

# I POTENTIAL



## THE LATEST ASEAN INTELLECTUAL PROPERTY UPDATE



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### Happy Mid-Autumn Festival 2023

#### Greetings from Pintas IP Group

Pintas IP Group wishes you a joyous celebration and prosperous days ahead. Also, we are monitoring closely new directions from IP Offices in ASEAN countries.

In the interim, we are giving our best endeavors in ensuring operational continuity for your Asean IP needs through our customer service and e-services platforms, Pintas Digital Platform (eCommerce), and IP Hall Case Management System (management and monitoring module) accessible 24 hours every day.

Once again we thank you for your continued support in this uncertain time, our thoughts go out to those who have been affected by this difficult time and we pray for your good health and well-being.

## ASEAN unveils inaugural Intellectual Property (IP) Register



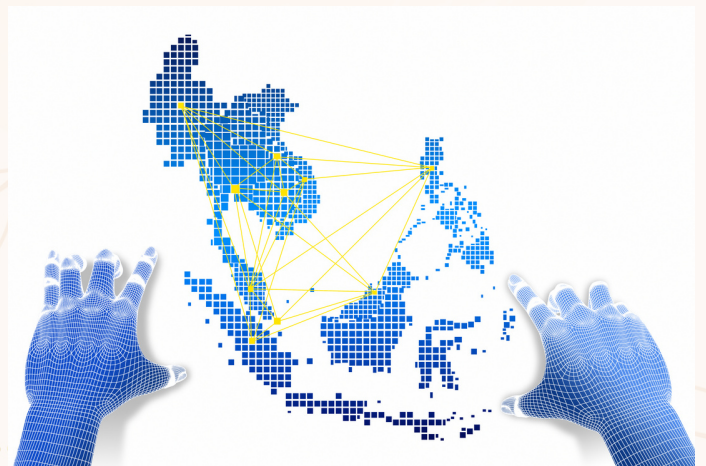
In partnership with the World Intellectual Property Organization (WIPO), the Association of Southeast Asian Nations (ASEAN) has formally introduced its inaugural ASEAN Intellectual Property (IP) Register. The ASEAN IP Register functions as a comprehensive information hub that integrates the most current IP data from its ten member states. WIPO will be responsible for the ongoing maintenance of this information portal. The primary goal of the portal is to offer a specialized platform where stakeholders can effortlessly conduct IP searches for patents, trademarks, and industrial designs. This service is available through the ASEAN IP Online portal, which complements the existing ASEAN GI Database and ASEAN IP case law resources, providing a valuable, handy IP toolkit for all stakeholders.

The inauguration of the ASEAN IP Register took place at the 55th ASEAN Economic Ministers (AEM) meeting, which was convened in Semarang, Indonesia. Mr. Daren Tang, the Director General of WIPO, jointly officiated the launching ceremony with Dr. Kao Kim Hourn, the ASEAN Secretary-General, and Mr. Zulkifli Hasan, the Minister of Trade for Indonesia. In addition to unveiling the ASEAN IP Register, Mr. Daren Tang and Dr. Kao Kim Hourn also formalized their commitment by signing a Memorandum of Understanding (MoU). This MoU recognizes the pivotal role of intellectual property (IP) in driving growth and development. WIPO has conveyed its strong determination to collaborate closely with the ASEAN region to enhance IP protection for startups and small and medium-sized enterprises (SMEs) in developing and least developed nations. IP is poised to serve as a strategic instrument to aid these communities in their progress and development endeavors.

According to statistics from WIPO, trademark applications originating from ASEAN Member States have surged by an impressive 300% over the last decade. In the same period, patent applications have experienced a 60% increase, and design filings have seen a notable uptick of 30%. These figures indicate that ASEAN's intellectual property (IP) development has showcased its potential to establish itself as a thriving innovation hub, akin to other advanced nations like China and the United States.

In summary, the introduction of the ASEAN IP Register represents a significant milestone in the advancement of intellectual property within the ASEAN region. This unified platform, offering streamlined IP search capabilities in a common language and accessible to the general public, has been eagerly awaited by IP professionals throughout the ASEAN region. WIPO and ASEAN remain committed to enhancing the user-friendliness of the online portal and will continue their collaborative efforts in this regard. It is imperative that the developers actively seek and incorporate user feedback on an ongoing basis to further refine and optimize the entire system.

PINTAS, a boutique IP firm, boasts over two decades of expertise specializing in the protection of intellectual property across the ASEAN Region. Our team is highly skilled and dedicated to delivering professional and efficient service. If you are interested in gaining a deeper understanding of how to safeguard your intellectual property assets comprehensively, please do not hesitate to get in touch with us. Seize the opportunity to schedule a free consultation session today.





## Funding Available for Resolving IP and Technology Disputes for ASEAN Businesses

**SINGAPORE:** Enterprises within the Association of Southeast Asian Nations (ASEAN) now have the opportunity to utilize subsidized mediation for the resolution of their Intellectual Property (IP) or technology disputes through the WIPO-Singapore ASEAN Mediation Programme (AMP).



