



Strategic use of intellectual property to enhance companies' competitiveness in ASEAN

Meijo University

by Fabrice Mattei

November 20, 2013

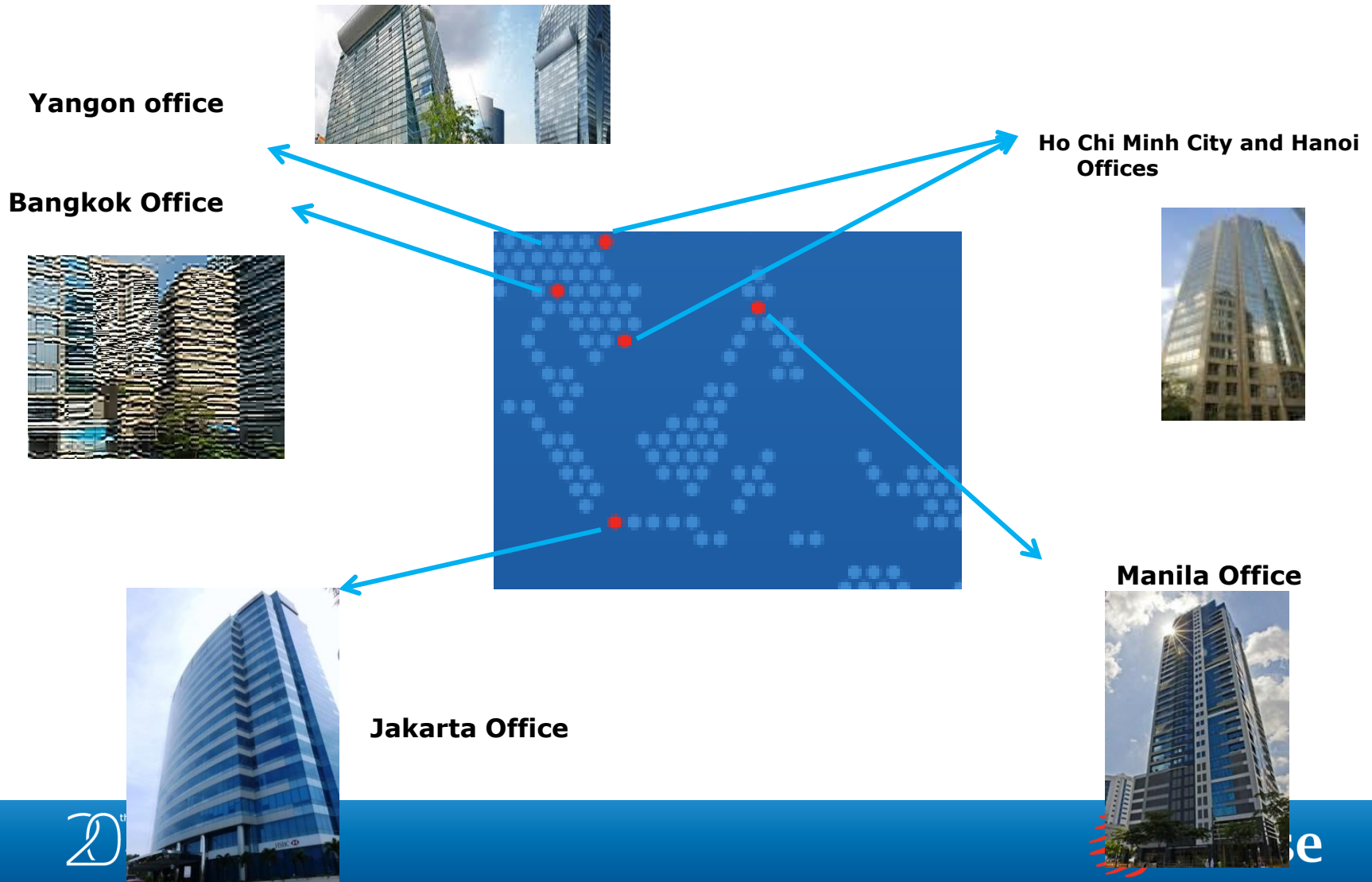
www.iprights.com

Offices: Australia (liaison), China, Hong Kong,
India (associated office) , Indonesia, Philippines,
Thailand, UAE, United Kingdom, USA (liaison), Vietnam

20th ANNIVERSARY
Rouse celebrates in 2010

 **Rouse**

Rouse offices in South East Asia



Topics

Intellectual Property ('IP') & ASEAN

Setting up IP strategies

- IP searches & mapping
- Protection of IPRs
- investigation & enforcement strategies
- Publicities of raid actions
- Litigation & forum shopping in ASEAN

Intellectual Property Rights - IPRs



Patents & designs



Copyrights



Trademarks



Trade secrets



Geographical Indications



Plant Varieties



Traditional Medicine Wisdom

Life cycle of IPRs



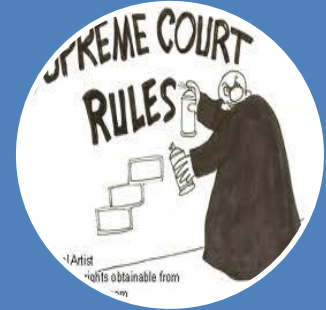
secure



commercialize



investigate

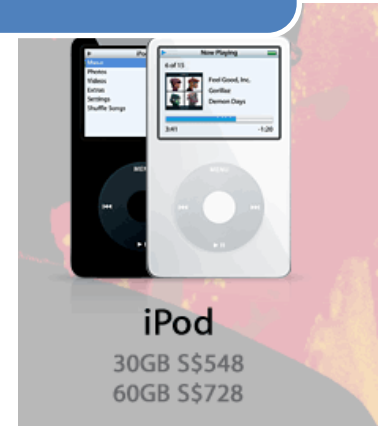


enforce

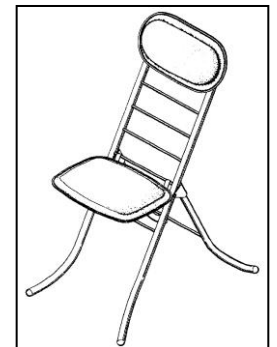


Patents & designs

Invention: innovation or invention which creates a **new** and **inventive** product or process.



Design: configuration of a product or composition of lines or colors which gives **special appearance** of a product

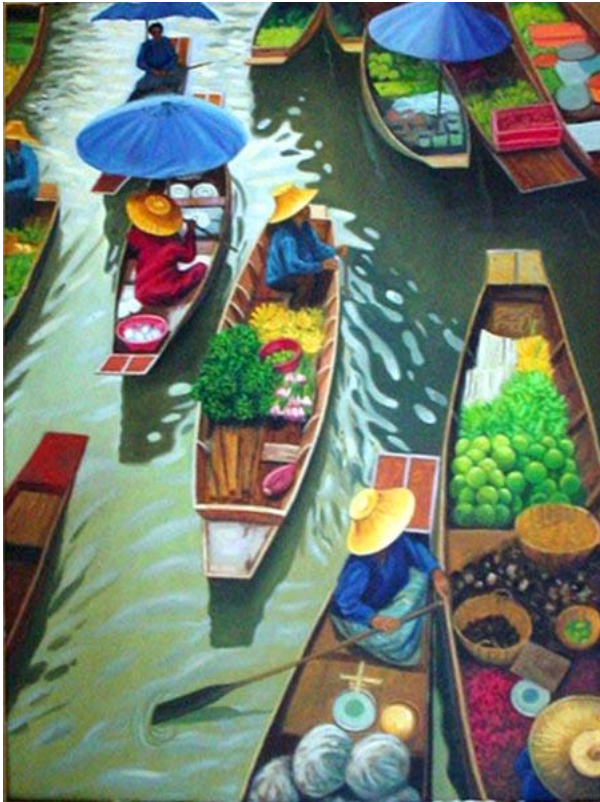


Case study

- Registrable?



Copyright : idea vs. expression



Case study

Pissaro



Cezanne





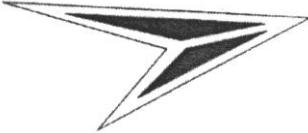

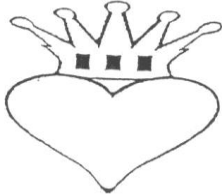

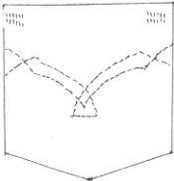
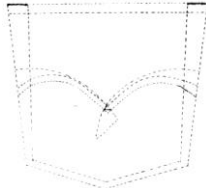
Trade marks



Case study : distinctive



Similar Marks?

