

Monthly Report of May 2005

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1. Europe to ease Thai probe

(from The Nation Newspaper, Business Section, Page 2B, Thailand, 9 May 2005

Post Today Newspaper, Business Market Section, Page B3, Thailand, 9 May 2005)

The European Union will soon stop investigation copyright violations in Thailand related to items such as pirated music and films, thanks to stringent suppression on the part of the government, a senior Commerce Ministry official recently said.

Kanissorn Navanugraha, the director-general of the Intellectual Property Dept, said EU trade chief Peter Mandelson informed Prime Minister Thaksin Shinawatra that the investigation would be closed soon.

2. Pirated items seized

(from Bangkok Post Newspaper, Home News Section, Page 3, Thailand, 10 May 2005)

Contraband and pirated goods worth over 40 million baht have been confiscated by customs officials. Six individuals and one business firm were charged with smuggling in connection with the confiscation.

Among the seized pirated items were more than 1,150,000 sets of Lancôme and Shiseido cosmetic products, hundreds of bags from the houses of Gucci, Louis Vuitton, Christian Dior and other leading brands.

3. Software violation cases in Thailand stand high

(from fnWeb Daily News, 18 May 2005)

The data collected by International Data Corp, a research company for global telecommunication and information technology (IT) sectors, showed that software violations cases in Thailand last year accounted for 79 per cent of totally reported cases worldwide, a mere one per cent drop from 2003.

The software violations cost the Thai government around US\$183 million in its loss of tax revenue, said a senior executive for IPRs suppression of BSA which published the data. According to the IDC study, overall software violations in the Asian Pacific region last year accounted for 53 per cent, the same proportion of the previous year.

4. BSA offers new certification campaign

(from Bangkok Post Newspaper, Database Section, Page D1, Thailand, 25 May 2005)

The Business Software Alliance announced a new certification campaign to help companies audit their software and comply with licensing conditions while announcing that the software piracy rate in Thailand last year declined by one percent to 79%.

The certification campaign is called “Get SAM, Get Complaint” to encourage companies to respect software intellectual property rights. The campaign will urge companies to register their intentions with the BSA and to audit their software assets before reporting the result to BSA.

The association would offer a certification for a one-year raid-free period if the audit were accurate. The BSA has a web site at www.SAM-Thai.com for companies to register for this campaign. The closing date for applications would be at the end of June and by the end of September, the BSA would issue its certification for those who complied.

5. More to protect folk wisdom

(from Bangkok Post Newspaper, Home News Section, Page 5, Thailand, 26 May 2005)

The Nation Newspaper, Local News Section, Page 2A, Thailand, 26 May 2005)

Thailand urgently needs laws to protect its traditions, knowledge and folklore from foreign exploitation, according to a report submitted to the Foreign Ministry’s International Economics Department. Researcher Buntoon Srethasirote said the legal framework ought to reflect Thai culture and respond to conservation, including the protection of individuals and community rights.

Food would be high priority areas, since it is highly likely that this would be most affected by a free trade agreement with the US, said Mr Buntoon, who is also on a subcommittee on natural resources under the National Human Right Commission.

Wiboonlasana Ruamraksa, deputy head of the Department of Intellectual Property, called for the setting up of a database to store, update and retrieve such information. This should be accessible to all relevant agencies and officials, she said. But she objected to the study’s recommendation that called for a “No” stance against patents on living organisms, as proposed by the US, saying it should be a short-term measure and could then be reconsidered once the nation had established an effective form of legal protection for Thai traditions, knowledge and folklore.

Supreme Court judge Nandana Indananda said he was concerned that efforts by the Intellectual Property and Fine Arts departments to draft such a law would still take several more years before being completed.

6. EU to set up first 'regional office' in Thailand

(from Post Today Newspaper, Business Market Section, Page B3, Thailand, 30 May 2005

Krung Thep Thurakit Newspaper, Agriculture Commerce Section, Page 5, Thailand, 30 May 2005)

Intellectual Property Department director Kanissorn Navanugraha revealed that Deputy Commerce Ministry Suriya Larbvisuthisin together with Intellectual Property Department's officials would go to Germany to discuss the plan of cooperation activity with the European Patent Office (EPO) during June 6-9.

