, on a two-week visit to study Thai copyright laws, related court procedures, police enforcement and the role of the Department of Intellectual Property in promoting public awareness of the law.

Laos currently has only regulations to solve copyright disputes, making it difficult for the country to open up its economy to foreign investment. The copyright law, likely to be approved this year, would also assure foreign investors, including Thai firms playing a significant role in Laos, that they could operate more conveniently, he said.

PEOPLE'S REPUBLIC OF CHINA

News in March 2002

1. China seized record haul of pirated CDs
2. Plan to help protect China IPRs overseas
3. Japan suppressing China motorcycle industry
4. Legend to sell laptops in Europe under another trademark
5. China's first agricultural patent database set up
6. China's software copyright law updated following WTO entry
7. Patent dissension of DVD forces China enterprises to think of ways
8. Protecting Olympic IPRs

1. China seized record haul of pirated CDs

*(from Reuters News Service, 4 March 2002
Computimes, 25 March 2002)*

Chinese customs officers have seized the country's biggest haul of pirated CDs after a chase at sea. Four million CDs were impounded from a fishing boat by customs officers from the southern city of Shenzhen, but the smugglers escaped in a high speed boat in the direction of nearby Hong Kong. Piracy of intellectual property is rampant in China despite promises by the government to root it out, a commitment made on joining the WTO last year.

2. Plan to help protect China IPRs overseas

(from CIEC Economic Brief, 4 March 2002)

The Chinese government is planning a way to help domestic academic and industrial researchers seek patent protections abroad. The SIPO said it would announce detailed measures soon. High-tech research findings in China that have huge potential on the world market must be protected, said SIPO commissioner Wang Jingchuan recently. The effort will help cushion the challenges China faces now that it is a member of the WTO.

SIPO will work with central and local authorities to beef up intellectual property rights in China and abroad. Authorities of various industries and enterprises also will be involved. SIPO and other departments will select some key research projects in the industries which are of key importance to the State's economic development. They will be the focus of special protection efforts.

3. Japan suppressing China motorcycle industry

(from Asiainfo Services, 13 March 2002)

It's reported that 9 Japanese motorcycle enterprises indict 24 Chinese motorcycle enterprises as "patent litigation" at present. China motorcycle industry pays great attention to it. Insiders think that Japanese motorcycle industry aims to suppress a passel of Chinese motorcycle enterprises by protecting intellectual property.

Experts express that some Chinese motorcycle enterprises use the brands of Japanese motorcycles illegally. Some Chinese motorcycle enterprises imitate the exterior of Japanese motorcycles massively. Moreover some Chinese motorcycle enterprises invade new-type patents and invention patents.

The average price of Japanese motorcycles has been 3-4 times as much as Chinese motorcycles for a long time. Because of the price, the market share of Japanese motorcycles in China drops to 10% now.

4. Legend to sell laptops in Europe under another trademark

*(from Xinhua's China Economic Information Service, 13 March 2002
China Online, 14 March 2002)*

Legend, China's largest personal computer manufacturer, said it is to explore the European laptop market but under a different brandname, because its trademark "Legend" is already registered by other local companies.

The obvious solution is to use the name QDI, the brand of the company's computer motherboard, which currently sells well in the European market, said company officials. The company has given up the idea of buying the "Legend" trademark from its present owners because of the expense, even though it will have to pay to promote its new brand.

5. China's first agricultural patent database set up
(from *BBC Monitoring Asia Pacific-Political*, 14 March 2002)

China's first agricultural patent database has been set up in Shaanxi Province, northwest China, and it contains 910,000 Chinese agricultural patents and more than 500,000 foreign agricultural patents.

The database was jointly built by the Yangling Agricultural Intellectual Property Information Centre and the Shaanxi provincial government with the SIPO making a big contribution to it.

The database enables visitors to readily access agricultural patent information and to collect, arrange and analyze agricultural information. It is making patent information widely available and will help promote international cooperation in the field. The database has been open to the public since November 2001. Since then it has been accessed 135,000 times.

6. China's software copyright law updated following WTO entry
(from *Interfax China IT & Telecom Report*, 22 March 2002)

The Chinese government is set to implement a revised set of regulations governing copyright registration for computer software, in line with WTO requirements. The new regulations concern official registration procedure, patents and transfer of patent rights.

Copyright registration will become voluntary instead of compulsory once the regulations are in place, though registration with the National Copyright Administration of China was stressed as a necessary step for software makers to protect their products.

7. Patent dissension of DVD forces China enterprises to think of ways
(from *Audio Week*, 25 March 2002
Asiainfo Services, 26 March 2002)

March 31, 2002 is the last time limit that "6C" demands China DVD manufacturers negotiate with them on the payment of patent fee. Insiders think that there are 3 ways for China DVD manufacturers to control their own fates.

1. To depress patent fee. It's the best choice to China DVD manufacturers temporarily. If China DVD manufacturers can depress patent fee successfully in the negotiation, the DVD products of China will still possess largish price advantage.