Decision No.	Mark		Class
399/2553			1
560/2553			25
672/2553			18
756/2553			25

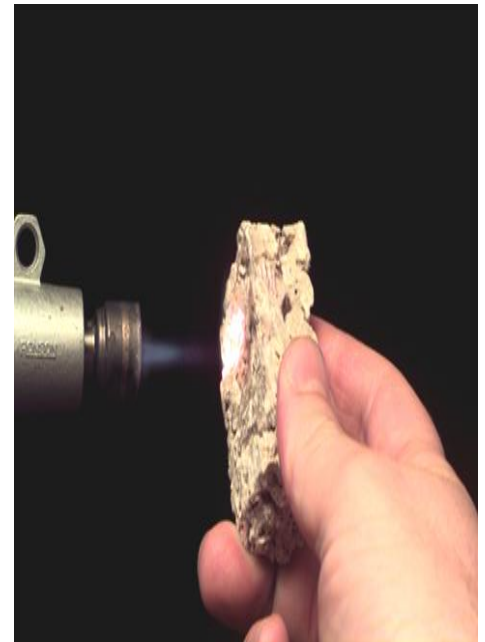
Not Similar Marks?

Decision No.	Mark		Class
485/2553			25
594/2553			20/24
154/2553			12
650/2553			25

Marketing/business: intellectual property = competitive asset



FOR YOU AND YOUR HOME



The Siam Cement Group

Accounting: intellectual property = intangible asset

assets
- value -

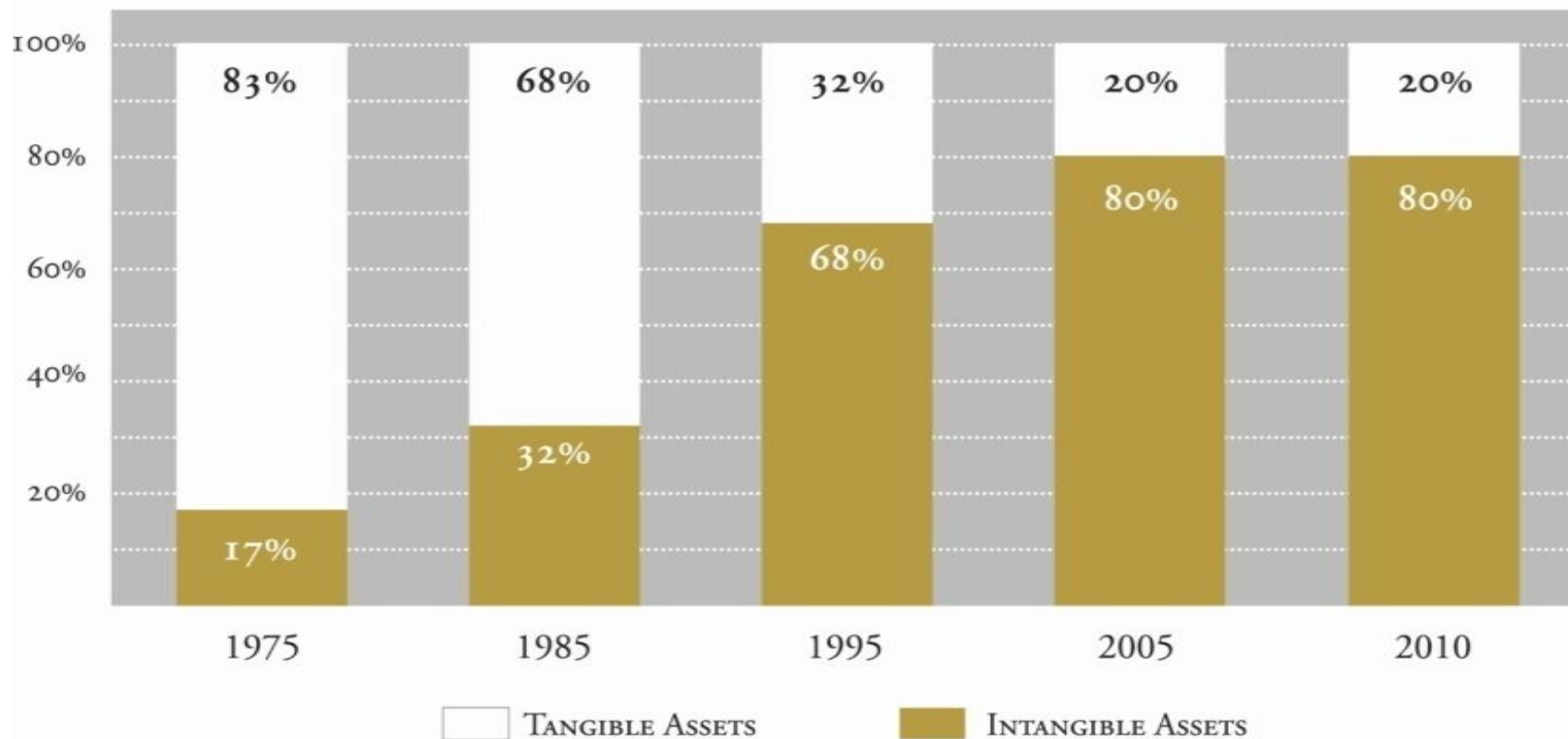
monetary assets
cash, investment

tangible assets
land, machines

intangible assets
IPRs, rights

Intangible assets

COMPONENTS OF S&P 500 MARKET VALUE



Source: Ocean Tomo



Strategy	Parties	Situation	Status
IP Litigation Outcomes	VHC v. AAPL, et al	VHC is for patent infringement	On April 25, 2012, Judge Davis issued a preliminary Markman order signaling VHC has a strong case.

JETRO's report

In 2004, the director of Japan's External Trade Organization's Intellectual Property Rights Office in Beijing visited a leading Chinese company. The head of that corporation's IP division showed him a room with several dozen computers whose exclusive purpose was to search the patent applications put up on the Internet by the USPTO and its equivalent in Japan and Europe. The Chinese executive explained it was easier and far less expensive to pull information from foreign patent applications than to do their own research.

When informed of this, the Japanese Patent Office began monitoring the number of hits its patent application files on the Net were getting. They counted 17,000 hits per day from China and 55,000 per day from South Korea.

➤ A geo-political and economic organization of ten countries located in South-East Asia which was formed on **8 August 1967**

➤ Members of ASEAN have a combined population of more than **580 million**

➤ Indonesia accounts for more than **40** percent of the region's population

➤ **AFTA**: Common Effective Preferential Tariff (CEPT): goods originating within ASEAN, ASEAN members are to apply a tariff rate of 0 to 5 percent.

➤ The **ASEAN–China Free Trade Area** which is the largest free trade area in terms of population & 3rd in GDP.

➤ **2015**: ASEAN Economic Community AEC .



ASEAN IP harmonization: regional office vs. regional system

➤ **ASEAN framework on Intellectual Property of 1995**

- Cooperative activities under this Agreement shall aim, among others, to strengthen ASEAN intellectual property administration; to enhance ASEAN cooperation in intellectual property enforcement and protection; and to explore the possibility of setting up the ASEAN patent and trademark systems
- Activities to enhance intellectual property enforcement and protection: [...] b. Cross border measures cooperation

➤ **ASEAN Agreement on Customs 1997**

- *to explore other appropriate intra-ASEAN cooperation arrangements in the field of Customs, particularly in the prevention and repression of all forms of smuggling and other Customs frauds*

➤ **ASEAN Framework Agreement on access to biological and genetic resources of 2000**

- *the need to ensure the uniformity and consistency of access regulations in the ASEAN region by setting minimum requirements for national implementation and maximize opportunities for the conservation and sustainable use of biological and genetic resources.*

➤ **ASEAN Patent Examination Co-operation programme (ASPEC), ASEAN Design Filing System (ADFS) 2009** : favouring ASEAN Regional IP Office instead of ASEAN Regional IP System/law as a model of IP harmonization.

Business' angle

Policy features associated with a strong increase in demand for patents are: i) policies aiming at attracting FDI; ii) low relative costs (or fees); and iii) a relative impression of IP law harmonization (PCT, ASPEC, PPH);

Direct link between FDI and IP intensity;

Migration of companies/industry : impact on patent intensity;

Differences in the IP systems of ASEAN nations not as strong as differences between the patent systems in Europe, the USA and Japan.

