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THAILAND

1. Thai pharmaceutical companies would be in dire straits if patent protection is extended in FTA
(from *Thai News Service*, 4 September 2006)

Thai pharmaceutical firms would completely disappear if the government agrees to the US demand for five more years of patent protection as part of bilateral free-trade talks, a Thai intellectual property (IP) law expert said.

"Thai drug manufacturers cannot compete with major players from developed countries, particularly the US. The extension of patent protection that the US has requested will force the Thai medicine industry to come to an end and poor people will face difficulties," said Jakkrit Kuanpoth, a senior law lecturer at Wollongong University in Australia.

Consumers would end up paying more for medicine, he said.

Pharmaceutical production was a major issue in Thai-US free-trade negotiations. The US seeks another five years for data exclusivity on top of the World Trade Organisation's 20-year patent protection, from the day the company first registered to develop a drug.

Despite the stalled trade negotiations, the local medicine industry has been swamped by multinational companies mainly from the US and India, which together now control 70 per cent of the pharmaceutical market here.

According to a Thai Food and Drug Administration report, licensed drug manufacturers here total 166, most of them SMEs. Jakkrit said the government should provide incentives to the industry, as long as they do not contravene WTO trade rules. That would ensure people could access special formulas at cheaper prices.

The government should also impose compulsory licensing to compel foreign drug manufacturers to allow Thai manufacturers to produce life-saving drugs, he said.

Bunsarin Vanaswas, secretary-general of the Thai Pharmaceutical Manufacturers' Association, expressed concern over the US proposal, saying the government should not accept it.

"If the government agrees with the US, it will have serious repercussions not only for Thai manufacturers but also for the people," he said.

However, the association has not yet assessed what the industry stood to lose from the patent protection. Of the country's drug producers, only 20 are big players who could survive under the extension. The rest are SMEs that would face high risks.

Experts say the government should put intellectual property on the national agenda in a bid to increase indigenous creativity and ensure sustainable growth of the economy. Under the plan, the government would modernise and enforce IP laws to boost productivity. The educational system would be upgraded as well. Jakkrit said the government should make IP a high priority.

"The government should put the IP issue in the national plan as Thailand will no longer enjoy an advantage in natural resources," he said.

Placing IP on the national agenda would help increase human-resource efficiency and that is the basic need for social and economic development, he said.

David Llewelyn, director of IP Academy Singapore, said Thailand should modernise its IP laws in keeping with the global trend to set a greater store on IP, and value IP rights more.

"The global community will gradually increase the value of IP. The government should stimulate creativity and innovation and apply those to IP to benefit real life activities," he said.

Including IP in development plans will stimulate economic growth, he said, adding that Thailand will ensure its competitiveness with developed nations if it has an advanced education system to promote IP. Suzanne Harrison, director of LECG, a leading manager of intellectual assets in the US, said Thailand has to improve its IP laws if it wants to trade outside its market.

"The country has to see that IP laws will be enforced. Then international firms will feel free to invest and transact business with Thailand," she said.

2. National Innovation Agency licenses research projects by private (from *Thai News Service*, 5 September 2006)

With the hope of pushing the results of local research and development into commercial use, the National Innovation Agency (NIA) has linked up with the Department of Science Service to license three research projects to private companies.

The projects - research into the technology behind producing goats' milk soap, the technology to produce a form of lime powder, and technology needed for making ceramic flowers - have been licensed to Kovic Kate International (Thailand), Thai Pure Agriculture Foods and CeraLampang, respectively.

The move is part of NIA's attempts to work with research institutions to bring local research projects into commercial practice. Six months ago the agency set up a new unit called Intellectual Property Management, to oversee matching local research work with business potential with private companies for further business development through technology licensing models.

The Science Ministry's permanent secretary Saksit Tridech, who is also a member of NIA's committee, said the three projects showed local research work could be turned into practical innovative businesses.

Under the plan the department will transfer technology to private companies so they can adopt the ideas from research for use in mass production for the commercial market.

3. National Human Rights Commission opposes government's draft of biosafety bill
(from *Thai News Service*, 7 September 2006)

The National Human Rights Commission (NHRC) has stepped up its call for the caretaker government to drop the draft biosafety bill for fear the legislation would pave the way for commercialisation of genetically modified organisms (GMOs).

The move was joined by the National Economic and Social Advisory Council (Nesac), which are preparing to seek clarification from the government about the national policy on GMOs.

Buntoon Srethasirote, of the NHRC's sub-panel on biodiversity, said genetic-engineering technology had an immense impact on human health and the environment, so agencies involved should seek a public consensus before going ahead with the development of laws. However, the drafting committee of the biosafety bill had bypassed the process, resulting in the content of the bill sparking concerns, Mr Buntoon said.

Witoon Lianchamroon, a member of the Nesac's science sub-panel, said the new bill would lead to contradictions in the government's agriculture policy. He said while the government had been promoting GMO-free organic farming, it was now going to enforce a law that could lead to commercial production of transgenic crops.

Jaroen Compeerapap, vice president of Silpakorn University's Intellectual Property Rights and Traditional Knowledge Faculty, said the draft bill contained several weak points, including the lack of a checks-and-balances system for the use of genetic engineering technology and compensation for damaged parties.

Vithes Srinetr, of the Office of Natural Resources and Environment Policy and Planning, in charge of the drafting process, said the drafting committee would take all the comments into consideration. It was likely that the draft bill would be revised, he said.

Thailand currently bans commercial production of genetically-modified crops. Field trials of the GM plants are also prohibited.

4. Civil action better for curbing IP law violators
(from *Bangkok Post Newspaper, Business Section, Page B2, Thailand, 18 September 2006*)

Intellectual-property owners should pursue civil rather than criminal action if they want to really hit violators where it hurts, according to Supreme Court justice Vichai Ariyanuntaka.

Counterfeiters and IP violators sought to profit from the work of others, he said, gaining wealth that rightfully belonged to the original authors. He said some Thai laws dealing with IP, for example the 2002 Trade Secrets Act, offered strict civil remedies for injured parties, including the right to ask for damages double those of the actual losses.

He pointed out that criminal charges were less effective in countering counterfeit producers directly. Typically, only low-level workers or vendors are prosecuted, rather than the actual producers and heads of counterfeit rings.

In some cases, workers are essentially hired by producers to accept jail terms when found guilty. The result has been the emergence of the "hired culprit" as a profession. Mr Vichai explained that

producers exploited a regulatory loophole in child-protection laws, by hiring children to sell pirated goods.

He did not see the need for the Commerce Ministry, which oversees the Copyright Act, to amend the existing law, which imposes serious criminal penalties. The ministry itself has said that IP rights owners, in particular those based abroad, were satisfied with current law enforcement.

Chaiyot Wiputhanupong, the director-general of the department of Intellectual Property and International Trade Litigation at the Office of the Attorney General, advised that rights owners, in particular entertainment companies, should make sure that they appoint only qualified people and firms as their sub-agents.