EPO is considering Thailand as the base for the first regional office outside the EU. Thailand will earn two benefits: The country can inspect the patents faster and can better encourage the use of Thai databases for business purposes.

PEOPLE'S REPUBLIC OF CHINA

News in May 2005

1. Anti-piracy badge
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13. China considers adopting administrative law to enhance IPR protection
14. Philips sued Orient Power for infringement IPRs
15. Chinese courts order Shanghai karaoke bars to pay international royalties

1. Anti-piracy badge

(from The Standard, 4 May 2005)

The Hong Kong Scouts Association has unveiled a souvenir "protecting intellectual property rights" merit badge. The badge is not a typical merit badge, but is the reward for participation in a series of seminars to begin this summer.

The programme will attempt to teach the public about the importance of preserving copyright and intellectual property rights, an Intellectual Property Department spokeswoman said.

A Mercado Solutions Associates survey completed in November last year for the IPD showed almost 96 per cent of the 1,214 respondents, aged 15 or above, said intellectual property rights

should be protected. Seventy-six per cent of those respondents thought copyright infringement was a serious crime.

The 100,000 scouts in the Hong Kong Scouts Association, both adults and children, will sit in on the proficiency seminars throughout the year to familiarize themselves with issues involving intellectual property protection.

2. Increase in downloads may be met with arrests

(from South China Morning Post, 9 May 2005)

People who illegally download movies from the Internet using file-sharing technology may face criminal prosecution. Tam Yiu-keung, head of the Intellectual Property Investigation Bureau, said officers might have to prosecute if illegal downloading increased. At present, customs officers only take action against illegal uploading.

They hope the downloading problem will be solved through civil court action by the film industry and education campaigns on intellectual property rights.

The warning came after customs officers laid the world's first charges over suspected illegal file-sharing over the Internet, and the film industry issued an ultimatum to 100 illegal downloaders, warning of civil action, late last month.

3. Survey result

(from Xinhua News Agency, 10 May 2005

The Standard, 11 May 2005)

The awareness level of intellectual property rights among the business sector in Hong Kong is remarkably high, an Intellectual Property Department survey said. The survey showed about 90 per cent of respondents understood the areas that were protected by intellectual property.

About 95.6 per cent of business executives thought that it was necessary to protect intellectual property rights in the business environment of Hong Kong while 96.1 per cent agreed that intellectual property was a valuable asset.

Director of Intellectual Property Stephen Selby said he was pleased that Hong Kong business executives are gaining deeper knowledge about intellectual property. Meanwhile, more than two thirds, or 69.8 per cent, believed that intellectual property infringement was quite serious at present.

4. Japan to examine IP systems in HK

(from Jiji Press English News Service, 13 May 2005)

Japan's Ministry of Economy, Trade and Industry said that it would launch an investigation into intellectual property-related systems in Hong Kong.

The probe will be conducted at the request of the Japan Electronics and Information Technology Industries Association, as famous trademarks of major consumer electronics makers, such as Matsushita Electric Industrial Co., have been registered without notice in Hong Kong and used for products sold in China.

It is the first time for the ministry to launch this kind of investigation.

5. China banning illegal publications for overhauling publications market

(from Xinhua's China Economic Information Service, 16 May 2005)

A Chinese official in charge of the country's press and publication said recently that China banned 60 illegal newspaper and periodicals in order to protect intellectual property rights and bring about an orderly market for publications.

This is the fourth time since 2004 that China has issued a list of illegal newspaper and periodicals, which are "the garbage of the cultural market," according to a decree issued by the Administration of Press and Publication recently.

