

## Monthly Report of March 2003

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THAILAND  
PRC  
MALAYSIA  
SINGAPORE  
THE PHILIPPINES  
INDONESIA  
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### THAILAND

#### News in March 2003

1. Battle over Ultraman character
2. The European Union launches a network in Thailand to fight counterfeiting
3. TV piracy to dominate ministry talks
4. Ruling can't cool Ultraman feud
5. Pirated goods disappear after being seized
6. Quality trademark to be presented to selected One Tambon One Product project
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9. Showdown to come over pirated goods
10. Adviser denies Charoen is US target over copyright issues
11. Software raid
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13. Bootleg CDs seized

#### 1. Battle over Ultraman character

*(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 2 March 2003  
The Nation Newspaper, Business Section, Page 1B, Thailand, 6 March 2003)*

A Thai businessman has won the first round of a court battle against a Japanese company claiming ownership rights to comic superhero Ultraman. A judgment by the Tokyo District Court ruled that Sompote Saengduenchai, owner of Chaiyo Productions Co, had the legal authority to use Ultraman characters for commercial purposes throughout the world except in Japan.

#### 2. The European Union launches a network in Thailand to fight counterfeiting

*(from Thai News Service, 5 March 2003)*

A European Union Network was launched in Thailand last week with an aim to get rid of intellectual property rights abuse in the country. According to officials of the European Union Network, most of the counterfeit products seized by EU customs officers have been reported to originate from Thailand.

Meanwhile, the Thai government has responded and said that it will begin a three-month campaign in April, taking severe measures in the businesses of pirated CDs, VCDs and DVDs.

3. TV piracy to dominate ministry talks

*(from Bangkok Post Newspaper, Business Section, Page 3, Thailand, 7 March 2003)*

More effective methods to deal with provincial cable operators that pirate signals of United Broadcasting Corp Plc (UBC) will be the subject of talks next week between the Commerce Ministry and the Public Relations Department (PRD).

Deputy Commerce Minister Wattana Muangsuk said penalties for violators should be set out in the cable operating policies of the PRD, which licenses the provincial ventures. UBC says it loses about 800 million bath a month as a result of piracy. If the piracy problem were eradicated, it has said it could attract up to 600,000 customers.

4. Ruling can't cool Ultraman feud

*(from Bangkok Post Newspaper, Business Section, Page 1, Thailand, 8 March 2003)*

Mr Sompote's claim that he holds the rights to all Ultraman characters in Thailand and worldwide, excluding Japan, is not true, said Sompote Thianthong, managing director of local licensee Pro-Link Co. The claim has hurt Pro-Link's business and confused clients who used Ultraman characters for merchandising purposes, he said.

The Tokyo District Court last week ruled that Mr Sompote, who heads Chaiyo Productions Co in Thailand, had legal authority to use Ultraman characters for commercial purposes only in Thailand, Mr Sompote of Pro-Link said.

The case is also in the Supreme Court in Thailand. Mr Sompote is alleged to have violated the copyright of Ultraman characters. Before the case went to the Supreme Court, Tsuburaya sued Mr Sompote for more than 100 million bath in damages.

5. Pirated goods disappear after being seized

*(from Business Day, Thailand, 11 March 2003)*

Hundreds and thousands of pirated merchandise, seized by police as part of the crackdown on pirated goods, have disappeared, says deputy commerce minister Wattana Muangsuk. The Minister has launched an investigation into why the goods have gone missing and in future, he said, police responsible for seizing them would have to take responsibility for future disappearances.

6. Quality trademark to be presented to selected One Tambon One Product Project

*(from Thai News Service, 17 March 2003)*

In order to further enhance the quality and marketing of products from the One Tambon One Product (OTOP) Programme, the Thai Industrial Standard Office has established a project to provide quality trademark to select items, the first batch of which will be presented at the inauguration of the project on March 19.

Industry Minister Somsak Thepsuthin said that Deputy Prime Ministry Somkid Jatusripitak would preside over the presentation ceremony to be held at the Government Public Relations Department.

7. House withholds bill, will plug loopholes

*(from Bangkok Post Newspaper, Home News Section, Page 3, Thailand, 20 March 2003  
The Nation Newspaper, Thailand, 20 March 2003)*

The House voted unanimously to withhold the Geographical Indication Protection bill, saying it inadequately protected animal and plant varieties which come from Thailand. Thai Rak Thai MP Jakkraphan Yomchinda said the House and Senate should spend more time scrutinizing the bill because it could hurt Thailand's famous jasmine rice and agriculture crop exports.

