

Index

Accessible Book Consortium, 34 labor forces, 6 "Act of state" doctrine, 131 overview, 6-9 African Intellectual Property Organization population, 6 (AIPO), 31, 182-183 total land area, 6 Agreement on a Unified Patent Court trade partners, 7 ASEAN Charter, 6 (UPCA), 255 Agreement on Trade-Related Aspects of ASEAN Community Vision 2025, 201–202 Intellectual Property Rights. See ASEAN Comprehensive Investment TRIPS Agreement Agreement (2009), 91 American Law Institute, 117 ASEAN Coordinating Council, 90 American Summit (2005), 293 ASEAN Copyright Notification/ Appellations of origin. See Geographic Recordation Network, 20, 163 ASEAN Customs Transit System, 21 indications ASEAN Declaration (Bangkok Arbitration clause, 146 Argentina, 293, 295, 301 Declaration), 6 ASEAN ASEAN Designview, 73, 201 challenges of integration, 105 ASEAN Economic Community (AEC), 3, 12, 68, 82–83, 90 diplomacy in, 10-11 diversity in, 7-9 ASEAN Economic Community Blueprint digital divide, 7-8 (2008–2015), 82, 90, 91 economic divergence, 7 ASEAN Economic Community Blueprint (2015–2025), 3, 82, 91, 99, 194, political distinctiveness, 8 population, 8 201-203, 221 ASEAN Ethnic List of Goods and Services, religion, 8 social/cultural, 8-9 101-102 EU, compared with, 87-91 ASEAN Framework Agreement on economic integration timeline, 90-91 Intellectual Property Cooperation legal systems, 88-89 (1995), 12, 48, 59, 61, 155, 165, 206, stages of economic development, 88 210 ASEAN Intellectual Property Case Law supranational institutions, 89-90 expansion in 1999, 6 Database, 98 ASEAN Intellectual Property Direct, 21 exports, 7 foreign direct investments (FDIs), 7 ASEAN Intellectual Property Matrix, founding members, 3, 6 ASEAN Intellectual Property Portal, 19, GDP, 6, 7, 88 GDP per capita in, 6 102



314 Index

ASEAN Intellectual Property Rights Action Plan 2004–2010, 12, 59, 192, 206, 207, ASEAN Intellectual Property Rights Action Plan 2011–2015, 12, 59, 73–74, 82, 104, 110, 155–156, 157, 158, 169, 191-195, 206, 211 ASEAN Intellectual Property Rights Action Plan 2016–2025, 12, 15–19, 21, 59, 156, 197, 203–206, 207, 211 ASEAN Patent and Trademark Office, 211 ASEAN Patent Search and Examination Cooperation (ASPEC), 20, 99, ASEAN Protocol on Enhanced Dispute Settlement Mechanism of 2004, 9 ASEAN Regional Fund for Trademark and Patent, 206 ASEAN Summit, 90 ASEAN Task Force on Trademark Cooperation, 191 ASEAN Trade in Goods Agreement (2010), ASEAN Trade Repository, 21 ASEAN Trademark, 220 ASEAN Trademark, Information Technology, and Industrial Design Consultation Meeting (2016), 199 ASEAN Work Plan for Cooperation on Copyrights, 59 ASEAN Work Plan on Copyright, 12 ASEAN Working Group on Intellectual Property Cooperation (AWGIPC), 210, 211, 230 ASEAN Task Force on Trademark Cooperation, 191 copyright interoperability and, 156 harmonization of trademark system, 220 intellectual property offices, 106 Pan-ASEAN system governance, 226 ASEAN-Australia-New Zealand FTA, 61, 195 ASEAN-China FTA, 61 Asian values, 92 Asunción Treaty, 295 Australia damages claims in, 130, 138 damages for foreign IPR infringements,

