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THAILAND

1. Metropol commander instructs officers to prevent intellectual property rights crimes
(from *Thai News Service, 1 March 2007*)

The Interim Metropolitan Police Commander has instructed officers from all divisions to prevent intellectual property rights infringement.

Interim Metropolitan Commander Pol Lt Gen Adisorn Nonsri, has urged all divisional officers to support the protection of intellectual property rights as IP crimes will affect Thailand's international relations. Pol Lt Gen Adisorn has assigned the Deputy Commander of the Metropolitan Police, Pol Maj Gen Suchart Karnchanawisate the task of overseeing intellectual property right operations. Police are instructed to facilitate arrests of IP criminals, especially the main investors in these crimes. Pol Lt Gen Adisorn has also shut down the Intellectual Property Rights Special Task Force, and dispersed its responsibilities to local police divisions.

More than 200 artists and media administrators will travel to the Royal Thai Police headquarters to meet with Interim Royal Thai Police Commissioner General Pol Gen Sereepisuth Themeyawes on March 2 to ask for intellectual property rights protection and campaigns.

2. Drug licences could free up Bt1 billion
(from *The Nation Newspaper, Local News Section, Page 2A, Thailand, 5 March 2007*)

The compulsory licensing of three life-saving medicines could help save the state budget between Bt1 billion and Bt1.7 billion per year and allow the distribution of drugs to far more patients, according to estimates by the National Health Security Office (NHSO).

It might mean the government's universal healthcare scheme could double the distribution of the antiretroviral efavirenz drugs, said NHSO boss Dr Sa-nguan Nitayarumphong. Efavirenz was the first HIV drug to receive a compulsory government license.

The government could also save up to 40 per cent on distribution of the second compulsorily licensed HIV drug, Kaletra, allowing its distribution to more than 50 per cent more of those patients who were initially turned down for treatment, Sa-nguan said.

He said the compulsory licensing on Plavix, the anti-platelet drug, which is used by heart disease patients, would allow the government to buy a generic version of the medication at a sixth of the price.

Before compulsory licensing, only 20 per cent of patients who needed the drug received the medication but this will change when the treatment prices tumble, added Sa-nguan. The compulsory licensing would help to save at least Bt200 million a year in case of efavirenz, Bt200 million for Kaletra and Bt600 million on the Plavix budget, he said.

All together, the country could free up more than Bt1 billion after the compulsory licensing of the three drugs, said Sa-nguan.

3. Toxic waste, patent concerns eased

(from Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 8 March 2007)

Thai and Japanese negotiators have reached a common understanding on two concerns over the bilateral free trade agreement between the countries - toxic waste imports from Japan and the patenting of micro-organisms in Thailand.

The move is expected to dissolve the concerns and pave the way for the government to reconsider endorsing the pact, foreign deputy permanent secretary Pisan Manawapat, head of the Thai negotiation team, said.

Mr Pisan, who led the team discussing the issues with Japan two weeks ago, said Japan had understood that the pact could not prevail over any of the Thai laws which regulate the two issues. He quoted one Japanese coordinator as saying Japan understood that no countries would be able to import or export illegal or banned products, referring to the import of toxic waste from Japan to Thailand, which has led to concerns among activists that this would prompt an influx of toxic waste into the country.

Japan also understood that Thailand could reject applications for patenting of micro-organisms based on Thai intellectual property law, he added. Japan had requested that Thailand should accept patent applications for inventions related to microorganisms, but whether patents for these materials would be granted or not was also up to Thai law, he said.

"Japan has given us assurance that Thai laws will prevail over the pact, and this is good news," he said.

"There have been over-reactions, claims the pact would possibly prevail over Thai law, but anyone with a reasonable mind would agree that such assurances should be enough to help dissolve the concerns."

The two sides have also come up with text documents on the matter and are now working on how to put them in the pact before forwarding it to the cabinet for a decision, Mr Pisan said. The deadline was not yet settled, but the process would not be long, he added.

Buntoon Srethasirote of the National Human Rights Commission's sub-panel on intellectual property rights said reaching such an understanding was not the solution to the problem. There may be other negative impacts hidden in the pact which have not yet been discovered. Therefore, the whole text of the pact should be thoroughly reviewed to make things clear, he said.

Surichai Wungaeo, a member of the National Legislative Assembly's public participation panel, urged the government to be circumspect about the pact's impact, saying the two issues were only samples of what were once overlooked by the officials involved.

4. Pirated Helmet

(from Krung Thep Thurakit Newspaper, Economic Industry Section, Page 6, Thailand, 12 March 2007)

Puangrat Asavapisit, Director-General of Intellectual Property Department, said DIP is following the case that Indonesian company infringed trademark of Thai Helmet under brand "INDEX". DIP already contact Indonesian IP Office for cooperation and seize.

Moreover, they found the infringement of product design patent of LANCER pen which the owner already submitted to Indonesian court.

However, to solve the problem, DIP will discuss with Indonesia to make an agreement and sign MoU in IP which would make the good cooperation and exchange data. This plan will be submit to the cabinet for approval soon and expect to be sign in May 2007.

5. Abbott steps up Thai fight

(from The Wall Street Journal Asia, 14 March 2007)

A decision by Abbott Laboratories not to launch any new medicines in Thailand raises the stakes in a growing battle over patents between multinational drug companies and the country's military-installed government.

The unusual tactic also puts Abbott in the awkward position of refusing to sell drugs for sick people in Thailand in order to protest the actions of the country's government.

Abbott has withdrawn its application for seven medicines, including a new formulation of Kaletra, the AIDS treatment, according to Ms. Smoter. The six other drugs are the painkiller Brufen; an antibiotic called Abbotic; Clivarine, for preventing blood clots; the arthritis drug Humira; the high-blood pressure drug Tarka; and Zemplar, for patients with kidney disease. Abbott notified the Thai government a few weeks ago, after talks between the two sides broke down, a person familiar with the matter said.

Abbott risks drawing criticism for a decision that may keep life-saving drugs away from patients who need them.

"It's not good for anyone, even the American company, because they will lose the market," said Thawat Suntrajarn, director general of the Ministry of Health's department of disease control, who said that he was unaware of Abbott's decision. Dr. Thawat said the Thai government would continue to seek generics makers able to produce equivalents of Abbott's Kaletra.

"I'm actually lost for words, if they really are going to do this," said Paul Cawthorne, the head of the Thailand operation of Doctors Without Borders, which has campaigned for access to cheaper medicines. "For me, it's just evil. It's appalling. If they really are going to do this, it reflects so badly on the multinational companies."

Mr. Cawthorne said that in recent months, Abbott assured him the new formulation of Kaletra would be made available in Thailand by this summer. Older AIDS drugs are often left ineffective as the virus that causes the disease evolves. Abbott says it won't pull the older version of Kaletra from the Thai market. It adds that both versions of the drug are equally effective; the prime difference is that the new version is more convenient to take.

Pharmaceutical executives say the Thai government's decision, which they say effectively steals the drugs from the companies that own them, has left the industry with little choice.

"What the government is doing is very shortsighted," said Teera Chakajnarodom, president of the Pharmaceutical Research and Manufacturers Association, an industry group in Bangkok that represents

large international drug companies. "The patients will need newer generations of anti-virus" for treating AIDS, but won't have access to them, he said. "This is serious for the health care of Thailand in the future." Dr. Teera said he was told by Abbott of its decision to withdraw its applications.

It isn't clear whether other big pharmaceutical companies doing business in Thailand will follow Abbott's lead. "They are all looking at" the situation, said Robert Broadfoot, managing director of Political and Economic Risk Consultancy Ltd., a consulting group based in Hong Kong. While none of the companies like what's going on, "they all want to do business in Thailand, but it's got to be on what they consider acceptable terms," he said. Mr. Broadfoot said he doesn't have any pharmaceutical companies as clients but speaks with executives in the industry.

Jean-Marc Podvin, a spokesman for Sanofi-Aventis in Paris, reiterated that the company had been disappointed and surprised by the Thai government's decision in January on Plavix. But he added that it was "too soon to tell" whether Sanofi would follow Abbott's lead, adding that Sanofi is "still evaluating the options."

6. US may place Thailand on special watch list for piracy
(from *Thai News Service*, 14 March 2007)

The United States is poised to place Thailand on its special watch list in April, citing there is the most rampant piracy of intellectual property.

Puangrat Assawapisit, Director-General of the Intellectual Property Department, revealed that five private-sector groups including music and movie, clothes, pharmaceuticals, cable television and books, out of 13 groups in the US complained that Thailand failed to ease problems on continuing intellectual property piracy in various forms.

Worse still, rather than limiting, or containing existing piracy, the groups concluded that the practice appeared to be growing worse in Thailand, and is becoming rampant.

There is a mounting concern Thailand might be put on a US special watch list instead of the watch list which it is placed at present, Mrs. Puangrat said, adding that the department would coordinate with agencies concerned this month to accelerate explaining to the US that Thailand had not been indifferent in coping with intellectual property piracy.

"At present, many groups of Thai producers are worried that the US will place Thailand in its special watch list instead of a watch list for its failure to address the intellectual property piracy. Should Thailand be really placed on the US special watch list, the generalised system of preferences the US just renewed for Thailand may be revised," she said.

