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## THAILAND

### 1. IP Dept to open royal fair

*(from The Nation Newspaper, Thailand, 2 November 2007)*

As part of celebrations for His Majesty the King's 80th birthday, the Intellectual Property Department will organize a fair under the theme "King of Intelligence: Sustainable Development for Thailand".

The event will exhibit innovative products created by the HM the King, as well as demonstrate the intellectual property (IP) rights of Thai investors, to stimulate public awareness on the issue of IP rights, Commerce Minister Kirikkrai Jirapaet said.

The exhibition will be held in Siam Paragon from November 16-18. HRH Princess Maha Chakri Sirindhorn will preside over the opening ceremony on November 17.

### 2. Contraband IP

*(from The Nation Newspaper, Thailand, 2 November 2007)*

The Intellectual Property Department will destroy 450,000 items of illegal intellectual property right products worth Bt64 million. Director-general Puangrat Asavapisit said the event would show that the government was cracking down on piracy.

The event will take place at the Bang Pu Environmental Complex in Samut Prakan province, where foreign trade ambassadors will witness the destruction. Of the 450,000 illegal products seized by the Customs Department and police, 230,000 items are music and movie CDs and DVDs, 90,000 items of brand-name clothing, 20,000 leather goods, 13,000 brand-name watches and other brand-name products.

### 3. Thailand targets 20 more drug patents, IP watch claims

*(from Pharma Marketletter, 9 November 2007)*

Thailand has a "pipeline" of about 20 drug patents as potential candidates for compulsory licensing, according to a report in the Geneva-based Intellectual Property Watch. Sorachai Jamniandamrongkarn, an official in the National Health Security Office, told the IP Watch that, although "they are drugs that are expensive but vital to the cure or treatment of patients," no more than half of the products targeted by the military-backed government may end up being affected by the use of World Trade Organization's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs; Marketletters passim) as a mechanism for appropriating drugmakers' IP.

Mr Jamniandamrongkarn specified that the 20 items were in addition to the three already subject to the TRIPs measure and four oncology products that are currently under consideration by the Public Health

Ministry, if negotiations with drug makers on lower prices fail to be resolved to the government's satisfaction.

4. Industry Ministry to arrange seminar on counterfeit automobile  
(from *Thai News Service, 14 November 2007*)

The Ministry of Industry and the Department of Intellectual Property arranges a seminar to educate automobile entrepreneurs on counterfeit automobile parts.

Permanent Secretary of the Ministry of Industry, Chakramon Phasukavanich, reveals that more counterfeit parts have been found in the automobile industry, especially brake fluid, disc brakes, and car's suspensions. He warns that counterfeit parts can harm both engines and drivers, commuters, as well as the environment.

The permanent-secretary says the seminar is aimed at educating the entrepreneurs of duplicated parts and raising the intellectual property awareness among them. Thailand produces 1,200,000 cars a year and the total automobile parts are estimated at more than 250 billion baht.

5. 2 international societies honour Thai King for inventiveness  
(from *Thai News Service, 14 November 2007*)

His Majesty King Bhumibol Adulyadej of Thailand was honoured by two international associations for his innovative inventions, according to the Office of the National Research Council of Thailand (NRCT).

NRCT Secretary General Prof. Anond Bunyaratvej said at a press conference that the International Federation of Inventors' Association (IFIA) in Hungary and the Korea Invention Promotion Association (KIPA) from South Korea had honoured HM King for his outstanding inventions.

Also presented at the press conference were IFIA President Dr. Andras Vedres and KIPA director Lee Jip-joong.

IFIA presented IFIA Cup for His Majesty is Chaipattana Low Speed Aerator, a paddle-wheel machine in the form of a floating buoy that helps add oxygen to water, this aiding the purification process. IFIA also honoured HM the King with its Genius Prize medal for his "New Theory" for farmers and his sufficiency economy philosophy.

Meanwhile, KIPA honoured HM the King as the Father of Thailand's Inventions, he said, adding that KIPA also praised HM the King for his tireless work to find innovations to help ease the problems of the people and benefit persons in other countries.

IFIA said HM the King was a role model for the world's inventors. His inventions could benefit all humanity. Eighty-four member countries of IFIA have set February 2 as the first world inventor's day, to honour the Thai monarch as he was the first person to receive the patent for the Chaipattana Low Speed Aerator.

6. Govt urged to challenge giant pharma firms  
(from *Bangkok Post Newspaper, Home News Section, Page 2, Thailand, 22 November 2007*)

A US law expert has urged the government to take legal action against giant pharmaceutical firms that withdrew new drugs from the Thai market in response to compulsory licensing moves, saying the measure violates international trade laws.

Brook Baker, a law professor at Northeastern University's programme for human rights and global economics in Boston, said at a seminar on compulsory licensing that such drastic action by big pharmaceutical firms violated sections 25 and 28 of the Trade Competition Act.

Section 25 stipulates restrictions against market dominance and section 28 details controls of parent companies' influence on decision making of their subsidiaries on certain issues.

US pharmaceutical giant Abbott Laboratories removed the registration of its heat-stable version of an anti-retroviral drug under the trade name Aluvia with the Food and Drug Administration for use in Thailand after the government in January announced a policy to override patents of three Aids and heart drugs sold under the trade names Efavirenz, Kaletra and Plavix.

The Pharmaceutical Research and Manufacturers Association previously warned that the compulsory licensing policy could affect future research and development plans in the country.