Regional Comprehensive Economic Partnership, 22, 30 validity or existence of IPRs, 143 VPN services, 115 Australian Patent Office, 233 Australia-New Zealand Agreement on Trans-Tasman Court Proceedings and Regulatory Enforcement, 149 Bangkok Declaration, 6 Bangui Agreement, 182-183 Batik, 44 Beijing Treaty on Audiovisual Performance (2012), 33, 116 Berne Convention, 30, 113-114, 211 Bluescope, 140 Brazil, 10-11, 293, 295, 301 Breach of confidence, 139 Brunei Darussalam, 3, 6 common law legal system in, 88 GDP, 7 GDP per capita in, 88 geographic indication protection in, geographic indications, laws on, 167 patents filed, 13 population, 8 Brussels I Regulation, 130, 142 Budapest Treaty, 85 Buenos Aires Consensus, 293 Bureau of Customs (Philippines), 108 Bureau of International Mark Registration (Cambodia), 68 Burma. See Myanmar

Cambodia, 3, 6, 67-68, 100 ASEAN membership, 59 bilateral trade agreements, 60 civil law legal system in, 88 commercial courts for IP cases, 110 electronic document management system, 74 geographic indication protection in, 167 intellectual property development policies, 62-66 Cambodia Trade Integration Strategy, 65-66 Industrial Development Policy 2015-2025, 64-65 National Intellectual Property Strategy, 62-63

134

discretionary remedies for defendants in,



National Strategic Development Plan	patents filed, 13–14
2014–2018, 64	Regional Comprehensive Economic
Rectangular Strategy, 64	Partnership, 22, 30
Intellectual Property Enforcement Focal	South China Sea dispute, 9
Point, 74	Treaty of Amity, 10–11
memorandums of understanding, 60,	Code of Conduct in the South China Sea
97–98	(COC), 9
National Committee on intellectual	Código Ingenios (Ecuador), 300
property rights, 75	Collective management organizations, 18,
National Intellectual Property Strategy,	158–162
62–63	definition of, 159
Trademark Law, 62, 67	in Myanmar, 160
application of international treaties	rights and obligations of, 159–160
and interpretation, 72	role of, 159
Article 2a, 71	Thai government's legislation of,
Article 4, 71	160–161
Article 5, 71	in Thailand, 160–161
Article 13, 71	Collective marks, 70
Article 23, 71–72	Common FII Madrid List 200
cancellation of trademark, 71	Common EU-Madrid List, 200
invalidation of trademark, 71	Common ID Guidelines, 197–199
opposition to trademark, 71	Common patent system, 254–290. See also
protection against unfair competition,	unified patent system
71-72	EU versus ASEAN, 285–290
rights of trademark holder, 70–71	common elements and differences in
subject-matter of trademark	patent fields, 285–287
protection, 70	national preferences, 287–290
trademark system in, 58-77	models adopted in Europe 1949–2012,
automation of administration, 74	258–285
examiners and attorney/agent, 75	harmonization of domestic rules,
history and development of, 61–62	259–264
interoperability of administration,	mutual recognition of patents, 264–266
74-75	regional patent office, 266–272
Judiciary and Criminal Law and	unified patent system, 272–285
Procedure, 62	national patents, 264–265
Letter No. 452, 61–62	overview, 254–256
Prakas No. 368, 62	reasons for, 256–258
simplified trademark workflow, 75	common market, 256–258
trademark administration, 72–73	economy of scale/efficiency, 256
trademark law, 69–72	regional patents, 265–266
TRIPS Agreement and, 58, 67–68	Composers and Authors Society of
WTO accession in 2004, 58, 67–68	Singapore Ltd (COMPASS), 162
Cambodia Trade Integration Strategy	Comunidad Andina de Naciones
2014–2018, 65–66	(ANDEAN Community of Nations)
Cambodian Copyright Act, 159	(CAN), 291, 292, 293–295
Canada, 10–11, 137	Convention Establishing a European
Chile, 301	System for the Grant of Patents,
China	268
ASEAN trade, 7	Convention of Friendship and Good
intellectual property dispute resolution	Neighborhood between Italy and
in, 94–95	San Marino, 265



