

## **POSITIVE LIST OF DEVELOPMENTS: MAY 2004 - APRIL 2005**

### **2004**

#### **May**

In May 2004, China's State Council established an IPR Working Group within the Market Order and Rectification Office (MORO) made up of 12 governmental agencies reporting to the Vice Premier to plan and coordinate nationwide efforts on IPR protection and monitor important cases. Counterpart organizations based on the national model have been set up in provinces as well as in many cities and counties.

In May 2004, an amendment to Hong Kong's Broadcasting Ordinance went into effect that also criminalized possessing or using illegal decoders for commercial purposes.

In May 2004, Iraq's Coalition Provisional Authority (CPA) issued orders 80, 81, and 83, updating Iraq's trademark, patent, and copyright laws.

In May 2004, Italy's Parliament passed the Urbani Law. The law criminalizes the exchanging of copyrighted works regardless of whether such file sharing is done for cash profit or simply for gain, such as downloading music, film, or software to avoid having to purchase a legitimate copy.

In May 2004, the New Korea Media Rating Board (KM RB) implementing regulations went into effect to halt fraudulent DVD and video registrations through the movie rating system.

In May 2004, a Mexican law was adopted granting the Mexican Consumer Protection Agency (PROFECO) Authority to take ex officio action against markets selling goods that represent a risk to consumers, such as adulterated alcohol. PROFECO can seize the goods and give them to IMPI (Mexican Institute for Industrial Property) or PGR [Attorney General's Office (Prosecutor)].

In May 2004, Rwandan authorities continued to work with representatives of Sara Lee Household and Body Care to investigate a report about an incoming shipment of counterfeit Kiwi brand shoe polish. The 12-ton shipment of contraband was tracked, seized, confirmed to be counterfeit, and destroyed.

In May 2004, implementing regulations for Uruguay's upgraded copyright law were approved.

In Vietnam in May 2004, Joint Teams from the Economic Police Department of the Ministry of Public Security and the Market Management Bureau raided three computer companies in Hanoi. Each company was fined more than USD \$ 8,000 for using pirated versions of Microsoft's operating system, Lac Viet Dictionary and Norton Anti-virus programs.

On May 1, 2004, Poland doubled its period of pharmaceutical data protection to six years to meet EU requirements.

In Mexico on May 12, 2004, a bill that places intellectual property crimes involving copyright violations under the same section of criminal law as organized crime entered into effect. The law allows prosecutors and judges to use the penal code for organized crime when taking legal action against intellectual property rights pirates and their organizations, sanctioning the use of investigative techniques such as wire taps and witness protection, along with prison sentences of 8-16 years.

Jordan acceded to the WIPO Performances and Phonograms Treaty on May 24, 2004. Jordan had acceded to the Copyright Treaty on April 27, 2004. However, a number of the Treaties' provisions still need to be implemented in Jordanian law and in accordance with the U.S.-Jordan FTA.

## **June**

In June 2004, the Parliament of the Bahamas passed its Copyright Amendment Act 2004, which narrowed the scope of its broadcast compulsory licensing regime. The Governor-General of the Commonwealth of the Bahamas Copyright Act assented to the act on June 24, 2004. The Amendment will be gazetted when it is fully implemented by the Government of the Bahamas. As of April 2005, this amendment still has not been implemented.

In June 2004, the French Government launched a major initiative to fight piracy and counterfeiting. The initiative, which has been well coordinated with industry, focuses on improved domestic customs enforcement and increased international cooperation, within the EU and with third countries and involves a major public awareness campaign.

Korea acceded to the WIPO Copyright Treaty (WCT) in June 2004.

The U.S.-Morocco FTA was signed in June 2004.

In June 2004 in Lagos, Nigeria, duplicating equipment worth over \$5 million was seized. The Nigerian Police and the NCC have raided enterprises producing and selling pirated software and videos, and a number of businesses have filed high-profile charges against IPR violators.

The Philippine Presidential Anti-Organized Crime Commission (PAOCC) filed a criminal complaint in June 2004 against three prominent local shopping mall operators for violation of the Intellectual Property Code of the Philippines. This is apparently the first criminal Complaint of its kind filed by a Philippine law enforcement agency.

In June 2004, The Government of Thailand initiated an intellectual property rights enforcement campaign.