Mr Baker, who wrote an article entitled "Pharma's Seven Deadly Lies about Thai Compulsory Licences in Thailand," criticised Abbott Laboratories for threatening to withdraw any new drugs from any country imposing compulsory licensing policies. He also criticised the Office of the United States Trade Representative (USTR) for putting

Thailand on the Priority Watch List for intellectual property violations and removing some Generalised System of Preferences (GSP) duty free privileges.

The expert on human rights and global economics said there were no limits on the diseases or illnesses that justify compulsory licences (CL) and that the CL policy in developing countries such as Thailand would not affect any pharmaceuticals firm's overall profits. This was because Asia, Africa and Latin America, where most developing nations are located, accounted for a small fraction of 12% of total global sales.

Saree Ongsomwang, manager of the Foundation for Consumers, said consumer protection activists filed a petition with the Internal Trade Department to investigate possible violations by overseas drug firms over recent months.

The case has already been finalised by a sub-panel set up to oversee the issue, but the result has been kept confidential. Meanwhile, Public Health Minister Mongkol Na Songkhla said NovaRtis has promised to supply a cancer medicine for free if the country halts its drive to expand its generic drug programme.

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## MALAYSIA

Malaysia destroys machines producing illegal DVDs  
(from *Agence France Presse*, 1 November 2007)

Malaysia destroyed 14 seized disc-manufacturing machines worth 42 million ringgit (13 million dollars) in a campaign to battle piracy and protect intellectual property.

Domestic Trade and Consumer Affairs Minister Shafie Apdal used a metal crusher attached to a crane to smash the machines in a gesture against the syndicates that produce pirated DVDs and CDs.

Malaysia, like many Asian countries, is awash with pirated DVDs, with the latest releases sold in shopping malls and market stalls for just a few dollars.

Nor Hayati Yahaya, country manager for the Motion Picture Association, told AFP that the destruction of the machines would not only send a strong anti-piracy message but also remove the machines from the production cycle. But Nor Hayati admitted that the battle was far from over.

Nor Hayati said the association was concerned that the trade in illicit discs was still rampant in Malaysia, with some of the goods reaching as far away as the United States.

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## SINGAPORE

### 1. 6 Sim Lim Square shops raided for piracy

*(from The Straits Times Newspaper, Singapore, 16 November 2007)*

Six shops in popular IT haunt Sim Lim Square were raided for allegedly peddling devices which allow users to download and play pirated games on their Nintendo DS handheld consoles.

More than 200 of these devices, which have been sold by game and game-console retailers there for about \$40 each, were seized during the raid by the police, working with video game industry watchdog Entertainment Software Association (ESA).

The United States-based anti-piracy body's members include some of the world's biggest video game companies such as Electronic Arts, Vivendi Games and Square Enix. These firms produce popular titles such as World Of Warcraft and Final Fantasy.

The raid marks the ESA's first action here, although it has been active in other countries in the region.

Until now, software busts here have been undertaken by the police, individual video game companies such as Sony, or the Business Software Alliance, which represents giants such as Microsoft and Adobe.

Mr Chua, an intellectual property lawyer, said that such devices are illegal under the Singapore Copyright Act as they 'circumvent' technological measures that protect copyrighted works. The device does this by fooling the game system into thinking it is an original game cartridge.

No arrests were made during the raid, but anyone convicted of peddling these devices faces penalties of up to \$20,000 in fines and two years' jail. This haul follows last month's police seizure of more than half a million dollars of pirated movies and games, the year's biggest haul of pirated goods.

### 2. BSA raises anti-piracy reward to \$50,000

*(from Channel NewsAsia, 23 November 2007)*

The Business Software Alliance (BSA) is increasing its anti-piracy reward from \$20,000 to \$50,000 till end January for reports that result in successful significant financial compensation by infringing businesses.

Since the launch of BSA's anti-piracy hotline, more than 1,040 calls have been received, and over 390 reports submitted via the website. This year alone, over 150 calls and 90 Web reports have been made to date.

Under Singapore's Copyright Act, first-time offenders who commit a wilful infringement of copyright to obtain a commercial advantage face a maximum fine of \$20,000 and/or a maximum jail term of six months.

According to the Fourth Annual Global Software Piracy Study conducted by independent research firm IDC, Singapore had a software piracy rate of 39 percent with losses amounting to US\$125 million in 2006.

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## PHILIPPINES

### 1. Seized counterfeit items to hit P2.7b this year (from *Manila Standard*, 2 November 2007)

The Intellectual Property Office said counterfeit products confiscated by various government agencies will hit P2.7 billion this year, up more than 100 percent from last year's P1.3 billion.

"Based on the performance of agencies on intellectual property rights enforcement this year, it is most likely we will exceed last year's performance. We expect the law enforcement agencies to double the total haul by the end of the year," IP Philippines director general Adrian Cristobal Jr. told reporters.

Government enforcement agencies have confiscated counterfeit products worth P2.304 billion in the first nine months of the year.

Cristobal said improved coordination among the various member-agencies and partnerships with the private sector had boosted enforcement figures and showed that the campaign against fake products was sustainable.

The Bureau of Customs and the Optical Media Board brought in the bulk of the confiscated products worth over P1.8 billion. The agency estimated the value of confiscated products from January 2005 up to September 2007 to have reached P4.81 billion. He said a total of 357 raids were done in the areas as of June this year.

A total of 511 cases of violations of the intellectual property rights are now pending before various courts, about 440 cases of which are in being heard at various courts in the National Capital Region, specifically Quezon City and Manila.

Cristobal said IP Philippines would continue coordinating with the judiciary on the training of lawyers, court personnel and staff on IPR.