"Now, no one can tell that whether the US will put Thailand on its special watch list. But if Thailand is really placed on the list, many Thai export products shipped to the US will be hard hit."

Earlier this year, Mrs. Puangrat said, the department had submitted a written clarification contesting what American authorities call Thailand's failure to cope efficiently with intellectual property piracy to the US Embassy in Bangkok.

It had also accelerated sending all relevant information to clarify doubts to the US government since it believed the prevention and suppression of intellectual property piracy in various forms, particularly copied tapes and compact discs, had been done quite efficiently in the past five or six years, she said.

7. Activists call for Abbott boycott for withdrawing drugs
(from *The Nation Newspaper*, Local News Section, Page 2A, Thailand, 15 March 2007
Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 15 March 2007)

Thai HIV activists have condemned a drug manufacturer, accusing it of canceling imports of vital medicines because its profits were threatened by government legislation.

The Thai Network of People Living with HIV/Aids and other non-government organisations called on the public to boycott Abbott Laboratories' products after it withdrew its anti-retroviral imports licence here. The move was company retaliation against the recent government decision to force the compulsory licensing of HIV drug Kaletra, Aids Access director Nimitr Tien-udom said.

Abbott Laboratories had sent a letter to the Thai Food and Drug Administration withdrawing its application to register the drugs, including HIV treatment Aluvia, heart disease drug Simdax and Zemplar for treatment of chronic kidney disease, Nimitr said.

He said the group would put out a list soon of other Abbott products, which include formula milk, food and weight-loss supplements – for a public boycott.

The Public Health Ministry had stockpiled five months' supply of Kaletra, the campaigner said, adding that a generic version of the drug would soon be available from India under the current compulsory licensing on the medicine. Even if the Indian drug was not available in time, patients could use an old version on Kaletra, which is a combination of Lopinavir and Ritonavir, meaning people would have to take a second drug, rather than just one.

Health Minister Dr Mongkal n Songkhla said Abbott's decision would not have a significant effect on healthcare here because similar medicines were available from other companies.

The ministry would find out how many drugs were affected and replace them with products from other firms. Abbott's officials were not available to comment.

8. Govt urged to crack down on music piracy

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 16 March 2007)

The music-piracy situation in Asia, particularly in Thailand, has become a serious criminal activity, says the International Federation of the Photographic Industry (IFPI).

A recent effort to suppress illegal CDs in Bangkok saw government officials and the police harmed by the sellers of the illegal goods, a federation official pointed out. Robert Youill, the federation's regional anti-piracy-enforcement coordinator, urged the government to seriously tackle the crime at all levels, from production to sales.

Although the government seizes illegal CDs from sellers, this is not enough to deal with the threat of intellectual property, he said, suggesting the government concentrate on the factories where the illegal CDs are made.

Youill noted that high profits in the music piracy industry made it difficult to combat piracy.

The IFPI said piracy of music products alone was worth US\$5 billion (Bt175 billion) globally last year, or about one-third of the music industry's value. Focusing on Thailand, Youill said he could not rate how serious the piracy situation was relative to other Asian countries but said it was unacceptable here and elsewhere in Asia.

In order to combat the pirates, the Thai government and relevant agencies like the police and the Intellectual Property Department must be tough and uncompromising, said Youill. He added that Thailand had an effective law to deal with the crime, but it needed to be implemented in order to destroy illegal factories in the Kingdom.

He said Thailand had too many CD, VCD and DVD factories, which made it difficult for authorities to stamp out the illegal ones. There are 38 CD manufacturers in the Kingdom, with about 100 CD-making machines. Youill called this number too high and said the government should crack down on the ones that might be making illegal products.

Asked about the possibility that the US Trade Representative might downgrade Thailand from its Watch List to its Priority Watch List, which would make it subject to possible trade retaliation, Youill said Thailand would remain on the Watch List.

9. Thai Commerce Minister affirms to EC
(from *Thai News Service, 19 March 2007*)

The Commerce Minister has affirmed to the EC Ambassador that Thailand gives the priority to the obligations and international trade agreements as guidelines in drafting its Foreign Business Act.

After the today discussion with Mr. Fredrick Hamburger, the European Community Ambassador, Mr. Krik-krai Jirapaet, Minister of Commerce, revealed that the European are viewing that Thailand has not been committed to some pledges with the World Trade Organization or WTO, as they see from the way we drafted the Foreign Business Act.

Mr. Krik-krai responded that in fact Thailand has always realized about the obligations and international trade agreements, and has not intended to reduce freedom of investing activities or to establish laws to dictate proportion of shareholders' voting right.

The Commerce Minister added that as for the issues of drug patent and wholesale-retail business, discussion will be held to ensure the most benefits of every party.

10. WHO urged to help poor countries find cheaper drugs
(from *Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 19 & 20 March 2007*)

Health advocacy groups yesterday urged two leading international organisations to take further steps in supporting developing countries in their efforts to win access to unaffordable medicines via compulsory licensing.

"We're wondering what the WHO [World Health Organisation] is doing apart from sending a letter to initially support the Thai government's move on compulsory licensing," said Paul Cawthorne, head of mission of the Doctors without Borders (MSF).

A group of representatives from MSF and British-based Oxfam met Suwit Wibulpolprasert, special adviser to the public health minister, to show support to the ministry's drug access policy.

They also planned to globally campaign against Abbott products after the US drug-maker last week announced that it would withhold its new products in Thailand in protest against the military-installed government's decision to override its blockbuster Aids drug Kaletra.

Dr Cawthorne believes the WHO and the UNAIDS, as two international bodies dealing directly with world population and health issues, should be more involved in this global drug patent debate and play a leading role in supporting low-income countries in their fight to access the badly needed but high quality patented medicines, despite facing pressure from pharmaceutical companies.

Activist doctors, consumer rights and Aids groups have called for a boycott of medicines and other products of US drug giant Abbott Laboratories after the firm withdrew the registration of seven new drugs in Thailand.

They said the action by the drug firm, which produces the anti-Aids drug, Kaletra, in response to the government's decision to go ahead with compulsory licensing, was immoral.

Also withdrawn are new antibiotics and other medicines for the treatment of kidney disorders, high blood pressure and constricted blood vessels.

11. Thailand talking with drug firms – US Chamber

(from Reuters News, 20 March 2007)

Thailand will continue talks with global pharmaceutical firms on a drug-pricing dispute after its decisions to issue compulsory licences for some medicines, an executive of the U.S. Chamber of Commerce said.

A meeting with cabinet ministers produced hope the government and pharmaceutical companies could resolve their disputes, Daniel Christman, the chamber's senior vice president said.

"What we found here was a willingness of Thai government officials to continue a dialogue which, in their view, has been uninterrupted."

The meeting followed an announcement by Abbott Laboratories last week that it would not introduce new drugs in Thailand in protest at the way the army-backed government ignored international drug patents.

Thailand issued a compulsory licence in January allowing it to make or buy generic versions of Abbott's Kaletra to treat HIV/AIDS to loud applause from AIDS activists.

Abbott is believed to be the first pharmaceutical firm to withhold new medicines from Thailand since the government shocked drug makers late last year with its first compulsory licence, for Efavirenz, an HIV/AIDS treatment made by Merck & Co.

Thailand has since also issued one for Plavix, a heart disease medicine made by Bristol-Myers Squibb and Sanofi-Aventis, the first time a developing nation has done so for such a treatment. Christman said the consequences could be in foreign investment. "One of the ways in which a country can compete successfully is to attract foreign investment through a reputation that says it respects the protection of intellectual property," he said.

The U.S. Chamber said a survey of 234 foreign business executives this month showed Thailand's new economic policies and poor intellectual property safeguards could disrupt foreign investment. "Fully 75 per cent of executives say the recent military coup and controversial new economic policies in Thailand would be factors in their final decision on investments over the next three years," it said in a statement.

Although legal under world trade rules, the compulsory licences, which allow governments to make or buy generic versions of medicines needed for public health measures, stunned drug makers who received no prior warning.

Other policy decisions criticized by foreign investors were moves to tighten foreign business ownership and capital controls on foreign funds brought in. The chamber said executives put Thailand in the top spot among six Southeast Asian countries where government decisions had damaged business attitudes.

12. New names to help fight against piracy

(from Bangkok Post Newspaper, Database Section, Page 21, Thailand, 21 March 2007)

CA (formerly Computer Associates), BEA Systems and Monotype Imaging are among eight companies to join the anti-piracy agency Business Software Alliance (BSA) and are expected to be active in Asia this year.

The other companies that have joined the alliance recently are Altium, INUS Technology, Frontline PCB Solutions, Tekla Corporation and Fairfield Language Technologies.

The BSA expects these companies to be actively participating in campaigns throughout Asia with immediate effect, according to a press statement.

Monotype Imaging joined as a worldwide member; CA joined as a policy council member; Altium, INUS Technology and Frontline PCB Solutions joined as Asia regional members; Tekla joined as an anti-piracy member; while Fairfield Language Technologies joined as an Internet piracy member.

The BSA currently has 27 worldwide members and seven Asia regional members. Saying he was delighted at gaining these new members, BSA vice president and regional director Jeffrey Hardee said these companies would "add tremendous value to BSA's campaigns in Asia."