Andorra became party to the Berne Convention for the Protection of Literary and Artistic Works on June 2, 2004.

On June 7, 2004, Vietnam's president issued Resolution No. 332/2004/QD-CTN on adhering to the Berne Convention on Copyright Protection for Literary and Artistic Works.

Syria became party to the Berne Convention for the Protection of Literary and Artistic Works on June 11, 2004.

On June 15, 2004, Vietnam's National Assembly Passed a Civil Procedure Code. The Civil Procedure Code, which went into effect on January 1, 2005, regulates resolution of civil cases including intellectual property rights-related cases.

Kyrgyzstan became party to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) on June 17, 2004

On June 25, 2004, Russia's Prime Ministerial Commission for Protection of IPR held its first meeting under recently appointed Prime Minister Fradkov. The Commission continues to meet regularly.

Namibia became party to the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) on June 30, 2004.

## **July**

In July 2004, China's Customs General Administration issued new implementing regulations, which reduced the bond requirements for custom seizures of goods valued over RMB 20,000. The new implementing regulations also broadened the definition of bond to allow for a guarantee provided by a bank or a non-bank financial institution not just a cash bond.

In July 2004, the Government of Hong Kong successfully prosecuted an offender for selling illegal decoders, using the amendment to the Broadcasting Ordinance that went into effect in May, 2004 and sentenced him to three month's imprisonment. It was the first such criminal prosecution in Hong Kong.

In July 2004, Hong Kong's Customs and Excise Department used the Organized and Serious Crimes Ordinance (OSCO) to freeze the assets of a pirating syndicate worth \$2.7 million. This is the first time OSCO has been applied to an intellectual property rights case.

In mid-July 2004, Jordan's Parliament began debate on amendments to the copyright law intended to comply with the Free Trade Agreement-compliant amendments to the law. The Government of Jordan passed the proposed amendments in December 2004, which now await a decision by the King whether to sign them.

In July 2004, Pakistan acceded to the Paris Convention for the Protection of Industrial Property.

In July 2004, the Government of Peru passed Law No. 28289, the law on the fight against piracy, which increased the minimum penalty for piracy from a two-year to a four-year sentence, with a maximum sentence of eight years.

In July 2004, the Government of Peru passed a law requiring that SUNAT, Peru's Tax and Customs Agency, establish an import registry for all persons and companies importing blank optical discs and recording equipment.

The Serbia and Montenegro State Union parliament passed a new patent law in July 2004.

In July 2004, Singapore's amendments to the Trademarks Act, the Patents Act, a New Plant Varieties Protection Act, and a New Manufacture of Optical Discs Act came into effect, meeting the timeline for such acts in accordance with its U.S.-Singapore FTA Commitments.

In July 2004, revisions to Taiwan's patent law took effect, which simplified filing procedures.

In Estonia on July 1, 2004, the New Criminal Procedure Act entered into force. Under the new legal act, corporate entities can now be considered injured parties, allowing producers to file criminal claims, in addition to civil claims, for IPR infringements.

On July 3, 2004, Saudi Arabia's Ministerial Decision No. 1277, Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights was published and went into effect on October 3, 2004. This decision empowers the customs authorities, part of the ministry of finance, to suspend the clearance of goods and to dispose of goods infringing on intellectual property rights.

The United Arab Emirates became party to the Berne Convention for the Protection of Literary and Artistic Works and the WIPO Copyright Treaty on July 14, 2004.

On July 14, 2004, Vietnam's Ministry of Science and Technology issued Instruction No. 18/2004/CT-BKHHCN with the intent to strengthen intellectual property rights enforcement and oversight of the quality of domestic, import and export goods. The instruction requires inspectors to monitor and resolve administrative breaches of intellectual property rights.

On July 20, 2004, Russian President Putin signed into law amendments to Russia's Copyright Law. Among the primary features of this law are the recognition and protection of pre-existing works and sound recordings, as required by Russia's obligation under the Berne Convention and the 1992 U.S.-Russia bilateral trade agreement and the adoption of provisions prohibiting the circumvention of technological protection measures and the trafficking in devices and services used to circumvent.

## **August**

In August 2004, China's State Council announced a year-long campaign targeting IPR infringement which it said would focus on import/export activities, trade fairs and exhibitions, distribution, wholesale markets, processing of brand name goods, and publishing. This campaign seeks to integrate the work of multiple government agencies in order to combat IPR abuses in fifteen provinces and cities designated for priority action, both for enforcement and education purposes. Various ministerial and local action plans have also been adopted.

