

Monthly Report of September 2005

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THAILAND

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1. Protection wanted for Thai rice, silk

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 6 September 2005)

Thailand will ask the United States for tighter intellectual property protection for Thai products in the fifth round of bilateral free trade talks due to start late this month. The measures are meant to stop rice growers or silk makers outside Thailand from claiming their products are “Thai rice” or “Thai silk”, said Wibooklaksana Ruamraksa, a deputy director of the Thai Intellectual Property Department.

Some American-made products incorporate some Thai-grown plants and should pay some of their profits back to Thailand, said Wiboonlaksana. “Thailand should have the right to share some profits from products which are made from ingredients grown in Thailand, despite being developed by American technology, she said.

2. Customs work hard

(from Krung Thep Thurakit Newspaper, Economic Section, Page 33, Thailand, 9 September 2005)

A reporter reported from Mae Sai district, Chiang Rai Province, that there are so many copyright infringement products come from Myanmar to Thailand at that border point. However, the Thai customs is working hard and no report to found any pirated products sell in that area.

3. IP push via universities

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 16 September 2005)

Krung Thep Thurakit Newspaper, Agriculture-Commerce Section, Page 5, Thailand, 16 September 2005)

The Intellectual Property Department has joined hands with Khon Kaen University to establish the first licensing management centre upcountry. The move aims to encourage Thai people to engage more in intellectual-property protection, creation and registration. The project will facilitate intellectual rights registration and provide information to the public on intellectual property.

Intellectual Property Department head Kanissorn Navanugraha said the project's aim was to encourage people to focus more on intellectual property development. This would help people enjoy real benefits in commercialising their rights.

As part of the plan, the department is negotiating with Chiang Mai University and Prince of Songkhla University and has already inked a memorandum of understanding with the vocational school committee office to promote the intellectual rights programme. He said the department wanted to create an IP network in the Kingdom.

The department signed a memorandum of understanding with Khon Kaen University yesterday. It is a pilot project to develop the department's IP protection chain via education institutes.

Khon Kaen University will be the centre for intellectual property monitoring for the Northeast region, focusing on three services: IP creation, IP commercialisation and IP protection. The operation is set to start next year.

Khon Kaen University president Sumon Sakolchai said that three special programmes would be launched in intellectual property science. The programmes would be open to interested students and would range from an intensive course to a master's degree. The intensive course will start next year, the master's degree in the next few years.

4. IPR issues unlikely to be wrapped up

(from The Nation Newspaper, Business Section, Page 2B, Thailand, 19 September 2005)

The United States is expected to focus on intellectual property rights in the next round of bilateral free-trade talks, but the gap in expectations may be difficult to bridge, the Intellectual Property Department said last week.

"No part of the intellectual property negotiations seems likely to wrap up in this round," said director-general Kanissorn Navanugraha.

The two sides should only gain a better understanding of each other's position in this round, the Intellectual Property Department chief added.

One part of the negotiations will focus not only on law enforcement of intellectual property rights (IPR) but also on protection for technological innovations, such as optical disks, as well as copyrights, trademarks, patents and technical assignments.

5. FTA talk

(from The Nation Newspaper, Business Section, Page 1B&5B, Thailand, 21 September 2005)

After a meeting in Washington, Bush and Thaksin issued a joint statement saying they had "agreed to make vigorous efforts to reach a conclusion on the US-Thai free-trade agreement [FTA] next year."

US Trade Representative Rob Portman, who recently said he hoped to finish negotiations with Thailand in early 2006, was scheduled to meet Foreign Minister Kantathi Suphamongkhon yesterday.

Kantathi insisted that intellectual property rights were "a sensitive issue", adding that the government had informed the US that Thailand was particularly concerned about pharmaceutical patents.

Thaksin and Bush are expected to discuss the free-trade deal in detail during the Asia Pacific Economic Cooperation meeting in South Korea in November.

6. Industry watchdog sharpens its focus on corporate users

(from Bangkok Post Newspaper, Business Section, Page B10, Thailand, 20 September 2005)

The Business Software Alliance (BSA) has threatened to move aggressively against local and multinational companies using pirated software, which it says has cost the legitimate software industry billions of baht in lost sales, the Bangkok Post reports.

