



WEBINAR

WEDNESDAY
DECEMBER 9

4:00 PM Singapore Time/ 9:00 AM Germany Time/ 8:00 AM UK Time

ON-DEMAND
FOR 2021
BUSINESS



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Munich - Milan Office



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International Business Advisory

Protect Your Intellectual Property in ASEAN and China Key Legal Considerations by Country



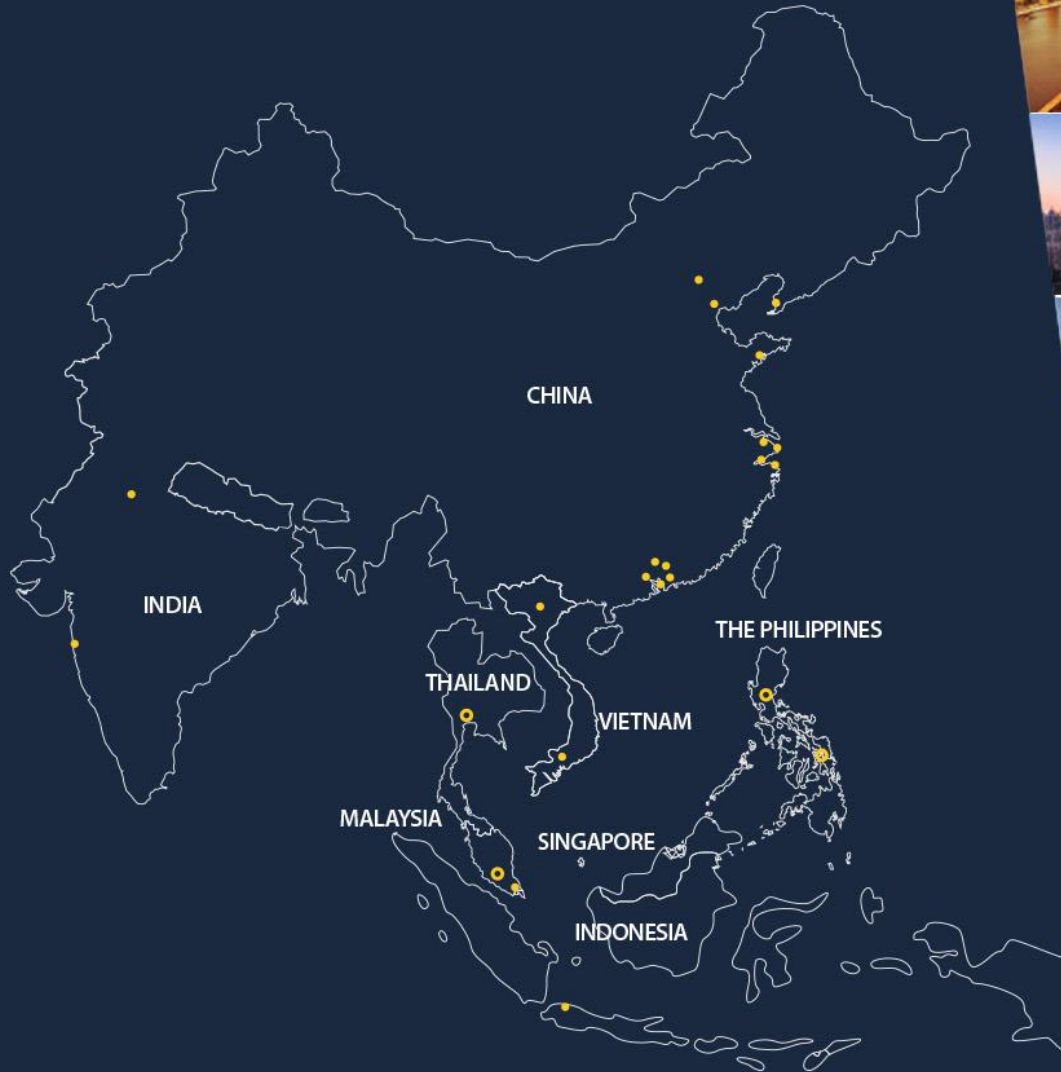
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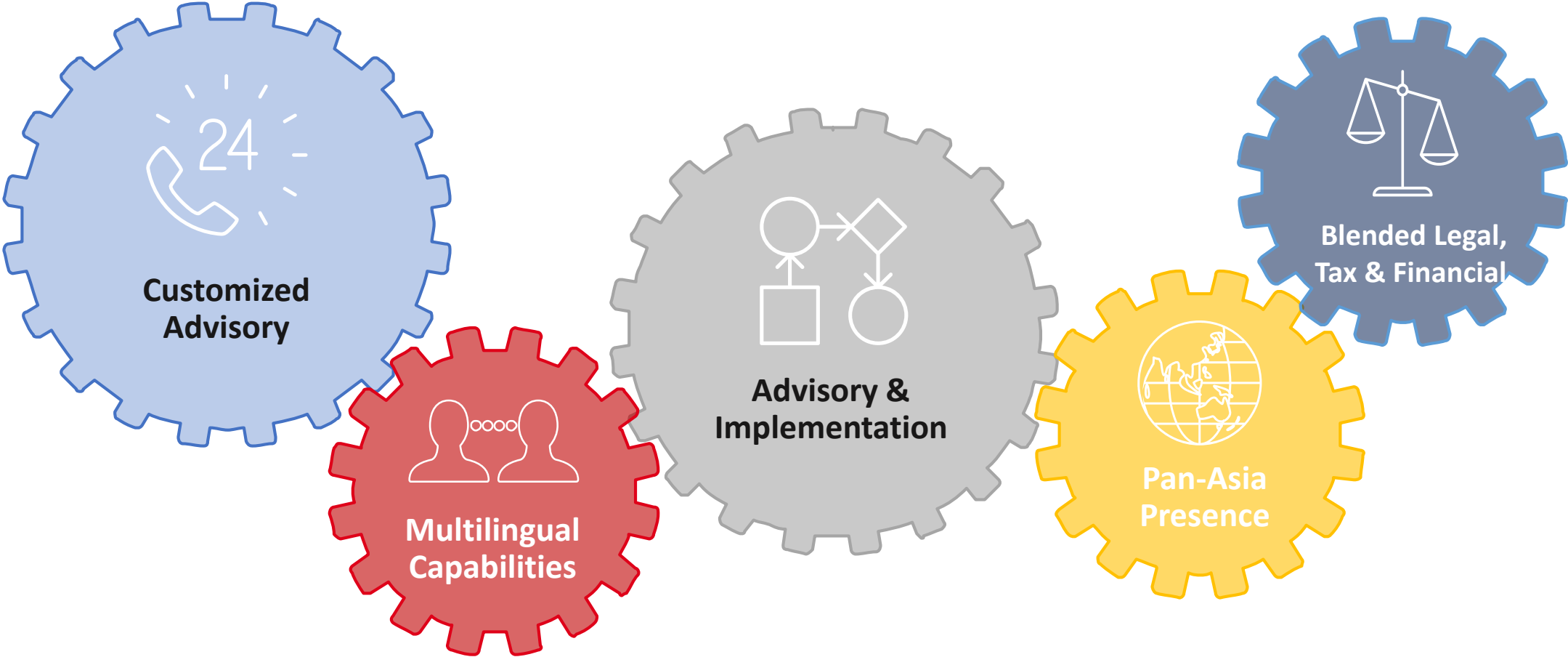
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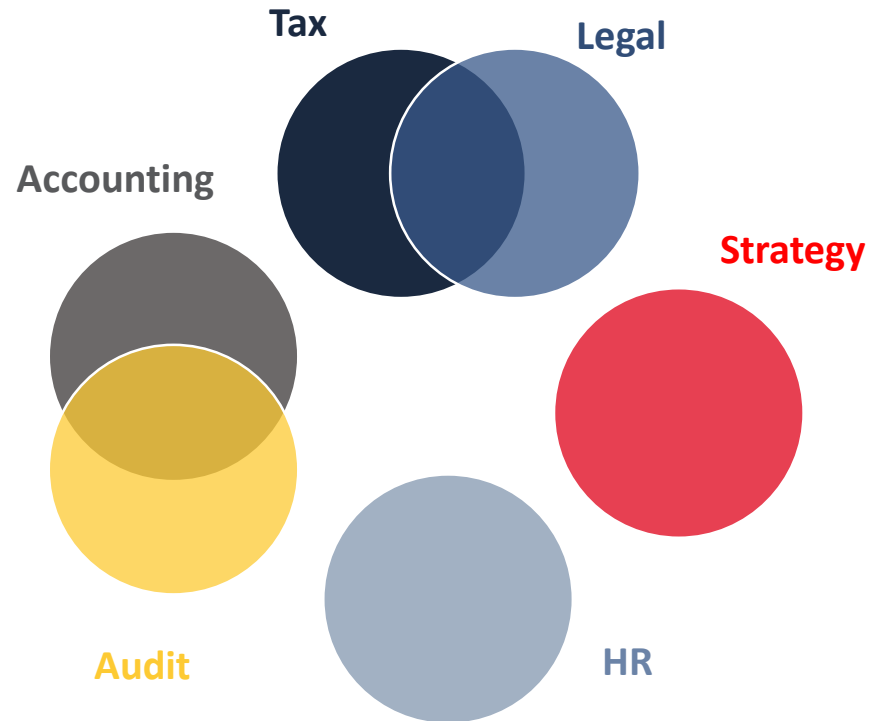