Their participation underlines the need for a united commitment to promote sound policies and legal framework that create a healthy business environment for the software industry and its hardware partners, he added.

Vice president of INUS Technology Charles Hur said the threat of software piracy to business was of grave concern and he was "most excited about joining the BSA in the fight against software piracy".

Nearly 54 percent of software programs in Asia were pirated in 2005, according to the BSA, which cites figures claiming that reducing the software piracy rate by 10 points by 2009 could create 2 million new jobs, increase economic growth by US\$135 billion and generate another \$13.8 billion in tax revenues to Asian governments.

13. Intellectual property value

(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 22 March 2007)

Intellectual Property Department together with National Innovation Agency have planned to bring intellectual property to add more value. DIP would use budget 50mln baht to support the right owners. Firstly, they set up the committee to chose 80 intellectual property works which are patent for invention, 64 and patent for designs, 16.

14. Activists to ask court to delay Thai-Japan FTA

(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 24 March 2007)

Environmentalists and intellectual property rights advocates are planning to ask the Administrative Court to put on hold the government's planned signing of the Free Trade Area agreement with Japan. The move is seen as a last-ditch attempt to put the brakes on the signing, expected to take place early next month.

The group is expected to go to court next week with the Foreign Ministry as its main target. If successful, anti-free trade groups hope the signing will be delayed and the whole pact reviewed.

Buntoon Srethasirote, member of the National Human Rights Commission's panel on bio-diversity and intellectual property rights, said the pact was unacceptable because it did not include proper public participation.

Commerce officials claim that the pact would help reduce over 80% of tariffs on Thai goods entering Japan, thus benefiting the country's imports, particularly in the agricultural sector.

But the pact has drawn strong opposition from environmentalists, intellectual property rights advocates, as well as organic farm groups after it was found that some issues, such as the import of toxic waste from Japan and the patenting of micro-organisms, could harm the country.

15. Drug-makers reject offer of royalty fees

(from Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 27 March 2007)

The government has failed to reach an agreement with patent holders of HIV/Aids and heart drugs listed for compulsory licensing. Royalty payments are being offered to the pharmaceutical companies whose patents will be breached when generic versions are produced locally or imported.

Food and Drug Administration secretary-general Somsak Choonharasmi, who leads the negotiations, said the FDA had informed the patent holders the state was willing to compensate them with only 0.5% of the revenue generated from the generic drug sales.

This was in keeping with Article 51 of the patent law.

But the drug companies did not accept the offer. Representatives said they needed to first discuss the matter with their mother companies before making a decision, he said.

The negotiating committee was appointed by Public Health Minister Mongkol na Songkhla.

It comprises 15 representatives from relevant agencies like the FDA and the Commerce and Foreign Affairs ministries. The committee's first round of talks with representatives of Abbott Laboratories, MSD, and Sanofi-Aventis lasted almost five hours for sale in Thailand must be the same as the existing versions being distributed in the global market.

On the other hand, Abbott continued to reject the use of compulsory licensing for its anti-Aids drugs and the offer of royalty fees by the government. It says such a policy would only jeopardize its research and development plans for new drugs.

The company's representatives, however, did not say they would petition the Department of Intellectual Property Rights to review the policy, he said.

The US-based company earlier opposed the government's decision to go for compulsory licensing and threatened to withhold the introduction of 10 new drugs in Thailand, including an improved version of Kaletra.

The firm's decision upset both local and international health advocates.

16. Govt pay royalty for compulsory licences

(from The Nation Newspaper, Local News Section, Page 2A, Thailand, 28 March 2007)

The Food and Drug Administration (FDA) will compensate pharmaceutical companies affected by the Public Health Ministry's decision to enforce compulsory licensing - at a rate of 0.5 per cent of sales of generic medicines.

"We have invited the companies to the negotiating table on April 10," FDA secretary-general Dr Siriwat Thiptharadon said. He was speaking in his capacity as chairman of the panel in charge of negotiating with the pharmaceutical companies affected by compulsory licensing.

Compulsory licences force patent holders to grant the use of a copyright, or other exclusive rights, to a government or others in "philosophically justified", non-commercial cases. The patent holder can receive some royalties.

Late last year, the Health Ministry enforced a compulsory licence for the HIV drug Efavirenz. Earlier this year, it invoked a compulsory licence for the HIV/Aids drug Kaletra and the anti-clotting agent Plavix.

According to Siritat, MSD (Thailand), which holds the Efavirenz patent, has acknowledged the royalty offer and has offered to sell 600 mg Efavirenz pills at Bt726 per bottle, which was quite close to the FDA proposed price of Bt650 (excluding incentives for the firm).

Siritat said Sanofi-Aventis (Thailand), which holds the Plavix patent said it would inform its parent company about the royalty offer from FDA.

17. Cabinet gives go-ahead to trade pact with Japan

(from Bangkok Post Newspaper, Prime News Section, Page 1, Thailand, 28 March 2007)

The cabinet has approved the signing of a free trade area (FTA) agreement with Japan, overriding civic groups' protests that the government is exceeding its authority under the interim constitution. Prime Minister Surayud Chulanont will sign the controversial Japan-Thailand Economic Partnership Agreement in Tokyo on Tuesday 3 April.

FTA Watch and Bio Thai led protests outside Government House, insisting that the interim government had no legal or political legitimacy to proceed with the signing of the trade accord. They said they would submit a petition to the Administrative Court tomorrow seeking the impeachment of government officials for "rushing" to conclude the agreement and for violating the public hearing process. Three ministers defended the cabinet decision on Channel 5 last night.

Deputy Prime Minister Kosit Panpiemras said April 3 was the right time for Thailand to sign the economic partnership agreement.

As the fourth country in Asean to sign an FTA with Japan, Thailand could maintain its competitiveness in the world economy, he said. Science and Technology Minister Yongyuth Yuthavong said non-governmental organisations should not worry about the country's indigenous micro-organisms.

Thai laws forbid anyone from patenting natural micro-organisms, he said. If any Japanese firms or individuals bring change to a micro-organism, a patent could be sought for the change only on the condition Thailand co owns the patent.

Foreign Minister Nitya Pibulsonggram said even after the FTA is signed, specialist panels in government agencies would monitor related activities. The agreement was also subject to a review every three to five years.

Santi Vilassakdanont, chairman of the Federation of Thai Industries (FTI), welcomed the cabinet's decision. He said large-scale Thai industries anticipated an overall 30% increase in exports.

"The government considers the Japan-Thailand Economic Partnership Agreement (JTEPA) beneficial to the national interest and believes Japan is sincere about cooperating with Thailand in many fields," the spokesman said.

Eight law professors from Thammasat, Silapakorn, Sukhothaimathirath, Technology Suranaree and Siam universities stated the FTA signing would be illegal under Article 38 of the interim charter. Two other civic groups, the Khao Kwan Foundation and the Consumers' Foundation, have also agreed to petition the Administrative Court tomorrow.

18. Last minute bid to delay FTA

(from Bangkok Post Newspaper, Home News Section, Page 4, Thailand, 29 March 2007)

Four anti-free trade groups will today seek an emergency order from the Supreme Administrative Court to stop the signing of the free trade area (FTA) agreement with Japan next week.

They are the Khao Kwan Foundation, the Bio Thai Foundation, the Consumers' Foundation and the Aids Access Foundation. The move follows the cabinet's approval this week of plans to sign the Japan-Thailand Economic Partnership Agreement (JTEPA) in Tokyo next Tuesday.

FTA Watch said in a statement yesterday that it would also rally outside the Japanese embassy today and submit a written protest to the Japanese ambassador against the deal it said would ruin bilateral relations.

Academics yesterday demanded Prime Minister Surayud Chulanont scrap the signing of the pact, warning it would be unconstitutional.

The interim charter says prior approval from the National Legislative Assembly (NLA) is required before inking any international deal that affects the country, its citizens and the legal framework. The warning was issued by a group of academics from Thammasat, Silpakorn, Sukhothai Thammathirat, Siam and Suranaree universities.

The academics said the cabinet only allowed debate on the JTEPA in the NLA, but there was no voting on the issue. The interim government and the NLA are not empowered to undertake major policies which would commit the country in the long term, they said.

The pact covers a wide range of issues, such as Article 130 (3) which may lead to the patenting of indigenous natural micro-organisms, and Article 105(5) on ownership rights to indigenous plant species. To put the deal into force, legal amendments and supportive laws must be drawn up.

19. Court rejects lawsuit filed by activists seeking to halt signing of FTA

(from Bangkok Post Newspaper, Prime News Section, Page 1, 30 March 2007)

The Central Administrative Court yesterday threw out a lawsuit filed by activists opposed to the free trade agreement (FTA) with Japan, who sought an emergency order to halt the signing of the controversial pact.

The court refused to accept the case, which named as defendants the Foreign Ministry, the foreign minister, the chief negotiator, the cabinet and the prime minister. The court ruled that it had no power to decide on the issue.

20. Thai policies may jeopardize

(from The Nation Newspaper, Thailand, 31 March 2007)

The US Chamber of Commerce recently released results from a new survey of 234 business executives from across five continents showing Thailand's new economic policies and poor intellectual-property safeguards could be jeopardizing international investment.