He said some music firms even used motorcycle taxi drivers to act as their subagents to collect royalty fees.

5. FTA pressure 'too much' for interim regime
(from Bangkok Post Newspaper, Thailand, 30 September 2006)

The interim government in the making is likely to succumb to international pressure, particularly from the United States, in negotiating free trade area (FTA) agreements, activists warn.

"A government delivered by a coup is usually too weak to withstand international pressure," said Jacqueschai Chomthongdi, an economic researcher with Focus on the Global South. He warned that the US could exploit the image of such a "less-than-legitimate" government to apply pressure and gain advantages over its negotiating partners in trade talks.

Mr Jacqueschai said he was dismayed that the likely appointment of an interim government within days would provide a basis for restarting the suspended Thai-US FTA talks. The activists' fears that an interim government would have less leverage in negotiations with foreign partners arose from Thai experiences in the recent past.

Witoon Lianchamroon, director of Biodiversity and Community Rights Action Thailand (BioThai), said the Anand Panyarachun administration that was formed following the 1991 coup was pressured by the US into rushing an amendment of the 1979 Patent Act.

The amendment paved the way for protection of intellectual property rights beyond the timeline allowed under the World Trade Organization, he said.

Mr Witoon also questioned the credibility of certain officials appointed as advisers to the Council for Democratic Reform (CDR), including the former chief negotiator for the Thai-US FTA, Nitya Pibulsonggram, and Pisan Manawapat, chief negotiator for the Japan-Thailand Economic Partnership Agreement.

MALAYSIA

1. IP court setup to bring positive results
(from Tech & U, 4 September 2006)

The country is set to have its own intellectual property court to hear cases involving IP infringements in the country. Expected to be set up by late this year, the court will have specialised judges and lawyers to create a more effective judicial system and speed up cases relating to patents, copyrights and trademarks. Foo Eu Jin talks to industry observers on the benefit of the IP court implementation.

The move to set up an IP court will only serve to strengthen the IP protection system in the country to benefit both local and foreign IP owners.

Intellectual Property Corporation of Malaysia (MYIPO)'s deputy director general (Industrial Property) Prof Madya Rohazar Wati Zuallcoblely says with the formation of the IP court, owners of IP will be more aware of their rights.

"Once they know that there is an IP court, they will be more keen to protect their rights and will use the court to enforce them," says Rohazar.

"Once a raid is done by the authorities, the case must go to trial quickly. Hence, we need a court system that is able to give a speedy action and sentencing as a deterrent from breaching the IP laws."

Currently, IP infringement cases are heard in the Sessions Court but the formation of the IP court is expected to have an even more significant effect in terms of reducing the backlog of cases.

The formation of an IP court will undoubtedly have a direct impact on the prosecution and sentencing process of IP cases.

2. Malaysia announces new initiatives to boost biotechnology industry
(from Xinhua News Agency, 8 September 2006)

Malaysian Prime Minister Abdullah Ahmad Badawi has announced new initiatives to boost the biotechnology industry development in the country, local media reported.

The programs include the BioNexus-status for biotechnology companies and the Malaysian Life Sciences Capital Fund, considered as fundamental building blocks for the biotechnology sector growth, Badawi said.

Biotechnology companies awarded the "Bionexus status" will be eligible for privileges contained within the nine-point "Bionexus Bill of Guarantees," Badawi said at the launch of the Inno Biologics' Biopharmaceutical Complex at Nilai, Negeri Sembilan state.

Privileges include freedom of ownership, 10-year tax exemption on company profits and access to shared laboratory and production facilities.

An inter-ministerial committee will evaluate the status, and the Malaysian Biotechnology Corporation will handle the "Bionexus status" administratively.

"It is also aimed at encouraging more Malaysian companies to invest in biotechnology subsidiaries, and the commercialization of biotechnology intellectual property," said the prime minister.

SINGAPORE

1. Pirated software website see drop of 34%
(from Business Times, Singapore, 8 September 2006)

The number of websites offering bootleg computer programs has dropped substantially this year, a trend that mirrors the overall decline in Singapore's software piracy rate.

According to Tarun Sawney, director of anti-piracy for the Business Software Alliance (BSA), 1,629 local sites were found to have infringed copyrights in the first half of 2006. This is a 34 per cent drop from the same period in 2005, when there were 4,841 violations.

As a result, BSA has issued fewer notices to local Internet service providers to crack down on infringing sites. In all, 904 notifications were issued from January to June this year, compared with 925 in 2005, Mr Sawney said.

The dip is consistent with the overall drop in illegal software use here in recent years. BSA had revealed that the piracy rate here was 40 per cent last year, a two percentage point drop from 2004.

Tougher copyright laws, stricter enforcement by authorities and better public education are cited by the BSA as key reasons for the improvement. However, software pirates are also tweaking their methods to avoid legal backlash. For example, some are now packaging their wares to resemble legitimate offerings, and consumers could be tricked into buying bogus software from some websites.

With the government moving to increase Internet penetration, more Singaporeans could be exposed to such scams, Mr Sawney said.

2. BSA's right click initiative to promote Internet literacy (from *Today, Singapore*, 12 September 2006)

The Business Software Alliance (BSA) has launched the Singapore chapter of its Right Click initiative, which aims to educate the public on being responsible Internet users who are aware of online threats and respect Web-based copyright.

"As Singapore embraces the digital future with its iN2015 master plan to push for pervasive broadband and wireless access, Singaporeans are poised to reap the full potential of the online world. It is crucial that along with this, they become aware not just of the benefits, but also the risks and dangers that exist online," said Mr Tarun Sawney, the BSA's director of anti-piracy for Asia.

For the Right Click initiative, the BSA has enlisted the support of 1-Net Singapore, eBay Singapore, Pacific Internet Singapore, MediaCorp Technologies, the National Internet Advisory Committee (NIAC) and the Singapore infocomm Technology Federation (SiTF).

No formal arrangements with regards to funding or resources have been signed with the partners. According to Mr Sawney, the partner organisations will help to raise awareness via the well-established platforms they possess. The Right Click initiative has already been launched in China, Malaysia and the Philippines.

3. Singapore, Europe extend IP pact (from *The Straits Times Newspaper, Singapore*, 21 September 2006)

Singapore and Europe have agreed to further collaborate in the promotion and management of intellectual property (IP) rights.

These are legal rights such as patents, that broadly speaking, protect ideas, inventions and artistic creations from being stolen.

The IP Office of Singapore and its European counterpart extended a cooperation agreement which includes putting more emphasis on managing IP assets. The memorandum of understanding, first signed three years ago, also provides a platform for both sides to increase patent awareness here.

Speaking at the opening ceremony of a conference, Senior Minister of State for Law and Home Affairs Ho Peng Kee said: 'There is much for Asia to learn from Europe and much for Europe to gain from a growing Asia. Greater cooperation between the two regions in IP would bring about benefits to all.'