Our Distinctive Features



Assisting clients every step of the way

Traditional model



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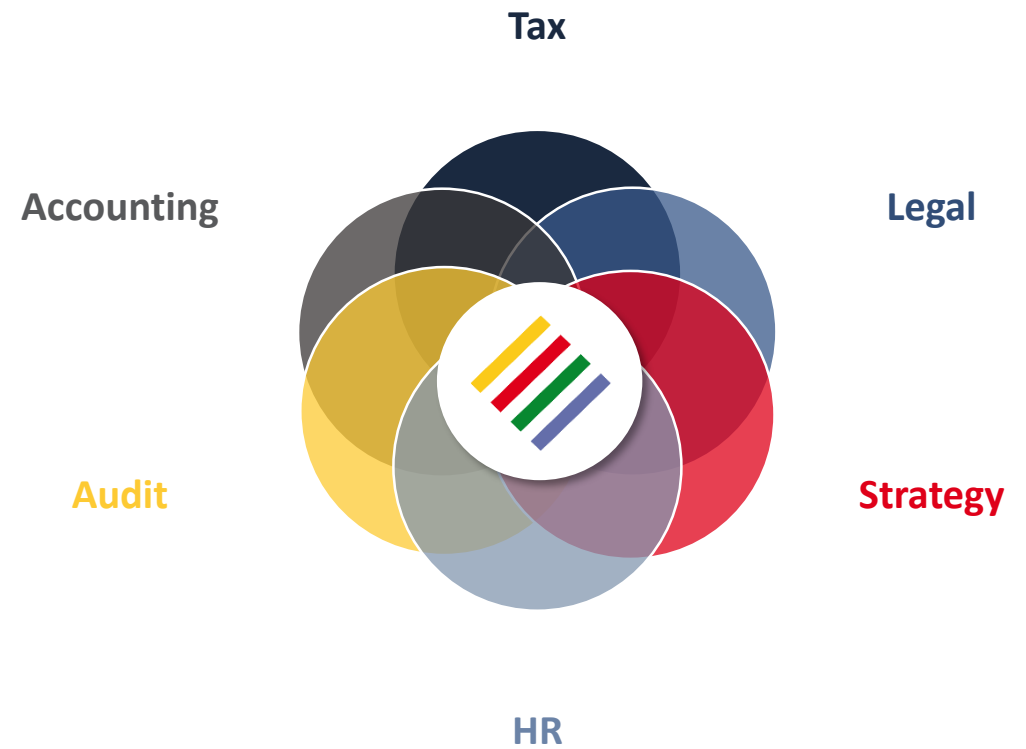
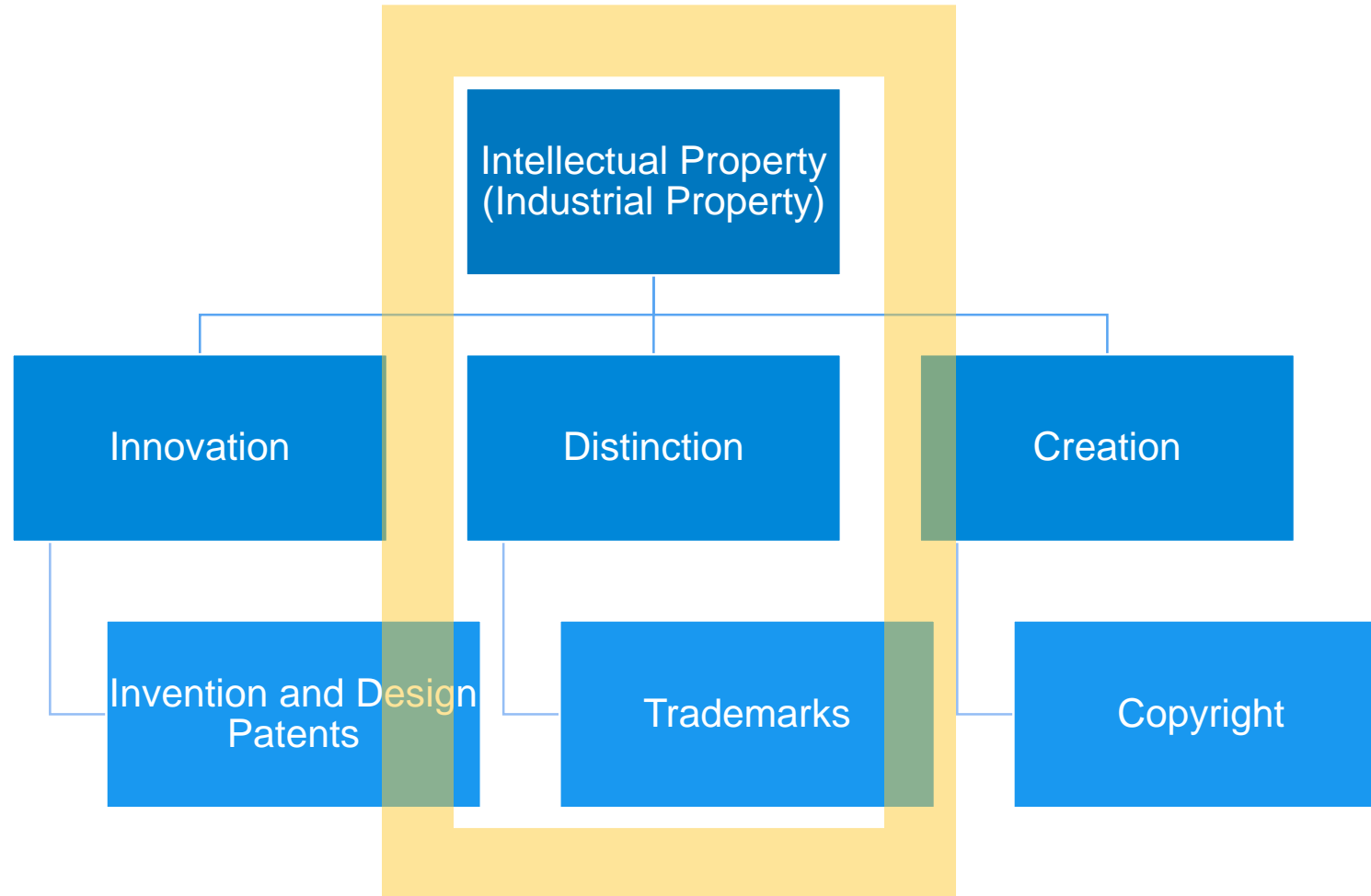


Table of contents for today's webinar

- Quick back-to-basics on Intellectual Property
- International Laws and Organizations
- Trademarks and Patents in China
- Geographical Indications: EU and China
- Trademarking and patenting in South East Asia
 - Singapore
 - Indonesia
 - Philippines
 - Malaysia
 - Vietnam
 - Thailand
- A final comparison

The IP family