The bill, which was amended by the Senate in November, says animal and plant strains are "generic names", which excludes them from the bill's protection list. Trade experts will help a joint House Senate committee revise the bill.

8. Toyota warned Grey Market

*(from Prachachart Thurakit Newspaper, Page 1&4, Thailand, 20-23 March 2003)*

Toyota will charge any independent companies (called Grey Market) that imported the low quality Toyota cars from Japan and put the brand "Lexus" on. Toyota Motor (Thailand) announced to the public press that they are the only distributor of "Lexus" trademark in Thailand. They will proceed the legal action to anyone who tries to infringe this trademark.

Because the low quality of those car would discredit to Lexus brand that Toyota Motor (Thailand) imported. According to the Ministry of Commerce, whoever infringe the Trademark Act would get 4 years imprisonment or fined 400,000 baht, or both.

9. Showdown to come over pirated goods

*(from Bangkok Post Newspaper, Home News Section, Page 8, Thailand, 24 March 2003)*

Representatives of the US embassy and business groups will meet shopping mall operators to discuss the problem of piracy. The embassy and foreign and local entertainment business groups have been unhappy with the sale of pirated CDs, VCDs and DVDs at some malls despite repeated police crackdowns.

In turn, the mall operators are unhappy with threats by some US officials to blacklist and impose sanctions on them for allegedly ignoring the piracy. The shopping operators complained they were being unfairly targeted. Illegal products remained widespread at their malls because officials had failed to crack down on shops selling them.

10. Adviser denies Charoen is US target over copyright issues

*(from Bangkok Post Newspaper, Business Section, Page 1, Thailand, 25 March 2003)*

Thai business executives denied reports that American businessmen were being asked to stop doing business with local liquor tycoon Charoen Sirivadhanabhakdi as a protest against lax suppression of copyright violations.

"Such reports are not true and some [people] may misunderstand," said Suvarn Valaisathien, a former deputy commerce minister now serving as an adviser to the Thai Charoen Group, one of Mr Charoen's holding companies.

Dr Suvarn and representatives of the Pantip and Tawana plazas held talks about intellectual property violations with Deputy Commerce Minister Wattana Muangsuk. The meeting was observed by Win Dayton, deputy economic counselor of the US Embassy.

Mr Dayton also dismissed the report, saying US authorities had no right to tell American investors to do or not to do business with anyone.

#### 11. Software raid

*(from Bangkok Post Newspaper, Database Section, Page 3, Thailand, 26 March 2003)*

The Economic Crime Investigation Department (ECID) recently found 500 unlicensed software copies worth more than 20 million bath after conducting raids on local offices of three multinational companies.

Acting on complaints lodged by the BSA, the ECID officers found unlicensed software from Microsoft, Adobe, Autodesk and Symantec.

#### 12. Thailand-US step up cooperation against intellectual property violation

*(from Thai News Service, 28 March 2003)*

Thai and US authorities will strengthen their cooperation to prevent intellectual property violation in media operation. Director-General of the Government Public Relations Department Suchart Suchavejapoom and US Counsellor for Economic Affairs Joseph Y. Yun have agreed to strengthen cooperation in providing knowledge about intellectual property protection for the public to ease copyright infringement in broadcasting.

Mr Suchart raised the idea of conducting a seminar of cable TV operators and related officials to raise their awareness of the importance of intellectual property protection and seek ways to prevent violation. Mr Yun welcomed the idea and offered to send US experts in intellectual property laws to join the seminar. He also praised the Director-General for his good cooperation and willingness to solve the problem of copyright infringement.

#### 13. Bootleg CDs seized

*(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 30 March 2003)*

More than 10,000 pirated CDs destined for three major markets in Bangkok were seized from a Nong Khai-Bangkok train. Acting on a tip-off, railway police and Sony Music representatives raided the train to find a parcel of 12,000 bootleg music CDs.

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## **PEOPLE'S REPUBLIC OF CHINA**

### **News in March 2003**

1. China's law-enforcement departments improve anti-counterfeit efforts
2. Qualcomm denies submission of patent list
3. Police unload confiscated counterfeit goods for destruction in Xian
4. Local governments to shun pirated software

1. China's law-enforcement departments improve anti-counterfeit efforts  
(from *BBC Monitoring Asia Pacific-Political*, 4 March 2003)

Law-enforcement departments in China have improved their efficiency and cooperation substantially in cracking down on counterfeiting, said Liu Wanzhong, vice-chairman of the China Association of Enterprises with Foreign Investment (CAEFI).