IP's angle

Filings are up, complexity is up, grant rate is still constant

More systematic early filing of unfocused inventions : increasing number of claims and pages, low fees for excess claims/pages

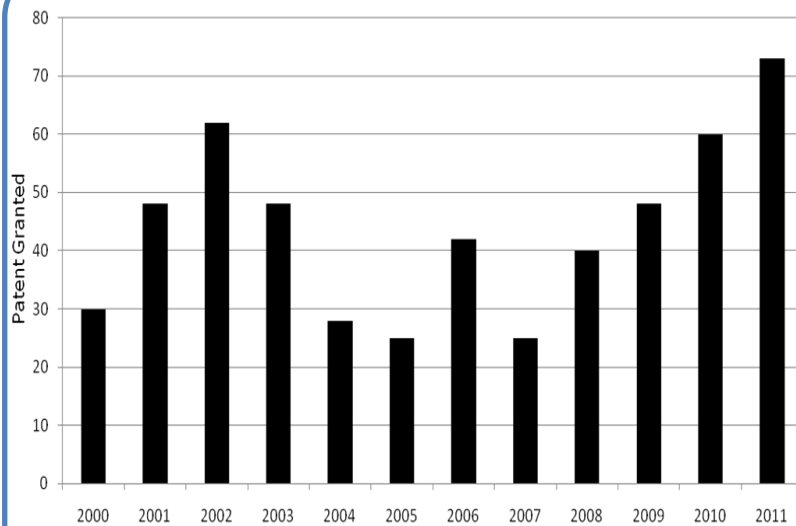
Low opposition/cancellation rate in patents but high level in trade marks

Backlogs in examining and granting patents/trade marks – ASEAN IP ‘warming”

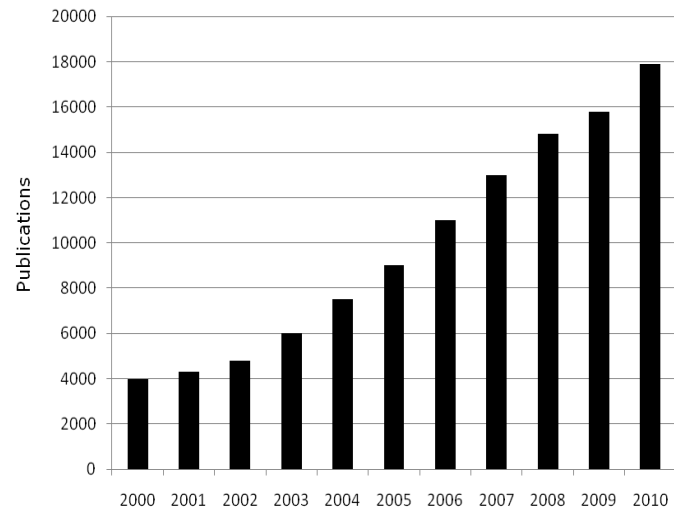
NPL published by ASEAN nationals increases at higher speed than patents filed abroad by ASEAN nationals

No strict duty to disclose prior art/backward citation = patent watch/mapping is critical

Disproportion between local and foreign applicants : patent for invention and utility models/petty patent