WHAT ARE THE MAIN IP RIGHTS?

A **trademark** is a symbol, such as a brand name or logo, that a business uses to distinguish its goods and services

A **patent** protects your invention by giving you, the patent owner, a legal right to prevent others from manufacturing, using, selling or importing your patented invention.

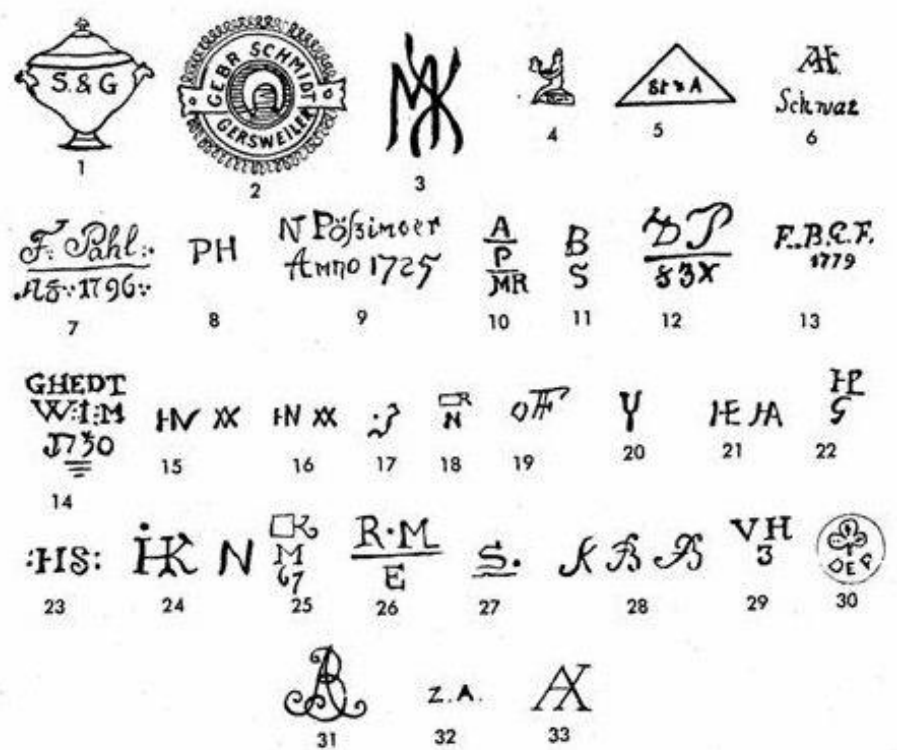
Designs can be registered for a wide range of products, including computers, telephones, CD-players, textiles, jewelry and watches. Registered designs protect only the appearance of products, for example the look of a computer monitor.

Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form.

Ming Dynasty Marks

武大明 年明洪 製洪	榮 製樂	樂大明 年明永 製永
HUNG-WU HONGWU 1368-1398	YUNG-LO YONGLE 1403-1424	YUNG-LO YONGLE 1403-1424
德大明 年明宣 製宣	化大明 年明成 製成	治大明 年明弘 製弘
HSUAN-TE XUANDE 1426-1435	CHENG-HUA CHENGHUA 1465-1487	HUNG-CHI HONGZHI 1488-1505
德大明 年明正 製正	靖大明 年明嘉 製嘉	慶大明 年明隆 製隆
CHENG-TE ZHENGDE 1506-1521	CHIA-CHING JIADING 1522-1566	LUNG-CHING LONGQING 1522-1572
曆大明 年明萬 製萬	啟大明 年明天 製天	禎大明 年明崇 製崇
WAN-LI WANLI 1573-1619	T'EN-CHI TIANQI 1621-1627	CH'UNG-CHENG CHONGZHEN 1628-1643

GERMANY



Why signatures and symbols?

Universally accepted definition of a trademark

- A **sign** that can be **represented graphically**, such as: words, drawings, letters, figures, sounds, form of the product or its packaging, the combinations or shades of color, which is **used by an individual or a Company to distinguish itself and/or its products, and/or services** which it produces, and/or markets.

Now focus

**sign
graphically**

represented

**used by
an individual or a Company to
distinguish itself and/or its
products, and/or services**

Permitted Trademarks

Text

Graphics

Alphabets/Numbers

3-D Mark

**Color
Combinations**

Sounds

Article 8 of the Trademark Law of the People's Republic of China; 2014

What are the requirements to **create** a valid trademark?

1. Shouldn't be against the laws

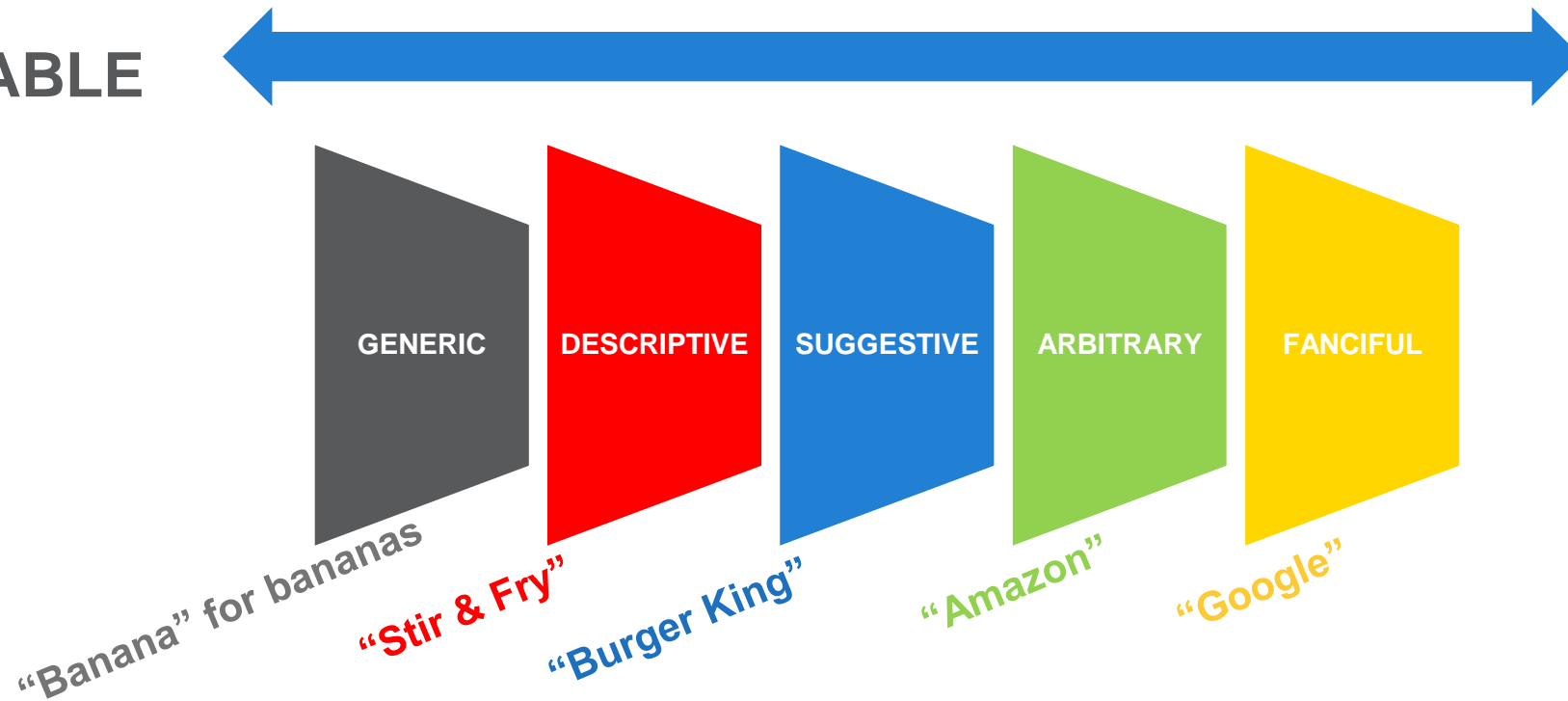
1. No racism
2. No international emblems or flags
3. Non-discriminatory

2. The mark should be **DISTINCTIVE**

TRADEMARK **DISTINCTIVENESS**

UN
PROTECTABLE

HIGHLY
PROTECTABLE



What makes a trademark?