"Global businesses have a long history of successfully working in Thailand, but recent feedback from business leaders shows concern about their future," said Lt-General (retired) Daniel Christman, the chamber's senior vice president for international affairs. "We need to do everything we can to work with the Thai government to ensure that policies follow globally accepted business practices, including regular consultations on pending economic decisions that impact foreign companies and investors operating in Thailand."

The survey showed 11 per cent of executives indicated their companies had active expansion plans in Thailand, while another 40 per cent reported their firms were currently looking at future investment options. Fully 75 per cent of executives said the recent military coup and controversial new economic policies in Thailand - such as currency controls, new foreign-ownership laws and government decisions on intellectual property rights regarding compulsory pharmaceutical licences - would be factors in their final decision on investment over the next three years. North American business executives showed even more concern than their counterparts from other regions of the world.

Many executives reported concerns that Thailand had weak intellectual-property laws and was not going far enough to enforce the laws it already had. Thailand ranked third among Southeast Asian nations for "very weak" intellectual-property laws, faring better only than Vietnam and Indonesia. Less than 1 per cent thought Thailand was "very effective" at enforcing intellectual-property laws currently on the books.

The US Chamber is the world's largest business federation, representing more than 3 million businesses and organisations of every size and sector from each region.

MALAYSIA

1. Malaysia turns to dogs to sniff out illegal DVDs

(from The Straits Times Newspaper, Singapore, 14 March 2007)

Malaysia has unleashed its latest weapon in the war against DVD pirates – a pair of black labradors that will sniff out illegal discs. The dogs, Lucky and Flo, start work today as part of the month-long Operation Double Trouble, marking the first time anywhere in the world that sniffer dogs have been used to find DVDs.

Accompanied by their handlers, the three-year-old female dogs will join Malaysian enforcement officers at Kuala Lumpur International Airport Cargo Centre. They will also be sent to border crossings and shopping centres known for DVD piracy.

Unlike other sniffer dogs, which are trained to detect narcotics or explosives, Lucky and Flo focus on polycarbonate and other chemicals used in optical discs. They cannot actually tell the difference between legitimate and pirated discs, but because official shipments are registered on shipping manifests, they will be used to locate discs shipped in unlikely or unregistered containers.

Lucky and Flo belong to the Motion Picture Association (MPA), which represents some of the biggest Hollywood movie production companies, such as Paramount Pictures and Warner Brothers. The MPA hopes the one-month trial will persuade countries in the Asia-Pacific region - where MPA members lost an estimated US\$1.2 billion (S\$1.8 billion) to piracy last year - to start their own canine units.

Yesterday, Lucky and Flo impressed a gathering of enforcement officials at a special demonstration by detecting a box of DVDs hidden among five containers in less than a minute. They have also shown off their skills in controlled tests in Dubai and Hong Kong, but today will mark their debut in real-life law enforcement.

MPA senior vice-president Mike Ellis said the idea of using the dogs came out of a brainstorming session about two years ago. 'It sounded a little crazy to us, but we tested it and it works.'

He said the cost of training Lucky and Flo came to just US\$17,000, and added that while the MPA would not supply dogs, it would be willing to foot the bill for countries interested in setting up their own canine units.

Malaysian Domestic Trade and Consumer Affairs Minister Shafie Apdal said at the launch of Operation Double Trouble that Malaysia remains receptive to new ideas and methods for combating piracy. 'We hope this initiative not only demonstrates the government's commitment, but also sends a strong message to pirates that we mean business,' he said.

The task is huge, going by the number of bootleg discs being churned out. Last year, the MPA investigated more than 30,000 piracy cases in the Asia-Pacific region alone. In some 12,400 raids, more than 35 million illegal discs were seized.

2. Fight against piracy an uphill battle
(from *The Malay Mail*, 19 March 2007)

The Domestic Trade and Consumer Affairs Ministry's battle with pirates in Petaling Street, Kuala Lumpur, has been an uphill one - no thanks to public apathy.

Its deputy director-general of operations Iskandar Halim Awang said despite frequent raids by enforcement units from headquarters and the Federal Territory branch, the problem persists because of the increasing demand for fake and pirated goods.

"We conduct raids almost on a daily basis but that has not deterred traders from making sales discreetly. "They know that there is a risk of being caught but the prospect of making a lot of money is a great pull for them. There is steady demand by the public."

Iskandar lamented that there was a lack of respect by the public for intellectual property.

"Buying fake and pirated items do not benefit anyone but the pirates," he said. "Remember that the next time you buy a pirated CD or a fake bag, you are robbing its rightful owners of their livelihood."

3. Dogs strike gold in search for fake CDs
(from *The Nation Newspaper, Regional News Section, Page 6A, Thailand, 22 March 2007*
The Nation Newspaper, Regional News Section, Page 5A, Thailand, 27 March 2007)

Two black Labradors trained to sniff out DVDs and CDs have made their first bust in Malaysia by helping to find pirated discs worth millions of dollars, industry officials said.

Lucky and Flo, born and trained in Northern Ireland, found the discs in a car and at an office tower in Johor baru, the capital of Johor state neighbouring Singapore, where pirated discs are easily available.

The MPA, which conducts piracy investigations for major motion picture companies, brought the two crime-fighting canines to Malaysia earlier this month for a one-month trial to help fight the scourge of piracy.

Lucky and Flo cannot distinguish between CDs and DVDs, or legitimate and pirated discs, but they are trained to detect polycarbonate and other chemicals used in optical discs.

The dogs helped sniff out offices within the building as well as hidden compartments where about one million fake discs, all thought to be produced by one syndicate, were being stored.

However, later movie pirates are spraying chemicals on their bootleg DVDs to confuse two US-loaned dogs.

SINGAPORE

Copyright exemption: more items proposed
(from *Business Times, Singapore, 15 March 2007*)

Schools will have more leeway to use copyrighted material for classroom learning under proposed changes to the list of items exempted from the Copyright Act.

The Act controls access to copyrighted material and protected performances, but the Minister for Law has the power to exclude some items from this prohibition.

The Intellectual Property Office of Singapore (Ipos) has proposed extending the list of such items to benefit sectors such as education.

For example, schools will be able to bypass control measures that protect video compact discs or digital video discs to make clips for classroom teaching purposes. Ipos said that this would save classroom time as teachers will not need to keep changing discs and sifting through entire films to identify the relevant clips in class.

Where access control measures applied to compact discs may damage or cause security flaws in the computer operating systems, another new rule will circumvent such measures and research on such security flaws.

Ipos is inviting members of the public to visit its website at www.ipos.gov.sg [<http://www.ipos.gov.sg>] to review the list of items to be excluded from the Act and provide comments by April 14.

PHILIPPINES

1. Pay TV group wants RP back on priority watch list (from *Business World*, 6 March 2007)

A group of international pay-television channels has asked the United States to admonish the Philippines for failing to curb the rampant theft of broadcast signals, claiming revenue losses of \$80 million or about P4 billion last year.

In particular, the Cable and Satellite Broadcasting Association of Asia (CASBAA) wants the Philippines returned to the US government's "priority" watch list of intellectual property rights violators if there is no concrete improvement following a review.

In a submission last month to the Office of the US Trade Representative, the Hong Kong-based CASBAA said the National Telecommunications Commission (NTC) has been issuing licenses to local cable firms "without regard to whether the company is engaging in signal theft." It also criticized state prosecutors for the slow pace of cases involving criminal copyright violations.

It also noted that an agreement between the Intellectual Property Office (IPO) and the NTC creating an enforcement mechanism has yet to be implemented. Under the agreement, the IPO will investigate complaints. If the complaints are found valid, the NTC will use its regulatory powers against the erring cable firms.

Sought for comment, NTC Deputy Commissioner Jorge V. Sarmiento said the delay in implementing the agreement was only "procedural". Adrian S. Cristobal, Jr., IPO director-general, said the implementing rules had been signed.

The US Trade Representative took the Philippines out of its priority watch list last year and placed the country on the lower-level watch list of intellectual property rights violators, citing "progress."

2. RP hit on selective anti-piracy drive (from *Business World*, 7 March 2007)

American lobby groups and global brands like Levi Strauss & Co. and Philip Morris International continue to fault the Philippines for intellectual property rights violations, despite acknowledging "progress" and "positive steps" against piracy and counterfeiting last year.

Apparently frustrated that enforcement remains weak and the odds are still stacked in favor of copyright and trademark thieves, apparel and footwear firms are particularly criticizing law enforcers for devoting more resources to "one or two industries." They have also complained that the government has been registering trademarks "confusingly similar" to international brands, forcing them to go through expensive, time-consuming litigation.

"In the past year, the government's anti-piracy and anti-counterfeiting campaigns concentrated on unlicensed software, optical discs, and the cable industry ... [enforcement] in other areas such as clothing and footwear were not initiated or aided by the government," Levi Strauss said in comments submitted to the US government for its annual review on intellectual property rights.

Levi Strauss pressed the Philippines to stop "copycat" registrations of globally famous trademarks, saying the Intellectual Property Office (IPO) has been allowing "fraudulent registrations" in violation of the Intellectual Property Code.

Tobacco giant Philip Morris complained of difficulties in getting search warrants, pointing out that rules require requests to judges to be accompanied by orders personally signed by the heads of either the Philippine National Police (PNP) or the National Bureau of Investigation (NBI). The cumbersome procedures often lead to information leaks since details "quickly become known" to many law enforcers, the company complained.