6. Online copyright protection

(from Xinhua Financial Network News, 18 May 2005

The Nation Newspaper, Business Section, Page 6B, Thailand, 19 May 2005)

China will put in force new rules this month that will make it easier to punish violations of intellectual property rights on the Internet. The rules make Internet Service Providers responsible for removing content that violates other people's copyright, threatening them with fines of up to 100,000 yuan. It will take effect from May 30.

The Chinese reports came one day after US President George W. Bush urged China to abide by the rules of the World Trade Organization, including on intellectual property rights. Protection of intellectual property rights on the Internet has become a more urgent issue with the rapid growth of China's Internet.

7. IPR rule should respect realities of different countries

(from Xinhua's China Economic Information Service, 18 May 2005)

To effectively curb infringement on intellectual property rights, a fair and just international rule considering the realities of different countries must be established, Wang Jingchuan, commissioner of China's State Intellectual Property Office, said.

He reaffirmed the "unswerving determination" of the Chinese government in cracking down on IPR infringement. Government efforts only were not enough to solve the difficult issue, he said, adding, "The IPR-protection awareness of the people must be improved fast. He also called on the international community to give more time and opportunities to developing countries that are making efforts in this regard.

8. Karaoke piracy

(from South China Morning Post, 21 May 2005)

The officers have cracked down on eight bars using pirated videos. They discovered the pirated copies and paid their bills before declaring their real identities. Officers also took away 18 computers, four computers servers and audio-visual equipment worth \$400,000.

The businesses' use of pirated videos was discovered after a complaint was filed by copyright owners about three weeks ago. The karaoke bars reportedly paid thousands of dollars each to buy pirated copies of karaoke music videos from a range of different suppliers.

9. China welcomes foreign investment in copyright industry
(from *Xinhua's China Economic Information Service*, 24 May 2005)

Yan Xiaohong, vice-director of the administration, said that the government would give policy support to achieve a great leap-forward development of copyright-related industries as these industries are still very weak in China as a developing nation.

Copyright administrators from the WIPO and over 20 countries and regions in the Asia-pacific region, as well as experts and scholars, attended the seminar on copyright policy strategy and development of copyright related industries in the Asia-Pacific region.

China hopes attract investments of overseas finance companies and venture capital funds in the domestic copyright industry through these preferential policies.

10. China strengthens court trial on IPR violation cases
(from *Xinhua News Agency*, 24 May 2005)

The Supreme People's Court will dispatch eight working groups to local courts for training local clerks to improve the accuracy and efficiency in trying the intellectual property rights violation cases. Chinese courts had accepted an increasingly number of IPR violation cases over recent years. In year of 2004 alone, they handled 12,000 IPR violation cases, up 31.65 per cent from the previous year.

In a bid to further improve Chinese court's capability of handling IPR violation cases, the Supreme People's Court will open IPR trial training courses to local judges and dispatch eight working groups to local courts for giving trial instructions at spot.

Xing Shengcai, associate chief judge of the Intellectual Property Court disclosed that the Patent Law is undergoing the third time revision, making the law more applicable in future.

11. China, Finland sign new pact
(from *Xinhua Financial Network News*, 25 May 2005)

China and Finland signed a new agreement on trade, industries, technology, and economic cooperation, renewing their commitment to support small-medium sized companies and protect intellectual property rights.

China's Deputy Minister of Commerce Zhang Zhigang, who is visited Finland, signed the agreement with Mauri Pekkarinen, Finnish Minister of Trade and Industry to update a previous pact signed by their countries in 1979.

12. TV makers set up technology and IPR alliance
(from *AFX Asia*, 30 May 2005)

China's major colour television makers have established an alliance to develop and manage core technologies and intellectual property rights. The new alliance, the IPR Coordinating Committee of the CVA, will be engaged in the establishment of a patent pool for Chinese TV makers and be responsible for negotiating with international players.

The alliance will also work on the coordination of domestic markets via negotiations and arbitrations to avoid disorderly and vicious competition.