Big Mac

= word mark



Nokia Tune



NICE CLASSIFICATION SYSTEM (1957)

Nice Trademark Classification System

- Nice Agreement; administered by the World Intellectual Property Organization (WIPO)
 - Nice Classification, Tenth Edition, version 2015 (NCL 10-2015); effective January 1, 2015
 - 84 signatory nations to the Nice Agreement (Canada not a signatory)
- 45 Classes of Goods & Services
 - Classes 1-34 goods-related
 - Classes 35-45 services-related
- Applicant chooses Class as appropriate



□ Laws and Regulations

International Laws and Regulations

- *The Paris Convention for the Protection of Industrial Property*
- *The Berne Convention for the Protection of Literary and Artistic Works*
- *The WIPO Copyright Treaty (WCT)*
- *The Patent Cooperation Treaty (PCT)*
- *The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure*
- *The Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement*
- *The Hague Agreement Concerning the International Deposit of Industrial Designs*
- *The Trademark Law Treaty (TLT)*
- *The Patent Law Treaty (PLT)*

International Laws and Regulations (Continued)

- *Treaties on Classification*
- *The Strasbourg Agreement Concerning the International Patent Classification*
- *The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks*
- *The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks*
- *The Locarno Agreement Establishing an International Classification for Industrial Designs*
- *Special Conventions in the Field of Related Rights: The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (the “Rome Convention”)*
- *The WIPO Performance and Phonograms Treaty (WPPT)*
- *The International Convention for the Protection of New Varieties of Plants*
- *The Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”)*

Domestic Laws and Regulations

- *General Rules of the Civil Law of the People's Republic of China (version 2017)*
- *Patent Law of the People's Republic of China (version 2008)*
- *Implementation Regulations for the Patent Law of the People's Republic of China (version 2010)*
- *Regulations on Patent Agency (version 2018)*
- *Administrative Measures on Patent Agents (version 2019)*
- *Trademark Law of the People's Republic of China (version 2019)*
- *Implementation Regulations for the Trademark Law of the People's Republic of China (version 2014)*
- *Copyright Law of the People's Republic of China (Version 2010)*
- *Implementation Regulations for the Copyright Law of the People's Republic of China (version 2013)*

[zhi-shi-chan-quan] 知识产权

Intellectual Property in China Mainland

excluding Hong Kong, Macau and Taiwan



China Trademark System

First-to-File Principle

- Only registered trademarks are protected; no protection for unregistered trademarks (except for "well-known" marks)
- First applicant to file with Chinese Trademark Office (CTMO) will enjoy exclusive rights to use a trademark
- Applicant does not need to demonstrate prior use "in commerce" or intention to use "in commerce" (except when competing application is submitted on the same day)

Trademark Law of the People's Republic of China;
promulgated August 30, 2013 & effective May 1, 2014

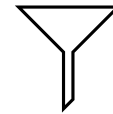




How the filing works



Select an agent/ firm (like us) and make as many applications needed for each class of goods or services



Each class chosen should include at least 10 subclasses of goods or services



Duration: 9 to 18 months

Knowing What to Trademark

Words

- U.S. Reg. No. 22,406 for COCA-COLA (stylized)
- U.S. Reg. No. 238,145 for COCA-COLA
- U.S. Reg. No. 238,146 for COCA-COLA (stylized)
- U.S. Reg. No. 415,755 for COKE (stylized)
- U.S. Reg. No. 3,347,889 for COKE

Designs

- U.S. Reg. No. 1,057,885 for dynamic ribbon
- U.S. Reg. No. 3,582,528 for dynamic ribbon
- U.S. Reg. No. 2,085,197 for bottle drawing
- U.S. Reg. No. 2,155,915 for bottle drawing
- U.S. Reg. No. 4,125,786 for recycling symbol

What should you call it?

Literal translation

Apple chose the Chinese word 'ping guo' (苹果), which is Chinese for 'apple' (computers).



Phonetic Translation

- 'McDonald's': 'Mai Dang Lao' (麦当劳)
- 'Audi': 'Ao Di' (奥迪)
- 'Siemens': 'Xi Men Zi' (西门子)



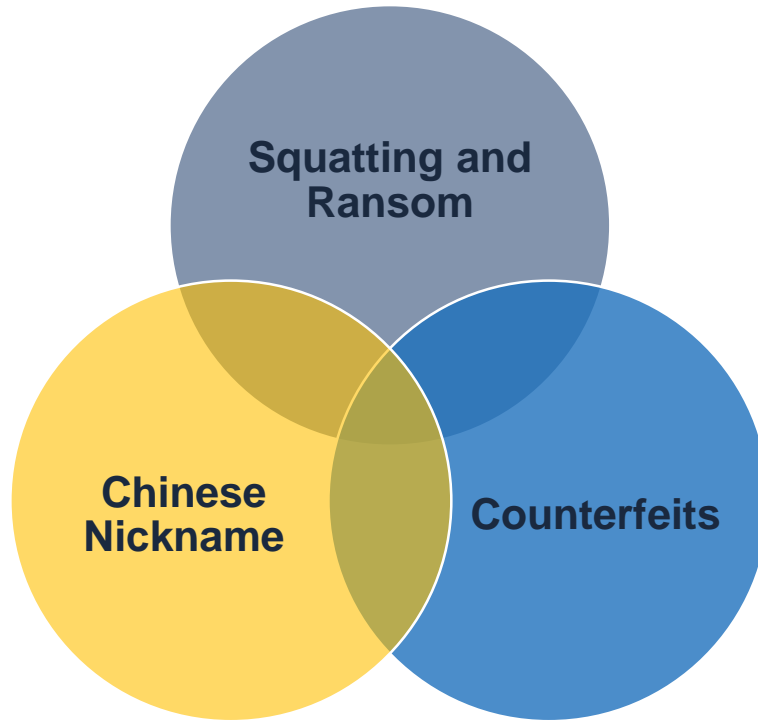
Combination

Coca-Cola chose 'Ke Kou Ke Le' (可口可乐): 'tasty and joy'.



China Trademark Issues

Common Issues



Controllable Factors

- Negligence (lazy? fear of spending?)
- Bad management at trade fairs giving samples and brochures?
- Bad brand protection at home and abroad;
- Presumption of being a well-known TM in China, "too"!

Uncontrollable Factors

- Squatting of TMs and domain names (cybersquatting);



Protection of **Other** Intellectual Property in China



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Patent Types in China

Invention Patent

20 Years

**Utility Model
Patent**

10 years

Design Patent

3 Years

*(should register before design
is disclosed anywhere)*

*NOTE: The above does not include Standard Essential Patents or Implementation Patents,
which may be treated differently*

Trade Secrets Protection

Overview

Trade secrets include confidential business information that may provide your company with a competitive advantage over others. However, trade secret are registerable rights.