Washington-based International Anticounterfeiting Coalition, which claims to be the largest multinational group against counterfeiting and piracy, said "occasional leaks" prior to police raids have resulted in "failed seizures."

Philip Morris claimed that Northern Luzon ports such as Subic, Poro Point, Salomague, and Port Irene are being used for "large-scale smuggling," too far from the center of power to be monitored by Customs agents.

Hence, the International Anti-counterfeiting Coalition recommended that the Philippines be retained in the US' low-level watch list of intellectual property rights violators. In contrast, the Cable and Satellite Broadcasting Association of Asia has asked the US government to return the Philippines to the priority watch list, citing lack of concrete improvement in curbing the rampant theft of broadcast signals, which caused \$80 million in losses in 2006.

In a January report, the International Intellectual Property Alliance, a coalition of seven US trade groups, also recommended that the Philippines be retained in the ordinary watch list, recognizing "some good work." But the alliance said a special review should be conducted to check whether the country has done anything to address the lack of criminal convictions, ineffective courts, book piracy, optical disc piracy, cable piracy, and the "unknown final disposition of pirate goods and materials and implements found in various raids."

The alliance estimated trade losses last year at \$134.3 million, compared to \$126.3 million in 2005. This includes \$49 million for books due to illegal photocopying near school campuses, \$35 million for business software, and \$50.3 million for records and music. Estimates for motion picture and entertainment software are not yet available.

The estimates revealed that 72% of business software is pirated. The piracy level for records and music is 62%, and for books, 49%. In terms of trade losses, the Philippines was eighth in the list of 28 countries recommended by the alliance for the ordinary watch list. Italy topped that list with \$1.4 billion in estimated losses. But China, which is on the priority watch list, is the world's worst with \$2.2 billion in estimated losses.

Adrian S. Cristobal Jr., director general of the IPO, said that P2 billion worth of pirated items have been seized to date as a result of "strengthened institutional linkages and inter-agency coordination" through the National Committee for Intellectual Property Rights, formed in 2005.

The US Trade Representative's 2007 trade report to the US Congress also noted "some progress," pointing to the higher number of police raids in 2006. But the report said pirated discs remain "widely available" all over the Philippines, "indicating that additional enforcement action remains necessary."

"In addition, the Philippines has been slow to prosecute [intellectual property rights] offenders and impose deterrent penalties," the report added. Also, the International Intellectual Property Alliance claimed it was hard to run after retailers of pirated goods inside leading malls, with "key mall owners" being members of Congress.

Early this week, policemen seized 13,000 pieces of fake Louis Vuitton worth nearly P8 million at Robinsons Place Ermita Mall, following a complaint by Daniel Plane, anticounterfeiting manager of LVMH Fashion Group Pacific Ltd. Only one outlet - at Makati's Greenbelt mall - is authorized to sell Louis Vuitton products. In a statement, police said Robinsons could be included in criminal charges.

3. Piracy scares off investors from Philippines (from *Agence France Presse*, 7 March 2007)

Widespread piracy of films, music and video-games is forcing many multinational companies to have second thoughts on manufacturing software in the Philippines, a Sony Corp. executive said.

"Piracy is the big concern and this is the reason why we can't do business here," said Hiroaki Kobayashi, president and managing director of Sony Philippines. "I think it's also the problem of other companies," he said, citing the widespread availability of pirated versions of movies, audio products, video-games and computer software.

He said this was why Sony would not even import copies of video-games for their popular Playstation Portable (PSP) into the Philippines. Kobayashi said he could not say just how much the industry lost to piracy saying: "It's very difficult to quantify."

Pirated versions of movies, music and software are widely available in many shopping malls in the Philippines despite numerous complaints from companies and foreign governments.

According to the Business Software Alliance, software piracy in 2005 cost the Philippine software industry 3.9 billion pesos (81.25 million dollars). The International Intellectual Property Alliance said the loss to US copyright industries in the Philippines in 2004 was 139 million dollars.

Kobayashi said Sony hardware, however, continues to enjoy success in the Philippines with its widescreen televisions, digital video cameras and bluetooth headphones all getting increases in sales. He estimated sales in 2006 amounting to 4.4 billion pesos (90.2 million dollars), up from 3.5 billion pesos in 2005.

4. RP bears greatest political risk (from *Business World*, 8 March 2007)

The latest annual survey conducted by the Japan External Trade Organization on international operations of Japanese firms, and released this month, showed that Japanese firms operating in eight select East Asian markets find the Philippines the riskiest in terms of "political and social instability."

The survey, conducted from November to December last year, showed the Philippines was followed in this concern by Indonesia, China, Thailand (despite the September 2006 coup d'etat), India, Vietnam, Malaysia and Singapore.

The Philippines also ranked the second-riskiest market in terms of underdeveloped support industries for the companies surveyed, with Vietnam figuring as the most risky in this concern. Following the Philippines were India, Indonesia, Malaysia, Thailand, China and Singapore.

The Philippines ranked the third riskiest in underdeveloped infrastructure - beating India and Vietnam at first and second places, respectively - followed by Indonesia, China, Malaysia, Thailand and Singapore. The Philippines ranked fifth most risky in terms of concerns over local currency (the riskiest being Indonesia); underdeveloped legal system/problems with legal procedures (the worst being China, followed by India, Vietnam and Indonesia); as well as problems with intellectual property rights protection (the worst violators being China, followed by India, Vietnam and Indonesia).

The survey got replies from 729 firms, or 28.7% of the 2,537 companies sent questionnaires. Of this total, China accounted for 596 respondents; Thailand, 353; Indonesia, 238; Malaysia, 245; Singapore, 244; Vietnam, 236; India, 201; the Philippines, 177.

5. Local anti-piracy group says US lobby groups 'unreasonable'
(from *Business World*, 13 March 2007)

The Philippines still has a lot to do to protect intellectual property rights, but a number of issues raised by American lobby groups before the United States government are unreasonable, according to a Filipino anti-piracy group.

Law enforcers are doing their best to round up counterfeiters and seize "pirated" products, but resources are limited and economic conditions are "difficult," the Intellectual Property Coalition said.

The group, headed by musician John J. Lesaca, recommended that the Philippines be retained in the ordinary watch list of the US Trade Representative (USTR).

In comments submitted to the USTR for the agency's annual listing of intellectual property rights violators, the IP Coalition disagreed with the positions of two big American groups - the International Intellectual Property Alliance and the International Anti-counterfeiting Coalition - particularly on the lack of criminal prosecutions and the slow pace of court cases.

These groups have continued to score Filipino authorities for failing to deter piracy despite numerous raids, seizures, and inspections, noting that most cases do not reach the courts.

But the IP Coalition argued that the Optical Media Board, which has been leading the government crackdown on pirated movies, records, and software, should first have the capability to resolve cases that arise from its inspections. "By its Charter, the [board] has the authority and power to make a real difference in the campaign to fight piracy.

Apart from merely conducting raids and inspections, seizing infringing optical media and instituting criminal actions against erring optical disc plants and retailers (which are important aspects of its functions), its bigger task is to regulate the optical media industry.

Perhaps, its leadership has exhibited the political will and enthusiasm to perform the agency's mandate. But if the organization is weakened by sheer lack of personnel, inadequate logistical support, want of training, it will be hard put to rise to the challenge," the IP Coalition said.

The group also said the Philippines should not be taken to task for delays in court proceedings, since appeals are necessary to ensure due process. "(T)he appeals processes (even if they are incessant, at times), in particular, and the procedural rules, in general, do not constitute per se the evil that is the root of judicial delay.

The Philippines, like other legal systems in the modern world, adheres to the principle that it is better to err and acquit a guilty person than to convict an innocent man. The remedy of appeal is a way to ensure that justice is dispensed," the group said.

The International Anti-counterfeiting Coalition had claimed that cases take anywhere from two "to even ten years" to reach a conclusion, "with infringers routinely extending the duration of cases by exploiting procedural loopholes and raising appeals against minor rulings."

The IP Coalition also blasted the two American groups for claiming that intellectual property rights owners are being forced to settle court cases because of delays in judicial proceedings. "Settlements, in general, are encouraged by Philippine procedural rules. They have emerged as an essential component of an effective anti-piracy or anti-counterfeiting strategy. An IP owner does not need to apologize for resorting to it," the group said.

6. IP Philippines completes its three-year strategic plan
(from *Hechanova Bugay & Vilchez Law Office, Philippines, 15 March 2007*)

The Intellectual Property Office of the Philippines (IP Philippines) has completed its 2007-2009 [Strategic Plan](#) which aims to foster a creative Philippines that utilizes intellectual property as a strategic tool for national development and global competitiveness.

The strategic plan of IP Philippines focuses on the fulfillment of its mandate under the IP Code and meeting the challenge to continue delivering results and remaining a strong and relevant institution in Philippine society.

The strategic goals of IP Philippines are as follows: to deliver quality and timely patents and trademarks; to improve results-oriented technology transfer interventions; to provide speedy and effective legal remedies; to institutionalize copyright development and support services; and to sustain dynamic leadership in the IP system.