13. China considers adopting administrative law to enhance IPR protection

(from Xinhua's China Economic Information Service, 31 May 2005)

Apart from criminal and civil laws that are already in force, China is deliberating on incorporating administrative law to further enhance intellectual property rights protection in the country.

The information was released at a national forum on TRIPs and judicial review, which ended on May 30 at Hangzhou, capital of east China's Zhejiang Province. The forum attracted more than 30 scholars and judges on administrative law and they had a detailed discussion on a newly-drafted law on administrative IPR violation cases released by the Supreme People's Court.

The new judicial explanation may help solved IPR infringement cases that are applicable to both administrative and civil laws, and better safeguard the interests of IPR owners and ensure lawful enforcement of administrative power.

China's existing administrative law has failed to observe those IPR violation cases that involve both administrative and civil laws. The newly-drafted law aims to clarify the ruling scope, trial regulations and jurisdictional method of administrative IPR cases.

14. Philips sued Orient Power for infringement IPRs

(from SinoCast China Business Daily News, 31 May 2005)

The world famous consumer electronics maker Philips filed a lawsuit against Orient Power Holdings Limited, asking for USD60 million as compensation from the accused. Philips stated that Orient Power used its patent without authorization, and deliberately concealed total amount of products made with the patent, which involves USD50 million.

Accordingly, Philips brought an accusation against Orient Power in High Court of Hong Kong because the latter refused to pay patent fee for Philips after rounds of negotiations. An official from Philips said that what Orient Power did not only infringe on its patent rights, but also started unfair competitions for more than 120 companies that paid the fee.

15. Chinese courts order Shanghai karaoke bars to pay international royalties

(from AFX Asia, 31 May 2005)

Two Chinese courts have ordered several karaoke bars in Shanghai to compensate Hong Kong-based music companies for videos of popular Canto-pop stars played in their lounges. The Shanghai No. 1 Intermediate People's Court ordered the Cashbox, Holiday and Leader karaoke bars to pay Sony Music Entertainment (Hong Kong) 1,000 yuan for each video they own the rights to, the court said.

Similar verdicts were handed down at the Shanghai No. 2 Intermediate People's Court in cases involving Go East Entertainment against Qilin Musical KTV City, and Warner Music Hong Kong versus Padova Karaoke Bar.

The ruling in the year-long copyright suit comes as China is under tough international pressure to crack down on widespread intellectual property theft, including computer software, DVDs of Hollywood films and brand name clothes.

MALAYSIA

News in May 2005

Malaysia, US discuss trade in Washington

(from BBC Monitoring Asia Pacific, 14 May 2005)

Senior Malaysian and American officials held their second trade and investment talks under the Trade and Investment Framework Agreement (TIFA), which was signed in May 2004.

The two parties covered an extensive agenda for two days, including improving market access in the automotive, financial services, and agriculture sectors, strengthening the protection and enforcement of intellectual property rights, upgrading customs procedures, and addressing investment concerns.

SINGAPORE

News in May 2005

1. Pirated software seized
2. A model for intellectual property
3. Anti-counterfeit tags
4. Software piracy rate in Singapore

1. Pirated software seized

(from The Straits Times Newspaper, Singapore 6 May 2005)

Police raided seven Housing Board units selling illegal software in an island wide, a sign of the stronger action it plans against pirates out to target schoolchildren during the upcoming June holidays.

Simultaneous raids were carried out on units in Tampines, Bedok, Ang Mo Kio, Hougang and Serangoon. Criminal Investigation Department officers seized about 40,000 pirated CD-ROMs with an estimated street value of about \$500,000. They comprised mostly gaming and business software.

The head of the police's intellectual property rights branch, Assistant Superintendent Tan Kah Khin, said: 'With the school holidays coming up, the police will step up enforcement action.'

2. A model for intellectual property
(from Reuters News, 10 May 2005)

US Deputy Secretary of State Robert Zoellick called Singapore an “excellent example” of strong intellectual property rights enforcement. He said that the strengthening of intellectual property rights in Singapore gave confidence to expand higher technology operations and Singapore’s strict enforcement of IPRs was a model for other nations to follow.