Meanwhile, local patent registrations have dominated the trademark filings with IP Philippines. The agency registered 12,098 trademarks in the past 10 months, up 96 percent year-on-year. IP Philippines has also listed more local trademark applications in the last seven years compared to foreign applications. Records from the office indicate there were 49,960 local trademark applications, or 57 percent of the 82,261 total trademark applications filed.

### 2. IP policy finalized by Govt (from *BusinessWorld*, 8 November 2007)

The government has finalized a national policy on intellectual property (IP) rights and protection in the aim of making the country more competitive.

The National IP Policy and Strategy (NIPPS) is to be unveiled at the end of the month and is the culmination of consultations made since last year. IP, according to the World Intellectual Property Organization, "refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce".

It involves two categories: industrial property, which includes inventions and trademarks, among others; and copyright, which involves literary and artistic works.

The NIPPS, Intellectual Property Office of the Philippines (IP Philippines) director-general Adrian S. Cristobal, Jr. said, aims to "take stock of the country's IP assets and ensure that they are strategically managed to contribute to national development."

He told a press conference that based on independent studies and IP Philippines' own count of local patents, the Philippines' performance trails behind other countries'. He cited an Economic Intelligence Unit study released last May which placed the Philippines 60th among 82 nation in terms of innovation performance.

Mr. Cristobal said the policy paper - to be presented on November 26 at the National Innovation Summit (NIS) - recognizes the importance of the IP system as a vital tool for innovation and creativity, and that innovation is important to make the country globally competitive.

The NIPPS covers the following sectors: \* biodiversity and genetic resources; \* traditional knowledge, folklore and geographic indications which will take into consideration the IP rights of indigenous peoples; \* public health, particularly on making medicines accessible and affordable; \* small and medium enterprises which comprise 99.6% of all business establishments in the country; \* inventors and patent reform; \* copyright and other creative industries; and \* universities, and research and development institutions.

An IP Philippines briefing paper states that the NIPPS was a product of consultations and coordinations with IP generators, or right holders, government institutions, the private sector and international organizations.

A preliminary report was completed in June 2006 and then presented at validation workshops from July to August 2007.

Mr. Cristobal claimed that the Philippines' legal system on IP protection was one of the most advanced in the world but that a culture of innovation should be encouraged, particularly in universities, and research and development institutions.

Mr. Cristobal noted, for instance, that among the country's universities, where the bulk of inventions and innovations are being done, only five have IP policies in place. He also urged universities to think of ways to commercialize their innovations instead of simply doing research as an academic requirement to be promoted or to get tenure.

Mr. Cristobal said IP Philippines is also working with the Department of Science and Technology (DoST) to look at possible legislation to allow publicly funded universities to commercialize their innovations. The NIPPS will be launched at the National Innovation Summit (NIS) to be held on November 26 with IP Philippines one of the major organizers.

### 3. Southeast Asia mulls regional intellectual property body (from *BusinessWorld*, 14 November 2007)

Southeast Asian intellectual property (IP) offices are mulling to create a regional IP system to help boost the fight against piracy in the region. Intellectual Property Office of the Philippines Director General Adrian S. Cristobal, Jr. said the proposal will be taken up during the two-day 4th Heads of IP Offices Conference in Manila.

The two-day conference that began yesterday brought together officials representing Australia, Cambodia, China, the European Union, India, Indonesia, Japan, South Korea, Laos, Malaysia, Singapore, Thailand, Vietnam, Denmark, the United States and the Philippines.

During the forum, the officials were urged to strengthen the intellectual property rights systems in their respective countries.

According to Manuel Desantes, vice president of the European Patent Office, intellectual property by 2025 could be a defining factor in global events. Desantes addressed the delegates to the Fourth Heads of Intellectual Property Offices Conference held at The Peninsula Manila Hotel in Makati City.

IP Philippines Director General Adrian S. Cristobal Jr. said the common objective among attendees in the forum was to restore the balance in the IP system to ensure that it promoted innovation. The aim was to make the IP system relevant to peoples and spur socioeconomic development, Cristobal said.

4. Taiwan, Philippines to cooperate in intellectual property protection  
(from *Central News Agency English News*, 18 November 2007)

Taiwan and the Philippines signed a memorandum of understanding (MOU) on cooperation in the field of intellectual property protection Saturday at the end of a two-day bilateral economic conference in Manila.

Republic of China Minister of Economic Affairs Steve Chen signed the MOU on behalf of his government with his Philippine counterpart, Peter Favila, under which both sides promise to cooperate with each other in intellectual property rights protection and exchanges of information and personnel.

Chen told the CNA that both sides had raised many issues during the conference, which reflects the wide range of cooperation between Taipei and Manila.

Knowing that Taiwan enjoys many strengths in the field of information technology, the Philippine side asked for Taiwan's help in training integrated circuit designers and in encouraging Taiwan high-tech companies to invest in the Philippines.

In addition to investing in Subic Bay freeport zone, which is already a stronghold of Taiwan companies operating in the Philippines, Chen said the Philippine side also asked Taiwan businesses to set up factories at the Clark Special Zone located north of Manila.

In order to attract Taiwan businesses, Chen said, the Philippine side agreed to give Taiwan high-tech companies investing in the country tax breaks for between six and eight years. The Philippines also agree to offer Taiwan companies' executives and professional staff 90-day visas in addition to work permits, according to Chen.

Taiwan is the Philippines' tenth largest source of foreign investment, Chen said, adding that Taiwan investment in the country increased from US\$193 million in 2004 to US\$225 million in 2006.

5. Business woman charged with book piracy, distribution  
(from *Manila Bulletin*, 23 November 2007)

Government prosecutors filed copyright infringement charges yesterday before the Manila Regional Trial Court against a businesswoman allegedly involved in the reproduction and distribution of pirated books published by McGraw-Hill.