Trade secrets can include hundreds of technologies/processes.

Examples:

- KFC's secret blend of 11 herbs and spices.
- Coca-Cola's recipe for their signature drink.
- Google's search algorithm.
- McDonald's Big Mac "special sauce."
- Secret client lists at any company.

Requirements

- Technical and business information that is unknown to the public;
- Information that has economic value and practical utility; and
- Information that the trade secret owner has palpably protected – the owner should have undertaken (demonstrable) measures to ensure its confidentiality.

EU and China – Geographical Indications

Sep 24, 2020 the EU signed an agreement with CNIPA

will come into force in 2021

Geographical indications (GIs) are protected since 1995 in the TRIPS agreement (Trade Related Aspects of Intellectual Property)

Foreign applicants can apply for a GI in China if they have obtained GI protection in their country or region.

GIs are “**distinctive signs attached, mainly, to agri-food products that have a given quality, reputation or other characteristics that are attributable to their specific geographical origin.**”

The agreement seeks to protect **100 EU GIs and 100 Chinese GIs** in each other's territories against imitation and usurpation, and to bring the principle of reciprocity to bear in EU-China ties.







INTELLECTUAL PROPERTY IN SINGAPORE

Trademarks and Patents

TRADEMARKS

Singapore operates under '**first-to-file**' system, meaning that the first person to file an IP right in the Singaporean jurisdiction will own it.

Singapore follows the **Nice Classification System**

A trademark lasts indefinitely so long as you register it every **10 years**, and it can be licensed or sold to others. It will only be revoked if the owner does not use it within 5 years of registering it. It may take up to **8 months** to get the trademark approved.

A trademark must be:

- Distinctive (not descriptive)
- Cannot be identical or similar to a trademark already in use in Singapore
- Cannot be contrary to public policy or morality.
- Registered in good faith.



PATENTS

A patent in Singapore is valid for **20 years**, so long as the owner pays the annual renewal fees.

The estimated processing time ranges from **two to four years** from the date the application is filed. A Singaporean patent must be:

- New: Should not be publicly know anywhere in the world.
- Inventive: Even if it is new, it must be an improvement
- Industrial application: Should have practical application.

A patent can be registered in one of two ways:

Domestic application: Applicants wishing to apply for a patent in Singapore only can file with the Registry of Patents

International application: Applicants wishing to apply for a patent in multiple countries can do so under the Patent Cooperation Treaty (PCT)



Singapore keeps top spot in Asia for IP protection

It is 4th in global index of strength of protection across physical and intellectual property rights



IP powerhouses

Country	Rank	
	2019	2018
Finland	1	1
Switzerland	2	3
New Zealand	3	2
Singapore	4	5
Australia	5	7
Japan	6	11
Sweden	7	6
Norway	8	4
Luxembourg	9	9
Netherlands	10	8

Source: INTERNATIONAL PROPERTY RIGHTS INDEX 2019 REPORT
STRAITS TIMES GRAPHICS



INTELLECTUAL PROPERTY IN INDONESIA

Trademarks and Patents

TRADEMARKS

Indonesia operates under '**first-to-file**' system, meaning that the first person to file an IP right in the Indonesia jurisdiction will own it.

Indonesia follows the **Nice Classification System** (even though it is not a contracting state)

The trademark lasts for **10 years** and can be applied for renewal within six months prior to the expiration date, or you can apply within six months after the expiration date (paying a fine).

It takes around **20-24 months** to get the trademark approved after the submission of the application.

Most common reasons for refusal are due to:

- Similarity to other trademarks
- It does not match the classification, or it is misleading in the description of the goods and/or services
- Similarity to the name of a famous individual or legal entity
- It conflicts with the Indonesian national or religious ideologies, morals, and codes of conduct.



PATENTS

There are two types of protection for technical inventions under Indonesian patent law:

- Patents: The requirements are:
 - Novel
 - Inventive step
 - Industrial application
- Simple Patents (utility models): If the invention is new and industrially applicable, but it does not involve an inventive step

It can take approximately **3 to 5 years** to get approved.

The standard term of protection is **20 years** for a patent and **10 years** for a simple patent. You may grant a license for your patent to another person pursuant to a license agreement.



IKEA verdict: Another bad sign for intellectual property rights

Aga Nugraha

The Jakarta Post

Jakarta / Fri, March 4, 2016 / 09:32 am

0 SHARES

The Supreme Court's recent decision in the IKEA case caused quite a stir when it went public. In the wake of the decision, investors have raised concerns over intellectual property (IP) protection in Indonesia, particularly protection for well-known brands.

WhatsApp icon

The decision also captured media attention, locally and internationally, thanks to IKEA's international ubiquity. *The Guardian* in its article punned "Rattan Decision? Ikea Loses Rights to Own Name in Indonesia." Associated Press remarked "There is Samsung of South Korea, Sony of Japan, BMW of Germany, and [now] IKEA of Indonesia."

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Singapore: Well Known Trademark Pierre Cardin Loses Final Battle In Indonesia Court

06 March 2019

by Denise Mirandah

Global Advertising Lawyers Alliance (GALA)

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The long running dispute between Pierre Cardin ("Plaintiff") and Alexander Satryo Wibowo ("Defendant") finally reached its conclusion on 28 June 2018 (Supreme Court Decision No. 49 PK/Pdt.Sus-HKI/2018).

The Plaintiff filed for a cancellation action against the Defendant for the registered trademarks PIERRE CARDIN wordmark and PIERRE CARDIN device in class 3. The grounds were (1) similarity in particular and entirety to Plaintiff's well-known mark, and (2) bad faith. The Defendant's trademarks had been registered in Indonesia since 29 July 1977 by then proprietor Wenas Widjaja and had been renewed timely.

FEATURES

COPYRIGHT VS RIGHT TO COPY: HOW SUPERMAN, IKEA, AND OTHER GLOBAL BRANDS LOST TRADEMARK BATTLES IN INDONESIA

By Coconuts Jakarta May 30, 2019 | 12:10pm Jakarta time



From left: Superman chocolate wafer biscuits, Professional shoes, IKEA Indonesia

An aerial night view of a city skyline, likely Manila, Philippines. The image shows a dense cluster of high-rise buildings, many of which are illuminated with warm lights. A semi-transparent blue banner is overlaid across the middle of the image, containing the title text. The sky is a deep twilight blue.