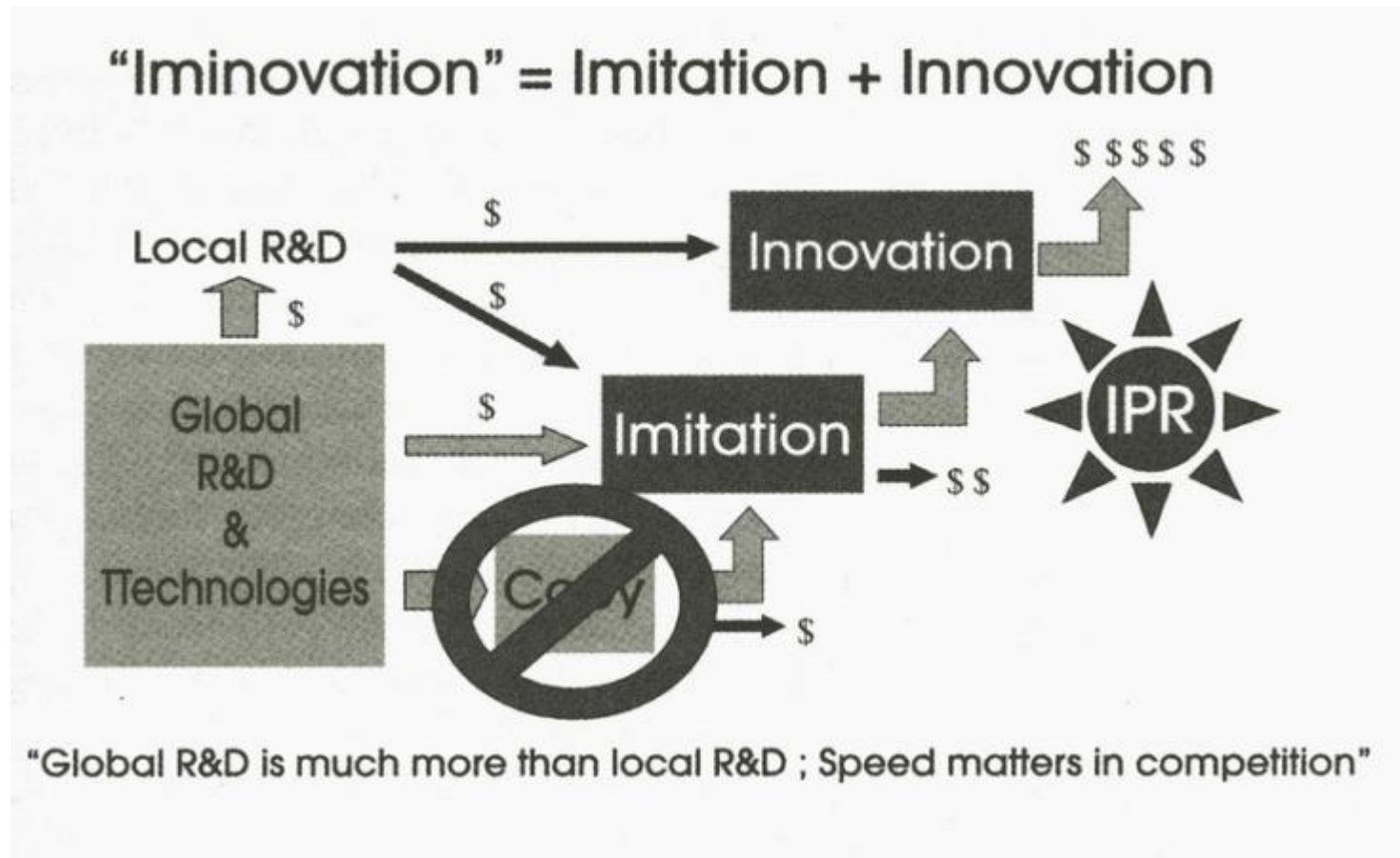
USPTO



NPL



Petty patent / utility model



Petty patent / utility model

PUBLICATIONS OF PETTY PATENTS

22 Publications

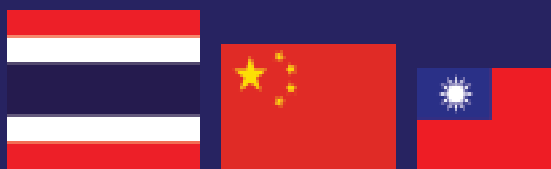
Top publisher by applicant:-

Prince of Songkhla University

Top published applications by 'IPC':-

A23L A61K, G09B, D21H

Top publishers by country of origin:-



Top priority country:-



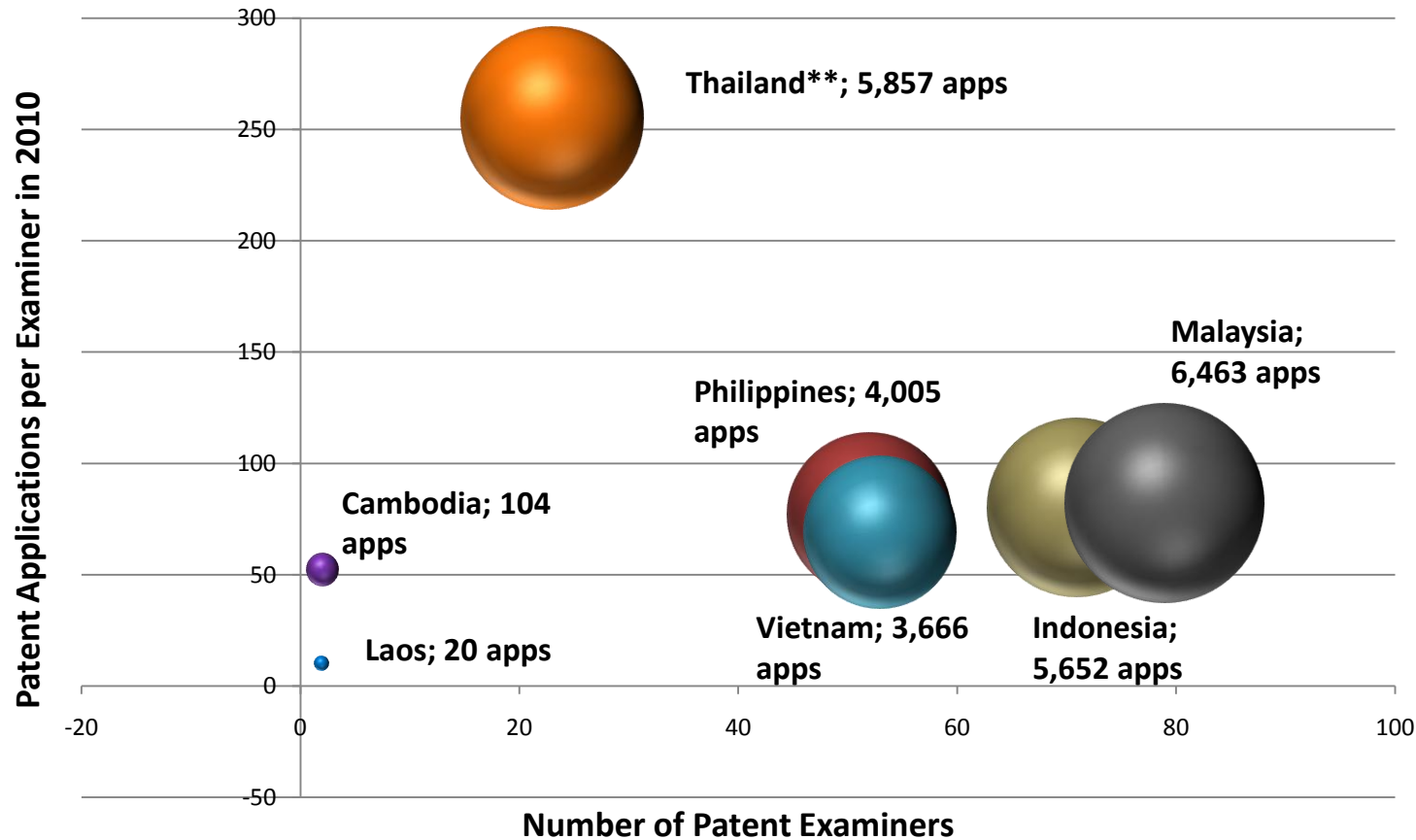
1 yr 1 yr ||

2 Years 2 months
(from filing to publication/registration)

Average time for patent grant in 2010

	Patent offices	Practitioners
Cambodia	3 years	Over 3 years
China		3-5 years
Indonesia	5.61 years via normal process; 4.92 years via PCT	7-8 years
Laos	4 years	More than 5 years
Malaysia	1.6 years via fast-track basis without objections; 5.41 years via Paris Convention; 2.15 years via PCT	4-6 years
Myanmar	None	None
Philippines	4-5 years	
Singapore	3-4 years	3-6 years
Thailand	3 years	5-6 years
Vietnam	2-3 years	2-3 years

Patent examiner workload in 2010



Note: Thailand - Applications include invention, design and petty patents, and number of examiners includes assistants.**

Data not available for Myanmar, China, and Singapore. Size of bubble = Number of applications

2. Strategies

a. IP information & searches

b. Drafting/filings

c. Commercialization

c. Investigation & enforcement

c. Litigation

IP information & searches

Countries	Languages	Search criteria
Indonesia	Bahasa Indonesian	Abstract, title, applicant/Owner Inventor, patent numbers
Malaysia	Bahasa Malaysia or English	Abstract, title, applicant/Owner Inventor, patent numbers
Philippines	English	Abstract, title, applicant/Owner Inventor, patent numbers
Singapore	English	Abstract, title, applicant/Owner Inventor, patent numbers
Thailand	Thai or English, but results are in Thai	Abstract, title, applicant/Owner, claims, description, Inventor, patent numbers
Vietnam	Vietnamese or English but the results are in Vietnamese	Abstract, title, applicant/Owner Inventor, patent numbers

IP mapping & mining

PUBLICATIONS OF PATENT FOR INVENTION : Conventional Applications Designated Thailand

177 Publications

Top publishers by applicant:-

National Science And Technology Development Agency
Chulalongkorn University
Unilever N.V.

Top publishers by country of origin:-



Top published applications by 'IPC':-

A61K B29C, C12N A01N, H04N

Top priority country:-



1 yr

1 yr

1 yr

3 Years 1 month

(from filing to publication)

PUBLICATIONS OF PATENT FOR INVENTION : PCT National Phase Entry in Thailand

300 Publications

Top publishers by applicant:-

Panasonic Corporation
Nissan Motor Co., Ltd.
Unilever N.V.
Nippon Steel Corporation
Qualcomm Incorporated

Top publishers by country of origin:-



Top published applications by 'IPC':-

C07D B65D A01N

Top priority country:-



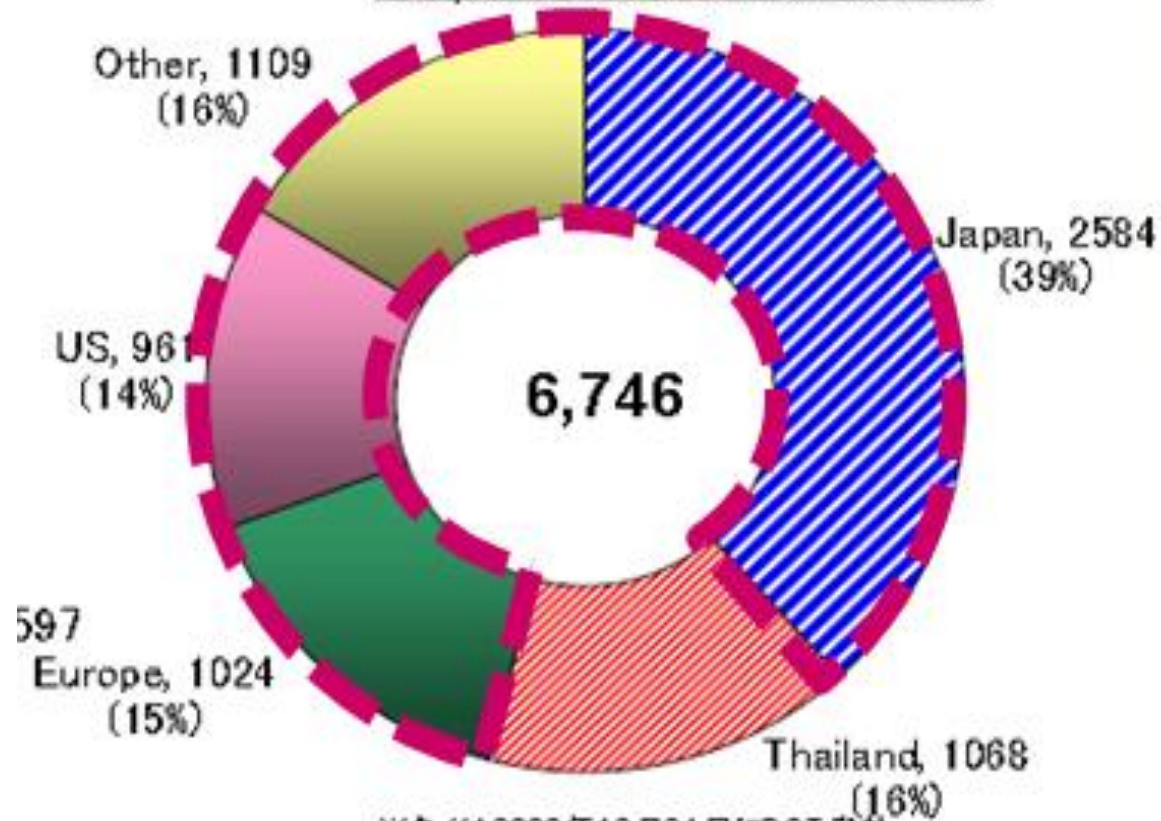
1 yr

1 Year

(from filing to publication)

【タイ(2012年)】

Europe: as described in DIP Web site



※タイは2009年12月24日にPCT発効

	ASEAN	EPO	USPTO
Sufficient disclosure/full basis of the claims	✓	✓	✓
Incorporation by reference	X	x	✓
Best mode	x	x	✓
Multiple independent claims	✓	✓	✓
Estoppel	△	X	✓ minimal detail to avoid estoppel issues
Equivalent	✓	△ literal infringement in mind	△ literal infringement in mind
Prior art	△	✓	✓
claims	independent claims in means plus function form or two parts claims with multiply dependant claims dependant thereon.	independent claims in means plus function form or two parts claims with multiply dependant claims dependant thereon.	Additional claims should be included to meet the needs of the USA (i.e. a number of independent claims not using the means plus function terminology of varying scope should be included)

Drafting & filings

- Description of the patent:
 - Sufficient disclosure
 - Less detailed patent & hiding the invention?
 - Higher verbosity in JP patents (description)
 - Ground of rejection vs. ground for invalidity
 - Failure to disclose sufficient information on the prior art can cause rejection of the application and is a ground for invalidity after the patent is granted

Philippines

"Sec. 61. *Cancellation of Patents.* Any interested person may, upon payment of the required fee, petition to cancel the patent or any claim thereof, or parts of the claim, on any of the following grounds [...] That the patent **does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by any person skilled in the art [...]**"

Singapore

A patent may be revoked if the specification does not disclose the **invention clearly and completely in a way that allows it to be performed by the skilled addressee.**

Claims' formats

- Variations
 - 'Free style claims' format' vs. imposed format
 - Example of Two-parts claims
 - **Thailand & Philippines**

Philippine Patent No. 1-2004-000586:

1. A seed treating machine for applying chemical treatment to seeds, comprising:

- (a) a seed delivery assembly, where seeds are contained and collected from source prior to a seed treating process;
- (b) a cone assembly, where seeds from the said seed delivery assembly are allowed to pass through by gravity; and
- (c) a spinning disk assembly, which distributes a chemical treatment to the seeds while being dropped from the said seed delivery assembly and through the said cone assembly, said spinning disk assembly is rigidly fixed to the said seed delivery assembly;

characterized in that the said seed delivery assembly and the said cone assembly are detachably coupled to each other.