Convergence Dreaman	foreign IDD infringements and
Convergence Program	foreign IPR infringements, 131–134
in ASEAN context, 248–253	local intellectual property rights, 129–131
ASEAN Way, 251–253	Declaration on the Conduct of Parties in the South China Sea of 2002
international minima, 249–251	
membership of ASEAN countries,	(DOC), 9
250–251	Department of Intellectual Property
overview, 248–249	(Thailand), 101, 163, 231
benefits of, 243–244	Digital distribution, 114–115
institutionalization of, 244–245	Digital divide, 7–8
issues in, 245–248	Digital Evolution Index, 7–8
classification, 245–246	Digital networks, infringement of rights
legal marks registered in black and	and, 129
white/shades of grey, 246–247	Diplomacy, 10–11
relevant topics under, 243–244	Dispute resolution
Cooperation Fund, 246	ASEAN, 87
Copyright Act 1994 (Thailand), 158, 163	Singapore, 83–87
Copyright Act (No. 2) (Thailand), 157–158	soft approach in, 92–93
Copyright Act (Singapore), 85	Doha Declaration, 176, 179
Copyright infringement, cross-border,	Domains of protection, 28
111–127	Drugs, counterfeit, 104
Choice of law in, 117–125	ECAD III DI II
extraterritorial application of domestic	ECAP III-Phase II program, 194–195
laws, 121, 124	Economic Partnership Agreements (EPAs),
justiciability of foreign copyright	29, 30–31
intringement, 124–125	intellectual property norms and, 31
non-justiciability of foreign copyright	multilateral extra provisions, 31
intringement, 117–121	WIPO treaties and, 31–32
Conflict of laws, 125–126	Ecuador, 300–301
justiciability of, 117–121, 124–125	EU Intellectual Property Office (EUIPO),
"no-jurisdiction" approach, 125–126	194–195, 207–208
"single governing law" approach,	Convergence Program, 239–253 in ASEAN context, 248–253
Copyright Tribunal (Singapore), 85	benefits of, 243–244
Council of ASEAN Chief Justices, 21	classification, 245–246
Council of the European Union, 89	in EU context, 240–248
Counterfeit drugs/medicines, 104	institutionalization of, 244–245
'Country Club agreements," 29–30	issues in, 245–248
Court of Justice of the Cartagena	legal marks registered in black and
Agreement, 294	white/shades of grey, 246–247
Court of Justice of the EU (CJEU), 89, 240,	legal/administrative framework,
241, 242, 245–246, 258, 262, 278, 284	240–241
Cultural heritage, 38	promotion of, 241
application of intellectual property to,	relevant topics under, 243–244
38	European Trade Marks and Design
traditional knowledge and, 37–38	Network, 248
Customs officials, 106–107	EU Trademark Regulation (EUTMR),
	239–243, 244–245
Damages claims, 129–139	EU-ASEAN FTA, 168
applicable law, 136–139	Eurasian Patent Office, 31
discretionary remedies for defendants,	European Commission, 89, 168
134–136	European Parliament, 89