In August 2004, the first U.S.-China joint investigative effort, dubbed “Operation Spring,” resulted in the shut down of a DVD export ring, arresting six people (including two Americans) while seizing more than \$83,000 in cash and more than 200,000 DVDs. This is notable for the cooperation between U.S. Immigration and Customs Enforcement (ICE) and Chinese Ministry of Public Security (MPS) authorities. International press reports and positive television coverage have drawn attention to this case.

In August 2004, the Kuwaiti Government submitted a draft law to the National Assembly that would make some improvements, including small increases in penalties for those convicted of violating intellectual property rights, and provisions to deal with some digital issues such as communication to the public/making available and protection for technological protection measures.

In August 2004, the Government of Mauritius amended the Customs Act to enable Customs to intercept counterfeit and pirated products entering Mauritius.

In August 2004, Taiwan’s legislature passed a number of corrective improvements to a copyright amendment passed the previous year, including (a) restoring provisions prohibiting the circumvention of technological protection measures; (b) restoring most of the heavier criminal penalties recommended by the Executive Yuan; (c) authorizing Taiwan Customs to take ex officio action, and removing the “intent to profit” criteria from the prior amendment.

In August 2004, Taiwan authorities, in close cooperation with industry, raided an optical media burning lab, seizing 228 CD-R burners and 49 DVD-R burners with the capability of producing \$47 million worth of pirated product annually.

In August 2004, Vietnam’s Office of the Government issued Official Letter No.3985/VPCP-KG containing the Prime Minister's approval for most to draft new intellectual property rights and technology transfer laws.

Costa Rica signed the U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) on August 5, 2004.

The Dominican Republic signed the U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) on August 5, 2004.

Guatemala signed the U.S.-Dominican Republic-Central American Free Trade Agreement (CAFTA-DR) on August 5, 2004.

Syria became party to the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) on August 5, 2004.

In August 2004, a Russian court sentenced a pirate to a prison sentence of three years for DVD piracy. This was the first non-suspended prison sentence for piracy in almost three years.

In August 2004, Russian President Putin signed a law on commercial secrets, which provides for physical protection of proprietary commercial information from misuse by government employees.

In August 2004, the Vietnamese Ministry of Home Affairs approved the establishment of the Vietnam Literature Copyright Centre (VLCC). VLCC is a non-governmental and non-profit organization under the management of Vietnam writers' association. VLCC's stated purpose is to execute the contracts on copyright transfer between the center and authors; to help settle disputes among members; and, to coordinate with relevant international organizations in protecting literary copyright. VLCC also disseminates copies of laws, regulations and international conventions on copyright for literary works to its members, writers and the general public.

### **September**

In September 2004, the Estonian Parliament adopted the amendment law to the Copyright Act (ALCA), which came into force on November 11, 2004. The ALCA amended the law in order to harmonize it with the European Information Society Directive 2001/29/EC, thus improving its substantive provisions along the lines of the obligations in the WIPO Internet Treaties.

In September 2004, the German Justice Ministry issued a first draft of its "second basket" of amendments to the copyright act. The "second basket" is designed to cover issues left over from the 2003 amendments that implemented the WIPO Internet Treaties.

In September 2004, the Government of Hong Kong prosecuted a business software end-use piracy case, winning guilty pleas from two of the defendants.

Paraguay's Specialized Technical Unit (UTE), which is part of the Ministry of Industry and Commerce (MIC) and supported by State Department INL funds, has stepped up enforcement efforts and cooperation with other parts of the Government of Paraguay, with the private sector and with neighboring countries. In September 2004, the Government of Paraguay issued a decree formally placing the unit within the Ministry of Industry and Commerce and narrowing its scope to focus on copyright piracy and falsification. In the past year, the unit has conducted 43 different operations targeted at importers and distributors of pirated and counterfeit goods.

In September 2004, Saudi Arabia's new patent law came into effect, replacing the 1989 law. The law covers patents, the lay-out design of integrated circuits, a variety of agricultural plants, and industrial designs.

### **October**

In October 2004, the Egyptian Ministry of Agriculture established a new plant variety registration office.