7. Arroyo hopes senate will soon ratify Japan economic pact
(from *Asia Pulse, 26 March 2007*)

President Gloria Macapagal-Arroyo expressed hope Friday that the Senate would "ratify speedily" the Japan-Philippines Economic Partnership Agreement (JPEPA) so as to enhance the facilitation of goods and services between the two countries.

The President said the assurance from Japanese Prime Minister Shinzo Abe that Japan would care about the Philippine environment would hopefully pave the way for the JPEPA's ratification by the Senate.

The President transmitted to the Senate last Nov. 17 the certified true copy of the JPEPA together with the Instrument of Ratification for the latter consideration.

The JPEPA was signed on Sept. 9, 2006 by President Arroyo and then Japanese Prime Minister Junichiro Koizumi on the sidelines of the 6th Asia-Europe Meeting held in Helsinki, Finland. The agreement would strengthen the economic cooperation between the Philippines and Japan through increased cross-border flow of goods, persons, investments and services.

It also provides for the protection of intellectual property rights, controlling ant-competitive activities and improvement of business environment.

INDONESIA

1. Govt has much to gain by reducing piracy

(from The Jakarta Post Newspaper, Indonesia, 7 March 2007)

The government could increase tax revenues by US\$150 million and the country's gross domestic product (GDP) by \$3 billion if it managed to reduce piracy by 10 percent from the current level of 87 percent, says an official of PT Microsoft Indonesia.

"With regard to the government's target of decreasing Indonesia's piracy rate to 77 percent this year, this will be realistic provided it improves coordination with industry players," said Microsoft Indonesia's director for small and midmarket solutions, Irwan Tirtariyadi, on Monday.

"Last year, Indonesia had the world's third highest piracy rate, just below Vietnam and Zimbabwe (90 percent), and followed by China and Pakistan (86 percent)," said Irwan, quoting a recent Business Software Alliance (BSA) and International Data Corporation (IDC) piracy study.

The Indonesian software industry's losses to piracy far exceeded its annual revenues.

Latest figures from the IDC, an independent research institute, show that businesses account for 78 percent of software usage in Indonesia.

"Actually, about 70 to 80 percent of Indonesian companies are willing to comply with the Intellectual Property Rights Law, but they do not have the knowledge about how to start doing this," he said.

2. Govt to establish popular brand requirements

(from Bisnis Indonesia, 22 March 2007)

The government is going to establish popular brand requirements to give proper legal protection to the brand-owners. The requirements will be included in a Government Regulation currently under deliberation. The Government Regulation (PP) will also regulate on brand registration.

Emmawati Junus, Brand Director at the Directorate General of Intellectual Property Rights at the Department of Justice and Human Rights, revealed that a brand could only be called popular if it was able to meet eight requirements.

First, the brand is perceived and recognized as popular. Second, the brand has significant sales volume and amount of profit. Third, the brand seizes a large market share. Fourth, the brand has wide coverage. Fifth, the brand makes intensive promotion and huge investments. Sixth, the brand is registered in more than three countries. Seventh, the brand has been strongly enforced legally by an authorized organ. Eighth, the brand value is made of high reputation and guarantee.

If the PP was issued, she explained, the Directorate of Brand had a reference to reject a registration made by a brand that had similar name or the same name, albeit in different product class, with the registered brand.

"What has been prohibited all this time is the registration made by a similar brand in the same product class," she informed. Separately, Gunawan Suryomurcito, Head of Indonesian Intellectual Property Rights Community, argued the government needed to issue popular brand requirements to give legal protection to the brand owners.

Gunawan, who is also an Intellectual Property Rights consultant, hoped the national businesses could create their own brands instead of imitate popular foreign brands.

"It is obsolete to imitate foreign brands, not to mention that Indonesia plans to join the Madrid Protocol. Indonesia has to give protection to popular brands."

VIETNAM

1. Japanese institute researches IP law in Vietnam (from *The Saigon Times Daily*, 13 March 2007)

Professor Yoshitoshi Tanaka from Japan's Tokyo Institute of Technology and a group of Japanese researchers just concluded a four-day trip to Vietnam to look into the issue of intellectual property (IP) law.

Professor Tanaka said at the meeting with leaders of the city's Department of Science and Technology that the main purpose of the research was to help exchange and promote the understanding of IP law between Japan and Vietnam, especially when Vietnam is a member of World Trade Organization.

The research in Vietnam is part of a wider-scale research being carried out in six Asian countries including Japan, China, Thailand, Vietnam and the Philippines in four months, Tanaka told the Daily. He added that the research focused on some key points such as the importance of IP law in Asian economies, the patent ownership, the relationship between universities and enterprises among others.

Truong Thuy Trang, vice director of the Department of Science and Technology, said she hoped the research could help much in building the relationship between universities and enterprises in scientific and technological areas in Vietnam in general and in HCMC in particular.

The professor gave some examples of how Japan utilized the inventions created in universities as well as explained how to share the ownership of patents invented in universities in some cases.

2. Effective implementation of intellectual property aims to attract investment (from *Thai News Service*, 13 March 2007)

Foreign direct investment is on the rise in Vietnam, testifying to foreign investors' confidence in the protection of intellectual property rights (IPRs) in the country, says ECASEAN Intellectual Property Rights Cooperation Program (ECAP II) Director Nicolas G. Morey.

According to experts, any country can find it difficult to implement IPRs as intellectual property in the fast-changing globalisation process has become a burning issue for every nation. The copying of copyrights, studies and design models is becoming a common occurrence in the developing economies, causing major concern for investors.

Markus Cornaro, Ambassador and Head of the EC Delegation to Vietnam said that the protection of IPRs is a very important issue to boost trade and economic development. If the countries apply protective measures to a high standard level, it can further attract investors, intensify inventions and develop more strongly than those applying limited protection standards. Foreign investors' intellectual property rights in their research and design in Vietnam must be guaranteed so that they can share experience in developing technology and designs with Vietnam.

One of the EU's targets in relations with Asian nations is how to promote mutual trade and investment, it has launched a host of different programmes including ECAP II. ECAP II valued at 1.5 million euros has

been conducted in Vietnam since 2004 with a focus on perfecting the legal framework, reinforcing management capacity, and raising public awareness of intellectual property rights.

Under the ECAP II, more than 30 different activities concerning legislation and implementation of IPRs were implemented in 2006 in collaboration with Vietnamese agencies such as the General Department of Customs, and the Economic Police Department.

Mr Markus said the EC selected Vietnam to implement the project due to the country's strong commitment on intellectual property (IP) under the WTO framework and its heavy fines for counterfeiting and low-quality products. This is a requirement of the international community. Vietnam has made steady progress in IP, Mr Markus said.

After the ECAP II, Vietnam has made great efforts in implementing IP rights and ECAP II has provided significant support in helping Vietnam to build a legal framework, says Tran Viet Hung, deputy head of the Vietnam National Office of Intellectual Property (NOIP). The debut of the IP Law in 2005 is a typical example. Thanks to ECAP II, local people's awareness of IP has been improved. The number of applications for registering IP rights has increased sharply.

Mr Markus affirmed that Vietnam accomplished important steps towards complying with international standards on intellectual property in 2006. It also showed its effort in implementing the new Intellectual Property Law, enacting by-law documents as well as joining important international conventions such as the Madrid Protocol and the UPOV Convention.

Nicolas G. Morey, director of ECAP II said Vietnam has made significant progress in IP protection. Vietnam joined the Association of Southeast Asian Nations (ASEAN) in 1995 and made more progress than other member countries. Foreign direct investment has increased strongly, showing investors' trust in the country's IP protection.

ECAP II will finish late this year but the EC will continue providing support for Vietnam.

Mr Markus said the EC is striving to bring out the third ECAP which is a cooperation programme among European Committee, the European Union and ASEAN. Vietnam is one of the most important member under the co-operation framework. Implementation of IP rights aims not only to meet international standards but also help Vietnam strengthen development of science and technology and attract more investors.

3. Govt pushes intellectual property rules (from *Thai News Service*, 16 March 2007)

The Ministry of Science and Technology has announced that it will put VND20 billion (US\$1.25 million) into a programme promoting intellectual property rights (IPR).

"The ministry might double the money to help increase intellectual property awareness," said senior Government Office official Tran Son Lam at a seminar introducing the programme in Ho Chi Minh City. The programme was initially launched in 2005, but was not well received, as many people were still unaware of IPR.

"Science and technology groups should understand intellectual property rights very clearly. If we can't apply intellectual property protection in manufacturing, we will never develop," he said.

He said that through the seminar and the programme, enterprises would be offered assistance in understanding and developing policy towards IPR in the business world.

The programme aims to increase awareness of IPR development and protection to increase enterprises' competitive ability. While focusing on organising IPR training and education the programme also provides financial assistance to other IPR promotion projects.

Last year, seven such projects received a total investment of around VND1 billion (\$62,000). The programme is co-ordinated by 10 ministries alongside provincial People's Committees and the Vietnam Chamber of Commerce and Industry.

INDIA

1. Movie pirate gets 7 months in India (from Reuters News, 2 March 2007)

A Mumbai court has jailed a movie pirate for seven months and fined him 55,000 rupees (\$1,250) following a case filed by the major Hollywood studios.