### Key Highlights:

- 1. Under the World Intellectual Property Organization (WIPO)-Singapore ASEAN Mediation Programme (AMP), individuals or entities facing IP or technology disputes, or requiring mediation support to finalize an IP or technology agreement, are eligible for funding of up to SGD 8,000 per mediation case. The funding will be evenly divided between the involved parties, unless mutually agreed otherwise.**
- 2. The AMP is a collaborative initiative between the WIPO Singapore Office (WSO) and the Intellectual Property Office of Singapore (IPOS), established within the framework of the WIPO-Singapore Government Memorandum of Understanding (MOU). The AMP receives support from the WIPO Arbitration and Mediation Center.**
- 3. Ms. Thitapha Wattanaputtipaisan, WSO Director, acknowledged the increasing global trend in IP or technology disputes and highlighted the growing interest in alternative dispute resolution, particularly in the ASEAN region. She expressed enthusiasm about the launch of the pilot WIPO-Singapore ASEAN Mediation Programme (AMP), aiming to provide businesses with increased access to mediation. The goal is to enable more ASEAN businesses to benefit from mediation as an effective and economical solution for their IP or technology disputes.**
- 4. Mrs. Rena Lee, IPOS Chief Executive, expressed the hope that the WIPO-Singapore ASEAN Mediation Programme (AMP) would encourage enterprises to prioritize mediation as their preferred method for resolving IP or technology disputes. ASEAN businesses can also leverage this initiative to mediate the terms of IP or technology agreements. She emphasized the partnership between IPOS and WIPO in offering this valuable service to**
- 5. The AMP provides an additional mediation avenue for businesses, supplementing existing schemes such as the Revised Enhanced Mediation Promotion Scheme (REMPS), which was an extension of the Enhanced Mediation Promotion Scheme (EMPS).**

## Funding Available for Resolving IP and Technology Disputes for ASEAN Businesses

6. A multi-jurisdictional case involving a dispute over Singaporean and foreign IP rights, between the American company Aftershokz, LLC and Thai businessman Mr. Suravit Kongmebhol, was successfully mediated under the EMPS. The case was resolved within 19.5 hours and concluded with a settlement agreement. This mediation approach proved to be more time- and cost-effective compared to litigation, which could have taken over two years across multiple jurisdictions and potentially resulted in uneven outcomes.

7. Interested applicants can apply for AMP funding by notifying the WIPO Center when making a Request for WIPO Mediation or subsequently. The pilot phase for the AMP is set to conclude on December 31, 2023, or when the allocated budget is fully utilized, whichever comes first.

In conclusion, the WIPO-Singapore ASEAN Mediation Programme (AMP) offers a valuable opportunity for ASEAN businesses to resolve their IP and technology disputes in a cost-effective, efficient, and collaborative manner. By enhancing access to mediation and providing financial support, the AMP contributes to the growth and success of businesses in the region while promoting a culture of alternative dispute resolution. Contact [Pintas IP](#) today to learn more on Intellectual Property protection in Singapore and other countries within the Association of Southeast Asian Nations.





## Key Updates on the Vietnam Decree of Personal Data Protection

The Vietnamese government has recently rolled out the Decree of Personal Data Protection (13/2023/ND-CP) on April 17, 2023 which will come into effect on July 1, 2023. The government recognizing the significance to safeguard the privacy and security of personal information has introduced a raft of changes in the abovesaid decree. The decree aims to offer a comprehensive protection by compiling all the relevant provisions regarding personal data protection contained in 19 different legislations. In this article, we will navigate through the piece of legislation and highlight the notable changes brought by the decree.

The scope of the said decree applies to all individual, organizations and entities which are involved in collecting, utilizing and processing personal data within the territory of Vietnam. Furthermore, the decree has defined the term 'Personal Data' and further classified the differences between 'basic personal data' and 'sensitive personal data', a breach of 'sensitive personal data' would directly jeopardized the right and interest of an individual. The decree has provided a non-exhaustive list to clarify the particulars which considered as 'sensitive personal data'. It imposes a rigorous standard of protocol to protect the abovesaid 'sensitive personal data

Besides that, the decree has specified the prohibition to sales and purchase of personal data in any form. This initiative is to tackle the issue of identity theft and unauthorized intrusive advertising which has been rampant throughout the recent years. In addition, the decree has attempted to outline the individual rights of data subjects which are as follows:

1. Right to access
2. Right to be informed
3. Right to delete data
4. Right to complain, denounce and initiate legal proceedings and claim damages
5. Right to request provision of data
6. Right to withdraw consent
7. Right to object use or disclosure
8. Right to restrict processing

On top of that, the decree goes on the regulate cross-border data transfer. It has listed down guidelines that must be adhered by the organisations/entities before they transferring data out of the territory of Vietnam. It requires them to undertake a 'Data Transfer Assessment', the Ministry of Public Security of Vietnam will conduct a review annually to ensure the organization/entities have adhered to the guidelines layout in the decree. If there is any breaches detected by the ministry, for example the transfer of data has violated the interest of the general public or national security, the Ministry is entitled to terminate the data transfer.

In a nutshell, the government's effort to regulate the law regarding to personal data protection is undisputedly beneficial to the country. However, it is submitted that the decree has adopted wordings that are unnecessarily wide that make the decree vague and unambiguous. We anticipate that the relevant authorities will issue specific guidelines to rectify the abovesaid issue.