INTELLECTUAL PROPERTY IN PHILIPPINES

Trademarks and Patents

TRADEMARKS

Philippines follows a **first-to-file** trademark system as well as the **Nice Classification System**.

The period of protection is **10 years** from the date of issuance and is renewable for a period of 10 years at a time. It takes on average **6 – 12 months** to get the application approved.

Any visual sign can be registered as a trademark in the Philippines, such as word marks; figurative marks; slogans; composite marks; colour marks; three-dimensional marks; position marks; hologram marks; motion marks; and collective marks.

As a result, trademarks that are not visually perceptible, cannot be registered in the Philippines including sound marks; smell marks; touch marks; and taste marks.



PATENTS

The protection is granted for 20 years from the international filing date of the application.

- Novel
- innovative step
- Industrial application

It takes an average of **2 to 3 years** from the filing date of the application in the Philippines to register a patent.

No. Section 22.2 of the Intellectual Property Code provides that computer programs are not patentable although they are protected by copyright.



PH keeps clean record in USTR piracy watch list for 7 years

By Kris Crismundo  May 1, 2020, 4:52 pm

Share 

MANILA – The Philippines maintained its clean record to be out of the United States Trade Representative (USTR) Special 301 Report, the United States' piracy watch list, for seven consecutive years.

"We welcome the country's continued exclusion from the Special 301 priority lists," Intellectual Property Office of the Philippines (IPOPHL) Deputy Director General Teodoro Pascua said in a statement Friday, commenting on the USTR's 2020 Special 301 Report.

The Philippines has stayed off the US piracy list since 2014 after the country became an intellectual property rights concern for the US for 20 years.



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Philippines out of European Union's priority watch list on counterfeiting

JAN 27, 2020 12:05 AM PHT
RAPPLER.COM



 The European Union delists the Philippines, citing 'very few complaints received from stakeholders'

Starbucks wins Philippine case over 'Frap' trademark - report

ABS-CBN News
Posted at Sep 25 2014 11:07 AM | Updated at Sep 25 2014 11:09 PM

MANILA, Philippines - Global coffee giant Starbucks has won a trademark case against a Philippine company, which tried to register the name "Frap" for a marketing slogan, BusinessWorld reported on Friday.

Cafe de Manila Corp had filed an application to use the phrase "The Frap Bar Everyone Deserves and Designs" on its coffee products.

Starbucks owns the trademark to "Frappuccino," which refers to its line of frozen coffee drinks.

The Intellectual Property Office's Bureau of Legal Affairs (BLA) ruled in favor of Starbucks in the dispute, citing the Intellectual Property Code of the Philippines.

Section 123 (d) of Republic Act No. 8293 provides that "a mark cannot be registered if it is identical with a registered mark belonging to a different proprietor or a mark with an earlier filing or priority date with respect of the same goods or services, closely related goods or services, or if it nearly resembles such a mark as to be likely to deceive or cause confusion."

ECONOMY ONE NEWS

Philippine IP protections lag as regional economies shift to higher-value businesses

September 24, 2019 | 10:38 pm



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PHILSTAR

THE Philippines is "way behind" on intellectual property (IP) rights protections, a crucial consideration for investors deciding to put money in the country, the Geneva Network said in a report released to journalists Tuesday.

"The Philippines is quite some way behind the global leaders like the US and Japan. It's doing relatively okay compared to some neighbors like Vietnam and Indonesia and Thailand," said Geneva Network's Executive Director Philip Stevens.



INTELLECTUAL PROPERTY IN MALAYSIA

Trademarks and Patents

TRADEMARKS

Malaysia practices the **'first to use'** principle which recognizes an unregistered brand being used as a trademark conferring rights to the owner.

The protection is granted for **10 years** and the processing time is between **12-18 months**.

Malaysia follows the **Nice Classification System**.

A registrable trademark is one that can include a distinctive logo or symbol, image, name, signature, word, letter, numeral or any combination thereof.

Recent amendments to the Malaysian Trade Marks Act allow the eventual registrability of Non-Traditional Marks (NTMs) such as smells, sounds, colours, shapes, moving images, tastes and textures.



PATENTS

Malaysia adopts a “**first to file**” system for patents.

Average processing time for patent registration in Malaysia is **3 years**.

Two types of patents are granted:

- Standard Patent: The invention must be novel, must have an inventive step and industrially applicable. The protection is granted for **20 years**.
- Certificate of Utility Innovation: No inventive step is required. A Certificate for Utility Innovation provides exclusive rights for a **maximum of 4 periods of 5 years each**.



Malaysia Joins the Madrid System

September 27, 2019

On September 27, 2019, the Government of Malaysia deposited its instrument of accession to the [Madrid Protocol](#) with [WIPO's Director General](#), making Malaysia the 106th member of the [Madrid System](#), which now covers 122 countries. The Protocol will enter into force for Malaysia on December 27th, 2019.



INNOVATION-LED ECONOMY

Malaysia ranks 2nd in S-E Asia intellectual property index

KUALA LUMPUR: The US Chamber of Commerce's Global Innovation Policy Centre (GIPC), in its seventh annual international intellectual property (IP) index, ranks Malaysia second in South-east Asia.

GIPC international policy executive director Ellen Szymanski said the report analyses the IP climate in 50 world economies and ranks economies based on 45 unique indicators that are critical to an innovation-led economy supported by robust patent, trademark, copyright, and trade secrets protection.

"Malaysia's score illustrates how the country has taken positive steps to bring its IP framework closely in line with its Southeast Asian economy peers," she said in a statement yesterday.

The report of the index also ranks Malaysia 24th out of 50

economies. Malaysia's overall score increased from 48.68 per cent in the sixth edition to 49.70 per cent in the seventh edition.

"Given how much progress Malaysia has made in improving its IP framework in the seven editions of the index, it is critical that the government rejects further attempts to weaken the IP framework through the use of compulsory licences.

"To emerge as a leading middle-income economy and continue to attract global investments, the government must create a robust patent environment, which was critical to protecting innovative, biopharmaceutical innovation in Malaysia," she said.