The BSA on Monday relaunched its hotline (1-800-291005 and 02-711-6193) for people to report the use of unlicensed software. It has doubled the reward to 500,000 baht for anyone whose information leads to prosecutions.

The stepped-up campaign will run until the end of next month, according to Tarun Sawney, the BSA's anti-piracy director for Asia.

"We are taking legal action against companies using unlicensed software. Increasing the reward means we are sending a message to executives of those companies and the public. Don't be surprised when I come back here soon," Mr. Sawney told a press conference.

Despite years of crackdowns by the BSA and Thai authorities, the software piracy rate in Thailand is relatively high. The piracy rate last year declined by just one percentage point from the year before to 79%, with an estimated 7.5 billion baht in damages, according to a survey conducted for the BSA by International Data Corporation and released last May.

Thailand had the fifth highest software piracy rate among 15 Asian countries, including Australia and New Zealand, according to the findings. Vietnam had the worst record and Japan the best.

7. Thailand and China to cooperate on IP issues

(from Thai News Service, 22 September 2005)

Thailand and China have agreed to cooperate in helping to develop and protect each other's intellectual property. The agreement was made between Thai Deputy Commerce Minister Preecha Laohapongchana and a visiting Chinese minister in charge of trade and industry management.

Under the deal, the Chinese government will support a Thai government request for patent registration of Thai rice and silk in China, according to Preecha. "The issue is expected to be concluded by the end of this year," he said.

There are now about 2,000 items of Thai products that are patented in China.

The agreement would also cover bilateral cooperation in addressing the problem of similar trademarks and paying attention to geographical indicators which are considered a key factor in the

protection of intellectual property and a major condition for international trade in the future, Preecha noted.

8. Ministry to curb commercial exploitation with heritage patents

(from Thai News Service, 22 September 2005)

The Culture Ministry is seeking to amend an existing law to counter commercial exploitation of heritage sites, including temples, by hotels and resorts in Thailand. A spokesperson from the Ministry said in May that changes to prevent the exploitation of Buddhist art, architecture and local wisdom would be proposed. The Ministry will also recommend national heritage sites and apply for patents to protect the intellectual property of Buddhist art and architecture.

9. Deal to share GM papaya benefits likely

(from Bangkok Post Newspaper, 27 September 2005)

The Agriculture Department will not hesitate to sign the planned benefit-sharing agreement over the co-invention of the genetically modified papaya and related inventions with a US foundation.

The department plans to sign a memorandum of understanding to share benefits in GM papaya and other related inventions with the Cornell Research Foundation, with which Thai researchers co-developed the papaya years ago. The foundation has applied for patents to cover the method of growing the virus-resistant papaya as well as the discovery of the ringspot virus genes.

But experts said the virus are almost naturally common, and therefore should not be patented. The experts also urged the department to protect other biological resources found in Thailand from being patented.

Biotechnology specialist Surawit Wannakrairoj, of Kasetsart University, said the MOU would automatically force the country to commit to the patents, which are still arguable. Under the MOU, Mr Surawit said, papaya producers would have to shoulder the fees for growing the patented GM papaya strain.

Charoen Kampeerapab, vice president of Silpakorn University in charge of intellectual property rights and traditional knowledge, said an independent committee set up to settle the issue has also recommendation that the genes claimed by the foundation were generic. Hence, the government could raise this point to oppose the foundation's planned patent, he added.

10. Hobankyo permits DVD rental of Japanese TV program

(from Bangkok Shuho, 26 September – 2 October 2005)

Council for Protection of Copyright of Television Program of Japan (Hobankyo) permitted “Pier-to-pier”, which provide permitted Japanese TV program to video rental shops outside Japan, to deliver such program on DVD to four video rental shops in Thailand, on condition that original master is permitted VHS tape. This gives that these four shops in Thailand have right to let Japanese TV program on DVD.

These four rental shops are going to start to let from 1st October.

11. US FTA talks making progress

(from The Nation Newspaper, Business Section, Page 4B, Thailand, 30 September 2005)

Free trade talks with the US have made progress on the intellectual property issue during negotiations in Hawaii. The two sides have also discussed cooperation research and development, geographical indication rights protection for such products as Thai jasmine rice and Thai silk, and protection measures and benefit sharing for locally made products.