According to a statement released Thursday by the Motion Picture Assn. (MPA), the studios' foreign lobbying arm, the court ruling was delivered Feb. 20 and found Sameer Ahmed Qureshi, a Mumbai-based wholesaler of pirated movies, guilty under the Indian Copyright Act.

Qureshi was arrested Oct. 27, 2005 by Mumbai police, who acted on information provided by the MPA and seized several thousand pirated DVDs including such titles as "Fantastic 4," "Rush Hour," "Troy" and "Mr. & Mrs. Smith."

"The sentence handed down by the court marked only the sixth movie piracy conviction in India," said the MPA's New Delhi-based India legal counsel, Chander M. Lall. "While we are encouraged by the increased recognition the courts are giving to intellectual property theft, there are at the moment more than 2,000 additional movie piracy cases working their way through the judicial system."

The MPA studios lost \$6.1 billion to worldwide piracy in 2005, of which about \$1.2 billion came from piracy across the Asia-Pacific region. Piracy in the U.S. accounted for another \$1.3 billion.

2. Kerala formulating IPR policy (from Business Line, 3 March 2007)

The State Government is in the process of formulating an Intellectual Property Rights (IPR) policy.

This was announced by Mr P.S. Gopinathan, Law Secretary, while inaugurating a two-day workshop on IPR organised by the Regional Research Laboratory-Thiruvananthapuram (RRL-T) here.

The Trade and Investment Development Programme (TIDP) of the European Union and India is the cosponsor of the workshop. IPR is one of the components of TIDP set up under the standing agreement between India and EU for trade promotion. It aims to create in India an environment that encourages trade and investment.

The IPR policy is being formulated with a view to promoting inventions, innovations and patents. In this context, Mr Gopinathan stressed the need for close cooperation among the R&D institutions in the State.

Dr B. Ekbal, former Vice-Chancellor of the University of Kerala, said that 'human rights' should predominate Intellectual Property Rights.

'Intellectual Property Privileges' (IPP) would be a better way of expressing the related take-away from public-funded R&D.

Team leader of TIDP - IPR Component welcomed the gathering and gave an overview of the activities of TIDP. Dr C. Arumugan Deputy Director RRL-T stressed the need for gearing up the R&D systems to cope up with the changing IPR legislations.

3. Starbucks steams at “Starbucks” Indian coffee chain
(from Reuters News, 4 March 2007)

Starbucks Corp. is opposing Indian entrepreneur Shahnaz Husain's plans to start a chain of coffee shops called Starstrucks, the Mint business paper reported. The U.S. coffee shop chain has told India's Controller-General of Patents, Designs and Trademark that the name is deceptively similar to its own name, the paper said.

Husain, an herbal beauty specialist who has a range of skincare and haircare products and salons named after her, is not willing to give up the name, the paper said. "Why should I give it up? Hundreds of others are deceptively similar. What to do? They have opposed and we will fight," Husain, called the Herbal Queen, told Mint.

Husain plans to open 25 stores in a year. The shops will have a glamour theme, with posters of movie stars, the paper said. "My concept's totally different," she said.

Starbucks, the latest in a line of foreign companies facing branding challenges in India, is reported to be awaiting permission from the Indian government to open its coffee shops in a joint venture with an Indonesian franchisee and Pantaloon Retail India Ltd.'s founder Kishore Biyani. The government had sought some clarifications from Starbucks on its joint venture arrangement, local papers have said.

4. India rated high in IP protection
(from Business Line, 5 March 2007)

In intellectual property (IP) protection, India is rated higher than China and the Czech Republic, but comes behind the US, the UK, Canada and Taiwan, according to Ernst & Young and Indian Semiconductor Association report on the semiconductor sector competitiveness.

In its benchmarking study, E&Y and ISA found that barring the Czech Republic, India has the least number of US patent applications and grants to its credit. This is because design companies in India, being captive arms of multinational companies and third party service providers, handle some portions of projects rather than execute the entire IP or product development projects on turnkey basis.

The report found that there could be several small Indian companies creating IP but not filing for a US patent owing to the substantial cost involvement.

The report quoting data between 2001-2005 states that the US had filed for 5,96,447 applications for patents and of this 2,34,725 have been granted; the UK follows suit with 15,942 filings and 4,501 grants respectively, Canada has 12,529 applications and 3,559 grants and India is way below China and Taiwan with 2,145 applications and 621 being granted patents.

These patents cover semiconductor devices, basic electronics, printed circuits, electrical communication and information storage.

The US tops with some 724 semiconductor design companies, followed by Taiwan with 268 and the UK with about 200 companies. It is significant to note that India has close to 150 semiconductor companies; a majority of the leading multinational companies now have design centres in India.

5. BSA announces plan to set-up enforcement actions
(from *The Press Trust of India Limited*, 5 March 2007)

With an aim to bring down the piracy rate, the Business Software Alliance (BSA), representing world's IT Software and Hardware industry, today announced its plans to set up an enforcement action within this year.

BSA had conducted substantial raids during 2006 and has seized software value around USD 2.0 million.

Jeffrey J Hardee, BSA vice President and Regional Director, Asia-Pacific, said in a statement here that, "in over 200 actions that have been conducted by BSA and its member companies in 2006, we had found wide spread use and sale of pirated software across India. With the high software piracy rate in India, it is important to highlight efforts of the industry in combating piracy through enforcement."

The BSA and its members have carried out raids in cities like Delhi, Mumbai, Chennai, Kolkata, Ahmedabad, Bangalore and Hyderabad in 2006. Software piracy is a huge problem that is plaguing many emerging economies and is limiting full potential of the local software industry to a large extent.

As per findings of the BSA-IDC study of 2005, the rate of PC software piracy in 2005 was 72 per cent. According the statistics, the Indian Software industry posted a revenue loss of USD 566 million in the year 2005, Hardee said.

6. Seminar on IPR issues
(from *Business Line*, 8 March 2007)

Mangalore University will organise a seminar on intellectual property rights (IPR) issues on March 8. A release said that the objective of the seminar is to bring awareness about IPR, its concepts and procedure to avail patents and other forms of IPR. Around 200 delegates are expected to participate.

Mr H.M. Bharatesh, Principal District and Session Judge, Mangalore will inaugurate the seminar. Dr J.S. Patil, Special Officer to Law University, University Law College, Dharwad, will deliver the keynote address. Experts from the Patent Office, New Delhi, will deliberate upon various topics, the release added.

7. Traditional handloom varieties to receive registration protection
(from *The Hindu*, 16 March 2007)

Traditional handloom varieties of Tamil Nadu will be registered under the Geographical Indication Act to prevent bogus goods from entering the textile market, Handlooms and Textiles Minister N.K.K.P. Raja said here.

Presiding over the inauguration of the National Handloom Exhibition - 2007, he said Kancheepuram silk saris, Bhavani blankets and Madurai Sungadi saris had been registered under the Act. Soon, Salem Silk, Arni Silk and Kovai Kora would come under its protection. These varieties would have a hologram indicating their genuineness

The Minister said bringing these traditional varieties under the Act would also help increase their sales. He pointed out that the sale of Mysore Silk had increased substantially after it was registered under the Act.

8. Kerala govt to publish draft IPR policy next month
(from *The Hindu*, 22 March 2007)

The State Government intends to publish the draft of its policy on Intellectual Property Rights (IPR) on April 26, the World Intellectual Property Day. Replying to a submission in the Assembly, the Law Minister, Mr M. Vijayakumar, said that the Government was committed to implementing a comprehensive policy to protect the interests of the State's rich traditional knowledge.

Wide-ranging discussions have been held with experts in this regard, the Minister informed the House. A draft policy framed during the period of the erstwhile government had proposed an umbrella body called IPMC (Intellectual Property Management Committee) under the Department of Law for coordinating all IPR activities in the State.

Which aimed to promote inventions innovations and patents from the State also proposed that all universities and higher educational institutions incorporate IPR as part of their curriculum.

A symposium was arranged for getting the feedback from stakeholders. But the policy could not be implemented since the term of the Government expired before any decision could be taken.

The State Government has decided to go on appeal against an interim order of the High Court that imposed a partial stay on its liquor policy, the Excise and Labour Minister, Mr P.K. Gurudasan, informed the House.

9. Enforce intellectual property laws
(from *Hindustan Times*, 24 March 2007)

Justice PP Naolekar of the Supreme Court on Saturday called for effective enforcement of laws on intellectual property. "Setting up of special courts, sensitising law enforcement agencies and international cooperation are mandatory for effective enforcement of these laws," he said.

Justice Naolekar was delivering a lecture on 'Effective Enforcement of Intellectual Property Right'. The lecture was organised at the inaugural function of a national workshop on 'Enforcement of Intellectual Property Right (IPR) Law in India' at Law Faculty in Banaras Hindu University here. He also said music piracy had cost the government dear.

"We must recognise that the piracy has affected not only the music industry, but also the government in terms of loss of revenue and maintenance of law and order," he said.

Chief coordinator of the Anti-Piracy Wing of the Indian Music Industry (IMI) JF Ribeiro said there were strong reasons for enforcement of the IPR laws.