The two-day Europe-Asia Patent Information Conference brings together IP experts from 13 countries to discuss issues arising from the explosive growth in this field. This year's meeting will look at how patent information is applied in specific sectors such as biotechnology, dubbed the next growth industry. Participants will also discuss how firms here can exploit patents to create value for businesses.

'One particular area of interest is the growing knowledge and application of IP management, which essentially involves integrating the cycle of creation, protection and exploitation of IP,' Associate Professor Ho said.

There is a growing number of local firms filing for patents to protect their ideas and creations, he added. The number of such applications, he said, has grown by about 10 per cent over the past five years. There were 572 applications made last year alone.

4. Intellectual property filing hit 37,883
(from *Business Times, Singapore, 21 September 2006*)

Singapore companies appear to have grown savvier about the value of intellectual property (IP), with more of them registering patents, designs and trademarks here over the past few years.

The Intellectual Property Office of Singapore (Ipos) received 37,883 filings for patents, designs and trademarks last year. Ipos received 8,605 applications for patents in 2005, an 8.2 per cent rise from 2004. And the number of trademark applications jumped 16.1 per cent to 26,986, from 23,248 in 2004.

There was also a 57 per cent jump in the number of international trademark applications filed through Singapore as office of origin under the Madrid Protocol - an international agreement for the registration of trademarks through a single application.

Despite the increase in applications, the number of patents granted to Singapore citizens was 560 - way below the 7,120 granted to non-Singaporeans.

5. Legal system must keep up with technology
(from *Business Times, Singapore, 30 September 2006*)

The increasing use of mass market licences now places intellectual property (IP) owners in a more advantageous position than before, Chief Justice Chan Sek Keong said at a conference.

Noting that the advent of e-commerce has revolutionized IP licensing practice, CJ Chan said that holders of IP rights can now deal directly with end-users, leading to a shift in the bargaining positions of IP licensees and licensors.

'The generic click-wrap licences that have become a way of Internet life are but one of the means by which IP owners can impose their terms on licensee consumers,' he said. Noting these contractual terms often impose user-limitations that are more extensive than those under the received statutory regime, CJ Chan said that such practices threaten to disrupt the established balance of public policy interests in the IP law.

'Who would have thought that the simple act of clicking on the 'I accept' button could lead to such a legal minefield?' he said.

CJ Chan cautioned that greater vigilance is needed to sieve out illicit forms of commercialization that manipulate the IP regime to gain illegitimate commercial advantages.

'The continued success of the IP revolution will depend on how efficiently and effectively our legal systems can rally to eradicate these deviant practices,' he said.

PHILIPPINES

1. Japan, Philippines sign free trade pact featuring movement of labour (from *BBC Monitoring Asia Pacific*, 9 September 2006)

Japan and the Philippines signed a free trade agreement Saturday [9 September] that will scrap tariffs for 94 per cent of bilateral trade value and allow Philippine nurses and caregivers to work in Japan, finalizing negotiations launched in February 2004.

Japanese Prime Minister Junichiro Koizumi and Philippine President Gloria Macapagal-Arroyo endorsed the FTA ahead of the two-day Asia-Europe Meeting in Helsinki.

The pact is the first for the Philippines and the fourth for Japan after ones with Singapore, Mexico and Malaysia. The arrangement with the Philippines is the first for Japan that features provisions on the movement of labour.

The FTA also covers trade in services, investment, trade facilitation measures, the protection of intellectual property rights and Japan's cooperation in 10 areas of Philippine projects, such as personnel training, energy conservation, tourism and construction of roads.

2. Policy makers press for updates to copyright law (from *Business World*, 14 September 2006)

Policy makers are urging swift changes in the country's copyright law to protect the core copyright industries that contribute as much as 5% to 10% to the Philippines' gross domestic product.

Quirino Rep. Junie Cua and Intellectual Property Office Director General Adrian Cristobal, Jr. pushed for "refinements" in the copyright law to cover sectors and to make it more specific.

"In view of the fast-paced technological developments, there is a need to refine the provisions of our copyright law. Our law should be able to protect not only works distributed through the usual traditional channels of commerce such as airwaves and stores, but also those disseminated through the Internet," Mr. Cua said.

In particular, the congressman, who heads the House of Representatives committee on trade and industry, noted that the law should address online piracy. Current intellectual property-related laws are vague on violations in the online medium.

Furthermore, Mr. Cua said there should be a clear definition of reproduction in the law that would cite as unlawful even temporary reproduction of works. "Our law should clearly and categorically define the concept of infringement so that criminals would not be able to escape from prosecution on the ground that the law is vague or silent," he explained.

There are two pending bills in the House of Representatives that seek to reform the intellectual property code. These bills, authored by Reps. Imee Marcos and Jose Clemente S. Salceda, seek to give performers, record producers, and broadcasters the same rights as authors of artistic and literary works.

Both bills propose to add 20 years to the present copyright affectivity periods. Under the law, copyright remains in effect during the author's lifetime and 50 years after.

3. In search of a clear national IP strategy
(from *Business world*, 14 September 2006)

Low public awareness about intellectual property (IP) issues is among the major challenges confronting the Philippines as it starts to craft a national policy and strategy to develop the copyright sector, IP authorities said.

The idea to draft the National Intellectual Property Policy Strategy was aired last year, and now authorities are holding consultations with stakeholders to determine the direction to take.

"We hope to finalize the plan within a year to two years," said Ireneo M. Galicia, deputy director general of the Intellectual Property Office (IPO) on the sidelines of a two-day IP conference.

Authorities said the national strategy would outline bills needed to strengthen existing copyright laws and enforcement, as well as measures that would strengthen government and other bodies that protect and promote IP, among others. They will also try to put a value on the economic contribution of copyright-based industries.

4. Suspected bogus food products seized
(from *Philippine Daily Inquirer*, 23 September 2006)

Suspected fake food products were seized during a recent raid of a Metro Manila bargain market.

Operatives of the Crime Investigation and Detection Group of the Philippine National Police said Mai-Mai, Rose N Tess and Aling Dune retail establishments were found to be selling vinegar and soy sauce with suspected fake brands.

All three stores are located at the Mandaluyong Flea Market on Kalentong Street in Mandaluyong City. Led by Col. Ricardo N. Sto. Domingo, the raiders were armed with a search warrant from Judge Reynaldo G. Ros of Manila Regional Trial Court branch No. 33.

The alleged owners of the stores promised to cooperate and provide information, which the police hoped would lead them to the source of the goods.

The police said the manufacture, distribution and sale of counterfeit products violate the Intellectual Property Code (R.A. 8293) and could put public health and safety at risk.

5. Inventor of gas saver seeks IPO assistance
(from *The Manila Times*, 27 September 2006)

Planas, who invented a gas-saving device called Khaos gas saver, sought the help of the Intellectual Property Office in Makati City after learning that his gadget was being made and sold by unscrupulous individuals.