Charged with violation of Section 155 in relation to Section 170 of Republic Act (RA) 8293, otherwise known as the Intellectual Property Code of the Philippines, in an information filed by State Prosecutor

Crisaldo R. Rioflorido of the Department of Justice (DoJ) was Marilyn S. Pajarillo, owner of the AIM Copy Services, located at the second Floor, Room 204 of the Delton Bldg., 2803 Rizal Ave., Sta. Cruz, Manila.

Elsevier Inc., McGraw-Hill Companies Inc., Mosby Inc., represented by Jairus Ignatius H. Abiera, of Suite 910 West, Philippine Stock Exchange Bldg., Exchange Road, Ortigas Center, 1805 Pasig City, filed a complaint three years ago with the National Bureau of Investigation (NBI) following reports on the proliferation in the market of pirated books published by the firm.

NBI operatives, in a raid conducted on Pajarillo's business establishment on May 3, 2004, confiscated finished and unfinished pirated books published by Mosby, Inc., photocopy machines, book cutting and book binding machines allegedly used in illegal reproduction of books.

Also seized in the raid were sales invoices, delivery receipts, official receipts, ledgers, journals, purchase orders and all other books of accounts and documents allegedly used in the recording of sale and other transactions in connection with the illegal reproduction and distribution of pirated Mosby, Inc. books and publications.

6. NBI raiders seize P5.6-million worth of computers, unlicensed software  
(from *Manila Bulletin*, 23 November 2007)

The NBI Intellectual Property Rights Division (IPRD) headed by Regional Director Elfren Meneses said the raid was conducted following a complaint lodged by Federis and Associates representing Microsoft, Autodesk, Symantec and Adobe.

Raided were the Masaito Development Corporation, located at the 11th Floor, Philippine Axa Life Center, with office address at No. 1286, Sen. Gil J. Puyat Avenue, Makati City; and Citihomes Builder and Development Incorporated at the eighth Floor, Don Chua Lamco Building, H.V. de la Costa corner L.P. Leviste Streets, Makati City.

Before the raid, government agents received information that the establishments were allegedly using pirated software for their business. After confirming the information given to them, the NBI applied for several search warrants which were issued by Mercedes Posadas Lacap, Second Vice-Executive Judge of the Manila Regional Trial Court (RTC) Branch 15.

NBI agents then conducted the raid and were able to seize 27 sets of computers loaded with unlicensed reproductions of Microsoft Windows and Office XP, eight Autocad software, Adobe Photoshop 7.0 and three Microsoft SQ Server, Adobe, Symantec and Autodesk software, as well as four Windows CD installers.

According to the Memorandum of Agreement signed by the Business Software Alliance (BSA) with law enforcement agencies and computer establishments, any computer user can only make one reproduction as a backup copy for any software.

However, with Autodesk and Autocad, which are used for engineering and architectural designs, an office can install the software to one computer only. Autocad software costs more than P200,000 but are sold for only P100 by pirated CD and DVD vendors.

7. Authorities entrust malls with anti-piracy measures  
(from *BusinessWorld*, 28 November 2007)

Metro Manila malls have been entrusted to police their own establishments against fake optical media products by the National Bureau of Investigation (NBI) and the Optical Media Board (OMB).

In an interview, OMB Executive Director Rosendo Meneses said the NBI and the Philippine National Police (PNP) have asked mall operators to require stores operating in their jurisdiction - which profit from computer software and optical media - to secure clearance from the NBI and the OMB.

Those that fail to do so by December will be targeted for raids.

Mr. Meneses said only SM malls have given a definite response, saying stores that fail to do so face suspension of operations in January. He said representatives of around 300 tenants in various SM malls have attended OMB seminar on the Copyright Law.

The moratorium sent to the establishments cited the legal repercussions for violation of the Copyright Law. Elfren Meneses, who heads NBI's Intellectual Property Rights Division, said they have been receiving "inside information" on companies using pirated software.

OMB's Mr. Meneses noted that high prices of original products have been cited as a key disincentive to using them and turning to pirated versions. Hence, he said, the board "will try to talk" to licensed dealers to try to soften their prices or otherwise offer attractive packages that would mitigate the high prices.

Police Superintendent Rene Ong, head of the PNP Anti-Fraud and Commercial Crimes Division, said that over the past few months, "surprise visits" were conducted in several offices in Makati and Mandaluyong, as well as in computer stores in Quezon City and schools in Las Pinas.

He said that in the areas they raided, pamphlets providing information on the Copyright Law were distributed. He admitted, though, that the repeated raids "are not working anymore" since visited establishment easily rebound after the operations.

OMB's Mr. Meneses said there might be a need to revisit existing intellectual property laws. "Six years imprisonment might not be a strong deterrent. We want it increased to send a stronger message," he said.

Republic Act No. 8293, or the Copyright Law, imposes imprisonment of one to three years and a fine of P50,000 to P150,000 for first offense; imprisonment of three to six years and a fine of P150,000 to 500,000 for second offense; and imprisonment of six to nine years and a fine of P500,000 to P1.5 million for the third and succeeding offenses.

8. NBI seizes over 100 pieces of nursing reviewers and textbooks during raids  
(from *Philippines News Agency*, 29 November 2007)

The National Bureau of Investigation (NBI) seized over 100 pieces of nursing examination reviewers and textbooks during raids on three establishments engaged in the selling of unregistered reproductions of nursing licensure examination reviewers and textbooks in front of the Professional Regulation Commission (PRC) in Sampaloc, Manila.