The Quality Brands Protection Committee was launched in March 2000 in answer to calls for a concerted and coordinated corporate-government effort to address the counterfeiting in China. Its 81 members of foreign investors collectively have invested over 19bn US dollars in China.

Liu said counterfeiting was still a issue in China and the QBPC would continue to help increase public awareness of the seriousness of the problem.

2. Qualcomm denies submission of patent list  
(from *Asiainfo Services*, 7 March 2003  
*Interfax China Weekly Bulletin*, 14 March 2003)

Some local media reported that Qualcomm had submitted the patent list of TD-SCDMA to MII, the Ministry of Information Industry. But Qualcomm China did not approve the report. The TD-SCDMA patent list is very important for authentication of patent and the interest of 3G absolutely owns the patent of TD-SCDMA.

The industry execs believes Qualcomm is targeting the communications market through control patents, and now Datang is the only rival of Qualcomm in 3G market. Qualcomm may have the patent of TD-SCDMA owned by Datang.

3. Police unload confiscated counterfeit goods for destruction in Xian  
(from Reuters News Service, 11 March 2003)

Chinese policemen unload confiscated counterfeit goods for destruction in Xian, the capital of Shaanxi province. Counterfeit goods worth more than four million yuan were incinerated in the operation as part of effort to stop the illegal trade. The volume of pirated products has increased significantly in every manufacturing sector since China began to transform its economy into a market-oriented system in the last 1970s.

4. Local governments to shun pirated software  
(from *Xinhua News Agency Bulletin*, 28 March 2003)

China's local governments will avoid using pirated software to promote the use of copyright software nationwide, said Shi Zongyuan, director of the State Press and Publication Administration, at a copyright conference.

The State Council and provincial governments had resolved the problem of pirated software by May 2002, but other levels of local government continue to lag behind in this task, and it is their responsibility to take the lead in cleaning up piracy, Shi said.

Meanwhile, China has spared no efforts in cracking down on piracy. From 1995 to 2002, national copyright administrations seized an estimated 197 million pirated items and dealt with 18,653 piracy cases, official statistics show.

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## MALAYSIA

### News in March 2003

1. Patent Act amendment to be tabled for acceptance in treaty
2. Pirated VCDs seized from Pakistanis

1. Patent Act amendment to be tabled for acceptance in treaty  
(from *New Straits Times Newspaper, Malaysia, 4 March 2003*)

An amendment to the Patent Act 1983 will be tabled at Parliament next week. This follows Malaysia's intent to be included in the Patent Co-operation Treaty and utilize the services of the WIPO secretariat in Geneva.

This would include creating a simpler global filing system which follows the Patent Co-operation Treaty system and establishing an online "seek and file" system to be launched next year.

2. Pirated VCDs seized from Pakistanis  
(from *New Straits Times Newspaper, Malaysia, 7 March 2003*)

Police arrested two Pakistani men and seized about 3,000 pirated VCDs and DVDs at the Kuala Lumpur International Airport in Sepang. Investigations revealed that the two entered country two weeks ago and had purchased the pirated movies for sale in Pakistan.

The men claimed the discs, which were found in their hand luggage, were for personal viewing. However, investigations revealed that they had been active for at least six months, entering and leaving the country with loads of pirated discs.

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## SINGAPORE

### News in March 2003

1. Help bust makers of pirated DVD and win \$260,000
2. Companies converge in Singapore to sell ideas at IP conference
3. 3 men arrested, pirated software seized in Jalan Besar

1. Help bust makers of pirated DVD and win \$260,000  
(from *The Straits Times Newspaper, Singapore, 7 March 2003*)

An association of American movie makers offered up to US\$150,000 for information that will help bust pirated-DVD factories in the region. The Motion Picture Association (MPA) is targeting eight countries where DVD piracy is rampant and is often driven by organized-crime operations.

In Singapore's case, however, the association's vice-president, Mr Michael Ellis, noted that while piracy levels were down, the country's reputation as a shipping hub was being used to distribute pirated movies to other parts of the world.

The MPA reward scheme is part of its campaign to stamp out movie piracy in the Asia-Pacific. No reward will be given for information on illegal DVD retailers or distributors.

2. Companies converge in Singapore to sell ideas at IP conference  
(from *Channel News Asia*, 11 & 12 March 2003)

Intellectual property experts around the region have gathered in Singapore at Optimal 2003 to pitch their ideas and innovations in the hope that it will be the next big thing in technology and business.

Optimal 2003 marks the start of a series of international events to be co-organised annually by the Japan Patent Office and the Intellectual Property Office of Singapore (IPOS) under the Japan-Singapore New-Age Economic Partnership Agreement. About 200 companies and individuals have been exploring, exploiting and selling their IP to investors who are willing to listen in a unique event called IP Parade at the conference.