2. To accept the payment demand of patent fee roundly. But it will make the profit of homemade DVD very little. “6C” hopes to add the cost of China’s DVD products with its technical advantages.
3. To study and develop core technologies vigorously. Thus it’s very important and necessary for China DVD manufacturers to cooperate with foreign manufacturers.

Certainly China DVD manufacturers perhaps have some other ways to deal with the negotiation. But they should consider how to compete with foreign manufacturers.

8. Protecting Olympic IPRs

(from Business Weekly, China, 26 March 2002)

Chinese regulations guaranteeing Olympic-related intellectual property rights are due to take effect on April 1. The Chinese Government signed a letter of guarantee in compliance with the Olympic Charter, guaranteeing and promising to protect such rights for the 2008 Beijing Games.

The State Council later promulgated the Regulations on the Protection of Intellectual Property Rights Related to Olympic Symbols to transform that undertaking into domestic law. China has already signed various international conventions and passed the Patent Law, Trademark Law, Copyright Law, Regulations on the Protection of Special Symbols and other relevant laws and administrative regulations.

HONG KONG

News in March 2002

1. APEC IPR experts group XIV meeting
2. Royalties forcing copycats to innovate

1. APEC IPR experts group XIV meeting
(from Asia Pulse, 20 March 2002)

Hong Kong is hosting the APEC Intellectual Property Rights Experts Group (IPEG) XIV Meeting in cooperation with APEC in the Regal Airport Hotel from March 19 to March 20, 2002.

IPEG is a long-standing institution in APEC. It meets regularly to discuss intellectual property policies and provides a forum for exchange of views and experience in developing areas of intellectual property law and enforcement.

2. Royalties forcing copycats to innovate
(from South China Morning Post, 25 March 2002)

WTO rules designed to protect intellectual property rights will force mainland pharmaceuticals makers to become more innovative if they want to survive. Under the requirements, companies must pay costly royalties to copy Western medicines.

Bi Wenhen, general manager of Guokang pharmaceutical & Medical Supplies, the Hong Kong - based window company of the Ministry of Health, said the charges would force domestic pharmaceuticals makers to seek patent rights for traditional Chinese medicines (TCM) or come up with original products.

However, TCM faced an uphill battle to gain international recognition because of the apparent incompatibility between the East and West on medicine theories and the protectionist Western medicine industry, Chinese medicine industry sources said.

MALAYSIA

News in March 2002

Knock 3 times for fake VCDs

(from The Nation Newspaper, Regional News Section, Page 8A, Thailand, 23 March 2002)

State Domestic Trade and Consumer Affairs Ministry chief Fahmi Kasim said the three men were caught by surprise when they saw the officers who searched the shop and seized 14,000 pirated VCDs worth 70,000 ringgit. The operators had been packing pirated VCDs in bulk for distribution to retailers and stall-holders in the Prai and Bukit Mertajam areas.

Fahmi said a total of 60,245 VCDs, 131 DVDs and 2,700 CDRs worth 307,935 ringgit were seized on the island and in Bukit Mertajam and Prai.

SINGAPORE

News in March 2002

Singapore seizes 1.25M pirated goods in 2001

(from Channel News Asia, 4 March 2002)

Nearly 1.25 million items which infringed intellectual property rights were seized in Singapore last year. And these had a combined market value of nearly \$13.4 million. According to the

IPOS, over half of that or S\$7 million worth of pirated goods were seized when the biggest syndicate was smashed.

A total of 163 persons involved in the syndicate were arrested. A number of the syndicates involved were distributors to 'pasar malam' or night market stalls in housing estates.

The enforcement action was taken by the Police, the Films and Publications Department, and the Customs and Excise Department. The stiffest penalty meted out by Singapore courts for piracy so far is a four-year jail term and a \$1.5 million fine.

THE PHILIPPINES

News in March 2002

1. Piracy paralyzing Philippines software industry growth
2. House Bill to grant extension on land patents
3. Firms given 45 days to legalize unlicensed software
4. CIDG seizes pirated CDs
5. CDs worth P1M seized
6. Levi Strauss wins copyright infringement suit

1. Piracy paralyzing Philippines software industry growth
(from *Asia Pulse*, 11 March 2002)

The Philippines has failed to maximize its potentials in information technology due to the prevalence of software piracy, according to Tarun Sawney, regional manager of BSA in Asia Pacific. Sawney said software piracy has paralyzed the growth of the country's software industry.

While BSA is pleased that the Philippines is resolute on making the country an IT-developed nation, Sawney said, the public should realize that software piracy has been a major obstacle to the growth of the information and communication technology (ICT) sector.

He also noted the need to increase awareness among companies regarding the risks of using unlicensed software. He commended the rigorous enforcement activities of the National Bureau of Investigation (NBI) in going after targeting software pirates.