PEOPLE'S REPUBLIC OF CHINA

News in September 2005

1. Counterfeit goods seized in raid
2. EU presses mainland over piracy concerns
3. Counterfeit clothing haul
4. China, ASEAN organize IP symposium
5. Chinese vice-premier stresses protection of IPRs
6. China, US police crack counterfeit drug case
7. China uncovers 1,804 IPR infringement cases in 'Hawk' action
8. IP training programme for Chinese talent launched
9. China, South Korea signs IP deal
10. US teams to combat piracy
11. IP dept. still has faith in 'no fakes' scheme despite raids
12. SMEs seminar in HK

1. Counterfeit goods seized in raid

(from South China Morning Post, 3 September 2005)

Customs officers seized \$1.5 million in counterfeit Disney and Japanese cartoon products during a raid in Shamshuipo - just 10 days ahead of the theme park's opening.

Officers raided 16 wholesalers and retailers on Fuk Wing Street, seizing 32,000 counterfeit goods and arrested nine men and 12 women, aged between 22 and 52, who were shop owners and sales staff. They were released on bail and no charges have been laid.

They found the sellers had mixed the genuine goods with the fakes in an attempt to fool customs. Five to 10 per cent of the seized goods, including toys, stationery, handbags and home appliances, were fake Disneyland products, while the rest were counterfeit Japanese cartoon goods, such as Hello Kitty items.

Customs warned that it would step up protection and enforcement of intellectual property rights as it continues to work with trademark owners. Customs officers are investigating the source of the counterfeit products.

2. EU presses mainland over piracy concerns

(from South China Morning Post, 5 September 2005)

China must do more to protect intellectual property rights, European Trade Commissioner Peter Mandelson said.

"Intellectual property rights protection remains, together with transparency, my biggest concern," he said. "It's our issue today but I tell you, tomorrow and the day after it's going to be China's issue."

Just 21 per cent of EU chamber firms regard Chinese intellectual property enforcement as effective. Statistics vary wildly, but the trade in counterfeit goods is estimated at between 5 per cent and 9 per

cent of all global trade and costs the global economy between {euro}200 billion (\$1.94 trillion) and {euro}500 billion a year. Some 200,000 jobs are lost each year at firms producing legitimate goods because of competition from counterfeiters.

While praising China's progress on implementing its World Trade Organisation commitments, European companies said there were problems with enforcement of WTO commitments and continued government obstruction.

3. Counterfeit clothing haul

(from Bangkok Post Newspaper, International News Section, Page 6, Thailand, 6 September 2005)

Customs officers in Hong Kong have seized a record haul of 150,000 fake Burberry clothes and products in the city's biggest seizure of its kind. The items, bearing the famous Burberry design, had a retail value of about US\$16.7 million.

Eleven Hong Kong people, including two alleged masterminds of a Hong Kong and Japan counterfeit clothing syndicate, have been arrested in connection with the seizure.

4. China, ASEAN organize IP symposium

(from Industry Updates, 6 September 2005)

China and the Association of Southeast Asian Nations (ASEAN) jointly organized in Beijing an intellectual property symposium on Monday, which attracts more than 80 participants from China and 10 ASEAN countries.

The symposium will help mutual cooperation and exchange in the field between China and the ASEAN countries, Tian said.

The five-day symposium is scheduled to focus on construction of intellectual property legal system, intellectual property rights acquisition and management, intellectual property rights protection and economic development, intellectual property information dissemination and personnel training.

5. Chinese vice-premier stresses protection of IPRs

(from BBC Monitoring Asia Pacific, 6 September 2005)

The Protection of Intellectual Property Rights (IPR) is a must in China's economic and social development and is greatly needed in the reform and opening-up process, said Chinese Vice-Premier Wu Yi.

China must improve the IPR system, adopt IPR rules, and raise the capacity of innovation, implementation and management of self-designed IPR in a bid to play a part in the economic globalization and international competition, she said at a seminar on IPR protection.

Acknowledging the achievements of IPR protection last year, Wu said governments at all levels should further carry on the work with stricter disciplines and legal force and wider publicity, support enterprises in the protection and enhance international cooperation.

6. China, US police crack counterfeit drug case

(from China Daily, 9 September 2005)

Chinese and US police have jointly uncovered a major counterfeit medicine scheme, a Chinese official said yesterday at a news briefing. The scheme spanned 11 countries and involved millions of dollars worth of bogus drugs. 11 Chinese were arrested, along with one American.