In October 2004, the Estonian Police, Customs and Tax Board, and the Border Guard Established a working group at the director general level to analyze information related to organized crime, including IPR-related offenses.

In October 2004, Israel's Ministry of Justice made a formal commitment to the USG to uphold the principals of national treatment for phonographic rights holders. This commitment protects the vast majority of "U.S." sound recordings, however the draft copyright legislation has not been formally amended to reflect the commitment.

Korea agreed to participate in the U.S. Strategy Targeting Organized Piracy (STOP!) initiative in October 2004.

The European Community became party to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) on October 1, 2004.

In October 2004, Sri Lankan police conducted their first high-profile IPR raid, of a counterfeit CD/DVC manufacturing plant.

In October 2004, the Government of Vietnam issued Decree No.175/2004/ND-CP on violations and administrative sanctions in the trade domain. Articles 18 and 19 of this decree detail sanctions for trading in fake goods, stamps, labels and packages and establish procedures for assessing fines for these acts. These articles also provide for additional measures such as seizure of equipment used for infringement; destruction of counterfeit goods; and, confiscation of illegal profit.

In October 2004, the Government of Indonesia passed optical disc regulations. The regulations require optical disc production facilities to use only moulds with engraved government approved SID codes, maintain production and licensing records, and submit to unannounced inspections. The optical disc regulations also provide enforcement through possible administrative sanctions and criminal penalties for copyright violators of up to five years in prison.

In October 2004, a Dominican Republic court decision against Channel 5/Telemicro for broadcast piracy obligated the company to pay a total of Rd Pesos 415,000 (approximately US \$14,000) to Twentieth Century Fox, Tri-star Pictures, Columbia Pictures, and Warner Brothers. The court sentenced Telemicro's manager to three months in prison, but these sentences have not been imposed, pending appeal.

Vietnam became party to the Berne Convention on Copyright Protection for Literary and Artistic Works on October 26 2004.

## **November**

In November 2004, China's Ministry of Public Security (MPS) began a new enforcement campaign, Operation Mountain Hawk. It provides guidance for the national police to work with the local police on accepting and investigating more cases, and reporting their results. The MPS held a kick-off seminar with the Quality Brands Protection Committee in December 2004 to show how MPS and local leaders from the Economic Crimes Enforcement Division of the Public Security Bureau are coordinating on IPR enforcement.

In November 2004, the U.S. Department of Commerce and China's Ministry of Commerce established a case review mechanism whereby U.S. companies reporting Chinese IPR violations

receive an interagency review and if enough evidence is collected, the case is brought to the attention of the Ministry of Commerce through our trade facilitation office in Beijing. The first case passed to the Chinese was from the NBA and without prompting was brought up to Secretary Evans by Vice Premier Wu Yi at their meeting this January.

In November 2004, the Cyprus police formed a dedicated unit specializing in intellectual property rights enforcement.

In November 2004, Korea's Ministry of Foreign Affairs and Trade co-sponsored an IPR Roundtable that brought together 80 rights holders, Korean Government officials, academics, and lawyers to discuss the legal and enforcement challenges of protecting IP in the digital age. U.S. Ambassador Christopher Hill and Korea's Trade Minister Kim Hyun-Chong delivered keynote addresses and senior National Assemblyman Lee Jong-Kul emphasized the importance of IPR protection during a speech.

In November 2004, the Kuwaiti Ministry of Commerce and Industry seized 32,000 DVDs and CDs were seized from Fsanta Musica Publications.

In November 2004, Nicaragua established a collective action society named Nicautor, which was authorized in December 2003 by Nicaragua's National Assembly. Nicautor is expected to strengthen the collection of copyright royalties for both foreign and Nicaraguan authors, especially of recorded works, and have the legal authority to bring lawsuits on behalf of member artists.

In Thailand during November and December 2004, the Royal Thai Police conducted dozens of factory and warehouse raids, seizing millions of pirate optical discs and decommissioning several replication machines used for copyright infringement.

In Vietnam during November 2004, Inspectors from Ministry of Culture and Information (MOCI), Ministry of Science and Technology and the Economic Police Department of the Ministry of Public Security raided two large computer suppliers in Hanoi and Ho Chi Minh City.

Kazakhstan became party to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty on November 12, 2004.