PAKISTAN

1. Music industry appreciates government efforts in fighting piracy
(from *The Baluchistan Times*, 2 March 2007)

The Pakistani and international sound recording industries have appreciated the launching of a vigorous campaign to enforce copyright law in the country for protecting the music industry from piracy. "The campaign is being successfully carried out by the Federal Investigation Agency (FIA) across the country and more than 1.2 million pirated optical discs (CDs and DVDs) have been seized since 2005," said Willem van Adrichem, Regional Coordinator International Federation of the Phonographic Industry (IFPI) for South West Asia, Middle East and Africa in a press statement issued here.

IFPI represents the recording industry worldwide, with more than 1500 member record companies in over 70 countries. Adrichem hoped the Pakistani music industry would further develop after piracy was reduced, as the Intellectual Property Rights (IPRs) protection promotes singers, musicians, producers and

recording studios. Since the establishment of Intellectual Property Organization of Pakistan (IPO Pakistan) and the official announcement in 2005 that FIA would be the leading agency for IPRs enforcement, the Pakistani authorities have made great progress in the fight against the piracy of optical discs, he observed.

"The copyright industries appreciate the challenge accepted by Mr. Tariq Parvez, Director General FIA, Islamabad, under whose instructions FIA Crime Circle has so far conducted three raids on CDs/DVDs wholesalers, retailers and CD-R burner shops in Rawalpindi and seized over 500,000 pirated optical discs," he said.

The recent raid, on SADAF CD & DVD Corner in Rawalpindi, was also carried out in the "usual" professional way by FIA and "the pirated optical discs seized from SADAF were worth Rs27.17 million in Pakistani markets," he added.

Adrichem said Pakistan was until recently one of the largest exporters of pirate discs in the world with an estimated 230 million discs exported in 2004 alone. The government took action against optical disc plants in May 2005 and in a wave of raids, the FIA arrested nine people, seized 400,000 pirate discs and more than 11,000 stampers or master discs and closed down five large factories, he added.

The Central Board of Revenue (CBR) has also issued a directive requiring customs officers to inspect every shipment for export to ensure it contains only Pakistani repertoire. The customs authorities of Karachi enforced this directive and pirate exports were temporarily disrupted, though small scale smuggling of optical discs continues in hand luggage and courier services, he said.

"The IPR protection authorities have demonstrated clear political will to act against IP infringement," he said and added, "Pressure must be maintained to ensure the progress made is sustained."

2. 200 million pirated CDs, six factories destroyed in 10 months (from *Business Recorder*, 2 March 2007)

Customs and FIA officials foiled attempts to smuggle about 200 million pirated CDs to 46 countries and dismantled six CD factories involved in the illegal business during past 10 months.

In an exclusive interview director general Intellectual Property Organisation, (IPO), Yasin Tahir told *Business Recorder* here on Thursday that all intellectual property enforcement authorities are taking necessary steps for protection of intellectual property rights in the country.

He said that the previous registries like trademarks, copyrights, patents, industrial designs and layout designs of integrated circuits have been integrated into single IPO to deal with all forms of IP.

He said that IPO, which is working under direct control of Prime Minister Shaukat Aziz has adopted a business like approach to the provision of services to its clients in order to increase foreign direct investment and promote the globalised industrial/business culture in Pakistan.

He said that universities and the research institutions have also started registration of their intellectual property with the IPO. NUST University got 17 of its patents registered with the IPO in a short span of time.

He said that piracy and counterfeiting is dangerous to the national economy, therefore the government has made this offence cognisable and non-billable. "The IPO is administering and coordinating all government systems for the protection and strengthening of IP rights under the law.

He said that IPO is also engaged in computerising its data, upgrading its infrastructure and capacity besides promoting awareness about intellectual property issues in the public and private sector.

3. Over 500 professionals trained to help reduce software piracy
(from *Business Recorder*, 20 March 2007)

The government has provided training to more than 500 professionals under a programme launched to reduce the software piracy rate in the country. The programme which is expected to be completed by 2009, around 30 workshops regarding major open source applications in all major cities of Pakistan have also been conducted.

An official at Ministry of Information Technology said in the first phase of the programme, 10 awareness-raising seminars on open source, piracy and copyright have also been arranged in public sector universities and colleges in different cities.

He said the high cost of licensed software has prompted the need of this project in order to assist the software industry to migrate from licensed software platforms to open source solutions. Through this project titled Open Source Resource Centre (OSRC), a resource centre has been developed to cater to the queries and issues related to Open Source Software. The resource centre provides assistance to companies who want to save the cost of buying licensed software and shift to open source software solutions.

The project team also assists the organisations interested in migrating to open source solutions. The objectives of the programme are to further enhance the network of open source developers and compile, develop and edit content for a course on open source for the Higher Education Commission, to be adopted by universities as part of their curriculum.

The other aims include conducting a survey regarding the rate of software piracy within federal ministries and departments, co-ordinate with the Intellectual Property Organisation (IPO) and to participate in conferences, seminars and workshops organised by the IPO and to migrate IT set-ups of eight organisations from proprietary to open source.

The official said as a result of the projects activities in the first phase, the government and the private industry has saved a total of more than Rs 35 million by deploying open source solutions. He said according to the World Bank and Business Software Alliance (BSA), Pakistan's piracy rate has decreased in the last two years and added the project's achievements have been appreciated by the local industry, as well as by international agencies such as UNDP-APDIP, CICC, Japan, among others.

The project team has been invited to participate in various international conferences, exhibitions and open source seminars, he added.

Talking about the scope of the project, the official said there is a lack of intellectual property protection in Pakistan. It is very easy to obtain pirated low-end software packages in the market. Those who do manage to develop their own software package find it extremely difficult to compete, in price, with the pirated versions of the foreign software packages.

The low purchasing power of a general computer user encourages this trend. Low per capita income also does not allow the majority of the population to opt for expensive proprietary software.

The grooming of an open source software culture within Pakistan is an effective solution to this problem which will help to reduce the software piracy rate and also help provide Information and Communication technologies (ICT) to those who cannot otherwise afford to use them.

4. Steps towards Patent Protection Law taken by Pakistan
(from *Global Insight Daily Analysis*, 20 March 2007)

The Pakistani government has taken tentative steps towards the inclusion of patent protection in its draft amendment of the Drugs Act of 1976. According to the Pakistan Press International Information Services

(PPI), the Health and Commerce Ministries are applying the finishing touches to the draft, which is expected to include protection for "undisclosed test data of new chemical entities (NCEs) included in product registration of pharma companies."

The draft amendments are expected to face cabinet scrutiny and approval in the coming months, the source adds. Significance: This is the first instance in which clinical trial data and patent protection have been discussed and included in a draft amendment by the Pakistani Health and Commerce Ministries.

The country is a signatory of the World Trade Organization (WTO)'s Trade Related Intellectual Property Rights (TRIPS) agreement, but has so far resisted with tighter norms for product patent protection due to pressures from domestic manufacturers thriving on copycat versions.

If approved, the new amendments will facilitate greater participation of the multinational drug firms in Pakistan, which are currently importing bulk actives in the highly genericised market. The government is presently also intending to introduce new specifications in drug prices under pharmaceutical policy.

5. National Assembly body on cabinet meets
(from *Business Recorder*, 23 March 2007)

The National Assembly Standing Committee on Cabinet met at the Parliament House, presided over by Ahmed Raza Maneka, MNA, says a press release. The committee discussed the Intellectual Property Organisation of Pakistan Bill 2006; the Patents (Amendment Bill 2006); the National Disaster Management Bill 2006 (Ordinance No XL of 2006).

The Earthquake Reconstruction and Rehabilitation Authority and generally briefed by National Archives of Pakistan. The committee withdrew the Intellectual Property Organisation of Pakistan Bill 2006 and the Patents (Amendment Bill 2006) as having been passed by the committee and sent to the House.

The committee showed concern over the absence of the Erra representatives and constituted a four-member committee with Malik Allah Yar, MNA as convenor 'to look into the matter about the absence of the Erra representatives.

KUWAIT

Open discussion on Copyright Law
(from *Kuwait Times*, 19 March 2007)

The American Studies Unit at the Faculty of Social Sciences at Kuwait University held an open discussion on Intellectual Property Rights (IPR) at their premises in the Faculty of Social Sciences.

The roundtable discussions were attended by a number of people from the media, novelists, lawyers and others. Crews started by defining the term 'IPR' and then gave a brief talk on issues concerning 'IPR' after which the discussions period commenced.

The discussions then moved on to include laws and regulations of 'IPR' in the Middle East countries. A novelist interrupted and spoke about his personal experiences and problems over the issue of copyrights.

The issue was then shifted to the world of Internet and the new legal mechanism used in the US to protect copyrights, and also explained the technology involved and copyrights of pirated DVDs sold in the streets. In conclusion he spoke about the rules and regulations, which were helpful in making the attendees understand how to respect them.

JORDAN

Jordanian lower house endorses draft amendments to patent, juvenile laws
(from BBC Monitoring Middle East, 21 March 2007)

The Lower House on Monday [20 March] endorsed draft amendments to the patent and juvenile laws and referred a draft amendment to the Conscription Law to the Legal Committee for study. The Patent Law seeks to identify legal procedures for patent registration, the government said in a letter attached to the bill.

The legislation brings patent legislation in line with agreements signed with the World Trade Organization (WTO). The Kingdom has implemented various laws over the past years on patent, copyright and trademark protection in an effort to foster innovation at home and attract foreign investment.