European Patent Convention (EPC)	intellectual property norms and, 31
Article 56, 264	multilateral extra provisions, 31
Article 65, 270	WIPO treaties and, 31–32
direct application of uniform law,	Free Trade Area of the Americas (FTAA),
262	293
harmonization of patent law, 260	
integration of national markets and,	General Agreement on Tariffs and Trade
269–272	(GATT), 58
language regime and, 282	Generic names, 173–174
Strasbourg Patent Convention and,	Geneva Act of the Lisbon Agreement on
260–261	Appellations of Origin and on
translation requirement, 270	Geographical Indications (2015), 33,
European Patent Litigation Agreement	180–181
(EPLA), 280	application for international registration,
European Patent Office (EPO), 263–264,	181
267–269, 282, 284–285	Article 11, 180
European Patent Regulation (CPR),	prohibition of imitation, 180–181
275–276	Geoblocking, 115
European Trade Mark Courts, 276	Geographic indications, 170–171, 179
European Trade Marks and Design	Geographical Indication Act 1998 of
Network (ETMDN), 248	Singapore, 171, 172, 173, 175
European Union, 181–182	Geographical indications, 56, 165–189
ASEAN, compared with, 87–91	appellations of origin, 170–171
economic integration timeline, 90–91	in ASEAN, 166–176
legal systems, 88–89	challenges for, 183–185
stages of economic development, 88	framework for, 169–176
supranational institutions, 89–90	harmonization of national legal
ASEAN trade, 7	frameworks, 185–188
free trade agreements, 168–169	integration of protection, 166–169
GDP of member states, 88	intellectual property offices for,
Intellectual Property Office, 73	167–168
intellectual property integration in, 4, 31	database, 188–189
Treaty of Amity, 10–11	definition of, 165–166, 169–172
EU-Vietnam FTA, 186–187	eligible, 169–172
Ever-greening, 28	generic names, 173–174
Federal Trade Commission Act (US),	homonyms, 172–173 indications of source, 170–171
redetal frade Commission Act (O3),	
Filipino Society of Composers, Authors and	interoperable system for, 176–189
Publishers, Inc. (FILSCAP), 162	ASEAN, 183–185
	EU (1998) proposal, 178–179 international notification, 176–181
Foreign direct investments (FDIs), 7, 221	
Foreign judgments	joint proposal, 177–178
finality of, 147–148 foreign rights, 150–151	regional systems, 181–183 registration, 176–181
monetary sum, 148–150 recognition and enforcement of, 147–151	means of protection, 170–171 regional systems, 181–183
Framework Agreement on Enhancing ASEAN Economic Cooperation, 90	European Union, 181–182 West Africa, 182–183
Free Trade Agreements (FTAs), 29, 30–31,	RTAs/FTAs and, 185–187
168–169	scope of protection, 174–176
geographic indications and, 185–187	website. 188–180



> Index 318

Geographical Indications Act 2000 of Malaysia, 171, 172, 173, 175 Geographical Indications Protection Act of Thailand, 171, 172, 173, 175 Gotong royong (togetherness), 44, 45 Gurry, Francis, 25 Hague Agreement, 18, 31, 60-61, 69, 99, Hague Convention on the Recognition and Enforcement of Foreign Judgments, 151 Hanoi Plan of Action, 12, 211 Hanoi Plan of Action (1998), 206 Homonyms, 172-173 Hong Kong discretionary remedies for defendants in, geographic indication protection in, 179 Inclusive rights, 37 India, 10-11, 22, 30 Indonesia, 3, 6, 20 commercial courts for IP cases, 110 cultural heritage protection in, 35-46 government as custodian of local communities, 39 government initiative, 38–39 intellectual property rights and, 36-40, traditional arts, 40-41 geographic indication protection in, 171 intellectual property rights in traditional arts and, 40-41 traditional knowledge and, 36-40 Lombok and Amuntai's legal culture study, 41-45 handicraft products, 42-43 implementation of law, 43 intellectual property, 42, 44-45 laws in action, 42 purpose of, 41-42 philosophy of togetherness and spirituality in, 43, 44 population, 8 religion, 8, 43-44 traditional artists, 40-41 acknowledgement of, 40 concept of misappropriation, 40 Korean Intellectual Property Office, 101 territorial character of intellectual property laws, 40-41 Kuala Lumpur Declaration, 201–203