Altogether 440,000 counterfeit pills, valued at more than 40 million yuan (US\$4.3 million), were seized in the co-operation effort between August 28 and September 2, said Gao Feng, a spokesperson for the Public Security Ministry.

The fake drugs included the male sexual dysfunction drugs Viagra, Cialis and Levitra, as well as the cholesterol drug Lipitor. No information was provided about how Pfizer discovered the counterfeit drugs. It is the second successful joint investigation by China and the United States in combating intellectual property rights violations.

7. China uncovers 1,804 IPR infringement cases in 'Hawk' action
(from *Industry Updates*, 9 September 2005)

Chinese police uncovered 1,804 cases on intellectual property right (IPR) infringement, arrested 3,667 suspects and retrieved economic losses worth 420 million yuan (US\$52 million) between November 2004 and July 2005.

In November 2004, public security departments launched a one-year-long operation, "Hawk", to crack down on IPR infringement nationwide. In the first eight months of the campaign, police dealt with 2,054 IPR infringement cases, involving 1.33 billion yuan (US\$164 million).

These cases touched many items including mechanical and electric equipment, farm products, medicine, wine, soft drinks, cigarettes, cosmetics, daily necessities, costumes, bags, cultural and sports goods, audio-visual products, and publications.

Difficulties have remained in this ongoing campaign, including lack of information sources, said Bao Suixian, an official with the ministry. He called on local IPR owners to enhance the awareness of protecting their rights.

8. IP training programme for Chinese talent launched
(from *Industry Updates*, 12 September 2005)

The Intellectual Property Bureau of Shanghai and the American International Education Foundation recently launched an IP training programme for Chinese talent.

The letter of intent signed last year states that Shanghai's IP bureau will send 50 people to the United States for IP courses between 2005 and 2010.

The project aims to help Shanghai identify and develop bilingual interdisciplinary talent knowledgeable in IP management, industrial business, laws and regulations. The first seven students started their four-month IP courses in Chicago in mid August.

9. China, South Korea signs IP deal
(from *Industry Updates*, 12 September 2005)

China and South Korea recently signed a letter of intent to co-operate further on intellectual property (IP) issues.

Beijing IP Services Centre and South Korea's Electronics Industry Promotion Association (EIPA) signed the document, which states that the two parties will hold regular seminars and forums on IP topics and promote communications between the two nations.

Both sides will jointly investigate IP infringement cases and research subjects of mutual concern. The EIPA was established in 1976, and is directly administered by South Korea's Ministry of Industrial Resources.

10. US teams to combat piracy

(from Bangkok Post Newspaper, Business Section, Page B5, Thailand, 23 September 2005)

The Commerce Department is sending teams of experts into countries known for piracy and counterfeit goods in an effort to combat intellectual property theft abroad, US Commerce Secretary Carlos Gutierrez said.

The groups, called Intellectual Property Rights Experts, will operate in Brazil, China, India, Russia, Thailand and elsewhere. They will follow up and monitor cases as well as have daily contact with officials in those countries.

11. IP dept. still has faith in 'no fakes' scheme despite raids

(from The Standard, 29 September 2005)

Hong Kong's consumers and tourists should not be unduly worried about being sold counterfeit goods, the director of the Intellectual Property Department said, despite concerns that his department's "No Fakes" scheme is ineffective.

Customs agents raided five local jewelry shops Monday and confiscated HK \$5.5 million in counterfeit brand- named goods.

In the first eight months of this year, the Consumer Council said it received 160 complaints from mainland tourists about retailers of jewelry, watches and clocks compared with only 147 in 2004. In addition to counterfeit goods, there were complaints of overpricing and misrepresentation of brand value. Many mainland tourists shop at jewelry stores to get quality brand- named goods so the protection of intellectual property is a priority.

12. SMEs seminar in HK

(from Industry Updates, 29 September 2005)

A seminar on intellectual property rights (IPR) protection was held to discuss the importance of intellectual property rights (IPR) in business development. Speaking at the ceremony, director of Intellectual Property of Hong Kong Stephen Selby said the Intellectual Property Department had been making consistent efforts to promote IPR protection to local SMEs.