Planas is asking the IPO for protection because of the alleged "widespread" imitation of his invention. He said numerous reports have reached his office about the proliferation of knock-offs of his device.

The fake products, which cost almost the same as the original, don't function well. He appealed to motorists to buy only at certified dealers in the country and abroad. The invention has gained attention

in other countries, with several foreigners applying for dealership to distribute the fuel-saving gadget, Planas said.

Applications for dealers abroad have grown rapidly, Planas said, adding those who want to become a dealer or distributor of the device must pass through strict screening requirements. The Khaos saver has distributors in 21 countries, with 10,000 units sold, he added.

6. RP envoy chairs WIPO general assembly
(from *Philippines News Agency*, 27 September 2006)

Ambassador Enrique A. Manalo, Permanent Representative of the Philippines to the United Nations in Geneva, opened the 42nd Session of the General Assembly of the World Intellectual Property Organization (WIPO) where he chairs for the second consecutive year.

The General Assembly, WIPO's highest decision-making body, meets in Geneva from September 25 to October 3 to review the organization's current activities and to set its agenda for the coming year.

With 183 Member States, WIPO is a specialized United Nations agency responsible for the promotion of the protection of intellectual property throughout the world.

The issues for the General Assembly's discussions include the proposal to hold a Diplomatic Conference on a Broadcasting Treaty, the proposed renewal of the Mandate of the Provisional Committee on Development Agenda for WIPO (PCDA); and the creation of Work Program of the Standing Committee on Patents (SCP).

Last year, the General Assembly mandated the PCDA to find ways to enhance the development dimension in the Organization's work. However, member-states at the PCDA's last meeting in June decided to refer a decision on the future work of a development agenda for WIPO at this year's General Assembly.

Member-states were also unable to reach an agreement at the standing committee on patent's last meeting in April and referred the decision on its future work program to the WIPO General Assembly.

This decision follows a series of consultations, including the holding of an Open Forum on the draft Substantive Patent Law Treaty (SPLT), held from March 1 to 3 this year which was also chaired by Manalo.

The Standing Committee on Copyright and Related Rights, after almost a decade of intense negotiations, recommended the convening of a diplomatic conference for the protection of broadcasting organizations, including cable-casting organizations, from July 11 to August 1, 2007.

This recommendation comes after almost a decade of negotiations on a basic proposal which would serve as a basis for the diplomatic conference.

The Philippine delegation to this meeting includes Director General Adrian Cristobal and Director Nevah Velasco of the Intellectual Property Commission of the Philippines.

7. Manalo to preside over WIPO meeting
(from *The Manila Times*, 28 September 2006)

A Filipino is presiding in the 42nd session of the World Intellectual Property Organization General Assembly, which began in Geneva, Switzerland.

The lawyer Ed Malaya, Department of Foreign Affairs spokesman, said on Wednesday that Ambassador Enrique Manalo was the chairman of the assembly.

Manalo, the permanent Philippine representative to the United Nations, is presiding over the assembly for the second straight year.

The Geneva meeting will run until October 3. The organization is a UN agency responsible for protecting and promoting intellectual property rights worldwide and has 183 members. Malaya said the Philippine delegation to assembly includes director general Adrian Cristobal and director Nevah Velasco of the Intellectual Property Commission of the Philippines.

INDONESIA

1. Review issues on IPRs intensively in Indonesia-US FTA negotiation (from *Bisnis Indonesia*, 1 September 2006)

The government needs to review issues on Intellectual Property Rights more intensively and carefully in the negotiation with the US on Free Trade Area (FTA).

Insan Budi Maulana, lecturer at Faculty of Law, University of Indonesia, and Khrisna Dwipayana, argued that Indonesia should stick to the rules of Trade Related aspects of Intellectual Property right (TRIPs) Agreement in every negotiation with the US.

By sticking to the rules, Insan informed, Indonesia would have more space to develop their Intellectual Property Rights system without needing to give excessive Intellectual Property Rights Protection. "The economic development of Indonesia can still go on, while the Intellectual Property Rights are protected," said Insan, who is also an Intellectual Property Rights consultant.

If the government didn't hold on to the rules of TRIPs Agreement, Insan was worried that Indonesia would have lower bargaining position, especially in the trade and industry sectors.

TRIPs, according to Hira Jhamtani, the consultant at Third World Network for Indonesia, had flexibility despite it sometimes put burdens on developing countries. On the other hand, the FTA negotiation would try to reduce the flexibility. "The rules reached at the negotiation are called TRIPs Plus," Hira explained at one seminar last week.

The US, Hira continued, would press for TRIPs Plus in every FTA negotiation. Hira reminded that the Intellectual Property Rights system in the US had changed in the past 10-15 years to give benefits to the Intellectual Property Rights holders.

Hira cited an example that the changes included the extension of invention term to cover any findings, which made it possible for anyone to make patent on anything. "It is the same dysfunctional system that will be exported by the US to developing countries through FTA."

Therefore, added Insan, the government needed to make coordinated with related institutions before engaging in FTA negotiations.

2. Governmental regulation on license to be issued at the end of 2006 (from *Bisnis Indonesia*, 11 September 2006)

The government targets that Governmental Regulation on License can be issued before the end of 2006 to improve foreign investors' confidence and protect license-holders in Indonesia whenever there are disputes with license-providers.

According to Director General of Intellectual Property Rights at the Department of Justice and Human Rights Abdul Bari Azed, the directorate general, which initiate the governmental regulation, would try to complete the regulation in accord with the target.

"We hope Governmental Regulation on license can be completed in near time. At the moment, the regulation is entering the inter-departmental deliberation phase," Abdul said. He admitted the licensed business in Indonesia had been growing rapidly. However, since there had yet been rules about the licensed business, the businesses only made registration of their business to the Directorate General of Intellectual Property Rights.

"With the issuance of the Governmental Regulation, we will be able to provide protection to license-holders and license-providers alike," inserted Abdul.

Previously, the Association of Indonesian Licensors and Franchisors (Wali) urged the government to issue a governmental regulation that regulates licenses and franchise businesses following the reluctance of foreign investors to make investments in Indonesia without legal protection to the licensed business.

3. WIPO approved treaty on broadcasting station (from *Bisnis Indonesia*, 19 September 2006)

Members of the World Intellectual Property Organization (WIPO) have yet reached an agreement on the contents of the treaty on broadcasting station since there are still contending opinions between developed and developing countries.

According to Ansori Sinungan, Director of Industrial Design Copyright at the Department of Justice and Human Rights, developing countries wanted to see first about what were really protected by the treaty.

"Developing countries are really careful in discussing the matter since they don't want the treaty in turn will only create losses for them," Ansori said. He recently followed the 15th meeting of the Standing Committee on Copyright and Relatives Rights in Geneva, Switzerland. The meeting, he revealed, specifically deliberated the contents of the treaty on broadcasting station.