3. Anti-counterfeit tags
(from Bernama Daily Malaysian News, 11 May 2005)

Using a blend of micro and nanotechnology, scientists from Singapore’s Institute of Materials Research and Engineering have invented tags containing unique magnetic “fingerprints” that enable genuine merchandise to be individually identified.

The invention, announced by the inventors Dr Adrian Burden and Dr Peter Moran, would benefit the industry as it could be used to stem counterfeiting activities. It can be used to tag a wide range of articles including pharmaceutical packaging, luxury goods such as watches and handbags as well as automotive and aviation spare parts and prevent counterfeit versions from being manufactured.

4. Software piracy rate in Singapore
(from Business Times, Singapore, 19 May 2005)

Software piracy rate in Singapore dips to 42%, but losses rise to US\$8b in 2004 due largely to 6% drop in US\$ against Asian currencies. That’s the proportion of software installed in personal computers in Singapore last year that was pirated, according to a report by the BSA.

The figure, which includes software installed by consumers as well as corporate users, is down one percentage point from 2003; but the losses suffered by software companies increased by US\$ 6 million to US\$96 million, BSA said.

THE PHILIPPINES

News in May 2005

1. Philippines remains on US watch list
2. IPO promises to sustain IP enforcement efforts
3. Fake name brand shoes seized in Pasay
4. Software piracy in the Philippines falls in 2004
5. Manila Mango

1. Philippines remains on US watch list
(from Xinhua News Agency, 3 May 2005
Business World, 2 May 2005)

The Philippines will remain on the US government's 2005 Priority Watch List of countries that have serious violation of intellectual properties, or piracy problems.

Despite "significant progress" made by the Philippine government in addressing piracy in 2004, Washington remains bothered over the continued proliferation of pirated products, a report released by the US Embassy in Manila Tuesday said. "The US industry continues to raise serious concerns about high levels of copyright piracy and trademark counterfeiting, including book piracy, increasing levels of pirated optical media imported into the country, and pervasive end user software piracy," the report said.

The Philippines is the notorious market for pirated CD's, VCD' s and DVD's most of which originate from other countries in Southeast Asia.

The report also took note of the government's success in its drive against piracy through the efforts of the Videogram Regulatory Board and the Bureau of Customs and for the passage of the Optical Media Act this year "However, the US copyright and trademark industries also report continued difficulty protecting their rights through the Philippine legal system due to low conviction rates and imposition of non-deterrent sentences," the report said.

It said trademark infringement in a variety of product lines is widespread, with counterfeit merchandise openly available in both legitimate and illegitimate venues."The levels of illegal production and consumption of optical media remain consistently high. The US copyright industry estimated its losses due to copyright piracy in the Philippines at 139 million US dollars in 2004," the report said.

Although the US government is encouraged by the confiscation of optical discs worth over 8 million dollars in 2004, the report said enforcement efforts such as raids and seizures often have only a temporary effect due to ineffective post-raid follow-up, including prosecution.

The US government reiterated its call to the Philippines to implement copyright provisions to make it domestic law consistent with its obligations under the WIPO Internet Treaties, which it ratified in 2002.

Washington said it would use the bilateral Trade and Investment Framework Agreement (TIFA) and the out-of cycle to review to assist the Philippine government with strengthening its IPR regime.

2. IPO promises to sustain IP enforcement efforts (from *INQ7.net*, 7 May 2005)

The head of the Intellectual Property Office (IPO) has declared a vigorous campaign to improve the Philippines' standing in the US Trade Representative (USTR) Special 301 priority watch list.

IPO Director General Adrian Cristobal Jr. said in a statement that the Philippines has shown political will in enforcing intellectual property protection rights (IPR) in order to take the country off the US priority watch list. IPR enforcement would also effectively result in socio-economic and national development, said Cristobal.