Industrial design systems. See Trademarks and industrial design systems, ASEAN Information technology systems, modernization of, 19 Intellectual Property Code of the Philippines, 171 Intellectual property courts, 109 Intellectual property dispute resolution, 82-102 Intellectual property integration, 11–12 Intellectual Property Office of Singapore (IPOS), 84, 85-86, 97 Intellectual Property Office of the Philippines (IPOPHL), 108, 199 Intellectual property offices, 15, 106 Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes, 117 Intellectual property rights (IPRs), validity or existence of, questions on, 230 Intellectual property services, 18 Intellectual property valuation services, 19 Inter-American Development Bank, 301 International Confederation of Societies of Authors and Composers (CISAC), 161-162 International regulatory system, fragmentation of, 29 International Searching Authority (ISA), 68 Internet, 26 Intra-ASEAN investments, 221 IP Framework Agreement 1995. See ASEAN Framework Agreement on Intellectual Property Cooperation (1995) Japan ASEAN trade, 7 patents filed, 13-14 Regional Comprehensive Economic Partnership, 22, 30 Treaty of Amity, 10-11 Japanese Patent Office, 74, 233 Jurisdiction clause, 146 Karya Cipta Indonesia (KCI), 162 Kirschner, Néstor, 293



Land Customs Act 1878 (Myanmar), 49	Mercado Común del Sur (MERCOSUR),
Lanham Act (US), 114, 118	291, 292, 295–299
Lao People's Democratic Republic (Lao	Design Protocol, Sections, 298–299
PDR/Laos), 3, 6, 20, 100	11, 298
civil law legal system in, 88	13, 299
geographic indication protection in, 167	14, 299
population, 8	17, 299
Latin American intellectual property	5, 298
integration, 291–302	8.1, 298
CELAC, 299–301	9, 298
Comunidad Andina de Naciones	Trademark Protocol, Sections, 296–297
(CAN), 293–295	5, 296
developments in, 292–293	6.1, 296
direct incorporation in, 294	7, 296
MERCOSUR, 295–299	8, 296
PROSUR, 301–302	9, 296
Law on Geographical Indications 2009 of	10, 296
Cambodia, 171	
Law on Intellectual Property 2011 of Laos,	11, 297
	13, 297
159–160, 171, 175 Law on Intellectual Property of Vietnam,	14, 297
1	19, 297
171, 175 Legal Profession Act (Singapore), 96	20, 297 Merchandise Marks Act 1889 (Myanmar),
	· · · · · · · · · · · · · · · · · · ·
Lex causae, 118 Lex loci protectionis, 136	49, 53, 54 Ministry of Industry and Handicrafts
Lisbon Agreement, 179	(Cambodia), 97
Locarno Classification, 74	Multilateralism, 24–34
London Agreement, 270	challenges to international organizations
Luxembourg, 88	25–26
Madrid Agraement 250	digital environment, 26
Madrid Agreement, 250 Madrid Protocol, 18, 60–61, 212–215, 250	private vs. public sectors, 25–26
	speed of geopolitical change, 25
AEC Blueprint 2025 and, 99	speed of technological change, 25
ASEAN states and, 192, 251	consensus in, 32–33
Benchmark, 219	future of, 33–34
Cambodia's accession to, 68, 73	overview, 24
contracting parties, 214–215	regional/plurilateral agreements and,
ECAP III-Phase II program, 195	30-33 Music Copyright (Theiland) Company
tees, 213–214	Music Copyright (Thailand) Company
international application, 212–213	Limited, 160, 162
limitations of, 213	Myanmar, 3
multilateralism and, 31	ASEAN membership in 1999, 6
Malaysia, 3, 6	collective management organizations in
digital development, 7–8	160
intellectual property courts, 109	common law legal system in, 88
Marrakesh Treaty (2013), 33, 157, 300	Constitution, 48
Master Plan on ASEAN Connectivity 2010,	geographic indication protection in, 174
May Planek Institute	geographic indications, laws on, 167
Max-Planck Institute, 117	intellectual property in
Memorandums of understanding 07–08	initiatives, 47
Tyreamoraniumus or finderstanding or/—oo	1AWN 40