She said that the index could serve as a roadmap for the government to create a stronger business environment through more effective IP regime. **Bernama**

An aerial photograph of a city at sunset. The sky is filled with dramatic, colorful clouds in shades of orange, yellow, and blue. A prominent skyscraper is visible on the right side of the frame. A semi-transparent blue horizontal band is overlaid across the middle of the image, containing white text. The city below is densely packed with buildings, and a river or canal winds through the lower portion of the scene.

INTELLECTUAL PROPERTY IN VIETNAM

Trademarks and Patents

TRADEMARKS

Vietnam adopts a “**first to file**” registration system, meaning the first party to file the mark has rights to it granted.

Vietnam follows the **Nice Classification System**.

The validity term of a trademark in Vietnam is **10 years** and can be renewed each time for 10 years unlimitedly. To renew a trademark, the trademark owner must file a request for renewal and pay the renewal fee within 6 months before the expiry of the preceding validity term. The trademark may be also renewed within six months after the renewal due date provided that a prescribed surcharge is paid.

The processing time is around **14-18 months**.

Letters, words, drawings or images, including holograms, or a combination thereof, represented in one or more colours are registrable as a trademark in Vietnam.



PATENTS

Vietnam's patent law also operates under the “**first to file**” principle.

- The invention patent is valid for 20 years (annual maintenance fee paid) – cannot be renewed.
- The utility solution patent is valid for 10 years (annual maintenance fee payment) – cannot be renewed.

It normally takes **3-4 years** from the date of filing to obtain the approval of a patent.



Vietnam boosts IP rights to attract investment

According to experts, one of the key factors limiting the arrival of quality investment flows in has been its poor enforcement of intellectual property rights. Intellectual property legislation is a common requirement within the framework of many free trade agreements to which Vietnam is a signatory.

VNA - Monday, October 12, 2020 13:44

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RELATED NEWS

Project aims to improve intellectual property protection
Monday, July 13, 2020
16:41

Intellectual property vital for firms: experts
Wednesday, April 29, 2020
20:55

Intellectual property system works to adapt to 4th Industrial Revolution
Friday, October 11, 2019
11:24



Investing in **Vietnam** since 2007, this company quickly became one of most successful investors in the country's motorcycle manufacturing sector. It has, however, found many counterfeit models in the market.

According to foreign investors, violation of intellectual property rights in Vietnam remain a serious issue and occur on a large scale. This makes many potential investors hesitate when considering Vietnam as an investment destination.

This is a limitation facing Vietnam when joining major trade agreements such as the Free Trade Agreement between the European Union and Vietnam. It has effected flows of quality **investment** with a technological advantage.

The Government of Vietnam has set a target by 2030 of increasing the effectiveness of the intellectual property laws and significantly reducing infringement of **intellectual**

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- 1 Ensuring standards, quality in exports of Luc Ngan "thieu" litchi to Japan
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- 4 Effective seaport use to drive economy upwards
- 5 Doctors bringing hope to HIV patients

Vietnam amends intellectual law following big trade pacts

Linh Pham



The Hanoitimes - The signing of big trade pacts has prompted the comprehensive amendment of the law that enacted in 2005.

The Vietnamese government has just released another draft amendment of its 2005 Law on Intellectual Property (IP Law) following the recent signing of the Regional Comprehensive Economic Partnership (RCEP), the world's largest trading bloc.

Tran Manh Hung and Vo Chi Dung at multinational law firm Baker McKenzie provide guidance to the issue.





INTELLECTUAL PROPERTY IN THAILAND

Trademarks and Patents

TRADEMARKS

Thailand operates under a **first-to-file system** and it follows the **Nice Classification** (although it is not a contracting-state)

A trademark registration is valid for **10 years** from the date of registration and could be renewed for 10 years before the expiry date.

The registration process for trademarks in Thailand typically takes between **12 and 18 months**.



PATENTS

- **Invention Patents** which require Novelty + Inventive step + industrial applicability. The protection is granted for **20 years**
- **Design Patents** which require Novelty + industrial applicability. Design patents are granted based on the ornamental aspects or aesthetics of an article, including features that pertain to the shape, configuration or pattern. The protection is granted for **10 years**
- **Petty Patent** (also known as utility models) which require Novelty + industrial applicability. The protection is granted for **10 years**

It make taken more than **5 years** for the patent to be granted



Thailand to keep US trade list spot

IP protection efforts noticed with caveats

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The United States Trade Representative (USTR) in its annual Special 301 Report is expected to keep Thailand on its Watch List (WL) thanks to improvements in intellectual property (IP) protections, said a source at the Commerce Ministry.

That report is scheduled to be released on Thursday. Thailand was lifted from the USTR's Priority Watch List (PWL) and placed on the WL in 2017 after it had been left on the PWL for 10 years, said the source.

Comparison – IP in ASEAN & China

	System	Classification	Years of Protection	Processing time
Singapore	First-To-File	Nice Classification	10 years (trademarks) and 20 years (patents)	8 months (trademarks) and 2-4 years (patents)
Indonesia	First-To-File	Nice Classification (non-contracting state)	10 years (trademarks) and 20 years (patents)	20-24 months (trademarks) and 3-5 years (patents)
Philippines	First-To-File	Nice Classification	10 years (trademarks) and 20 years (patents)	6-12 months (trademarks) and 2-3 years (patents)
Malaysia	First-to-Use (trademarks) and First-To-File (Patents)	Nice Classification	10 years (trademarks) and 20 years (patents)	12-18 months (trademarks) and around 3 years (patents)
Vietnam	First-To-File	Nice Classification	10 years (trademarks) and 20 years (patents)	14-18 months (trademarks) and 3-4 years (patents)
Thailand	First-To-File	Nice Classification (non-contracting state)	10 years (trademarks) and 20 years (patents)	12-18 months (trademarks) and 5+ years (patents)
Mainland China	First-To-File	Nice Classification (plus subclasses!)	10 years (trademarks) and 20 years (patents)	9-18 months (trademarks) and 2-3 years (patents)

Don't forget to do the following

File your Intellectual Property with Customs



Protect your Intellectual Property at trade fairs



IP best practices when entering new markets

1. Identify IP assets
2. Assess vulnerability
3. Clarity of ownership
4. Think about online protection
5. Know and adapt to local rules
6. File IP rights
7. Do not forget copyright
8. Establish key contracts and licenses
9. Spend for advisory
10. Be prepared to enforce your rights
11. Build internal awareness
12. Join forces and experiences on protecting your IP



Questions?



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