

Editorial

Despite Thailand is likely to see its status upgraded on the United States' intellectual property rights "Watch List", the report of the US Trade Representative last month was released with Thailand status keeping on the Priority Watch List. "We are very disappointed with the US decision to maintain our designation as a weak country for IPR awareness. The US should take into account the present government's serious attempts to crack down on violations and increase IPR awareness in the country," Deputy Commerce Minister said. The government will submit a letter expressing disappointment to Ron Kirk, the USTR.

The Special 301 Report calls into question about its findings. Frustration with the report is not limited to Thailand, other country like Canada will submit briefs to the US defending its laws and policies. Although remaining on the PWL, Thailand will stringently implement IP laws to increase awareness among traders and consumers and reduce violations. Since revising IP laws or introducing new legislation to protect IP, these should come on their terms and in the national interest, not as a result of other evaluation or trade barrier tactics.

Waraporn M.

1. Kingdom expects rewards for progress in intellectual property

(From The Nation, Thailand, March 15, 2010)

Bangkok – Deputy Commerce Minister Alongkorn Ponlaboot said that the US reported its appreciation of Thailand's intellectual property awareness efforts this year. The US Trade Representative will release its annual "Special 301" review of copyright piracy on April 30.

The US last month conducted a public hearing on its trade status revisions this year. It noted that Thailand has made creditable progress on protecting IPR and suppressing infringements. Mr. Alongkorn said the government was optimistic about the country moving back to the "Watch List" because of its good intentions in clamping down on IPR abuses over the past year and the policy to promote a creative economy.

2. Trade panel finds against AP Honda

(From The Nation, Thailand, April 1, 2010)

Bangkok – AP Honda is likely to face charges of having violated the Trade Competition Act if public prosecutors decide to go ahead with the case decided by the Trade Competition Committee. The case, involving the company's policy to bar motorcycle dealers from selling brands other than Honda, will go to the public prosecutors soon. Commerce permanent secretary Yanyong Phuangrach said "it would be the first case in which the government had lodged a lawsuit against private firms for breaching the law. Article 25 of the Trade Competition Act focuses on market dominance. Violators face three years' imprisonment and/or a Bt6-million fine. The committee originally filed the case with prosecutors in 2003, but they asked for further investigation. The case was launched in 2001 by Kawasaki Motor Enterprises, Thai Suzuki Motor and Thai Yamaha Motor.

3. US still has issues with Thai customs, trade, IT

(From The Nation, Thailand, April 5, 2010)

Bangkok – The latest National Trade Estimate Report on Foreign Trade Barriers 2010, released by the US Trade Representative (USTR), cited a number of trade practices here that it deems obstacles to trade, including non-transparent practices, high tax rates insufficient protection of intellectual property, and a complicated standard certification process. The report expressed concern over the lack of progress in addressing the widespread problems of piracy and counterfeiting. However, it was satisfied with the Thai government's recent high-level commitment to protect and promote IPR in Thailand and the creation of a national strategy to advance this commitment. Deputy Commerce Alongkorn Pollabutr said he had ordered the Intellectual Property Department and the Thai Trade Representative in the US to explain the country's bid to suppress and protect IPR before the PM visits Washington this month

4. 2011 budget slashed for Creative Thailand

(From The Nation, Thailand, April 7, 2010)

Bangkok – The government approved Bt 90 million for next year's Creative Thailand: Creative Economy project – much lower than the Bt1 billion allocated for this year. The budget had been reduced because the government did not have enough financial support for the project. However, the government still needs to prioritise the projects meant for next year.

5. Kia and Hyundai: No more copycats

(From The Straits Times, Singapore, April 11, 2010)

New York Times – Kia and Hyundai have been honing their own signature styles which introduced at the New York auto show – and are becoming visually desirable rivals to Japanese, American and even German brands. Kia began its design awakening in 2006 when it hired Mr. Peter Schreyer, a German who had been Audi's head designer, as its design director. Meanwhile, Hyundai's executive vice-president for design Suk Geun Oh has promised that the company's designs will be not simple, but provocative and aggressive.

6. Global Yellow Pages takes copyright dispute to court

(From The Straits Times, Singapore, April 13, 2010)

Singapore – Directory publisher Global Yellow Pages (GYP) has taken its rival, Promedia Directories, to the High Court over a copyright dispute. The dispute is about the question whether any company should have intellectual property rights over the published names, address, phone and fax numbers of commercial firms and businesses, which are public information. GYP told the court that Promedia had breached its copyright when Promedia reproduced thousands of phone listings and addresses in its publications. GYP told the High Court that it has exclusive deals with telcos SingTel and StarHub, which gave it rights to daily updates of subscriber information. In its defence, Promedia said it had obtained the information through its own hard work over 29 years. Its lawyer argued that GYP's exclusive arrangement with the telcos was forbidden under the Competition Act.

7. Kettle victory good news for both foreign and Chinese innovators

(From The Nation, Thailand, April 19, 2010)

Bangkok – Mr. Prasong Uthaisangchai, senior executive from Bangkok Bank, has expressed his appreciation on Chinese court ruling enforcing the intellectual property rights of a British manufacturer. The court in Beijing ordered two Chinese companies to pay 9.1 million yuan in damages to Strix Ltd for producing and selling electric control devices containing Strix's patented technology used in thermostatic controls for two-thirds of the world's kettles. The news was well received inside and outside China. Mr. Prasong said the ruling emphasized the basic principle of equal treatment in cases involving foreign companies. The case sends a great signal to innovators based in China as more technology is increasingly created and patented there.

