

Developments in Intellectual Property Rights

2001

May

- On May 8, Lithuania became a member of the WTO and obligated itself to fully comply with the TRIPS Agreement on that date.
- Japan took measures to tighten its border enforcement against counterfeit goods, including the issuance of new guidelines to address the re-exportation of goods that infringe trademarks.
- The Lithuanian Interior Ministry published an order establishing the guidelines governing the government's use of business software by all government entities and contractors, in addition to establishing a central software purchasing authority.

June

- On June 5, the Czech Ministry of the Interior, which oversees the police force, adopted a concept for the battle against computer crimes as part of the overall plan for combating organized crime.
- Guatemala created a special IP Prosecutor's office to assist with rapidly responding to instances of IP violations.
- Paraguay established the National Council for the Protection of Intellectual Property Rights to create a more coordinated approach for the enforcement of IP laws among government ministries, law enforcement authorities, and industry representatives.

July

- The Indonesian Parliament enacted new patent and trademark laws, which increased fines for infringements, transferred intellectual property disputes to commercial courts, and combined all previous amendments into a single definitive text.
- On July 12, amendments to Canada's patent law entered into force, providing a term of protection of 20 years for patents granted based on applications filed before October 1, 1989.
- On July 26, Moldova became a member of the WTO and obligated itself to fully comply with the TRIPS Agreement on that date.

- With the entry into force of the new Trademark Law, Nicaragua now has modernized laws on patents, integrated circuit design, plant variety protection, program signals, copyrights and trademarks.

August

- On August 3, Kazakhstan became a party to the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.
- On August 6, the President of the Philippines approved an act providing for the protection of layout-designs (topographies) of integrated circuits, in an effort to comply with Section 6 of the TRIPS Agreement.
- On August 22, the Philippine National Police (PNP) created a unit called the Anti-Fraud and Commercial Crime Division (AFCCD) that will address IPR violations.

September

- Ukraine's copyright amendments, passed in July 2001, which included protection for pre-existing works and sound recordings, became effective.
- On September 1, amendments to Ukraine's criminal code, which included criminal liability for IPR violations, went into force.
- On September 15, Malaysia's Optical Disc Act came into effect. The law establishes a licensing and regulatory framework for manufacturing copyrighted works. Violations under the Act may lead to license revocation, seizure, and forfeiture of manufacturing equipment and significant fines and jail terms.
- Ukraine ratified the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. It deposited its instrument of accession in November 2001.
- On September 1, Azerbaijan became a party to the .
- On September 26, the Government of Kazakhstan issued a resolution (#1249) instructing the appropriate government ministries to draft laws and regulations that would remedy the acknowledged deficiencies in the Kazakh enforcement regime.

October

- The Czech Parliament ratified the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.

- On October 2, the State of San Paulo in Brazil created a new department of investigations of organized crime to combat copyright infringement and crimes committed through the Internet.

November

- Taiwan passed the Optical Media Law (OML), which regulates the production of pre-recorded optical media, blank optical media, and stampers/masters through a system of permits and reporting. The OML will be implemented fully on May 14, 2002. Failure to comply with the OML is punishable by fines, equipment seizures, and possible jail terms.

December

- The Beirut Court of First Instance issued an encouraging verdict against a pirated software reseller in the first case brought under the 1999 copyright law.
- On December 11, China became a member of the WTO, and as part of this process, revised its intellectual property laws to comply with the provisions of the TRIPS Agreement.
- On December 10, the United States - Vietnam Bilateral Trade Agreement (BTA) entered into force. The IPR chapter of the BTA commits Vietnam to bring its intellectual property regime and enforcement practices up to international standards within two years of the BTA's implementation.
- Honduras ratified the WIPO Copyright Treaty and the WIPO Performances and Phonogram Treaty.
- On December 30, Russia adopted a new Code on Administrative Misdemeanors which will come into force on July 1, 2002. The Code will make it possible to initiate administrative cases against legal entities and to impose fines from US \$900-1200 for copyright infringement.

2002

January

- Mali created a new center aimed at strengthening and enforcing IP laws, which will be funded by fees collected from the private sector.
- On January 1, Taiwan became a member of the WTO and obligated itself to fully comply with the TRIPS Agreement on that date.
- On January 1, coinciding with Taiwan's WTO accession, Taiwan lengthened patent protection from 15 to 20 years for patents granted before January 21, 1994.

- The Philippine Supreme Court issued new rules giving courts the authority to order the seizure of pirated material without notice to the suspected infringer, as required by TRIPS Article 50.
- The Czech government adopted a comprehensive new regulation, effective January 1, on the use of software in government offices.
- Amendments to Moldova's Customs Code came into force, providing *ex officio* authority for customs officials to seize material at the border as required by the TRIPS Agreement.

February

- Kazakhstan joined the WIPO Trademark Law Treaty and the Locarno Agreement on Establishment of International Classification of Industrial Models.
- The Government of Paraguay impounded 12.6 million blank CDs in early February and charged the importers with tax evasion.
- On February 7, Costa Rica's Public Ministry appointed 12 specialized "Link Prosecutors" to provide priority handling of IP cases in Costa Rica.
- The Costa Rican government signed a government software decree on February 21, which requires all ministries to conduct inventories and audits by December 15, 2002, and to come into full compliance no later than July 15, 2003.
- Jamaica formed a new Intellectual Property Office (JIPO), consolidating the administration of Jamaican copyright, trademark and patent laws.

March

- Amendments to Qatar's 1995 copyright law, which were approved by the Advisory Council in February, were brought to the final stages of approval.
- Peru signed and published the WIPO Performances and Phonograms Treaty on March 2.
- On March 27, the UAE made written commitments to provide comprehensive protection for U.S. pharmaceuticals including extending data exclusivity protection, providing joint review by Health-Finance Ministry officials, and allowing USG review of draft patent law for TRIPS compliance.
- Japan announced that it will interpret temporary copying as violating copyright laws.

April

- Israel formally introduced legislation in the Knesset that would increase criminal penalties for copyright violations.
- Qatar's Copyright Office began a new public information campaign, which will include the distribution of posters and other handouts, to coincide with World IP Day.
- Costa Rica's National Registry will inaugurate its center for arbitration and reconciliation on IPR issues. The center will offer free reconciliation and low cost arbitration services for IPR disputes. All Internet domain names registered in Costa Rica will contain a clause naming the center as the official arbitrator for domain name disputes.
- Poland reinstated data exclusivity protection.
- Slovenia reinstated data exclusivity protection.
- On April 15, Brazil's Receita Federal initiated the destruction of almost 680 tons of smuggled, counterfeit and pirated goods.

WIPO Copyright Treaty and Performance and Phonograms Treaty

The following countries deposited their instruments of accession to the World Intellectual Property Organization (WIPO) Copyright and Performances and Phonograms Treaties (WCT and WPPT) during the May 2001 - April 2002 time frame:

Albania (deposited WPPT only)
Czech Republic
Gabon
Georgia
Guinea (deposited WCT, WPPT deposited previously)
Honduras
Jamaica (deposited WCT, WPPT deposited previously)
Mali
Peru
Senegal
Ukraine

The WCT entered into force on March 6, 2002. The WPPT will enter into force on May 20, 2002,

three months after the deposit by thirty States of their instruments of accession or ratification. The current number of countries which have deposited their instruments of accession is: WCT - 35, WPPT - 33.