Ansori disclosed that issues in which agreements had yet been reached were, among other, the definition of broadcasting, the signal, and the coverage of the protection of broadcasting package (such as the rights of cafes to relay sport programs).

"The issues will first be deliberated at the diplomatic forum to be held in Geneva next year," inserted Ansori.

According to him, in terms of technical aspect, developed countries had already had more mature broadcasting station industry and that's the reason why they wanted the treaty for protection.

He illustrated that the signals of VOA (Voice of America) and BBC to Indonesia were clear. "However, what's about the signals of Indonesian broadcasting stations to developed countries? They [developed countries] therefore ask for protection." In the intellectual property rights field, Ansori continued, new issues like genetic resources and traditional knowledge arose.

Developing countries in WIPO, he added, wanted protection for their bio-diversity, but developed countries always resisted the effort. For example, he inserted, Indonesia had products like red fruit and mengkudu. "All this time, developed countries have been just taking away the bio-diversity products without giving any compensation to developing countries."

VIETNAM

1. Vietnam enhances cooperation with EC, ASEAN in intellectual property (from *Thai News Service*, 7 September 2006)

Experts from Vietnam and other ASEAN member countries, and the Europe Commission (EC) are gathering in Hanoi on Sept. 5 and 6 to discuss and share experiences in intellectual property.

At a seminar on the Collecting Management of Copyright and Related Rights organised by the Copyright Office of Vietnam (COV) and the EC-ASEAN Intellectual Property Rights Cooperation Programme (ECAP II), foreign experts have presented an overview of the Collecting Management of Copyright and Related Rights systems in Europe, Vietnam and other ASEAN members, as well as exchange experiences on current developments and challenges ahead.

Vietnamese representatives from the copyright industry have also shared their views with Vietnamese publishers, artists and authors on the development of the collecting management system in Vietnam .

Dr. Vu Manh Chu, Head of the COV stressed that the seminar was the first programme in the area of copyright with a special support cooperation programme between the EC and ASEAN members. The organisation of such seminars are a step towards the criterion of values, accelerating the implementation of copyright protection, especially when the Vietnam Intellectual Property Law came into effect from July 1 this year.

At the international level, Vietnam has committed to the protection of these rights by joining important international conventions such as the Berne Convention for the Protection of Literary and Artistic Works and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

2. US lecturer exchanges IPRs with local firms (from *The Saigon Times Daily*, 14 September 2006)

Randall R. Rader (R), Circuit Judge of the United States Court of Appeals, exchanges information in relation to the intellectual property rules and anti-dumping rules with representatives of 60 local enterprises at the Majestic Hotel.

The main contents of the workshop included binds of legal and commercial disputes, intellectual property rights, copyright, patent, trademark, damages for infringement and international arbitrator under the World Trade Organization.

Rader also recommended that when penetrating deep into the U.S. market, Vietnamese enterprises should thoroughly observe the laws stateside and ought to find a lawyer for consultancy.

3. New decree on copyright (from *Thai News Service*, 26 September 2006)

Prime Minister Nguyen Tan Dung has signed a document promulgating a decree to regulate and direct the execution of a number of articles in the Civil Code, and the Intellectual Property Law on copyright and related rights. The stipulation is issued to replace the decree 76/CP dated November 29, 1996.

The new decree will apply to Vietnamese and foreign organizations and individuals conducting activities relating to copyright and related rights, such as the rights of performers, and rights concerning recordings and images produced by recording studios.

Comprised of seven chapters and 48 articles, the decree states that the Government has a mandate to manage copyright and related rights.

The Ministry of Culture and Information will be responsible for State management of copyright and related rights and undertaking necessary measures to protect the legitimate rights of the State as well as organizations and individuals in the field of copyright and related rights.

The Ministry of Culture and Information will also be responsible for supervising, examining and handling legal violations concerning copyright and related rights, as well as investigating petitions and denunciations relating to those rights.

4. VNPT introduces trademark system
(from *Thai News Service*, 26 September 2006)

The Vietnam Post and Telecommunications Group (VNPT) introduced its new trademark recognition system in a bid to sharpen its competitiveness for looming WTO integration.

Meanwhile, in a bid to increase the service quality, the group said it would install an additional 14 points of presence (POP) Media Gateways to be used as interfaces between the old PSTN network and the next generation network (NGN).

These POPs would collect inter-province voice and data traffic to be sent on to the NGN, it said.

INDIA

1. Identify and register plants and species, advise experts
(from *The Press Trust of India Limited*, 1 September 2006)

Inaugurating the workshop on 'plant variety protection and geographical indications,' here, Patent Santhanakrishnan, Registrar, Tamil Nadu Agricultural University, said being a large agricultural diversity, India has about 45,000 varieties of plants and 75,000 species of life.

There was an urgent need to identify all these animals and plants, as has been done in Australia, and immediately take up their registration, Santhanakrishnan observed.

India has ancient medical knowledge systems of Unani and Ayurveda, which mentioned about many plant and animal parts. He, however, said there was no geographical indication for these and if not taken care, India may lose them.

As there was no legislation in India to protect Malabar pepper, it is being sold as Vietnamese pepper in the international market, Santhanakrishnan pointed out.

P Iyamperumal, Member Secretary, Tamil Nadu State Council for Science and Technology, noted that many of the traditional and herbal medicines and plants have vanished since older generation failed to disclose their property to their successors.

Yashwant Dev Panwar, Senior Scientific Officer, Technology Information Forecasting and Assessment Council, Delhi, gave a brief account of various aspects of patenting and intellectual property rights.

2. Japan to offer IPR courses in India
(from *The Hindu*, 6 September 2006)

The Japanese Patent Office and the Japan Institute of Invention and Innovation offer training and awareness programme in intellectual property protection in India. Ms Brinda Mohan, a senior partner in the law firm Mohan Associates, said that programme would be conducted through the Indian Intellectual Property Alumni Association.

The Association includes members who have undergone training at the Japanese Institute. The objective is to increase the number of people who are trained in this area, she said. In the last decade, over 70 people were trained in Japan. India is the fifth centre with similar associations set up in Thailand, Malaysia, the Philippines and Indonesia.

3. Create awareness of IPR
(from *The Hindu*, 10 September 2006)

Intellectual Property Rights (IPR) Act assumes importance in the present era of knowledge-based economy, said Abhash Kumar, Deputy Inspector General of Police, (DIG), Thanjavur range.

Inaugurating a two-day workshop on "Enforcement of Intellectual Property Rights Laws by Police Force" at Shanmugha Arts Science Technology and Research Academy (SASTRA) Mr. Abhash Kumar said that previously economy was based on manufacturing and agriculture.

Mr.Kumar said that violation of IPR act was considered very grave in China. An awareness should be created in India on IPR laws. There were adequate laws to deal with IPR violations, but enforcement was lacking, Mr. Abhash Kumar said.