In Nigeria on November 23, 2004, the Federal High Court of Enugu State issued an interim injunction against several firms infringing a Honeywell International trademark for spark plugs. The court warned all distributors, dealers, and retailers in Nigeria that the unauthorized use of Honeywell's "Autolite" trademark is illegal and constitutes an offense punishable by fine or imprisonment.

Bhutan became party to the Berne Convention for the Protection of Literary and Artistic Works on November 25, 2004.

## **December**

In December 2004, China released new judicial interpretations on the IPR sections of their Criminal Code lowering the minimum thresholds required for criminal convictions against IPR violators. It remains to be seen if the new judicial interpretations will result in more criminal convictions or more convictions with higher sentences and have the intended affect of reducing infringement and piracy rates. The critical issue remains that China needs to assert the political will to enforce its IPR laws via administrative referrals to criminal prosecution, as well as criminal investigations, prosecutions and convictions.

In December 2004, Estonian police and customs signed a cooperation agreement on information exchange.

In December 2004, the Greek Government held an anti-piracy workshop in Thessaloniki in conjunction with the U.S. Mission and the Motion Picture Association of America Greece Office. Thessaloniki has become a piracy hub and the successful workshop raised awareness of the scope of the problem in Northern Greece and laid the groundwork for a follow-on Anti-Piracy Task Force. A week after the program, a police raid in two warehouses uncovered over 13,000 counterfeit CDs and over 500 pirated DVDs peddled on the streets of Thessaloniki.

In December 2004, Hong Kong's Customs and Excise Department established a task force to monitor and crack down on peer-to-peer (P2P) piracy over the Internet. In January 2005, the task force arrested a man in Hong Kong for uploading three U.S. movies to the Internet.

In December 2004, Kuwaiti Customs raided a huge DVD-R production operation, the first discovered in the Middle East.

In December 2004 the Kuwaiti Ministry of Commerce and Industry seized 10,000 DVDs and CDs from 10 Kuwaiti stores.

In Mauritius in December 2004, at the request of U.S. company Oakley, the Customs Department and the Police Anti-Piracy Unit carried out a "cleaning" exercise against counterfeit Oakley sunglasses in the local market, confiscating over \$35,000 worth of counterfeit goods.

In December 2004, Moroccan Parliament passed amendments to its existing intellectual property legislation that brings Morocco into compliance with many of its TRIPs commitments.

Paraguay's Specialized Technical Unit (UTE) conducted a significant raid in Ciudad del Este in December 2004, one of 43 different operations in 2004 targeting importers and distributors of pirated and counterfeit goods.

In December 2004, Peru's National Police raided a Lima shopping center where pirated goods are sold, confiscating over \$500,000 in pirated DVDs and CDs.

In December 2004 the Serbia and Montenegro State Union parliament passed a package of four new WTO TRIPs-compatible laws providing protection for copyrights, trademarks, designs, and topographies of integrated circuits.

In December 2004, Spain announced key aspects of its new Integrated Plan for the Reduction and Elimination of Activities Violating Intellectual Property, which includes the creation of an interministerial commission involving 11 ministries and private sector representatives, preventative actions and public campaigns against piracy, an analysis of the efficacy of existing Spanish legislation, an emphasis on more effective police action and prosecution of street piracy, and the creation of mechanisms for training officials involved with combating IPR violations.

In December 2004, Taiwan Customs, with the assistance of Taiwan's Aerial Policy Bureau, seized over 1,800 counterfeit video game semiconductor chips and PC boards bound for mainland China.

On December 5, 2004 the Kuwaiti Ministry of Commerce and Industry conducted raids on 17 local shops, resulting in the seizure of 182,139 DVDs and CDs, including 62,000 from one store alone.

San Marino became party to the Patent Cooperation Treaty (PCT) on December 14, 2004.

In December 2004, Estonia's new civil court procedure act, which provides law enforcement agencies with the right to perform ex parte searches, passed its second reading in the Parliament.

In December 2004, the Government of India issued an ordinance to amend its current Patent Act. Effective January 1, 2005, India expanded product patent coverage to include pharmaceuticals and agro-chemicals.

In December 2004, Vietnam's Ministry of Science and Technology and the Ministry of Finance Issued Inter-ministerial Circular No.129/2004/TTLT/BTC-BKHCN on border control measures for industrial property of import and export goods. This circular authorizes intellectual property rights holders and their representatives to file petitions for applying border control measures for intellectual property if they find evidence of infringement.