8. Japanese companies look to VN

(From The Nation, Thailand, April 21, 2010)

Bangkok – Japanese investors are viewing Vietnam as a more attractive investment destination, with higher growth potential for industrial development, particularly in the textile and components industries, the Ho Chi Minh office of the Japan External Trade Organization (Jetro) said. At present, there are roughly 1,000 Japanese companies in Vietnam and around 7,000-8,000 firms in Thailand, managing director Yoshida Sakae said. He said the Vietnamese government had a clear direction to develop the country's industry.

9. Piracy booms as protests distract

(From The Nation, Thailand, April 27, 2010)

Bangkok – The political protests have cost local copyright owners up to Bt5 billion as pirated products flood the streets while police have been pulled away from battling counterfeiters. "If the turmoil is prolonged, sales of the entertainment industry could drop by 20-30 per cent," a source from the entertainment industry said. Illegal goods in the local market have soared by 90 per cent since March 12 and industry sales have dropped by 10 per cent in the first quarter of this year from the unrest, the source said. Sutthisak Pasarnkarukarn, secretary to the Suppression and Protection of Intellectual Property Rights Infringement Committee, a non-governmental organisation, said bogus copies have doubled in Bangkok as vendors took the opportunity of fewer police on patrol to expand their business.

10. Thailand bristles at PWL inclusion

(From The Nation, Thailand, May 4, 2010)

Bangkok – The government will submit a letter to the US Trade Representative expressing disappointment over Washington keeping Thailand on the Priority Watch List even though the Kingdom tried hard to crack down on intellectual-property infringement and promote IP awareness last year. The Thai government has made strenuous efforts to convince the US to upgrade Thailand's trade status to the Watch List (WL) this year, in order to ensure its exports are promoted under the US Generalised System of Preferences. The US said Thailand's piracy was still in the red zone, particularly infringements on the Internet. However, the USTR selected Thailand for its out-of-cycle review, in order to observe moves to stamp out illegal products closely. The Kingdom could be upgraded around midyear.

11. Avatar breaks piracy records

(From The Straits Times, Singapore, May 5, 2010)

Singapore – The Blu-ray version of Avatar is headed towards being the most pirated Blu-ray title, IT website tomshardware.com posted last Thursday. The site quoted filesharing blog TorrentFreak, which said that Avatar has beaten other Blu-ray downloads with more than 200.000 downloads clocked in the first four days of the file being available. It stated that a high percentage of downloads came from Britain and Australia in the first few days. But the piracy does not seem to have dented sales. In Britain, the number of copies the Blu-ray edition of Avatar sold on the first day on Monday last week beat the first week's sales of the Dark Knight – the bestseller up til then.

12. Half-price booze? It may be fake

(From The Straits Times, Singapore, May 10, 2010)

Singapore – The Straits Times tracked down at least 13 retailers in Singapore that sell expensive liquor brands at knock-down prices. Retailers refused to divulge where they got their stock from, or whether they knew if the alcohol they were hawking was real or adulterated. "If a well-known brand goes for a price that is much lower than the regular retailing price, it is possible that product could be fake," declared Mr. Stephen Fisher, a director at the International Federation of Spirits Producers (IFSP). The bottles with a knock-down price are usually parallel imports, say liquor experts, bought from places outside their country of origin. Traders who evade duties and taxes can be fined up to 20 times the amount evaded, jailed for up to two years, or both says Singapore Customs.

13. Software piracy rate comes down slightly

(From The Straits Times, Singapore, May 12, 2010)

Singapore – About 35 per cent of all personal computer software used in homes and offices here last year was pirated, down 1 percentage point from the previous year. The worst year was 2003, when 43 per cent of PCs here were chugging along on bootleg copies software. The figures from the Seventh Annual Global Software Piracy Study done by the Business Software Alliance (BSA) and International Data Corporation show that software companies lost US\$197 million in sales in Singapore last year, more than the US\$167 million in 2008. The Asia-Pacific remains the region with the highest loss in revenue from the use of pirated software, at US\$16.5 billion last year – nearly a third of the global total loss of US\$51.4 billion.

14. Innovation makes small firms winners

(From The Straits Times, Singapore, May 18, 2010)

Singapore – The Emerging Enterprise Awards 2010 (EE 2010) were presented to small, nimble companies with cutting-edge innovations as the main winners this year. KAI Square, MAJ Aviation and Udders Ice Cream won the top three prizes, each comprising interest-free loans and government grants worth \$390,000. KAI Square is a Web-based surveillance capability for the transport and logistics industries. Head of emerging business at OCBC, Mr. Tan Chor Sen, noted that competition for the annual awards was stiffer with double the number of entries compared to last year. “By embracing innovation, they are able to break new frontiers and capture market share.”

15. China, Canada among top on PWL

(From Bangkok Post, Thailand, May 20, 2010)

Thailand – US legislators have accused Canada, China, Mexico, Russia and Spain of “robbing Americans” by failing to crack down on piracy of movies, music, videogames and other copyrighted works. Theft of intellectual property in the five nations was at “alarming levels,” the Congressional International Anti-Piracy Caucus said, placing them at the top of the “2010 International Piracy Watch List” for the second year in a row. The caucus made up of 70 members of the US House of Representatives and Senate. It estimates global piracy costs US firms over 25 billion dollars in lost sales annually.