The "switch'.

Also can be used:

- ✓ whereby
- ✓ wherein

Preamble

- ✓ Should contain a statement indicating "the designation of the subject matter of the invention" and the "technical features of the prior art" (Rule 416)
- ✓ Basically: Recites the prior art.

Characterizing portion

- ✓ Should state the technical features it is desired to protect (Rule 416)
- ✓ In short: The invention.

	Controllable	Uncontrollable
Publication	Thailand (to some extend)	18 months : IND, MY, PH, SING, VN.

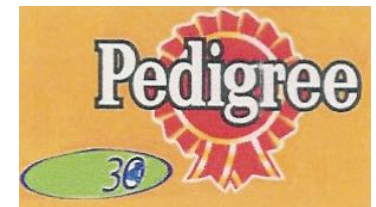
	From publication date	From filing date
Substantive examination	60 months - Thailand	SING: 21/39 months MY, PH: 24 months IND: 36 months VN: 42 months

Publication of patent

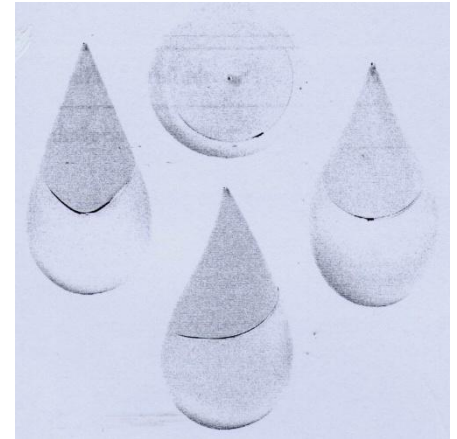
- Controlling publications:
 - Expedite publication?
 - Submarine patents
 - Whole content destroying novelty only if unpublished.
 - Damages counting from publication date.

Variables	✓	X
Priority	Widely extended patents already examined	Focused and selective filing
Equivalents	Large patent families	Highly dependent on local substantive examination
Number of claims and excess claims	Detailed applications based probably on US drafting style. Fall back positions (US: doc of equivalent – ‘Insubstantial differences’ + a multiple dependent claim in USA cannot serve as a basis for any other multiple dependent claims+ best mode). if the described effects are more detailed than necessary, the scope of the patent rights may be narrowed.	cannot add subject matter
Number of inventors	Large number (more than 3) : PSA	Low number : PSA
Claims lost in examination	<p>If due to subject matter, rather than novelty or inventive step (i.e. software, medical treatment method), impact is limited</p> <p>File wrapper available after publication of patent</p>	If possible, consider voluntary divisional patents to expand patent family
Application has divisionals	Unfocused patent, hiding parts, expanding protection through doc of equivalents	Focused patent, narrow.
Backward citations	Intensively relying on prior art/prior art is more identifiable	Smaller patent families, lowest risk of opposition

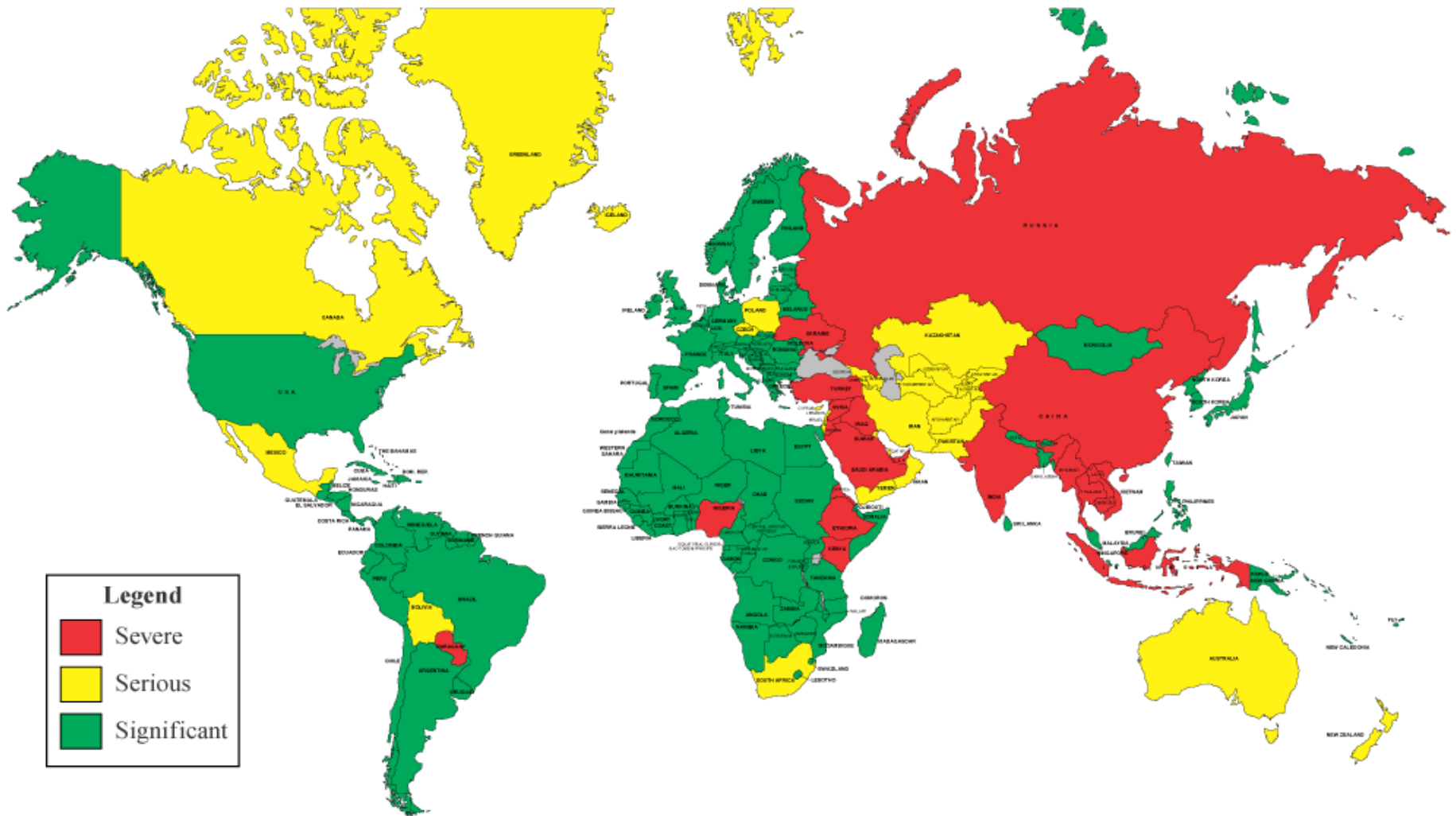
Traditional Trademarks



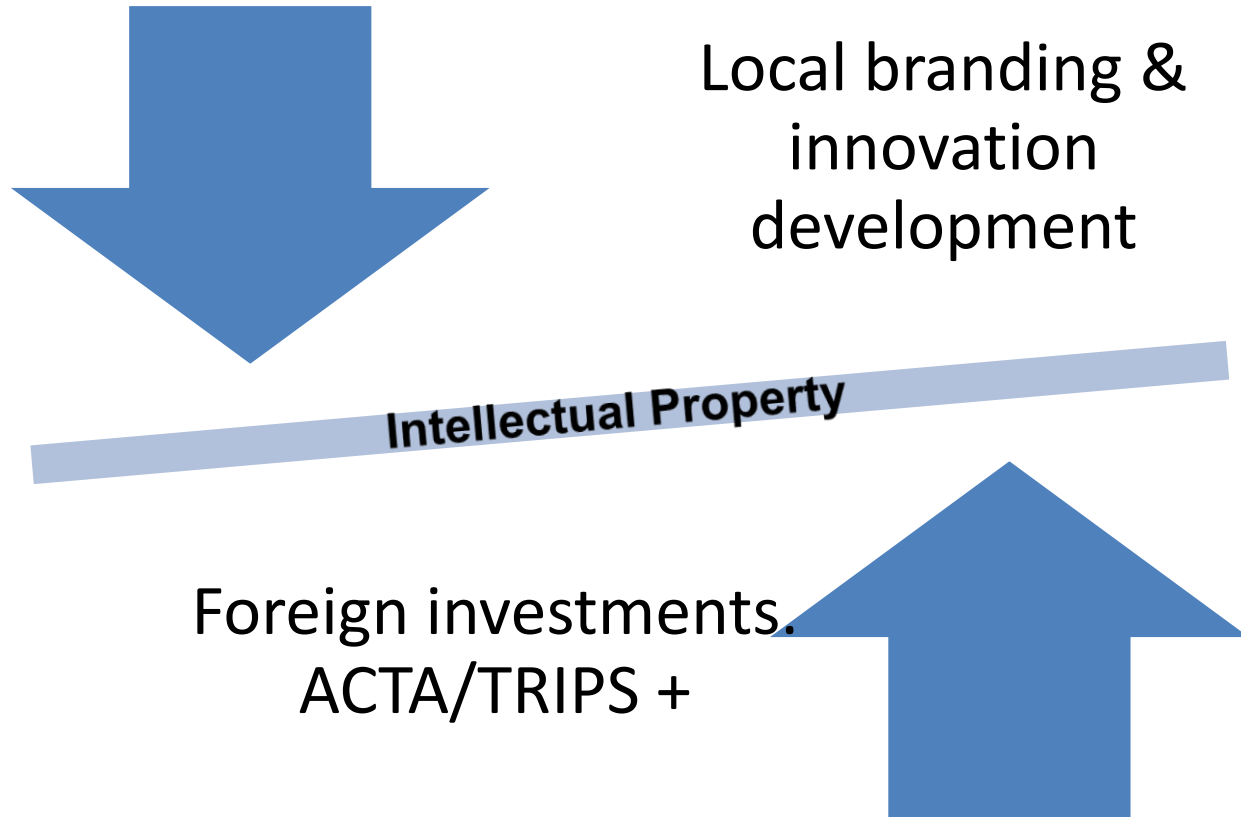
Non -Traditional Trademarks



Global Counterfeiting Hotspots



Right balance?