The seminar was jointly organized by the Intellectual Property Department, the Hong Kong Trade Development Council (TDC) and the Federation of Hong Kong Industries' Hong Kong Coalition for Intellectual Property Rights, with the aim to help local Small and Medium Enterprises (SMEs) better understand of IPR in business environment.

MALAYSIA

News in September 2005

1. IP court next year
2. Copyrights handling firm charged with using pirated software
3. Better enforcement of IPR law needed

1. IP court next year

(from Bernama Daily Malaysian News, 13 September 2005)

Intellectual property cases, currently handled by Session Courts, are expected to be taken over by a special court in June next year, Domestic Trade and Consumer Affairs Ministry Datuk Shafie Apdal said.

He said the Attorney General's Department, responsible to set up the special court, had given a positive response to its inception nationwide, beginning with Kuala Lumpur. The special courts would help expedite hearing of intellectual property-related cases including clearing case backlogs, disputes on patent rights, trade marks, piracy, plagiarism and copyright.

2. Copyrights handling firm charged with using pirated software

(from Bernama Daily Malaysian News, 15 September 2005)

A company that handles copyright designs of towels and kitchen utensil was charged in the Sessions Court here today with using eight copies of pirated computer software.

The firm is alleged to have owned and used pirated computer programmes whose copyrights belong to California-based Adobe Systems Incorporated. It is charged under Section 41(1)(d) of the Copyrights Act 1987 which carries a fine of between RM2,000 and RM20,000 for each copy of the software or five years' jail or both, upon conviction.

The complainant is Business Software Alliance (BSA) which represents computer programme companies including Adobe Systems Incorporated, Macromedia and Microsoft Corporation.

3. Better enforcement of IPR law needed

(from Business Times, 22 September 2005)

A lack in enforcement of intellectual property rights (IPR) may hinder the steady and strong growth in bilateral trade and investment between Malaysia and the US. US Ambassador to Malaysia Christopher J. LaFleur said there are some key areas the US would like the Malaysian Government to make some progress in, one of which is to better enforce laws protecting IPR.

He said Malaysia wants to become a knowledge-based economy so that living standards will increase and the country can stay ahead of the global competition. Much of that needed knowledge is going to come from abroad, in the form of foreign investment. But foreign investors are not going to bring their valuable knowledge here if it cannot be protected," he said in his lecture on the Malaysian-American relations organised by University Malaya's law faculty in Kuala Lumpur.

LaFleur acknowledged Malaysia's determination to protect IPR, noting that leaders of the country are already speaking up about how it is in Malaysia's own national interest to strengthen IPR enforcement.

LaFleur said stronger enforcement in IPR would enviably bring new American investment to Malaysia, in particular the type of high technology, knowledge-based investment that the country has been targeting. He said the US-Malaysia trade and investment are expected to be boosted by signing of the Trade and Investment Framework Agreement in May.

SINGAPORE

News in September 2005

1. Singapore, HK sign MoU on IP management
(from Xinhua's China Economic Information Service, 1 September 2005)

The Intellectual Property Office of Singapore (IPOS) and the Hong Kong Productivity Council (HKPC) signed a Memorandum of Understanding (MOU) on intellectual property (IP) management here on September 1.

Under the MoU, the two sides will jointly enhance their collective tools, including an IP Management Protocol (IPMP) which is an IP audit standard, to assess the IP management readiness of companies.

As creativity and innovation have been regarded as a revenue booster in the Asia-Pacific region, businesses are attaching increasing significance to IP protection, according to Yeung Kwok-Keung, Executive Director of HKPC.

"The system is also crucial for the region to stay competitive in its quest for a bigger share in the outsourcing market," Yeung added. The two institutions hope that the mutually recognized standard will serve businesses in the region as an international benchmark for IP management and protection.

2. Website hosting racy photos broke copyright law
(from The Straits Times Newspaper, Singapore, 8 September 2005)

The company that hosts the risqué but popular www.sggirls.com website has been found liable for copyright infringement after it was successfully sued by a modelling agency.

In a summary judgment issued on Sept 1, Assistant Registrar Ernest Lau ordered Jeyel Technologies to pay damages and costs to Perspectives Models after pictures of two of its models were posted on the website.