In December 2004, Vietnam's Ministry of Finance issued Circular 132/2004/TT-BTC providing guidelines for the collection, payment, control and utilization of industrial property fees and charges. Circular 132 established one set of fees and charges for industrial property protection and services for all Vietnamese and foreign entities and individuals.

## **2005**

### **January**

In January 2005, in Beijing, the third annual Ambassador's IPR Roundtable brought together both USG, Chinese, EU, and Japanese officials with business and industry representatives to discuss the new judicial interpretations on the IPR section of China's criminal code presented by the Supreme People's Court, and Chinese IPR enforcement activities. Vice Premier Wu Yi delivered opening remarks and Secretary Evans gave an address.

Pursuant to its TRIPS obligation, Egypt opened its patent mailbox on January 1, 2005.

In January 2005, a man in Hong Kong was arrested by the Customs and Excise Department for uploading three U.S. movies to the Internet. The Customs and Excise Department has set up a joint task force with copyright industry representatives and Internet service providers to track down on-line pirates engaged in unauthorized file-sharing.

Korean courts in January 2005 issued five rulings on the unauthorized use of sound recordings by online music providers that resulted in fines and prison terms for online operators, stemming from violations of sound recording producers' reproduction rights. A judge ruled in one case that three users who downloaded and shared music files from the music site Soribada were liable for infringement of reproduction rights under the Copyright Act, thus marking the first time a Korean court has held users liable for P2P file sharing.

In January 2005, Korea revised its Copyright Act by granting sound recording producers and performers certain exclusive transmission rights. It also issued interpretations of the new legislation that may help the music industry in its legal battles against downloading, uploading, and exchanging computer files of sound recordings without the permission of rights holders.

In January 2005, Singapore's amended copyright law came into force, addressing a number of the legal reforms required for compliance with the US-Singapore Free Trade Agreement.

In January 2005, Taiwan's legislature approved a bill to prevent unfair commercial use of pharmaceutical test data for new drugs for a period of five years.

In January 2005, a special unit in charge of IPR-related issues was created within Uruguay's Organized Crime and Intelligence Branch of the police.

In January 2005, the Government of Australia entered into force the U.S.-Australia Free Trade Agreement under which it introduced a range of amendments to Australia's Copyright Act 1968 and committed itself to ratifying certain international intellectual property agreements such as the two WIPO Internet Treaties (WCT and WPPT). These amendments included: 1) new rights--both economic and moral--for performers in sound recordings and live performances; 2) extension of protection for most copyright material from 50 to 70 years after the death of the author; 3) greater use of criminal law, in addition to civil remedies, to enforce copyright; 4) increasing prohibitions to the non-commercial use of infringing material; 5) increased liability for end-users and consumer; and 6) broader protection for electronic rights management information.

In January 2005, Paraguay's new patent law (originally passed in 2000) came into force. The new law provides for the granting of pharmaceutical product patents and the Government of Paraguay hired and has been training two patent examiners to implement the law. The GOP also introduced legislation in late 2004 to increase prison terms for piracy and falsification.

In January 2005, Vietnam's Ministry of Home Affairs approved establishment of the Vietnam Anticounterfeit and Intellectual Property Protection Association of Foreign-Invested Enterprises (VACIP). This organization will serve as a forum for foreign invested enterprises to share experiences and strategies to deal with counterfeiting and piracy issues in Vietnam.

In January 2005, Uzbekistan deposited its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works. Nonetheless, Uzbekistan requested a reservation to the retroactivity provisions in Article 18 of the Berne Convention. The Berne Convention entered into force, with respect to the Republic of Uzbekistan, on April 19, 2005.

Botswana became party to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty on January 27, 2005.

## **February**

In February 2005, the U.S. Foreign Commercial Service, the U.S.-Vietnam Trade Council and the HCMC General Sciences Library organized a workshop on the translation and reproduction of copyrighted literary works. The workshop was well attended by both local Vietnamese and foreign publishers, who clarified licensing procedures and discussed current challenges to licensing U.S. books in Vietnam. The workshop also included time for local publishers to meet with representatives from major foreign publishing houses to negotiate the terms for obtaining a license to translate or reproduce texts in Vietnam.