He cited achievements of the IPR Action Plan, like the creation of 65 special commercial courts to handle IPR-related cases. He also pointed out that the passage of Republic Act 9239, otherwise known as the Optical Media Act, to become a key basis for the country's removal from the priority watch list. Director Cristobal added that the Optical Media Board that enforces the

Optical Media Act, seized about 900 million pesos worth of fake and bootlegged digital media products in 2004.

The Intellectual Property Rights Enforcement Action Plan (IP-REAP) was also established to strengthen inter-agency coordination in IPR enforcement and protection, he said. With all that, Cristobal also vowed to pursue IPR laws that will strengthen and promote IPR of Filipino inventors and developers.

“We are not here to protect only the interest of the US and their multinationals, but we shall continue IPR protection for our own social and economic benefits,” he said.

Cristobal will push for a comprehensive national IP strategy to cover all fields of intellectual property - including traditional knowledge of patents and copyright, trademarks - as well as secure cooperation of all government agencies with IP concerns.

“A focused IP enforcement strategy will be a major component of this national IP strategy, ensuring seamless coordination and pooling of resources among our law enforcement agencies,” said Cristobal.

3. Fake name brand shoes seized in Pasay (from *Philippine Daily Inquirer*, 13 May 2005)

One hundred million pesos worth of rubber shoes carrying fake name brand labels were seized by Bureau of Customs (BOC) agents during a raid at a Pasay City building.

The shoes, which came mostly from China, carried the names of expensive brands like Nike, adidas, Diesel, Reebok, Converse and World Balance, but were sold for just a tenth of the original's price.

Customs Deputy Commissioner Celso Templo said the BOC is strengthening its drive against Intellectual Property Rights (IPR) law violators because the United States wants the Philippines to vigorously implement the law before it agrees to remove the country from its watch list.

4. Software piracy in the Philippines falls in 2004 (from *Asia in Focus*, 23 May 2005)

Software piracy in the Philippines has fallen to 71 per cent in 2004, an on-year decline of one per cent. According to a global software piracy study by the BSA, in the Asia Pacific region last year, 53 per cent of the software installed on personal computers was pirated in 2004.

5. Manila Mango (from *Business World*, 27 May 2005)

The Intellectual Property Office (IPO) will urge mango producers to file for a collective trademark on the name “Manila Mango” to prevent its use by other entities.

IPO director-general Adrian S. Cristobal, Jr., said that he is meeting with the Mango Product Exporters Confederation to urge them to seek a collective trademark from the IPO. The IPO, which is an attached agency of the Department of Trade and Industry is already investigating on the use of the name “Manila Mango” in other countries.

The IPO chief said he has order a search for trademark applications for “Manila Mango” filed in IP offices worldwide. If there is any trademark application on ‘Manila Mango’, IPO will support action to oppose it.

INDONESIA

News in May 2005

1. RI ranks fifth in software piracy out of 93 countries
(from the Jakarta Post Newspaper, Indonesia, 19 May 2005)

Illegal software accounted for 87 percent of all computer programs sold in Indonesia in 2004, according to a global software piracy watchdog.

The prevalence of illegally installed software in the country was the fifth highest out of the 93 countries surveyed, after Vietnam, Ukraine, China and Zimbabwe.

Sales of legal software in 2004 accounted for US\$27.3 million in Indonesia, compared to a potential market of about \$210 million, according to a BSA study, which was conducted by computer-industry research firm International Data Corporation.

The high rate of software piracy, as well as the pervasive copyright violations in the movie and music industries, has led to Indonesia's inclusion in the United States' Priority Watch List.

The existence of a perceived loophole in the Copyright Law in the form of Article 57, which exempts people using illegal software for non-commercial use from civil lawsuits, was also cited as a reason for Indonesia's inclusion in the list.

2. USTR predicted to improve RI's rating to Watch List
(from Bisnis Indonesia, 23 May 2005)

The government is optimistic that in the next six months, the United State Trade Representative (USTR) is going to improve Indonesia's rating in Intellectual Property Rights enforcement from priority watch list to watch list.