320

More Information

Index

Myanmar (cont.) National Intellectual Property Strategy, religion, 8 Singapore-Myanmar Integrated Legal Exchange, 100-101 Singapore's judicial outreach programs Trademark Law, 53-54 trademark protection in, 47-56, 57 under civil law, 54-55 under common law, 50-52 under criminal law, 52-54 definition of trademark rights, 49, 50 geographic indications, 55 laws relating to, 48-49 tradenames, 55-56 well-known marks, 55–56 transformation from socialist regime to market economy, 11, 47 TRIPS Agreement and, 48 Myanmar Copyright Act of 1914, 48 Myanmar Music Association (MMA), 161 National Bureau of Investigation (Philippines), 109 National Committee for Intellectual Property Rights (Cambodia), 62 National Ecuadorian Institute of Intellectual Property, 300 National Strategic Development Plan 2014-2018 (Cambodia), 64 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), 146 New Zealand damages for infringements in, 132, 137 discretionary remedies for defendants in, "double actionability" rule, 138 Regional Comprehensive Economic Partnership, 22 Treaty of Amity, 10–11 VPN services in, 115 Nice Agreement, 200, 245-246, 251, 252 Nice Alphabetical List, 200 Nice Classification, 191-192 non-exclusive jurisdiction clause, 146 non-governmental organizations (NGOs), "noodle bowl" regulatory system, 29

North Korea, 10-11 Norway, 10-11 Observatory on Infringements of Intellectual Property Rights, 240 Office for Harmonisation in the Internal Market (OHIM), 240, 242-243, 245, online filing system, 19 Optical Media Board (Philippines), 108 Organic Code of Social Economics of Knowledge, Creativity and Innovation (Ecuador), 300 Organisation Africaine de la Propriete Intellectuelle, 31 Organisation pour l'Harmonisation en Afrique du Droit des Affaires, 31 Ouro Preto Protocol, 295 Pakistan, 10-11 Pan-ASEAN trademark registration system, 217-224 administration of, 224-225 distribution of application, 225 filing of application, 225 issuance of registration, 225 local processing of application, 225 application process, 219-220 ASEAN-ready, 220-224 model, 222-223 momentum, 223-224 motivation, 221-222 common platform in, 211-224 features of, 217-219 applicant and state of origin, 217 application date, 218 application form, 218 distribution, 218 local processing, 218 Madrid Protocol Benchmark, 219 oppositions and contentious proceedings, 219 priority claim, 218 registration, 218 renewals and recordals, 218-219 representation, 217 single application, 217 subsequent applications, 219 fees, 226-228 designation, 227 handling, 227



financing of, 226–227	legal system in, 89
governance of, 226	patents filed, 13
inter-operability principle in, 210	religion, 8
location of, 225–226	Plant Variety Protection Act B.E. 2642
Madrid Protocol and, 212–215	(Thailand), 231
path of harmonization in, 210–211	plurilateral trade agreements, 24, 30–33
proposal for, 210–229	population, 6, 8
strategic measures, 222	post-registration rights, 84
trademark applications, 215–216	pre-registration rights, 84
Pancasila, 43	Principles for Conflict of Laws in
Paraguay, 295, 301	Intellectual Property, 117
parallel importation, 157–158, 258	property mark, 49
Paris Assembly, 33	PROSUR, 301–302
Paris Convention for the Protection of	, , ,
Industrial Property	Reciprocal Enforcement of
Article 6, 67, 250, 252	Commonwealth Judgments Act
Article 19, 270	(Singapore), 96
ASEAN countries in, 167, 250	Reciprocal Enforcement of Foreign
Cambodia's membership, 60–61	Judgments Act (Singapore), 96
Madrid Protocol and, 223	Rectangular Strategy (Cambodia), 64
multilateralism and, 30	Regional Colloquium on Intellectual
Singapore's patent system and, 85	Property Enforcement for Judges,
territoriality and, 113-114	101
patent ambush, 28	Regional Comprehensive Economic
Patent Cooperation Treaty (PCT), 18,	Partnership (RCEP), 22, 30
60–61, 85, 99, 211–212, 288	regional patent office, 266–272
Cambodia's membership, 68–69	regional trade agreements (RTAs), 30–33,
filings, 25	168–169, 185–187
patent submarines, 28	Registered Designs Act (Singapore), 84
patent trolls, 28	Registration Act 1908 (Myanmar), 49, 50, 51
patents	Registry of Trade Marks and Patents
applications filed in ASEAN region, 13	(Singapore), 84, 85
common patent system. See Common	religion
patent system	in ASEAN countries, 8
filed in ASEÁN region vs. global leaders,	in Indonesia, 43
13–14	in Myanmar, 51
online filing system, 19	Paris Convention and, 252
ownership, 14	res judicata doctrine, 150
unified patent system. See Unified patent	Rio Group, 299
system	Rome II Regulation, 137, 138
Penal Code 1861 (Myanmar), 49, 52, 54	Russia, 10–11
Peru, 301	
Philippine National Police, 109	Sea Customs Act 1878 (Myanmar), 49, 53
Philippines, 3, 6	Shanghai Intellectual Property
Constitution of, 103	Administration, 99–100
digital development, 7–8	Shanghai Intellectual Property Court,
foreign direct investments (FDIs), 7	99–100
geographic indication protection in, 167,	Singapore, 3, 6
171, 174	common law legal system in, 88
intellectual property enforcement in, 20,	court system, 83–84
108–109	damages claims in, 130