Investigation & enforcement

- Counterfeit or lookalike?
- Regulated industry?
- Trade channels and margins?
- IP legal environment?
- Health hazardous copies?
- Profile of the counterfeiter?
- Possibility to recover damages?
- Other options than enforcement?

MATRIX RELOADED



The Asia Pacific Region

Thailand
Theatrical Release 16 May
19 May (VCD)

Guangzhou
May 19 (DVD)

Beijing
19 May (VCD, DVD)
21 May (DVD)

Korea
Theatrical Release 23 May
20 May (DVD-R)

India
Theatrical Release 13 June
20 May (VCD)
21 May (CD-R)

Shanghai
May 22 (DVD)

Taiwan
Theatrical Release 16 May
May 23 (CD-R)

Shenzhen
May 18 (DVD)

Hong Kong
Theatrical Release 22 May
18 May (DVD)

Malaysia
Theatrical Release 15 May
18 May (DVD)

Singapore
May 23 (VCD)

Indonesia
Theatrical Release 28 May
18 May (VCD)

Philippines
Theatrical Release 15 May
17 May (CD-R)
20 May (DVD)

Matrix Reloaded
[AKA MATRIX II]
Theatrical Release in US 15 May 2003



Counterfeit SHELL petrol station



Refilling of alcohol



Refilling of alcohol



Botox







Rouse celebrates in 2010









Investigation & enforcement

- Case studies
 - PFIZER, VIAGRA
 - LVMH, Perfumes Dior, Kenzo, Givenchy, Guerlain



บัตรประจำตัวประชาชน 1-1016-00436-30-8

เลขที่ใบอนุญาตใช้ปืน 1196-4-017643 เลขบัตรประชาชน 1-1016-00436-30-8

ชื่อ-นามสกุล น.ส.กัญญาภัค นนธิ์ เพศ หญิง

เกิดเมื่อ 12 ตุลาคม 2533 อายุรวมขณะนี้ 16 ปี ศาสนา พุทธ

ที่อยู่ขณะมีบัตร 3049 หมู่ที่ 4

ตำแหน่งรอง เลขที่บัตร 1-1016-00436-30-8

จังหวัด สมุทรปราการ

วันที่ออกบัตร 2 พฤษภาคม 2550 วันที่บัตรหมดอายุ 11 ตุลาคม 2556

สถานภาพสมรส -

บันทึกเพิ่มเติม 3.3 เลขที่ 000 6.6049525006 เลขเอกสารประจำตัว 89.2 พ.ค. 2550

หมายเหตุผู้พิมพ์

สนใจติดต่อสั่งซื้อได้ที่ e-mail- /swittlee@windowslive.com หรือ โทร. 08-3588=3076 ติดต่อคุณ ชัย
ชำระเงินค่าสินค้าได้สองทาง 1. โอนผ่านธนาคาร 2. ไปรษณีย์ธนาณัติ
ส่งสินค้าผ่านทางไปรษณีย์เท่านั้นทุกกรณี

รายละเอียดของผู้ประกาศ :

คุณ :	สรพงษ์ สี่พหลาลัย
E-mail :	swittlee@hotmail.com
โทรศัพท์ :	08-3588-3076







☑ ยาบปลุกเชือกซ์...ตร.ปศท.
แถลงจับกุมยาไวอากร้า 42,210
เม็ด ยารักษาอาการเสื่อมสมรรถ
ภาพทางเพศ 3,360 เม็ด รวม
มูลค่ากว่า 17 ล้านบาท ที่บ้าน
หลังหนึ่งในซอยเทพารักษ์ ต.ลำ
โรงเหนือ อ.เมือง จ.สมุทรปรา
การ (ข่าวหน้า 15)

ASEAN IP Enforcement systems: diversity of legal systems

- **Civil law systems:** Cambodia, Laos, Indonesia, Philippines, Thailand and Vietnam.
- **Common law systems:** Brunei, Malaysia, Singapore and Myanmar.

ASEAN IP Enforcement systems: specialized IP Courts vs. regular Courts.

Courts	Countries
Specialized IP Courts	Thailand & Malaysia
Commercial Court (civil IP cases only)	Indonesia & Philippines
Regular Court with IP trained Judges	Singapore
Non specialized Courts with non specialized Judges	Brunei, Cambodia (*), Laos, Myanmar (*) & Vietnam

Best practice : Thailand & Malaysia

Administrative enforcement

- Most countries limit border customs controls to registered **trade marks** and **copyright** as requested under Art. 51 of the TRIPS Agreement. Very few countries cover **registered designs** or **patents**.

Best practice: Philippines & Vietnam

- Not all ASEAN countries cover in their legislation the prohibition of **import, export** and **transit** of counterfeit goods.

Best practice: Cambodia

- In most ASEAN countries, **monetary fines** are calculated according to the values of the **infringing goods** and not the value of the original goods. Some countries like Vietnam have amended their legislation in order to tackle this issue. Under the IP law of Vietnam, monetary fines in respect of administrative remedies shall not exceed **five times** the value of the infringing goods. The new IP law of Vietnam provides that the levels of administrative remedies applicable to IP rights infringements shall be those set out by the Ordinance on Dealing with Administration offences (max. Level of monetary fine is VND 500 million) or **approximately USD 30,000**).

Best practice: Vietnam

Administrative enforcement

When possible, **ex-officio actions** should be encouraged and supported through trainings of the authorities. Countries like Singapore and Thailand are particularly active in offering customs ex-officio customs actions.

Best practice : Thailand

Criminal enforcement

- Unlike Malaysia where enforcement of IPRs is carried out by almost **one single enforcement agency**, the Ministry of Domestic Trade, Co-operatives and Consumerism (MDTCC), some other ASEAN countries give to IPR holders a **wider choice of enforcement authorities** for enforcing their IPRs.

Best practice : Vietnam

- It is important that decisions granted by administrative enforcement agencies such as customs are **reported** and that goods are **destroyed** subsequently to the issuance of the decisions against the counterfeiters.

Best practice : Vietnam

Criminal enforcement

Indonesia, Philippines, Myanmar; Singapore & Thailand: 'over criminalization'

Criminal action is the principal enforcement route.

Procedure: initial enforcement action is taken through the Police, based on a simple complaint.

Brunei, Cambodia, Laos, Malaysia, & Vietnam: 'decriminalization'

Criminal actions are mostly limited to large scale infringement cases.

Administrative remedies are generally relied upon more heavily than civil and criminal remedies.

Criminal enforcement of patents and designs

- **Narrow criminalization scope**: Malaysia, Singapore, Myanmar and Vietnam don't provide criminal remedies in relation to registered patent or design infringements.
- **Medium criminalization scope**: under the Philippines' legislation infringement to registered patent or design becomes a criminal offence if infringement is repeated by the infringer or by anyone in connivance with him after finality of the judgment of the court against the infringer in the civil case. Brunei provides criminal enforcement actions for registered designs.
- **Wide criminalization scope**: Cambodia, Laos, Indonesia, Thailand provide criminal remedies for registered patent and design infringements.

Best practices: Brunei & Thailand

Criminal enforcement

- In various ASEAN countries, **search warrant** is the conventional method of enforcing IPRs. Philippines have set strict rules for obtaining search warrants while Thai Judges apply uneven criteria when considering issuing search warrants and IPRs holders have regularly raised this issue as a major problem for enforcing their IPRs in that country. The Enforcement Officers of Malaysia have wide powers of investigation, search and seizure under the Trade Description Act (TDA). The Enforcement Officers require no search warrant to enter any premises other than premises used only as a dwelling. Goods and documents seized will be kept in the custody of the Enforcement Division until prosecution proceedings have been completed.