THE PHILIPPINES

News in September 2005

1. US review to get RP out of IPR blacklist
2. No software patenting in RP
3. US reiterates call for stronger enforcement of anti-piracy law

1. US review to get RP out of IPR blacklist
(from Manila Standard, 21 September 2005)

The United States government has expressed confidence in the removal of the Philippines from its Special 301 List, otherwise known as the priority watchlist of countries violating intellectual property rights. After expressing alarm over last year's \$200 million loss of American companies over pirated products in the Philippines, Washington is now preparing for an "out-of-cycle" review to help the country be removed from the list.

Michalik noted that the US is constantly monitoring the implementation of the Optical Media Law, the only legislation so far that punishes the reproduction and sale of counterfeit film and music products.

The Optical Media Law provides for penalties of up to P3 million and imprisonment of nine years for film and music piracy.

Michalik said the Arroyo administration should be vigilant in complying with international standards of IPR protection as failure to do so can have a backlash on the entry of trade and investments in the country. The local Optical Media Board has scored a victory last year for its seizure of some \$8 million worth of pirated optical discs.

2. No software patenting in RP
(from INQ7.net, 30 September 2005)

The Philippine Intellectual Property Office (IPO) has denied anew reports that it was planning to allow local companies to patent software.

Calling the reports "untrue" and "premature," the IPO Deputy Director General Ireneo Galicia said in a statement this week that the agency has no plans to issue patents on software embedded in hardware products

Galicia stressed that computer programs in the Philippines are still protected under copyright laws, as stated under Republic Act 8293, also known as the Intellectual Code of the Philippines.

The IP Code states that computer programs are considered non-patentable inventions. The IPO executive said that claims by the local open source group Open Minds are without basis.

3. US reiterates call for stronger enforcement of anti-piracy law
(from Business World, 30 September 2005)

Poor intellectual property rights (IPR) protection in the Philippines is driving away potential investors, the United States embassy in Manila said, as it reiterated calls for the government to strengthen relevant laws.

US Charge d' Affaires Darryl Johnson said strong IPR enforcement "is critical to encourage investment and entrepreneurship in the Philippines, particularly in knowledge-based service sectors where Philippine firms have the potential to excel."

The embassy early this month conducted round-table discussions with the Philippine government and several American industries to tackle the Philippines' continued inclusion in the US priority watch list

of IPR violators. Industry groups have estimated that US firms lose around \$200 million annually through intellectual property theft in the Philippines.

VIETNAM

News in September 2005

1. Vietnamese PM to crack down on motorbike knockoffs
2. Japan backs IP protection in VN
3. Vietnam's trademark website helps promote local products

1. Vietnamese PM to crack down on motorbike knockoffs
(from *Thai News Service*, 13 September 2005)

The Prime Minister has ordered the Ministry of Science and Technology and other authorities to increase measures to control and more strictly punish intellectual property violations in the motorbike market.

In addition, the Ministry of Science and Technology will provide domestic motorbike assemblers increased capital to research and improve motorbike designs.

2. Japan backs IP protection in VN
(from *The Saigon Times Daily*, 15 September 2005)

The Japan Patent Office (JPO) pledged at a workshop on Tuesday in HCMC to assist Vietnam more to protect intellectual property rights.

JPO will help Vietnam use information, train personnel and organize seminars and forums to implement intellectual property rights, said Tsuyoshi Kashimoto, JPO deputy manager for international relations.

A book on Japan's experiences will soon come out in Vietnam with JPO's backing. Shin Ichiro Suzuki, a Japanese expert in the field, said protecting the rights efficiently would help develop small and medium enterprises.

Vietnam is the first country to be allowed to access JPO's intellectual property database with its many documents about patents and designs.

Japanese experts have also helped train personnel, and about 100 HCMC officials have taken courses on intellectual property rights in Japan in the past few years. JPO began supporting Vietnam in this area in 2001, organizing many workshops in Hanoi and HCMC and running programs on the rights.

3. Vietnam's trademark website helps promote local products
(from *Asia Pulse*, 22 September 2005)

The Vietnam trademark website www.thuonghieu-viet.com has attracted 3,000 trademarks and brandnames of domestic enterprises in its first two years of operation.

Established by the Vietnam Information Processing Association (VIPA), Saigon News Centre and QVN Net Centre, the website aims to help enterprises advertise their trademarks and promote products on the internet.

The website's management board recently awarded 10 companies whose products developed prestige in the domestic market. A further 300 products were awarded gold and silver trophies by the board.