The USTR Deputy Assistant Director for Southeast and Pacific Asia Barbara Weisel said it was possible Indonesia's rating would improve since the list was reviewed once every six months. She said that US have heard Indonesia has made significant progress in Intellectual Property Rights enforcement.

VIETNAM

News in May 2005

1. Trademark Festival in May
2. Vietnam to see change in IPRs
3. French helps improve trade negotiations

4. Vietnam tops global list for software piracy
5. Civil Code revision
6. Vietnam capital cracks down on software piracy

1. Trademark Festival in May

(from Vietnam News Brief Service, 4 May 2005)

Some 100 enterprises having competitive products are expected to participate in the Vietnamese Trademark Festival, which will be organized in Hanoi from May 12 to 16.

With the theme "The Pride of Vietnamese Trademark", the event will be a combination of scores of activities, including an exhibition of strong brands, the Vietnamese trademark promotion night, the Vietnamese trademark march and the sales promotion day.

2. Vietnam to see change in IPRs

(from Vietnam News Brief Service, 5 May 2005)

There are opportunities now to achieve real changes in Vietnam on intellectual property rights issues, heard a roundtable hosted by US Ambassador to Vietnam Michael W. Marine in Hanoi last week.

The Roundtable on Intellectual Property Rights (IPR) brought together representatives of major US firms active in Vietnam to discuss the serious and growing problem of infringements on copyrights, trademarks and patents.

The shape of Vietnam's trade and investment regime is evolving quickly, thus, there are opportunities to see real IPR change in Vietnam, said the roundtable participants.

Besides, implementation of the US-Vietnam Bilateral Trade Agreement, now in place for more than three years, and Vietnam's desire to accede to the World Trade Organization (WTO), have created significant opportunities for engagement with the Vietnamese Government on IPR, market access and other important economic reform issues.

The participants said they were also encouraged by new public dialogue on the importance of IPR in the country. Also, several new Vietnamese associations have identified improving IPR protection for their industries as a priority.

The government also approved establishment of the Vietnam Anti-Counterfeiting and IP-Protection Association for foreign-invested enterprises. The participants agreed to redouble efforts to form a partnership between the private sector and the US and Vietnamese governments to improve IPR protection in Vietnam.

3. French helps improve trade negotiations

(from Thai News Service, 16 May 2005)

More than 150 officials from universities and different ministries from Vietnam, Laos and Cambodia will attend a course on commercial negotiations scheduled to take place in Hanoi from May 16-20.

The course, to be co-sponsored by the Trade Ministry of Vietnam and the Inter-Governmental Agency of the Francophone Community, aims to improve trade negotiating skills for officials from French-speaking countries in Asia, which are either already members of the World Trade Organization (WTO) such as Cambodia or are in the process of joining the organization like Vietnam and Laos.

The participants will hear experts from the WTO, the world Intellectual Property Organization and professors from Vietnam lecture on multilateral trade systems, intellectual property and the economic integration process by regional economies.

4. Vietnam tops global list for software piracy
(from *The Asian Wall Street Journal*, 19 May 2005)

Software piracy in the Asian-Pacific region saw manufacturers lose around US\$8 billion to pirates in 2004, with China, Vietnam and Indonesia among the top five nations flouting intellectual-property laws, a global ant piracy watchdog said.

That figure was a rise of around \$500 million from the previous year, the Business Software Alliance said in releasing its global software-piracy study. Vietnam topped the list, with 92% of all software used coming from pirates. It was followed by Ukraine (91%), China (90%), Zimbabwe (90%) and Indonesia (87%)

At the other end of the scale were the U.S. and New Zealand, at 21% and 23%, respectively.

5. Civil Code revision
(from *Thai News Service*, 23 May 2005)

The National Assembly voted for the (revised) Civil Code with most articles relating to foreign affairs adapted to comply with accords Vietnam has signed with the international community. The (revised) law prioritizes international conventions which Vietnam has signed up to even if these conventions run counter to Vietnamese law such as articles on copyrights and industrial property rights with foreign elements' involvement.