Raided were Ferpage located at No. 881 P. Paredes Street, Sampaloc, Manila; RBL at No. 883 P. Paredes St., Sampaloc, Manila and an establishment owned by Vergel Vitoria located at No. 851 P. Paredes St., Sampaloc, Manila.

The raids resulted in the seizure of 131 pieces of Lippincott textbooks; 15 pieces of Mosby; 4 pieces of Mosby's Comprehensive Review textbooks; 12 pieces of Mosby and Elsevier; 4 pieces of assorted Sanders textbooks; 98 pieces of CDs; a complete computer set; 4 pieces of Lippincott's Review for NCLEX-RN; 21 pieces of CDS of C&E Publishing; a computer set without printer; a price list of books and a record book.

Reports said most of the textbooks or reviewers mentioned costs around P1,000 to P1,200. The said establishments however sell the said books, which are photocopied, and bookbinder versions, for only P250 to P300.

Aside from the establishments, the NBI agents also seized the textbooks found in the stalls located in the said area. The owners of establishments are facing charges for violation of R.A. 8293 or the Intellectual Property Code of the Philippines.

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## INDONESIA

WIPO facilitates business to register patents overseas  
(from *Bisnis Indonesia*, 7 November 2007)

The Patent Cooperation Treaty (PCT) will make it easier for the businesses to get international patent legal protection since the process will be cheaper and more efficient.

The legal protection on patent, said Nuno Pires de Carvalho, Acting Director Division for Public Policy and Development at the World Intellectual Property Organization (WIPO), had become an important element in the global competition.

"PCT is good for the businesses. PCT is also good for the government since it can ensure better quality and harmonize patent application better," Nuno informed at a seminar held for Asian journalists in Singapore.

He revealed PCT was a consequence of globalization to facilitate international patent application. PCT is a facility prepared by the WIPO to help businesses make international patent application.

The PCT facility only applies to the member countries. Since Indonesia has ratified PCT, the Indonesian businesses and investors can use the facility. The trend of international patent application, according to Nuno, had been steadily increasing from year to year.

"In 2005, the patent application via the facility had reached one million applications." He disclosed that the developed countries were still the most dominant ones in using the facility. "Around 85% of the patent applications made via PCT are made by three countries, namely the US, Germany, and Japan."

Recently, he added, there had been an interesting phenomenon of surging patent applications from China and South Korea.

Data by WIPO showed that the number of patent applications from China in 2006 reached 3,910, from South Korea 5,935, and from Indonesia only eight applications.

The soaring number of patent applications from China and South Korea, continued Nuno, indicated the rapid technological progresses in the two countries.

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## VIETNAM

1. Brand name registration, IP laws key  
(from *Thai News Service*, 5 November 2007)

Vietnamese firms should focus on trademark registration and intellectual property laws if they want to increase exports to the stringent American market, experts said.

Speaking at a seminar titled Vietnamese trademarks and the US market held in Hanoi on Oct. 30, Vietnamese and US experts warned that to enter the lawsuit-prone market the businesses had to ensure their trademarks were secure. They should also adopt international rules, they said.

Neil F. Greenblum, director of the US-based Greenblum&Bernstein PLC, a law firm, called on the companies to focus on registering, building, and protecting brand names and to fully understand the US Law on Patent.

They had to prove the usefulness and novelty of a product to get protection under the law for 17-20 years.

Asian countries were strong in traditional medicine but it was a fiercely competitive business in which strong rivals offered dirt-cheap prices, he said.

It will be safer for drug makers to enter the US market with raw materials to supply drug firms there since lawsuits can hardly be filed against what is not an end-product, he said. If faced with a lawsuit, businesses should hire lawyers who would provide proper counseling.

## 2. Famous trademark fair opens in Hanoi (from *Thai News Service*, 6 November 2007)

Almost 200 businesses are introducing their products at a fair for well-known Vietnamese trademarks that opened at the Vietnam Exhibition and Fair Centre in Hanoi on November 2.

On display at the 5,000sq.m space are electrics and electronics, household utensils, information technology, machinery, home furniture, production lines, garments, footwear, cosmetics, pharmaceuticals, beverages, tourism, banking and handicrafts.

During the five-day fair, the Vietnam Intellectual Property Department will introduce new aspects of the Intellectual Property Law and provide consultations on procedures to register and protect product trademarks.

## 3. Vietnam, Japan continue negotiation on economic pact (from *Asia Pulse*, 14 November 2007)

Vietnam and Japan on November 13 kicked off another round of their negotiations in Tokyo on a bilateral economic partnership agreement (EPA), which, once signed, will help boost the two countries' economic ties, trade and investment and bring bilateral ties to a new height.

Based on progress made at previous rounds, Vietnamese and Japanese officials are expected to continue their talks on the trade of goods, which encompasses agriculture and industry, economic cooperation in agriculture, services, investment and business environment, intellectual property rights, and regulations on the origin of goods.

Vietnam and Japan began their official negotiation on the EPA in mid-January this year.

The negotiation process has then been deployed in line with the two countries' joint statement on "looking forward a strategic partnership for peace and prosperity in Asia" inked during Prime Minister Nguyen Tan Dung's Japan visit in October, 2006.

## 4. Anti-counterfeiting day called for November 29 (from *Thai News Service*, 16 November 2007)

Prime Minister Nguyen Tan Dung on Nov. 12 selected November 29 as an annual anti-counterfeiting day.

On behalf of the Prime Minister, Deputy Prime Minister Hoang Trung Hai asked the Vietnam Association for Anti- Counterfeiting and Trademark Protection to develop activities and presentations to raise consumers' and businesses' awareness of the fight against bogus products.