In February 2005, the Philippines Congressional Oversight Committee on the Optical Media Board approved the implementing rules and regulations for the Optical Media Act (enacted in February 2004). The passage of the rules and regulations represent the first concrete congressional action on IPR since the passage of the Optical Media Act.

Indonesia became party to the WIPO Performances and Phonograms Treaty on February 15, 2005.

In February 2005, Kazakhstan financial police announced the beginning of criminal proceedings in Almaty in a significant software piracy case. The alleged violator was installing unlicensed Microsoft programs on computers he was selling.

## **March**

In March 2005, the Egyptian Government provided training to inspectors working on trademark enforcement.

Japan joined the United States in March 2005 in co-sponsoring an initiative in APEC aimed at reducing trade in counterfeit and pirated goods as well as on-line piracy.

In March 2005, Hong Kong's Customs and Excise Department cracked its largest-ever corporate piracy case, arresting two men and confiscating 16 computers that had pirated graphic design programs worth more than \$1 million installed on them.

In March 2005, Saudi Arabian Ministry of Interior conducted a major and successful raid in the Al Batha area in Riyadh. \$1.2 million worth of audio-visual materials were seized and more than 250 people arrested.

Armenia became party to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty on March 6, 2005.

Brazil's National Council to Combat Piracy and Intellectual Property Crimes adopted a National Action Plan on March 17, 2005. The Plan has been posted on the website of the Brazilian Ministry of Justice to facilitate monitoring of the Plan's implementation. The Plan was adopted through a consensus process that included Brazilian representatives of the interested copyright and trademark sectors.

In Taiwan on March 18, 2005, the Taipei City Police with cooperation from industry raided a pirate CD-R lab seizing 93 optical disk burners and arresting three people.

Macedonia became party to the WIPO Performances and Phonograms Treaty on March 20, 2005.

On March 23, 2005 India's parliament completed its action to make permanent the change to India's patent law, which had been introduced by temporary ordinance in December 2004. The Indian President signed the patent amendment bill on April 5, 2005.

#### **April**

In April 2005, Vice Premier Wu Yi announced that the special IPR protection campaign originally scheduled to end in September would be extended to the end of the year. Wu Yi stated that the next stage of the nation-wide campaign would focus on the infringement of food and pharmaceutical trademarks, as well as well-known trademark infringements, and would target street vendors of illegal publications, audio-visual products and software. Wu Yi also set a goal of eliminating all counterfeit office software usage in government offices above the prefectural and municipal levels.

In April 2005, the Egyptian Government issued the third and last chapter of the executive (implementing) regulations of Egypt's new IPR law. This chapter of the IPR law governs copyright protection and was issued back in 2002.

In April 2005, Egypt joined the WIPO Nice Agreement Concerning The International Classification Of Goods And Services For The Purpose Of Registration Of Marks.

In April 2005, Kuwait's Ministry of Information participated in raids against 14 locations that the copyright industry had identified as being involved in pirate activities and found 11 of them to be in violation of Kuwaiti law. The pirated goods were seized and the proprietors have been referred to the public prosecutor's office for legal action.

Comoros became party to the Patent Cooperation Treaty (PCT) on April 3, 2005.

In April 2005, in Brazil, the Sao Paulo Anti-piracy police unit (DEIC), supported by APDIF do Brazil, raided an Industrial CD plant named DIGIMATIC Oficina Replicadora Ltda, in the city of Santana do Parnaíba, 60 kilometers from Sao Paulo. The plant had one active line. Arrested at the plant was Mohd Hasan Tawfic Mohd, a Lebanese national. Two others were held for

questioning pending further investigation. Seized were 52,380 CDs mainly of Brazilian repertoire and 27,900 play-station CDs. The plant was fully equipped with industrial recording machinery with a capability of producing 20,000 CD's daily.

In April 2005, there was a seizure of approximately 20,000 pirate CDs and DVDs in Honduras. Following the seizures, several suspects were arrested in raids on more than half a dozen sales locations in the cities of Tegucigalpa and Choluteca.

In April 2005, Indonesia Police seized 2 million locally produced pirated Play Station 2 DVDs intended for export.

Comoros became party to the Berne Convention for the Protection of Literary and Artistic Works on April 17, 2005.

Singapore became party to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty on April 17, 2005.

In April 2005, Indonesia's optical disc regulations went into effect.