322

Singapore (cont.)	South Korea, 10–11, 22, 30
digital development, 7–8	Specific Relief Act 1877 (Myanmar), 49, 54
discretionary remedies for defendants in,	Sri Lanka, 10–11
134	stakeholders, 28
"double actionability" rule, 138	state of origin, 217
foreign direct investments (FDIs), 7	Strasbourg Patent Convention (SPC),
free trade agreements, 168	260–261
intellectual property dispute resolution	sui generis law, 39, 169, 174
in, 82–102	supranational institutions, 89-90
docketing system, 86	Supreme Court of Singapore, 100
forum for, 84–85	Supreme Court (United Kingdom), 94
non-registrable intellectual property	Supreme People's Court of the Republic of
matters, 85	China, 95
overview, 83–87	. , ,
post-registration rights, 84	Task Force on Trademark Cooperation, 196
pre-registration rights, 84	Thailand, 3, 6
review committee, 86	civil law legal system in, 89
patent system, 85	collective management organizations in,
patents filed, 13	160–161
role in IP facilitating interoperability,	copyright law, 157–158
93–101	digital development, 7–8
ASEAN Community of Practice, 99	intellectual property courts, 109
Asian Business Law Institute, 98	patent administration in, 230–235
legal-decision making, 93–95	examiners, 231–232
memorandum of understanding with	international collaboration, 233–234
Cambodia, 97–98	patent applications, 233
procedural standards, 98–99	patent granting, 233
SICC, 95–97	religion, 8
Singapore Judicial College's outreach	Timor-Leste, 10–11
programs, 100	TM Class system, 73
Singapore-Myanmar Integrated Legal	TM Task Force on Trademark
Exchange, 100–101	Cooperation, 200
study visits, 99–100	Trade Marks Act (Singapore), 84, 85, 94
work-sharing via ASPEC, 99	trade names, 55–56, 70
trademark applications in, 215–216	Trademark Directive (TMD), 239, 241
TRIPS ratification, 85	Trademark Law of Myanmar, 167
Singapore Academy of Law, 134	Trademark Law Treaty (TLT), 250, 252
Singapore Court of Appeal, 94, 118	trademarks
Singapore International Commercial	applications filed in ASEAN region, 13
Court (SICC), 95–97	Ku De Ta (trademark), 94
foreign lawyers in, 95	online filing system, 19
offshore cases, 95	Pan-ASEAN. See Pan-ASEAN trademark
Singapore Judicial College, 100	registration system
Singapore Patent Office, 233	trademarks and industrial design systems,
Singapore Trademark Law Treaty (STLT),	ASEAN, 190–209
18, 48, 250, 252	ASEAN IPR Action Plan 2011–2015 and,
Singaporean Intellectual Property Office,	191–193
74	under ASEAN IPR Action Plan
Singapore-Myanmar Integrated Legal	2016–2025, 203–206
Exchange, 100–101	first strategic goal, 204–205
Small Claims Tribunal (Singapore), 83–84	second strategic goal, 205–206