5. Customs office strengthens ASEM cooperation  
(from *Thai News Service*, 19 November 2007)

Vietnamese customs officers' active engagement in new ASEM framework on intellectual property protection and their part in a pilot project with enterprises proved the country has strong regional ties.

Customs Office General Director Le Manh Hung reported Vietnam 's activities at a meeting of Customs General Directors-Commissioners from Asia-Europe Meeting (ASEM) economies held in the port city of Yokohama, Japan , from November 12-13.

Hung said his agency plans to hold a workshop on implementing a project on partnership between customs offices and enterprises in Hanoi by December with assistance from Swedish and Singaporean partners, after representatives from the two latter countries reported on the project at the meeting.

The common framework on intellectual property protection, which Vietnam has been working hard to carry out, is aimed at unifying world efforts in this field, a representative from the World Customs Organisation said.

Protecting intellectual property has aroused great concerns from European countries, that globalisation and the universalisation of the Internet are threatening the work of customs officers and set new tasks for the sector the world over.

A new set of customs standards on intellectual property protection was freshly approved by the World Customs Organisation at a General Assembly held in Brussels , Belgium , in June.

Other issues high on the meeting's agenda included the role of customs in protecting the environment as well as cooperating and improving capacity for customs offices worldwide.

The Vietnamese customs delegation also had working sessions with its Japanese partner, the Japan International Cooperation Agency (JICA), and the Foreign Ministry of the host country on this occasion.

Over the past years, Japan customs office has given strong assistance to Vietnam in training senior lecturers and supplying equipment. Japan is helping customs officers from Vietnam , Cambodia and Thailand to implement a project on management of professional risks.

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## INDIA

1. Patent legislation in budget session  
(from *The Statesman*, 4 November 2007)

Union minister for science and technology Mr Kapil Sibal today said that the Centre would bring a new legislation in the next Budget session of Parliament providing for payment of royalties and share in license fees for scientists who patent their innovations. The proposal is that researchers of public sector R&D institutions be paid 30 per cent royalty once their patented products are commercialised.

Such an incentive-based approach would help create more patents, he said after laying the foundation stone for the Clinical Research Facility for stem cells and regenerative medicines. This is India's first such facility and will be operational by January 2009. In a globalised world, we need to commercialise

products and the wealth generated from them should be ploughed back into research projects to make more discoveries, he said.

Among the several innovative ideas to ensure wealth creation by scientific institutions is a proposal to allow project financing by private companies on specific research projects, he said.

2. CBI director calls for international cooperation in tackling crimes related to IPRs  
(from *US Fed News*, 6 November 2007)

India has called for immediate attention of the Interpol member-countries to tackle the problem of counterfeiting of currency, which poses grave threat to national security and could also result in economic destabilisation.

The call was made at the 76th General Assembly of Interpol at Marrakesh, Morocco by the Director, Central Bureau of Investigation, Shri Vijay Shanker, who said that in the past decade India has seen an unprecedented rise of counterfeit currency that has resulted in the seizure of Rs. 70-80 million a year.

Shri Shanker, an Executive Committee Delegate, leading a three-member delegation to the General Assembly of the Interpol said that there is increasing evidence of sponsored counterfeiting with the sinister objectives of terrorist funding and promoting transnational organised crime.

He said that this trend has been corroborated by the fact that in the past one year seizures outside India have been bigger and counterfeiting is more sophisticated than domestic seizures. He urged upon the Interpol member countries to pay immediate attention before many more countries fall prey to the schemes of the organised crime syndicates.

Shri Shanker also noted that Internet has added new dimensions to Intellectual Property related crimes, specifically, video audio piracy. He said that online auction sites now provide a grey market for pushing counterfeit products.

3. Copyright notices to ISPs on the rise  
(from *The Hindu*, 19 November 2007)

Business Software Alliance has issued more than 15,000 notices to ISPs (Internet service providers) in India till September this year, on infringing activity.

Sharing this information with Business Line, the BSA's Vice-President and Regional Director (Asia), Mr Jeff Hardee, said the monthly average notice issuance has risen from 220 in 2006 to 1,682 this year.

"India has registered the fastest increase in copyright infringement compared to any other country in Asia," he said and attributed it to "lack of awareness and total disregard of the copyright laws".

Stating that it is important for people to understand that what they do on the Net "can and will be tracked" he said, "It is sad to note that India is not among those countries that have ratified the WIPO (World Intellectual Property Organisation) Copyright Treaty." The WIPO Treaty has been ratified by 62 countries.

4. Patent filings to be available free online from next year  
(from *Livemint*, 21 November 2007)

Filings for approved Indian patents will be digitized by 2008 and thereafter made available online, free of cost, said a senior official at the department of industrial policy & promotion, requesting anonymity.

The new initiative is part of the second phase of modernization of the patent office, the official said. Complete applications of patents granted after 2006 will be available in the next few months.

In the first phase, which concluded this July, the government introduced e-filing facilities that allowed an aspirant patentee to register his application online instead of visiting the patent offices.

Currently, complete information on a patent granted in the country can be accessed through photocopied documents through a patent office or from private databases, both of which entail a charge.

#### 5. India must improve IPR enforcement

*(from The Press Trust of India Limited, 23 November 2007)*

India needs to improve its track record for enforcing intellectual property rights without which global small and medium enterprises will not invest in the country, an EU official said.

"India is not considered an efficient production location in terms of IPR. Its image has to improve with regard to intellectual property rights to enable investment from small and medium enterprises (SMEs) that create employment and investment," Chief Programme Coordinator of EU-India Trade and Investment Development Programme (TIDP) D Kebschull said here.