The 10 enterprises were: the Vietnam Dairy Product joint stock company (Vinamilk), Saigon Kyndan Rubber Stock Co, Vissan Import Export Corp, Dong Tam Ltd Co, An Giang Agricultural Technology Service Co, Lien Thanh Seafood Processing Joint Stock Co, Ha Tien Cement Co, Bao Viet Life Insurance Co, Hoa Binh Construction and Real Estate Corp and the Viet Nam National Tea Corp (Vinatea).

INDIA

News in September 2005

1. IPR issues resolved with US
2. Indian chamber moots commission to review patent system
3. IPR Seminar

1. IPR issues resolved with US
(from *The Statesman*, 3 September 2005)

India and the US have finally resolved the controversial Intellectual Property Rights issue over which they were at loggerhead for decades.

This follows the US decision to sign a bilateral agreement with India on science and technology early next month. The agreement would cover areas such as health care, biotechnology and nanotechnology.

According to Mr Kapil Sibal, the agreement will be signed during his visit to the US next month. Mr Sibal was addressing a seminar on science and technology opportunities and Indo-US relations under the aegis of the Observer Research Foundation. A visibly delighted minister noted that the agreement would not have been possible during the last decade or so as the US wanted a particular way on the IPR issues. It is a win-win situation benefiting both the countries now, he said.

2. Indian chamber moots commission to review patent system
(from *Asia Pulse*, 8 September 2005)

Industry body Assocham has proposed a judicial commission to review the amended Patent Act, 1970, saying it was full of legal and fundamental flaws.

The commission should be chaired by an eminent legal luminary with expertise in patent laws and should have at least ten other members in it to ensure that the final patent system meets the aspirations of the Indian industry, Assocham president M K Sanghi said in a statement here.

Noting that the flaws pertained to definition of inventions, inventive steps, new inventions, pharmaceutical substance and exclusion of patentable subjects, he said the commission should also

seek expert advice from acknowledged research institutions. Other flaws related to patenting of micro-organisms, whose definition had not been provided in the Act and which were still under mandated review, Sanghi said.

The definition of pre-grant opposition was permitted to any persons under the existing Patent Act whereas post-grant opposition was confined only to interested persons, he said, adding that pre-grant provision also does not permit appeal against any decision of the controller.

3. IPR Seminar

(from The Hindu, 23 September 2005)

A two-day seminar on "Intellectual Property Rights: Its different facets" will be held at EMMRC at Manasagangothri here from Monday.

According to a statement from H.M. Rajashekara, Chairman of the Department of Studies in Political Science of the University of Mysore, the seminar assumes significance in the wake of developing countries such as India voicing concern against the Intellectual Property Rights (IPR) regime mediating through global institutions and multilateral agreements.

During the seminar, a host of issues including, boundaries of WTO, Copyrights in media matters, response of political parties to TRIPS in India, India Patent Act, IPR and Human Rights issues, Spatial and Temporal Apocalypse of Idea, issues of biodiversity, alternative patent regimes, Constitution and IPR, Technology to WTO, Biodiversity Bill etc, will be discussed. Papers will be presented on "Patenting Genes: Understanding legal and policy implications," "Traditional knowledge in India: the unconquered challenged," "IPR and indigenous knowledge technology: a juridical view," and "Intellectual property rights and indigenous knowledge: reconciling self-determination and business," Prof. Rajashekara said.

MYANMAR

News in September 2005

Myanmar to enact IP protection law

(from Xinhua News Agency, 1 September 2005)

Myanmar is finalizing a draft intellectual property protection (IPP) law for promulgation by next January to provide legal basis for artists in their undertakings, legal sources said on Thursday.

The law, drafted under guidelines of the World Intellectual Property Organization (WIPO), would cover intellectual property rights in terms of literature, arts, trade mark, mechanical design and invention, it said.

Artists of respective fields including literature, music, drama and film industry have expressed welcome over the move, saying that the law would help provide protection for art creators.

The move constitutes part of the implementation of the World Trade Organization (WTO) and Trade-Related Aspects of Intellectual Property Rights Agreement reached in January 2000. Myanmar became a member of the WTO and WIPO in 1995 and 2000 respectively and was set to complete drafting of the IPP law by the end of 2005 along with other least developing countries.