4. India plans legislation on intellectual property to scientists
(from *The Press Trust of India Limited*, 10 September 2006)

Indian government plans to introduce a new US-type legislation to promote innovation and flexibility in the country's universities where scientists would be given ownership of intellectual property for the first time for their creations, Science and Technology Minister Kapil Sibal said here.

Sibal explained that university professors are given grants by public funding institutions like the National Institute of Health (NIH) in the US for specific projects and the intellectual property created by a researcher is owned by him and not the funding authority, encouraging the scientific community to innovate. When the innovation is translated into a product, the innovator gets a regular royalty.

"The draft legislation is ready and would soon be circulated to the Cabinet and hopefully it would be discussed in the winter session of Parliament," Sibal said. At the individual level, institutions can give profits for those who create intellectual property, he said, citing an ongoing cooperation of Samtel with professors of IIT Kanpur. But at present there is no mandate for it.

5. Copyright, trademark patent infringement cover on the rise
(from *The Hindu*, 12 September 2006)

Insurance companies are now finding more takers among pharma and IT firms for insuring infringement of copyrights, trademarks and patents. This covers legal expenses and damages awarded in overseas litigation.

Patent insurance is a complex and niche cover but the number of enquiries coming in is on the rise.

"We have received many enquiries from the pharmaceutical, information technology, electronics, biotechnology, automobile and medical equipment sectors. Our company is close to issuing policies in the next two months," said

Mr Anup Mathur, Vice-President, Corporate Business Division, Howden Insurance Brokers, one of the leading brokers for liability insurance in the country.

Globally, the number of patent applications has increased from 66000 in 1980 to 183000 in 2001 and the number of the patent claims from 750 to 3000. According to estimates, there were around 275000 patent applications last year.

"Pharmaceutical and IT companies are consolidating their operations and making overseas acquisitions and hence are aware of the risks.

Patent claims have doubled in the past five years and it is now not uncommon to hear of patent awards which are above \$100 million," said Mr Mathur.

Indian companies are seeking patent insurance with an indemnity limit of around \$5-10 million. Such policies carry a co-payment of around 10 per cent of the policy limit.

Almost 99 per cent of the policy is reinsured as Indian companies do not have the capacity to retain it on their books. Even the product is tailor-made by foreign brokers where the insurer merely signs on the policy. A few years ago, New India Assurance had issued a patent infringement insurance policy to an IT company.

"Patent insurance is less common and more severe when there is an award. Copyright and trademark insurance are more common and less severe in terms of damages," said Mr C. Radhakrishna, Director, Corporate Services, India Insure Risk Management Services.

6. India's Patent Act must extend to software
(from *The Hindu*, 14 September 2006)

Craig Mundie, Chief Research and Strategy Officer, Microsoft Corporation, voiced concern over the fact that India's Patents Act still did not extend to intellectual property (IP) protection of software and underlined the need for addressing this issue urgently.

Addressing an interactive meeting on the 'Role of IPR in the Knowledge Economy' organised by the Federation of Indian Chambers of Commerce and Industry (FICCI), Mr. Mundie pointed out that although India had made a lot of progress in enforcing IPR, it had still to bear in mind that for becoming an ICT (information and communication technology) superpower it would have to recognise patenting as a standalone enterprise.

This was a key component for moving India forward from a manufacturing-services-led economy to an innovated economy, he said.

R. A. Mashelkar, Director General, of Council of Scientific and Industrial Research (CSIR), while giving a snapshot of the current state of play in the IP sphere, noted that while some of the advanced countries had benefited from strong IP laws, in a country like India which had to look at the concerns of both top end and the bottom end of the population, the issue of balance in the IP regime became important.

Piracy in India, Dr. Mashelkar said, was a serious issue and it was here that penalties had to be swift, sure and severe. A high-level committee had made recommendations in this regard and the issue is at an advanced stage of consideration of the government.

Microsoft said it would introduce pre-paid cards in India that would enable customers to access the company's genuine software without paying any fee upfront, a move apparently aimed at curbing piracy of its software.

7. Seminar on trademarks
(from *The Hindu*, 18 September 2006)

Alternative dispute resolution system should be viewed as a supplement to the judiciary and not as an alternative, according to Mr Justice I. Narasimha Reddy of the AP High Court. He was speaking at a seminar titled 'Impact of Trademarks as Intellectual Property Rights (IPRs): Problems and Practical Solutions', organized by the Federation of Andhra Pradesh Chambers of Commerce & Industry in Hyderabad.

Mr Justice T. N.C. Rangarajan in his keynote address explained the importance of alternative dispute resolution system in resolving IPR disputes. Several speakers highlighted the significance of IPR in the present knowledge driven economy.

8. Software piracy on the decline
(from *The Economic Times*, 22 September 2006)

Software piracy rate in India dipped by 2 points to 72% in '05, one of only four countries in the APac region to see piracy rates drop. But India needs to get more proactive in combating software piracy, according to Business Software Alliance (BSA).

Comparing China and India, both of which have high piracy rates at 86% and 72% respectively, Robert Holleyman, president and CEO, BSA said, "If you see the record of both countries in the last 18 months, China has done better.

The Chinese government has spent more time talking about software than its Indian counterpart. They have realized that they can't have a strong domestic market unless they check piracy. It has resulted in a 4% drop in piracy rate in that country."

Piracy challenges are not new or unique to India, he said, adding that there are best practices from across the world that can be used to get the levels down. "There is no country where there is such an anomaly between the vibrant IT export sector and the untapped domestic market.

An earlier IDC-BSA study had said that if piracy levels fell by 10% (from 74%) by '09, there would be a tremendous impact on the domestic front, enabling the IT sector (excluding software and services exports) to grow from \$7.4bn to \$19.5bn," he said.

Mr Holleyman was in India to talk to state government officials and corporates about the need to build partnerships in combating the piracy menace. BSA plans to embark on new educational and enforcement programmes and partnerships in India in the next 18 months.

Asked about the current Indian laws, the BSA president opined that the basic law was sound but enforcement had to be strengthened. "Looking at the current backlogs in courts, India could also look at having IP courts. Some states like West Bengal are exploring the possibility of having these," he added.

9. Indian court begins hearing patent dispute over popular cancer drug
(from *Associated Press Newswire*, 26 September 2006)

A southern Indian court began hearing a case Tuesday in which Swiss pharmaceutical giant Novartis seeks a patent for its popular cancer drug Gleevec. The trial is seen as a test for India's new patent law, which has been criticized by public health activists for favoring multinational companies.

Earlier this year, Novartis filed multiple writs at the Chennai High Court after Indian patent authorities rejected its application for a patent on the anti-leukemia drug Gleevec. Several Indian pharmaceutical companies make generic copies of the drug and sell it at almost a tenth of the price charged by the Swiss drug maker. A month's dose of Gleevec costs about \$2,500.

Aid groups say tens of thousands of cancer patients in India will suffer if Novartis wins its case and Indian firms are banned from making generic copies of Gleevec.