The revised version had articles added which relate to inheritance, civil contracts, unilateral transactions, classification of people with mental problems and determination of people as missing or dead.

6. Vietnam capital cracks down on software piracy
(from *The Saigon Times Daily*, 26 May 2005
Vietnam News Brief Service, 26 May 2005)

Law enforcement agencies said they had confiscated 51 computers and 90 CDs containing unlicensed software at Vinh Xuan and Tran Anh companies in Hanoi. Ministry of Culture and Information inspectors and economic crime investigators raided the two companies and found many pirated software programmes installed on computers for sale. The raids are part of the Government's nationwide campaign to crack down on software piracy.

The total value of the confiscated pirated software, including Microsoft Office XP, Microsoft Office 2003, LacViet Dictionary and Vietkey, is estimated at over VND200 million.

Ministries and other government agencies are committed to enforcing intellectual property rights with a view to improving the domestic business environment, and attracting more foreign investment to facilitate the country's integration into global economy.

INDIA

News in May 2005

1. Biopiracy war gathering steam
2. EU to protect India's traditional knowledge
3. India, Russia still to iron out knots in IPR pact

1. Biopiracy war gathering steam
(from *Business Times, Singapore, 5 May 2005*)

India, and by extension owners of traditional knowledge everywhere, won a legal battle when the European Patent Office revoked a patent granted six years ago on an anti-fungal product which uses seeds from the neem tree. The patent covered a method of using Indian neem tree oil for fungicidal purposes.

But the war against biopiracy can be expected to be long and hard. While the European Patent Office has set a clear precedent with that decision last month and it is likely that other such infringements will be revoked as well in Europe, there are several other forms of traditional knowledge that remain under threat of biopiracy, such as amla (edible fruit of a small leafy tree), anar (pomegranate), dudhi (bottle gourd) and karela (bitter gourd).

The immediate threat to them has arisen in the United States, where companies have taken patents on them. The US needs to take notice of the recent neem decision in Europe, and accordingly change its patent laws which appear to allow biopiracy by its refusal to not recognize pre-existing forms of knowledge, or 'prior art'.

2. EU to protect India's traditional knowledge
(from *The Economic Times, 16 May 2005*)

The European Patent Office (EPO) has, in principle, agreed to make a conscious effort to block anyone from stealing patents on India's traditional knowledge in medicine. This will ensure that instances like the patenting of turmeric's medicinal property in the US, does not occur in the 30-member superstate. India had, earlier, spent \$ 6 million to bust the US patent on turmeric.

A non-disclosure agreement between the union science and technology ministry and the EPO is expected soon, which will give EPO access to a digital database of at least 136,000 traditional Indian medicines. EPO will protect this highly-valuable information and refer it routinely while reviewing patent applications where the innovation is of botanical origin.

This would make it easy for the EPO to reject patent requests where centuries-old knowledge is passed off as innovation.

Such individual agreements with national patent offices is an interim arrangement till India is able to persuade the member nations of the World Intellectual Property Organization (WIPO) to agree for a legal framework to protect traditional knowledge and biological resources, said an official.

3. India, Russia still to iron out knots in IPR pact
(from *The Times of India*, 18 May 2005)

Some differences between India and Russia on the proposed agreement to protect intellectual property rights (IPRs) in the military arena are yet to be fully resolved.

Not happy with the Russian draft IPR agreement, the defence ministry has now presented its own alternative draft to Moscow for examination. The Indian draft was handed over to Russia during defence secretary Ajai Vikram Singh's visit to Moscow last month. "We are awaiting Russia's response to it. Both countries, however, have agreed to raise their strategic cooperation to an even greater level," said an official.

Russia, still the largest supplier of military hardware and software to India, wants the IPR agreement to be finalised as soon as possible. The agreement, it says, will ensure advanced weapon systems developed jointly are not handed over to third countries without mutual agreement.