He said European SMEs fear that if they invest in India their designs and patterns will be copied. "There are laws but there is hardly any enforcement and awareness about IPRs." EU-India Advisor A Sahasranaman said the European SMEs want to be assured of efficient enforcement. He said awareness about IPRs needs to be raised in police and bureaucracy. "There is a need for overall awareness.

Kebschull said India is attracting investment in stock market and not much of FDI is coming in the SME segment. "India does not need investors who speculate and earn from high interest rates and rupee appreciation. It needs SMEs which create employment and income," he said.

#### 6. Microsoft unveils new tool to fight software piracy

*(from The Hindu, 28 November 2007)*

Launching the Get Genuine Solution (GGS), which lets SMBs legalise their counterfeit or unlicensed Windows XP Professional PCs, Mr Brian Campbell, Director - Original Software Initiative, Microsoft India, said: "Microsoft is committed to protecting Small and Medium Businesses (SMBs) from the negative impact of piracy and Get Genuine Solution is a simple and scalable solution for customers who want to legalise their software."

Valid for a limited period of time in India, GGS lets businesses legalise Windows XP licences through resellers by sending in their name and address to the reseller, who will then ship them the Certificate of Authentication and other licence materials.

Businesses will be able to take advantage of important software updates, downloads, premium add-ons and enhanced product features, security updates, clip-art, templates, etc.

With piracy levels in the Indian market as high as 72 per cent, there are a large number of businesses with existing PCs in need of legalisation due to counterfeit, under-licensing, mis-licensing and version piracy scenarios.

According to the BSA-IDC Global Software Piracy Study, India lost \$1,250 million in 2006 to software piracy up from \$367 million in 2003. However, the effects of reduction in software piracy are extremely

positive and the study states that a 10-point drop in Indian piracy levels by 2009 would lead to the creation of over one lakh jobs, besides increasing the country's GDP by \$5.9 billion.

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## PAKISTAN

### Seminar on copyright-base business from November 12

*(from Business Recorder, 7 November 2007)*

Two-day seminar on "Copyright-based Business: Authorship, Publishing and Access to Information" will be held here on November 12 and 13. The seminar has been organised by the Intellectual Property Organisation of Pakistan in collaboration with Japan Copyright Office (JCO) and World Intellectual Property Organisation (WIPO).

The main objective of the seminar is to create awareness about intellectual property rights, particularly in the field of authorship and publishing. WIPO experts from Geneva will give detailed presentations during the conference, which is likely to be attended, among others, by authors, publishers, academia and government functionaries.

The seminar will be preceded by consultation of WIPO experts with different stakeholder in Karachi on November 8 and 9 and in Islamabad on 10th November for establishment of Collective Management Organisation (CMO).

It may be recalled that CMOs provide an important link between the creators and users of copyright works, so that owners of rights and creators receive monetary benefits for the use of their works by others.

The CMOs also encourage creators to contribute to the development of the cultural sector and attract foreign investment. Besides it enables developing countries to derive benefits from the potential of their cultural industries.

Copyright 2007 Office (JCO) and World Intellectual Property Organisation (WIPO). The main objective of the seminar is to create awareness about intellectual property rights.

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## SRI LANKA

### Sri Lanka losses 86mn dollars due to software piracy

*(from The Press Trust of India Limited, 11 November 2007)*

Sri Lanka, which has the sixth highest in software piracy rate of the world, has suffered a loss of 86 million dollars in retail revenue earnings.

A global study reveals that the Island country has the second highest software piracy rate second in the Asian region and the sixth highest in the world. The study was conducted independently by International Data Corp (IDC), the information technology industry's leading global market research and forecasting firm, which for the first time, covered Sri Lanka as well.

The Emerald Nation is found to have a software piracy rate of 90 per cent in a study conducted as an extension of the IDC's Global Software Piracy Study 2006.

The piracy problem is also being attributed to the ongoing conflict between the government and the LTTE which has continued to cause much harm to both the population and the economy. This high software

piracy rate has resulted in USD 86 million in retail revenue losses to the local Sri Lanka software economy, according to the IDC.

"As many as 9 out of 10 software installed on personal computers during 2006 in Sri Lanka was unlicensed or being obtained illegally through software theft," said Business Software Alliance Director, Marketing Asia, Rowland Chan.

The findings of the study highlighted the need for action against software piracy in Sri Lanka, where it has taken a toll on personal and business-users as well as the overall economy.

This was revealed at a seminar held here recently in association with the Business Software Alliance (BSA). The seminar was jointly conducted by National Intellectual Property Office, the Ceylon Chambers of Commerce, the ICT Agency of Sri Lanka (ICTA) and the European Chamber of Commerce of Sri Lanka.

Chan told the Lankima Newspaper that if a 10-point drop in piracy could be maintained for a 5-year period, a direct contribution of 135 billion dollars could be made to Asian economies with 2 million additional jobs.

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## UNITED ARAB EMIRATES

Dubai Customs continues seminars for women on IPRs  
(from Middle East Company News, 1 November 2007)

The series of educational seminars on the intellectual property rights (IPR) protection organized by Dubai Customs in cooperation with the Islamic Affairs and Charitable Activities Department will continue until the end of this week.

The seminars received an overwhelming response from the women associations in Dubai and the neighboring emirates.

The first days of the seminars witnessed the participation of a high profile delegation from the Diplomatic Ladies Corps, headed by Mrs. Nawal Saleh Al Shalhoub, the Head of the Diplomatic Ladies Corps in Dubai and the wife of the Saudi consul in Dubai.