cooperation and collaboration with EU,	intellectual property federalism and,
193–195	
examination practices, 195–199	intellectual property multilateralism and,
Common ID Guidelines, 197–199	24–25, 31
Common TM Guidelines, 195–197	neo-federalist regime in, 4–5
initiatives, 191–192	parallel importation and, 157–158
ASEAN Designview, 201	Strasbourg Patent Convention and, 260
ASEAN Ethnic List of Goods and	TRIPS-minus provisions, 185, 187
Services, 191–192	W. 6 1 D. D. L. D. D.
ASEAN IP Portal, 192	Unified Dispute Resolution Policy, 33
ASEAN TMclass, 200–201	Unified Patent Court Agreement (UPCA),
ASEAN TMview, 199–200	278–285
common filing form, 192	Unified Patent Court (UPC), 278, 279, 280
international agreements, 192	unified patent system. See also Common
interoperability of, 191–193	patent system
under Kuala Lumpur Declaration,	centralized system, 276–277
201–203	concept of, 274–275
overview, 190	creation of, 272–285
regional integration of, 206-208	European, 278–285
traditional knowledge, 36–40	reasons for, 272-273
individualistic Western regime and, 37	shortcomings of, 273–274
intellectual property issues, 38	subvariants of, 275–278
Trans-Pacific Strategic Economic	Unitary Intellectual Property System, 275
Partnership Agreement (TPP),	Unitary Patent Package, 278
187	Unitary Patent Regulation, 278, 279
Treaty between the Swiss Confederation	United Kingdom, 10–11
and the Principality of	damages claims, 136, 137
Liechtenstein on Patent Protection,	discretionary remedies for defendants in,
265	134
Treaty of Amity and Cooperation in	patent system, 272
Southeast Asia, 5, 10	United Nations Charter, 10
non-ASEAN parties to, 10–11	United Nations Convention on the Law of
TRIPS Agreement (Agreement on	the Sea (UNCLOS), patents filed,
Trade-Related Aspects of	13–14
Intellectual Property), 67–68	United States, 7, 10–11
Articles	copyright law for cross-border
2(1), 250	infringement, 121–124
	joint proposal, 177–178
15, 249	Uruguay, 295, 301
20, 250 22.1, 178	Oruguay, 295, 301
	Venezuela 202 202 205
22.2, 174	Venezuela, 292, 293, 295 Vietnam, 3, 20, 100
22.4, 173, 178	
23.1, 174	civil law legal system in, 88
23.2, 174	digital development, 7–8
24.4, 178	EU-Vietnam FTA, 186–187
24.5, 178	free trade agreements, 168, 186
24.6, 173, 178	geographic indication protection in, 171
common platform, 211	virtual private network (VPN) services, 115
geographic indications and, 172	William
intellectual property enforcement and,	Washington Consensus, 293
104	well-known marks, 55–56



Index

324

West Africa, 182–183
WIPO Green, 34
WIPO Re:Search, 34
World Bank, 74
World Intellectual Property Organization
(WIPO)
aims of, 27
Assembly, 33–34
AWGIPC assessment study, 193
Convention, 60–61
Copyright Treaty (WCT), 116
future of, 33–34
General Assemblies, 32
Intergovernmental Committee on
Intellectual Property Rights and

Genetic Resources Traditional Knowledge and Folklore, 38 International Bureau, 179 Internet Treaties, 116, 158 Madrid Protocol and, 212, 250 Performances and Phonograms Treaty (WPPT), 116 trademark workflow and database, 223 treaties, 31–32 WIPO Green initiative, 34 WIPO Re:Search, 34 Working Group/Standing Committee, 32 World Trade Organization (WTO) ASEAN countries' accession to, 4, 6 common platform and, 211