2. House Bill to grant extension on land patents
(from *Manila Standard*, 12 March 2002)

The House committee on justice has approved a bill granting a 10-year extension to file applications for free patent to judicial confirmation of imperfect titles on some 2.1 million hectares of alienable lands.

The substitute bill amended Republic Act 6940 which set the period of application until Dec. 31, 2000 and give unqualified claimants who failed to avail of the grant (under RA 6940) to apply for free patent and legal claims.

Free patent is considered the most affordable means by which a legitimate claimant can acquire a title over the land he lawfully occupies.

3. Firms given 45 days to legalize unlicensed software
(from Business World, Philippines, 19 March 2002)

A 45-day grace period was launched last Friday in Makati City by the BSA to give local companies time to make legal unlicensed software usage in their companies. The grace period runs from March 16 to April 30.

“This program is being implemented in many countries, although this is not an excuse for companies to continue using illegal software,” BSA regional director for Asia Jeffrey Hardee said. He said that similar programs are currently taking place in Taiwan, Thailand, and Australia.

During the period, BSA will also hold Software Asset Management seminars in three main areas: Metro Manila, Cebu City and Davao City. These seminars are open to all companies, Mr. Hardee said. At the end of the 45-day period, a nationwide crackdown on companies using unlicensed and illegal software will ensure.

4. CIDG seizes pirated CDs
(from Philippine Daily Inquirer, 20 March 2002)

The Criminal Investigation and Detection Group (CIDG) at Camp Olivas seized 500 units of pirated audio and video compact discs worth P25,000 from peddlers and sidewalk vendors. Chief Insp. Roger Brillantes, head of the CIDG’s special action team, said this was part of the Videogram Regulatory Board’s effort to enforce intellectual property rights.

5. CDs worth P1M seized
(from Philippine Daily Inquirer, 21 March 2002)

Agents of the National Bureau of Investigation seized pirated video and audio compact discs valued at P1 million inside a warehouse near the city police headquarters. Leoncio Evangelista, NBI director for Southern Mindanao, said the raid on Yaquin Commercial was part of the government’s campaign against violation of intellectual property rights in the region. The NBI seized 130 boxes, each containing 180 assorted CDs and VCDs.

6. Levi Strauss wins copyright infringement suit
(from National Post, 23 March 2002)

Levi Strauss and Co. won a copyright infringement suit against an apparel company in the Philippines accused of copying the US jeans maker’s pocket design. The Supreme Court ordered

CVS Garment and Industrial Co., maker of Europress jeans, to desist from marketing the disputed products and to pay Levi Strauss 85,000 pesos in damages. Levi's says the arcuate design, or double row of stitching on the back pockets, was first used in 1873 and is the oldest apparel trademark still in use.

INDONESIA

News in March 2002

1. Microsoft visits universities
2. Indonesia set to eliminate intellectual property rights violations

1. Microsoft visits universities

(from The Jakarta Post Newspaper, Indonesia, 16 March 2002)

PT Microsoft Indonesia, a subsidiary of American software maker Microsoft Corp. has launched a program to raise the knowledge of Indonesian university students about information technology (IT).

The company said in a statement that under the program called "IT Goes to Campus", the company would visit a number of universities in Jakarta, Bandung, Surabaya, Palembang, Medan and Makassar from March 8 to April 3 to give lectures on IT, especially on intellectual property rights.

2. Indonesia set to eliminate intellectual property rights violations

(from Asia Pulse, 20 March 2002)

Importers of reduplication machines for recorded films and music will now be required to have a special identification number (NPIK), in an attempt to reduce violation of intellectual property rights.

The condition requiring the NPIK will apply not only to importers of reduplication machines but also to importers of the basic material for the production of optical disks. Henry Soelistyo, the secretary general of the Indonesian Intellectual Property Rights Society said with the NPIK, control will be easier over the imports of film and music reduplication equipment. Mr Soelistyo said deregistration should be made for all film and music reduplication machines.

VIETNAM

News in March 2002

1. Top Vietnam coffee firm to seek US trademark
2. Vietnamese talent recognized

1. Top Vietnam coffee firm to seek US trademark
(from Reuters News Service, 13 March 2002)

One of Vietnam's biggest coffee firms said it was seeking a US trademark registration in order to stop an American company from using the same name. Trung Nguyen Coffee is considered the most successful coffee brand in Vietnam, the world's second biggest producer of the commodity.

The United States and Vietnam have a trade agreement which places strong emphasis on respect for intellectual property rights, violations of which are more often a complaint of US firms against Vietnamese businesses.

2. Vietnamese talent recognized
(from Saigon Times Daily, 29 March 2002)

The WIPO through the Fund for Supporting Technological Creativity presented 43 awards to more than 300 talented Vietnamese youths in Hanoi. The award highlights the creativity of inventors from all over Vietnam and the importance of invention in Vietnam's economic development. WIPO and the entire UN system is very pleased to be associated with this important event said the UN resident coordinator Jordan Ryan.