Best practice: Malaysia & Myanmar

Case study – Scholl shoes



Criminal enforcement

- Most ASEAN countries' legislations provide for **maximum punishments**. **Minimum punishments** should also be explored as a way to ensure that a minimum level of deterrent fines are imposed against counterfeiters, especially repeating offenders.
- Most ASEAN countries legislations have set the fines and imprisonments according to the **activity of the counterfeiter**: distributor, manufacturer. The imposition of the penalties depending on the activity of the counterfeiter can sometimes deliver wrong results in terms of **consumer protection** and **public acceptance or awareness of IPRs**. In this respect the legislation in force in Vietnam is a good example/best practice of how to categorize infringements and impose harsh penalties. What matters under the Vietnamese Criminal Code is not the profile or activity of the counterfeiter but whether the **counterfeit goods are dangerous** or not (Art. 157 of the Penal Code of Vietnam).

Best practice: Vietnam

Criminal enforcement

- **Sentencing guidelines:** few ASEAN countries have issued clear and transparent guidelines regarding sentencing counterfeiters.
 - the Task Force in Indonesia has launched an anti-counterfeiting program, part of it includes **sentencing guidelines** for criminal court judges.
 - Enactment in Vietnam in March 2008 of a Criminal Circular offering **guidelines** on criminal prosecution against acts of piracy and counterfeiting on a commercial scale

Best practice: Indonesia & Vietnam

- **Quantity of seized goods** CIPITC, decision no. 1015/2542
- **Counterfeit goods are hazardous to public health** Supreme Court, decision no. 6608/2541
- **Violence** CIPITC, decision no. 509/2542
- **Activity & size of the counterfeiter** CIPITC, decision no. 977/2546
- **Moral** CIPITC decision no. 785/2542
- **Recidivist** CIPITC decision no. 2208/2544
- **Ignorance is not an excuse** CIPITC no. 1464/2541
- **Better quality of infringing goods is not an excuse** CIPITC no. Aor 569 572/2542

[1] The Court can order document production in line with civil law traditions, and there is an evidence preservation procedure available (akin to an Anton Piller order although m

[2] Interim injunctions are described in the IP laws, but because no regulations exist none has yet been granted. The Supreme Court has been working on the regulations.

Country	Interim injunction?	Discovery procedure?	Availability of criminal action?
China	√	x	√ (also administrative action by the local IP Office)
Hong Kong	√	√	x
Indonesia	x	√	√
Malaysia	√	√	x
Philippines	√ (but difficult to obtain in practice)	√	√
Singapore	√	√	x
Thailand	√ (but difficult to obtain in practice)	√ (but limited)	√
Vietnam	√ (but difficult to obtain in practice)	√ (but limited)	√



Opportunities

2nd largest country in South East Asia

- Population of approx. 60 million.
- English is well spoken.
- 85 % of the population is Buddhist.

Opening up to foreign investment

- New Foreign Investment Law .
- New Anti Corruption Law.
- New Telecommunication Law.

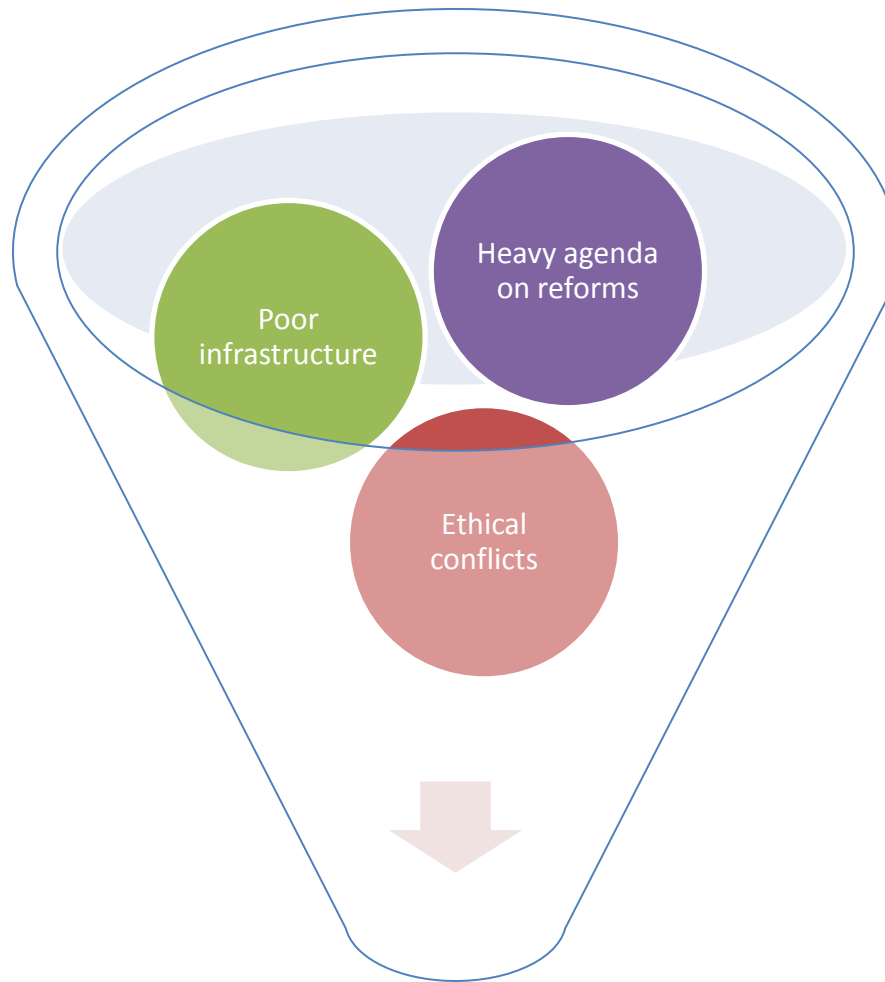
Political stability

- ASEAN leaderships in 2014.
- General election in 2015
- USA, EU & Japan have relaxed their restrictions against Myanmar to help the country to transit to a modern and open economy.

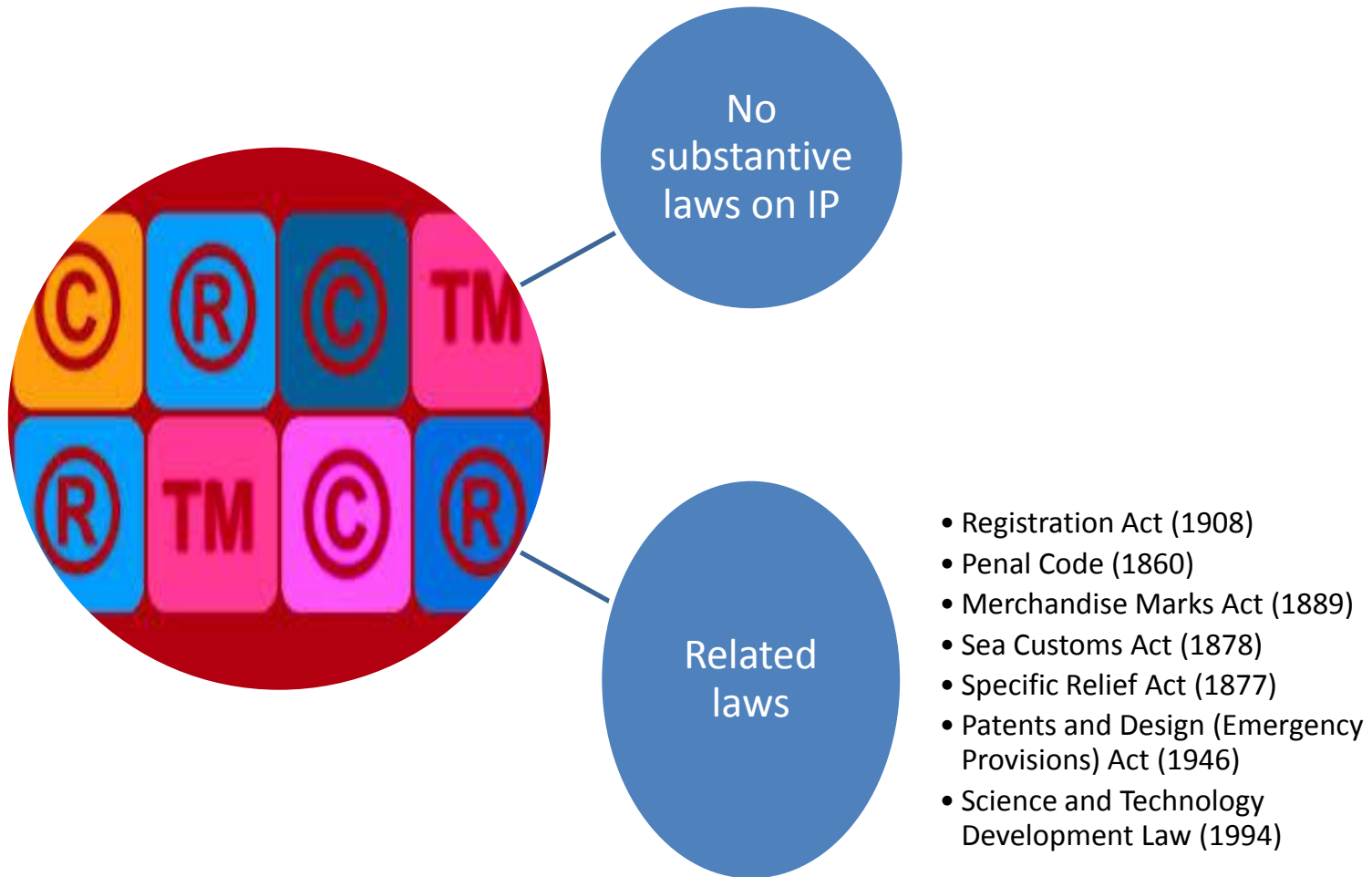
Economy

- GDP for 2013 : 6.8 %
- Inflation : 5.7 %
- Floated exchange rate between USD and Kyat
- Major investors : China, Japan, Thailand & Singapore
- Imports: fabrics, crude oil, plastics, fertilizer, machinery, transport equipment, cement.
- Exports: gas, wood products, fish, rice, clothing, jade & gems.