3. 3 men arrested, pirated software seized in Jalan Besar  
(from *Channel News Asia*, 25 March 2003)

CID officers from the Intellectual Property Rights Branch arrested three men believed to be part of a pirated software syndicate operating out of a shophouse at Jalan Besar. According to the Police, more than 50,000 pieces of Nintendo and Playstation games and accessories were seized.

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## THE PHILIPPINES

### News in March 2003

NBI seizes fake Oakleys  
(from *Manila Standard*, 12 March 2003)

Oakley Inc., a worldwide leader in the eyewear industry, has launched an all-out offensive against smugglers and retailers of fake good in the country. According to Vance Lommen, Oakley's security and legal director, the company has taken a tougher stand against counterfeit goods, after investigations revealed link between international smugglers and terrorists. He added that the Philippine government also loses revenues with smuggled items in terms of tax collections.

In a series of lighting raids at the Plaza Miranda area, Lommen noted that over 4,000 pairs of fake Oakley sunglasses and other apparel were seized during the operation. While charges are now being filed against the store owners for violation of trademark infringement laws, the Oakley group is concentrating on identifying and apprehending the supplier.

In connection to this, the NBI has announced that it plans to conduct more raids of business establishments selling fake Oakley products.

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# VIETNAM

## News in March 2003

1. Trademark registration
2. Vietnam's viettrade to launch trademark program to aid exports
3. HCM City destroys pirate CDs & VCDs
4. Vietnamese researchers win WIPO award
5. Officials go stateside to study intellectual property rights

### 1. Trademark registration

*(from Saigon Times Daily, 3 March 2003)*

The program is designed for local enterprises to register 1,000 new trademarks and make them widely known by 2005 in Vietnam and abroad, according to HCMC Vice Chairman Nguyen Thien Nhan.

He told the Industrial Property Department under the Service of Science, Technology and Environment to assist enterprises with trademark registrations.

Nhan, however, noted: The program should also focus on providing enterprises with information about trademark registrations in Vietnam and abroad as well as training in this area with the assistance of experts and experienced brand managers.

### 2. Vietnam's viettrade to launch trademark program to aid exports

*(from Asia Pulse, 3 March 2003)*

About 100 major businesses will take part in a national trademark programme in April in the country's latest push to promote Vietnamese exports, the Vietnam Trade Promotion Agency, Viettrade, has announced.

The Vietnam Value Inside Programme is designed to enhance the country's trademark prestige and help consumers overseas recognize Vietnamese products, a Viettrade official said. The programme will be widely introduced at the ASEAN Trade Exhibition to be held in Ha Noi next year, and the AICHI International Exhibition in Japan in 2005.

### 3. HCM City destroys pirate CDs & VCDs

*(from Vietnam News Brief Service, 11 March 2003)*

The market monitoring force in Vietnamese southern Ho Chi Minh City destroyed 32,860 pirated CDs, VCDs and videotapes that were confiscated during its raids on local stores last year. Among the destroyed were 14,244 software disks (mainly Microsoft), 15,354 music disks, 1,350 video games, 1,303 films and 609 videotapes.

### 4. Vietnamese researchers win WIPO award

*(from Vietnam News Brief Service, 12 March 2003)*

A four-member group from Vietnam's Army Medicine Institute is to receive the Young Talent Award from the WIPO for their research on the Influence of TNT (a kind of explosive) and the

Impact of Zolla Micro Phyla on the Quantity & Quality of White Mice Sperm, announced the Vietnam Union of Scientific and Technological Associations recently.

WIPO's award for enterprises that apply intellectual property methods effectively in production and business went to the Van Dien Phosphate fertilizer company, under Vietnam's Industry Ministry.

5. Officials go stateside to study intellectual property rights

*(from Saigon Times Daily, 25 March 2003*

*Vietnam News Brief Service, 26 March 2003)*

A delegation of local officials will leave for the US for a one-week study on intellectual property rights, the first mission going stateside for the purpose since the two countries signed the trade pact, said the US-Vietnam Trade Council. The trip aims to exchange experiences between the two sides on the implementation of the US Vietnam Bilateral Trade Agreement.

The council said in a statement that delegates would focus on studying such intellectual property issues as legislation, judicial systems related to enforcement, and public awareness activities. They will also examine and discuss international intellectual property conventions, Vietnam's obligations relating to the protection and enforcement of intellectual property, and related issues stemming from Vietnam's bid to join the WTO.

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