The second day, witnessed the participation of media women in addition to representatives from women social and charitable foundations, such as Juma'a Al Majed Cultural Centre, International Women Cultural Forum and Dubai Islamic Affairs and Charitable Activities Department.

Dubai Customs' seminars received today students and teachers from Dubai National School. The participants admired Dubai Customs initiative which enabled them recognize the fake products from genuine and understand the bad effects of counterfeiting on the society.

Targeting mainly women, the seminars focused on the methods of counterfeiting as well as the dangers and impacts of fake products on economy and individuals. These seminars, during which fake products were displayed in front of the participants, aimed at educating the ladies on counterfeiting and also highlighted the skills and techniques used to combat counterfeiting and piracy.

Organized for the first time in Dubai, these series of seminars come in the framework of the preparations for the Fourth Global Congress on Combating Counterfeiting and Piracy which will be organized in Dubai next February.

The intellectual property rights seminars accompany the comprehensive media campaign launched by Dubai Customs to raise awareness on the harmful effects of counterfeit goods. Dubai Customs is the leading governmental institution on combating counterfeit and piracy. Dubai Customs succeeded in the past months in confiscating large quantities of fake products which included medicines and food products in addition to foiling many attempts to smuggle drugs.

The Intellectual Property Rights Section at Dubai Customs succeeded in foiling 278 violations this year with a value of more than 12.5 million Dirhams.

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## LEBANON

### US molds changes to Lebanon's copyright laws

*(from Daily Star, 3 November 2007)*

The United States helped the Lebanese government amend some clauses in its existing copyright laws to allow the country join the World Trade Organization, a US government legal adviser said. "The US government is helping Lebanon with the modified copyrights law and we hope that the law comes out correctly and is properly enforced by the authorities," Robert Stoll, dean of education and training at the US Patent and Trademark Office, told The Daily Star.

He declined to give more details but said that the government is working on the trademark laws and pharmaceuticals.

A source, who spoke on condition of anonymity, said the amendments have been completed and the improved draft law was sent to the cabinet for approval. "This amendment aims to help Lebanon access the WTO in the future. It is only natural for the US to protect the interest of American companies," the source said.

Lebanon has made some progress in combating software piracy and counterfeiting of original trademarks but the country is still seen as a haven for copyright violators.

Desperate to join the WTO, the Ministry of Economy and Trade had sought the advice of Washington and consultant group Booze Allan Hamilton. Lebanon was supposed to join the WTO in 2006 or 2007 but the tense political climate and occasional security incidents have dealt a blow to these efforts.

Stoll, who took part in a one-day seminar on intellectual property rights at the convention center in Dbayyeh, saw a good chance for Lebanon to join the WTO if the copyright laws were enforced.

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## ISRAEL

### Yishai denies intellectual property agreement

*(from Israel Business Arena, 25 November 2007)*

For the first time, Minister of Industry, Trade and Labor Eli Yishai responded in a sharply worded statement, to reports that he was seeking to change the Intellectual Property Law to give better terms for multinational pharmaceutical companies at the expense of Israeli generic drug makers.

In a press release, Yishai said, "I have not yet made up my mind. The process has only just begun, and I reject all attempts by Teva to influence the decision through the media."

Israel's intellectual property law is a major bone in the throat between Israel and the US. On one side are Israel's generic drug makers, lead by Teva Pharmaceutical Industries Ltd. (Nasdaq: TEVA; TASE: TEVA).

Multinational International pharmaceutical companies are on the other. The bone of contention is the expiry of drug patents and the development, production, and marketing of generic equivalents in Israel and their export to other countries. A second issue is how much the Ministry of Health can assist Israeli companies with information about drugs made by multinational pharmaceutical companies.

Yishai referred to "A flood of articles in which Teva executives were interviewed." The reference is apparently to a report in "Globes" from November 18. Yishai said, "People at Teva apparently know my decision. Naturally, threats about a war between Eli Yishai and Teva make bigger headlines than the establishment of an inter-ministerial team that will review the issue professionally."

Last month, Yishai met officials of the US Trade Representative (USTR) and with the representatives of several pharmaceutical companies in Israel. Afterwards, a number of delegations of multinational pharmaceutical companies visited Israel. Merck KGaA (XETRA:MRK) has also signed an memorandum of understanding (MOU) to invest in Israel start-ups.

Sources close to Yishai told "Globes" that changing the Intellectual Property Law might encourage more multinational pharmaceutical companies to invest in Israel. Yishai said today that he promised nothing to the foreign companies at the meeting.

However, sources close to him claim that he promised "to try" to help with in the matter of the law. They said that after the meeting, Yishai ordered the establishment of the inter-ministerial team to review the law.

Representatives from the Ministries of Finance, Health, Justice, and Industry will participate. Meanwhile, both Teva and the Ministry of Health allege that the purpose of the committee is to change the law.

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## YEMEN

WIPO to provide technical support for protecting intellectual property in Yemen  
(from *Organisation of Asia-Pacific News Agencies*, 7 November 2007)

Deputy director-general of World Intellectual Property Organization (WIPO) Francis Gurry voiced, during his meeting here with Industry and Trade Minister Yahya al-Mutawakil, the WIPO's readiness to provide all the technical support the ministry requires for protecting intellectual property.

During the meeting, al-Mutawakil discussed with Gurry aspects of cooperation between the organization and the ministry in addition to the support the WIPO could provide for qualifying the ministry's cadre and setting up infrastructure of the intellectual property systems in the country.

The minister reviewed the government's efforts to provide suitable legislations pertaining to the intellectual property to meet with requirements of the World Trade Organization (WTO), lauding the WIPO's assistance to the country for supporting intellectual property.

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