India's new patent law, which came into force Jan. 1, 2005, allows patents for products that represent new inventions after 1995 -- the year India joined the World Trade Organization, which regulates patent rules for member countries.

Indian drug companies and aid groups say Gleevec is a new form of an old drug -- imatinib mesylate -- that was invented before 1995.

India's earlier patent regime allowed domestic drug companies to make low-cost copies of expensive Western medicines and helped create an affordable market for medicines in this South Asian country with an annual per capita of income about US\$700.

When patent laws were changed, the Indian parliament agreed to include several safeguards into the new legislation to protect public health and redress concerns raised by aid groups and the domestic industry.

Under the new law, patents must be only for basic molecular structures. That gives a company just 20 years to make its profits before the initial drug -- and any spin off -- could be legally copied. The law also allows patents to be challenged even before they are granted -- as it has happened in the case of Novartis.

10. PSUs can keep their trade secrets out of RTI reach
(from *The Economic Times*, 29 September 2006)

Public Sector Units need not disclose vital information, including trade secrets and intellectual property rights (IPRs), under the Right to Information (RTI) Act since they need to safeguard their business interests, information commissioner MM Ansari has clarified.

Outlining the stand of the Central Information Commission on the issue, Mr Ansari said: "The Act has adequate provisions for protecting the legitimate trade secrets and IPRs that relate to the functioning of PSUs, and so far no public authority has complained that the Right to Information Act has adversely affected their performance."

Mr Ansari said PSUs need to use the tools of information technology to introduce a regime of free-flowing information as the RTI helps in streamlining the decision-making process by making it more objective. It is a patent tool for aggrieved staff to seek information regarding their service matters using the RTI Act, he added.

It may also offer evidence that the grievance redressal mechanisms are not working. Therefore, it is necessary for PSUs to look at the way their own internal systems are functioning and make them more accountable.

This will also lead to a more transparent system and corporate governance mechanisms with whistle-blowing in place.

Even private bodies are required to be accountable and people can access information about private bodies and NGOs from the respective regulatory departments/bodies, Mr Ansari said. He assured the participating PSUs that they need not fear about disclosure of commercially-sensitive information and IPRs under the RTI Act.

SM Dewan, director general, SCOPE, in his address said that just like maintaining sovereignty is paramount for the country, a competitive edge is a must for a commercial organization. However, issues such as what type of exemption PSUs can enjoy, in case a person seeking information has vested interests therein, needs to be addressed.

This assumes special significance as an ad hoc group of experts has asked the government to set up a screening committee to withhold commercially-sensitive information regarding PSUs from being discussed in Parliament.

Information discussed in Parliament is public by nature and can be accessed and used by competitors to the detriment of the interests of the PSU concerned. Chief information commissioner Wajahat Habibullah had said: "PSUs should go in for suo motu disclosures under the 17 categories of the Right to Information Act."

The commissioner had urged PSUs to cite reasons for all their administrative and quasi-judicial decisions taken in the course of working so that the public can access the information affecting them. They were also told to modernize and computerize records.

11. US seeks data protection in India (from *The Hindu*, 29 September 2006)

The Deputy Economic Counsellor, Embassy of United States of America, Mr John Fennerty, has said that American companies will refrain from making investments in India until the Government guarantees them adequate data protection.

Inaugurating a seminar on 'Intellectual property rights', organized by Assocham, Mr Fennerty said that existing intellectual property rights in India were not forceful enough to provide data protection, which will prevent multinationals from making their investments in New Delhi.

He cited an example of the health sector saying that Indian populace would have access to health related medicines manufactured and produced by domestic companies only and not by those who are recognized the world over because India did not guaranteed them adequate protection for their intellectual properties.

Mr Fennerty said that India should pass a legislation that can ensure hundred per cent safety to intellectual properties that are built through hard research and development research undertaken by multinationals.

12. Traditional medicines now in public domain
(from *The Economic Times*, 30 September 2006)

The government in association with Ayush has prepared a database of 1,06,000 traditional medicines and will soon put them in the public domain to pre-empt any kind of international patents on Indian medicine.

"Once this traditional knowledge is in the public domain, international associations can use it only by paying a royalty to the institute or association that it has been attributed to," the secretary industrial policy and promotion (DIPP) Ajay Dua said.

The government will also have an agreement with international patent offices so that India gets a royalty, under benefit share agreement, he added.

Talking about the stalemate over the integration of the development agenda with the process of setting international norms at World Intellectual Property Organization, Mr Dua said that India has suggested the organization to work on a cluster of issues instead of taking all the 111 items on a case to basis.

PAKISTAN

1. Anti-counterfeiting as global threat, global right discussed
(from *Business Recorder*, 15 September 2006)

Iftikhar Rashid, the Chairman Pemra addressed a session of the WIPO National Workshop on Enforcement of Intellectual Property Rights organised by the WIPO in co-operation with the Intellectual Property Organisation of Pakistan (IPO-Pakistan), on the topic of Anti-Counterfeiting: A Global Threat, A Global Right.

During his address, the Chairman Pemra emphasised the need to adopt a totally focused approach with clear responsibility and authority, to safeguard the intellectual property rights in line with the global environment, says a press release.

The Chairman, informed the audience about the primary Pemra objectives to improve standards of information, education and entertainment, enlarge the choice of tele/broadcast available, and facilitate devolution of responsibility to improve access of the people at local and community levels.

He also said the broadcast media in Pakistan had witnessed a mini-revolution in the last two years, and Pemra had been able to facilitate the issuance of licenses not only to traditional media but also to new technologies like DTH, IPTV, etc. Pemra had also been the catalyst not only in taking FM radio broadcast to all nooks and corners of Pakistan, but also been able stop the illegal broadcast of many FM radio stations.

2. Two software pirates nabbed
(from *Business Recorder*, 16 September 2006)

Karachi police in an operation confiscated two computers, loaded with unlicensed software and 760 pirated CDS, here at Regal Trade Centre. The police also arrested two shopkeepers for selling and generating pirated software.

In a press statement a spokesman of Business Software Alliance (BSA) said the two PCs, loaded with unlicensed computer programmes, were also seized as evidence for the court of law.

BSA is working closely with the police, FIA and Intellectual Property Organization of Pakistan to protect the integrity of copyright law in the country, he said.

The current police action is the first of many planned in the coming days, following the end of the grace period given to the 'pirates' for 'legalizing' their software business.

The BSA spokesman said that Pakistan's copyright law imposes heavy penalties on sale and use of illegal software, and added that piracy includes illegal installation, distribution, sale and use of unlicensed software. "A number of companies took advantage of the stand-off period, but other companies will now have to face the law," he remarked.

3. IPO holds judicial moot on Intellectual Property Laws
(from *Pakistan Press International Services*, 21 September 2006)

Intellectual Property Organization (IPO-Pakistan) hold a Judicial Conference on Intellectual Property Laws in collaboration with the United States Department of Commerce & the United States Patent and Trade Mark Office in the premises of Federal Judicial Academy on 18th & 19th of September 2006 and on 20th September.