Challenges



Overview of IP framework



Trade mark recordation

*Average time to complete the recordation process is **4 weeks**, documents required Declaration of Ownerships and Power Of Attorney to be submitted at the filing time.*



Examples of cautionary notices

TRADE MARK CAUTION

NOTICE is hereby given that **Thai Union Frozen Products Public Company Limited.** a company organized under the laws of Thailand and having its principal office at 979/12 M. Floor, S.M. Tower, Phaholyothin Road, Samsennai, Phayathai, Bangkok 10400, Thailand is the owner and sole proprietor of following trademarks:-



(Reg: No. IV/3370/2012)



(Reg: No. IV/3371/2012)

The above two trademarks are in respect of:-

“Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, edible oil and fats; all goods in this class, especially packaged tuna, packaged sardines, packaged mackerel, packaged squids, packaged shrimps, packaged clams, packaged crab meats, packaged frozen sea foods, packaged sea foods, fish snack, canned meatball” – Class: 29

Any fraudulent imitation or unauthorized use of the said trademarks or other infringements whatsoever will be dealt with according to law.

U Kyi Win Associates
for **Thai Union Frozen Products Public Company Limited.**

P.O. Box No. 26, Yangon.

Phone: 372416 Dated: 23rd July, 2012

TRADE MARK CAUTION

NOTICE is hereby given that **Thai Union Manufacturing Company Limited.** a company organized under the laws of Thailand and having its principal office at 979/13-16 M. Floor, S.M. Tower, Phaholyothin Road, Samsennai, Phayathai, Bangkok 10400, Thailand is the owner and sole proprietor of following trademarks:-



(Reg: No. IV/3359/2012)



(Reg: No. IV/3360/2012)

The above two trademarks are in respect of:-

“Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, edible oil and fats; all goods in this class, especially packaged tuna, packaged sardines, packaged mackerel, packaged squids, packaged shrimps, packaged clams, packaged crab meats, packaged frozen sea foods, packaged sea foods, fish snack, canned meatball” – Class: 29

Any fraudulent imitation or unauthorized use of the said trademarks or other infringements whatsoever will be dealt with according to law.

U Kyi Win Associates
for **Thai Union Manufacturing Company Limited.**

P.O. Box No. 26, Yangon.

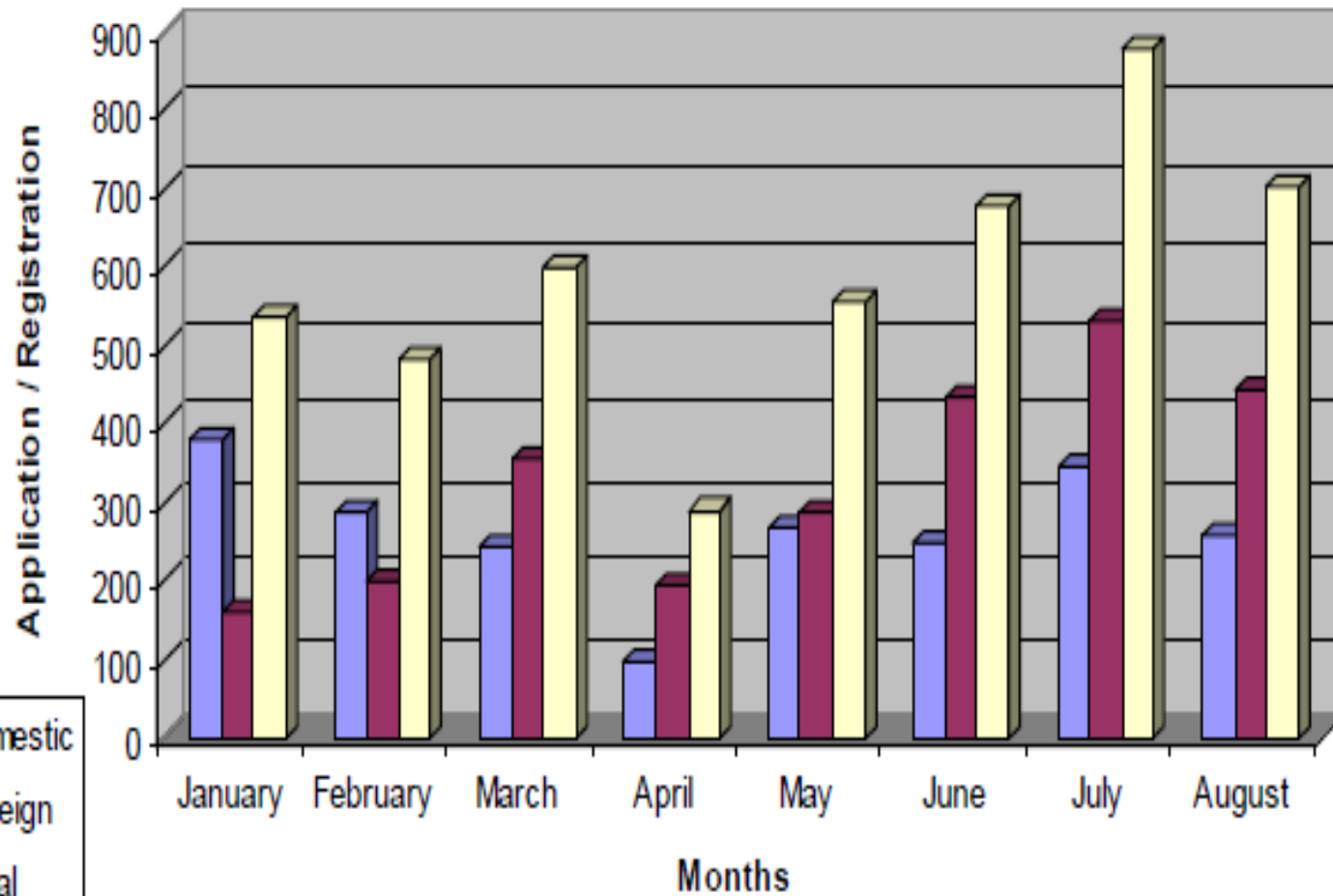
Phone: 372416

Dated: 23rd July, 2012.

2005 to 2011 Registration Record

Years	Application			Granted		
	Domestic	Foreign	Total	Domestic	Foreign	Total
2005	2,446	1,330	3,776	2,446	1,330	3,776
2006	2,637	1,518	4,155	2,637	1,518	4,155
2007	1,747	906	2,653	1,747	906	2,653
2008	2,857	1,796	4,653	2,857	1,796	4,653
2009	3,961	1,931	5,892	3,961	1,931	5,892
2010	3,821	2,149	5,970	3,821	2,149	5,970
2011	3,048	2,378	5,426	3,048	2,378	5,426
Total	20,517	12,008	32,525	20,517	12,008	32,525

2012 Registration Record



Status of draft IP laws

WTO extended the deadline to enact IP laws from July, 1st 2013 to July, 1st 2021 for all Least Developed Countries incl. Myanmar .

Committee responsible for drafting IP laws : TM, GI, Design, Patent, Copyright.

IP Draft laws - strong possibility for TM law to be enacted at the end of December 2013 or beginning of April, 2014.

Design, Copyright laws should be enacted after TM law, then Patent Law should follow.

Recommendations

RECORD your KEY marks NOW & LOCALIZE them in Myanmar languages

PUBLISH your mark in a local newspaper/Magazine as a Cautionary notice only if you don't use it in Myanmar

CONSIDER appointing a local distributor, it does not need to be sole distributor

RE-APPLY for your mark within 3 years from the entry into force of new Trade Mark Law.

Pirated marks



IP & ASEAN – further readings

An insight into the patent systems of fast developing ASEAN countries by Tuan Anh Vu, *World Patent Information* 34 (2012) pp. 134-142

From Grain-sized Innovations to Triple-Test Patents in ASEAN Patterns, Issues, and Implications in Development and Competitiveness Ngo Van Lam and Thitapha Wattanapruttipaisan *ASEAN Economic Bulletin* Vol. 22, No. 2 (2005), pp. 117–43

Thank you

Rouse

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