Delegates, specially nominated by the High Courts, attended the final session for making proposals for expeditious disposal of Intellectual Property disputes and guidelines for the law enforcing agencies are being proposed. It was attended by the participants nominated by the Chief Justices of the four Provinces of Pakistan and by delegates from Azad Kashmir and Northern Areas.

The resource persons were from Thailand, Australia and United States of America. Mr. Ryan C. Crocker United States Ambassador in Pakistan was present in the opening Ceremony. Certificates were awarded to the participants and delegates including the trainee Judicial Officers.

4. National workshop on intellectual property rights in December
(from *Pakistan Press International Information Services*, 28 September 2006P)

As part of the public awareness campaign and outreach programme the Intellectual Property Organization of Pakistan will organize a national workshop on intellectual property rights in December on Madrid System of Trade Marks, an IPO official said.

European Union and World Intellectual Property Organization (WIPO) is coordinating with the organization for public awareness and outreach programmes, the official said.

The Director General IPO Yaseen Tahir said that the IPO had planned number of seminars and workshops for capacity building of enforcement officers of FIA, police, customs and judiciary for the improvement and up gradation of enforcement of IP rights in the country and mass awareness.

He said the workshop of December would be fifth of this series, four such workshops were arranged in July, August and September. Protection of country's intellectual property assets is critical for sustaining and strengthening the on going high growth mode of the national economy, the DG said adding the seminars, workshops and conferences would greatly help to achieve the goal of becoming an IP efficient society and IP-based nation, the DG said.

JORDAN

Jordanian authorities raid two companies involved in illegal software trade

(from Middle East Company News, 10 September 2006)

The Department of National Library in Jordan has renewed its efforts to protect Intellectual Property Rights (IPRs) in the country by stepping up its campaign against software piracy.

The Department recently conducted raids on two computer companies in Amman, which resulted in the confiscation of computers and CDs loaded with pirated software. The cases have been turned over to the concerned authorities.

Ali Al Harakeh, official spokesperson of BSA in the Middle East, said, 'In conducting the raids, the National Library has sent a strong message to companies involved in the use and trade of pirated software that authorities in Jordan would not tolerate IPR violations. It is encouraging to note that Jordanian authorities recognize the detrimental impact of software piracy on the national economy and are determined to fight the piracy threat.'

BSA will continue to cooperate with the concerned authorities to prevent violation of the copyright law, which Jordan had enacted in 1992.'

Mamoun Al Talhouni, Director General, Department of National Library, said, 'we call upon the various government departments in Jordan to join us in our campaign to prevent IPR violations. We also urge software manufacturers to report any IPR violations that have come to their notice, so we can initiate the necessary legal measures. We hope our continued association with BSA will help us make significant progress in our efforts to fight piracy.'

Al Harakeh lauded the efforts of the National Library to ensure protection of Intellectual Property Rights, and acknowledged the support extended to the anti-piracy cause by Jordan's judicial and law enforcement authorities.

Taufik Al Tabbaa, a prominent legal expert and counsellor, emphasised on the benefits that companies could gain by using legal software, while observing that the IPR law was likely to be enforced more stringently in the coming months.

TURKEY

Patent evaluation agency to be opened

(from Turkish Daily News, 14 September 2006)

A new agency in the patent field, the "Patent Evaluation Agency," will be formed under the direction of the Turkish Patent Institute (TPE) for assisting patent holders and potential inventors, reported the Anatolia news agency.

This agency will strengthen innovation by helping companies that are constantly renewing and modifying products, services and production methods. The issuing of patents will become more efficient under the new system, TPE head Yusuf Balci said.

The agency will provide technical and financial assistance to inventors for innovation as well as for completing the patent process.

Yusuf Balci noted that patent holders and industrialists will be brought together to meet with the help of the Patent Evaluation Agency as part of an exchange market. The agency will also carry regular studies on the structure of various industries. It will also guide new inventions to relevant industrial outlets. It will assist the patent holder in the licensing process also, he added.

Patent Evaluation Agency will assess the value of patents and brands, Balci said.

“The Patent Evaluation Agency may also act as part of the legal system. Any reports, documents and evaluations issued by the new agency can be used in corporate balance sheets. They can also be used as a reference for raising bank loans,” Yunus Balci explained.

TPE, the Scientific and Technological Research Council of Turkey (TÜBİTAK), universities, trade associations and Turkish Union of Chambers and Commodities Exchanges (TOBB) will be part of the new agency.

UNITED ARAB EMIRATES

Software piracy levels fall in Middle East

(from Middle East Company News, 20 September 2006)

Concerted initiatives taken by Business Software Alliance (BSA), the international association established by the software industry to promote a safe and legal digital world, with the support of regional governments have helped to bring down software piracy in the Middle East, despite the buoyant growth in sales of personal computers (PC) and booming IT penetration.

Encouragingly though, software piracy levels in the Middle East declined in 2005, dropping by one percentage point to 57 per cent, at a time when global software piracy rates remained unchanged at 35 per cent, according to the third annual BSA and IDC Global Software Piracy Study published in May 2006. The IDC is the IT industry's leading global market research and forecasting firm.

Noting that software piracy rates had fallen in nearly 19 out of 26 countries in the Middle East and Africa region that the study covered, Jawad Al Redha, Co-Chairman of BSA Middle East said: 'BSA is happy to see that its efforts to reduce software piracy have been fruitful. However, government support in the form of strict vigilance of laws pertaining to Intellectual Property Rights and increased awareness campaigns has been crucial in making our anti-piracy campaigns effective.'

The region's decreasing rate of software piracy becomes an achievement also when juxtaposed against the rise in the average Arab ICT Use Index, which went up by 42.89 per cent in 2005 to reach 0.51, as revealed in the Madar Research ICT Use Index. This saw the region's Internet users growing by 54.84 per cent to touch 26 million while the computer installed base expanded to 14 million computers, reflecting a 29.24 per cent increase in 2005.

The UAE's performance in curbing software piracy was particularly noteworthy with the country registering the lowest piracy rate of 34 per cent in the region, for the tenth consecutive year despite registering the GCC region's highest growth of 45.24 per cent in PC unit sales during 2005. The level of piracy in the UAE was lower than some European countries and also below that of the global piracy rate of 35 per cent, making it the only Arab country and sole emerging economy to figure among the top 20 countries with the lowest piracy rates in the world, states the IDC report.

'The UAE government has played a commendable role in bringing down software piracy levels, which has resulted in the country's IT sector growing into a US\$ 1.3 billion industry today. Business Software Alliance is proud to have played an active part in this growth and will continue its initiatives to enable

the region's IT industry reach its potential by creating a healthy climate for IT investments and entrepreneurial activity and generating new job opportunities,' Al Redha added.
