

# I POTENTIAL



## THE LATEST ASEAN INTELLECTUAL PROPERTY UPDATE



2023  
金兔賀歲  
HAPPY NEW YEAR

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### Happy Lunar New Year 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.

## SINGAPORE IP NEWS UPDATE

### Patent Acceleration Strategies:

## Get Your Patent Granted Within Six Months Through Singapore



Get Your Patent Granted in Singapore within six months with Singapore IP Fast Track program (SG IP Fast) and utilise the Singapore granted patent to accelerate the grant of your patent in Southeast Asia countries through ASPEC and Globally through PPH.

Singapore has one of the fastest patent grant acceleration programs in the world. Through ASEAN Patent Examination Co-operation (ASPEC) and Global PPH Pilot Programme, Singapore has also established an extensive network of work-sharing arrangements with patent offices within the Asean region and globally to allow patent applicants to obtain corresponding patents faster and more efficiently.

Hence, patent owners in the Southeast Asia region and beyond who wish to get their patent granted expeditiously can Use Singapore as the launching Pad to streamline and accelerate their patent grants in Southeast Asia Countries and globally.

Here are the three steps patent accelerated strategies for patent owners:-

#### Step 1: Use Singapore Patent Fast Track Programme to speed up Singapore Patent Grant within 6 months

Under the Singapore IP Fast Track Programme (SG IP FAST), Patent applicants can obtain a grant of their Singapore application within six months upon filing the application. SG IP FAST is available to patent applications filed for all inventions across all technological sectors. There is a cap of 10 patent applications per month, with a further cap of 2 patent applications per entity (individual or corporate) under SG IP FAST. The cap will be reset on the first day of every month.

#### Step 2: Use ASPEC to accelerate grant in Southeast Asia countries

Southeast Asia Countries, namely Singapore, Malaysia, Vietnam, Indonesia, Thailand, Philippines, Brunei, Cambodia, Laos are members of ASEAN Patent Examination Co-operation (ASPEC)

Through the ASPEC Programme, patent applicants can use the ASPEC Programme to share the search and examination results of Singapore Patent Office with patent offices of other Southeast Asia countries to allow them accelerating the grant of corresponding patents faster and more efficiently in Southeast Asia Countries.

#### Step 3: Use PPH to Obtain Grant in the Rest of the World

The Singapore Patent Office (IPOS) has Patent Prosecution Highway (PPH) arrangement with the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), the Japan Patent Office (JPO), the China National Intellectual Property Office (CNIPO), the Korean Intellectual Property Office (KIPO) and the German Patent and Trademark Office and other members of Global PPH Pilot Programme like the patent offices of UK, Australia, Canada, Russia, Brazil, Mexico, Israel, Sweden and Denmark.

Patent Applicants originating from any of the PPH countries can speed up the examination process of their patent application in Singapore patent office by referencing the examination results from their home IP Office. Such a work-sharing arrangement allows applicants to obtain corresponding patent to be granted in Singapore faster and more efficiently.



## VIETNAM IP NEWS UPDATE

### Vietnam IP Update: Highlights of Vietnam IP amendment bills 2023

In the past few decades, Vietnam has emerged as one of the fastest growing economy in the ASEAN region. The intensifying trade war between the United States and China has also inspired Vietnam's economic growth. Foreign direct investments is the boosters to assist the government to create more job opportunities and eliminate poverty. Concurrently, they are demanding the Vietnamese government to intervene and provide an overarching protection to safeguard their Intellectual Property (IP) rights and interests.



In response to the increasing incidents of Intellectual Property infringements, The National Assembly of Vietnam has passed an amendment bill to revise the 2019 amendments. The revised provisions come into effect from 1st of January, 2023 to offer adequate protection to the IP owners. Some of the key highlights and crucial amendments are summarised and listed below:

#### PATENTS

1. The revised bill has introduced several additional grounds to invalidate a patent registration in Vietnam, such as:
  - The patent registration violates the security control regulations;
  - The patent registration failed to comply with the first-to-file principle;
  - The post-filing amendment of the application goes beyond the scope and subject matter or it has altered the subject matter claimed;
  - Failure to provide full and frank disclosure of the origin of the genetic resources or traditional knowledge contained in the patent application;
  - The invention is not clearly explained in the specification
  - And etc...
2. The latest amendment is now being extended to recognise the disclosures in publications of patents with an earlier filing or priority date but that are later published on or after the filing or priority date of the application that is under examination.
3. The 2022 IP Law amendments also granted the authority to the Intellectual Property Office of Vietnam (IPOV) to refer to the official results of substantive examinations performed by other foreign IP offices while examining the novelty of patent application in Vietnam.

#### TRADEMARKS

1. The latest amendments has reconsidered the regulations governing well-known marks in Vietnam. If a well-known mark is one that widely recognised within 'relevant public' of the territory of Vietnam. The assembly has permanently removed the unnecessarily high burden of proving a well-known mark.
2. The new regulation also widened its scope to protect non-traditional marks such as sound marks. Sound mark is only recognisable by hearing, it is not visible but it is capable to assist the applicant/owner to differentiate their goods/services with other undertakings in the same industry

#### INDUSTRIAL DESIGNS

1. The 2022 amendments has significantly simplified the process and requirements of applying industrial designs protection. The Intellectual Property Office of Vietnam will give more weight on the photos and drawings of the designs provided on the applicant rather than focusing on the written description that might be cumbersome.
2. The Intellectual Property Office of Vietnam may now grant an extension of time to the applicant to defer publication after formality acceptance issued by the IP Office. However, this is not an automatic deferment and it is subjected to the registrar discretion upon application, the deferment period may varies from case-to-case basis and the maximum extension would be seven months. The rationale behind this rule is to allow the applicant to conceal the design until they are ready to initiate an official launch.

## MALAYSIA IP NEWS UPDATE

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Last but not least, this Intellectual Property (IP) Law amendments is an effort by the Vietnam officials to keep their statutes align with a series of international treaties and agreements such as the European Union – Vietnam Free Trade Agreement (EVFTA) and the Regional Comprehensive Economic Partnership (RCEP) and etc. The amendments also addressed a variety of mechanisms to prevent, enforce and penalise every form of Intellectual Property infringements. It is definitely a new milestone of Intellectual Property development in Vietnam.

In PINTAS, we sincerely believe that Intellectual Property (IP) rights are the most valuable assets of your business. With over 20 years of experiences of Intellectual Property prosecution in the ASEAN region, our professional team are ready to serve you in the most effective and efficient way. If you any IP related inquiries, please do not hesitate to consult us.

## THAILAND IP NEWS UPDATE

### Thailand: Latest update on Customs Recordation System for Trademark and Copyright



The Royal Thai Customs Department (“Custom”) has modified the customs recordation system as well as the customs processes for the seizure of counterfeit and pirated goods. Under this new notification, both trademark and copyright owners can now directly record their intellectual property (“IP”) information with the Custom rather than having to first record it with the Department of Intellectual Property (“DIP”), which was previously required for trademark owners requesting customs recordation.

As the law has now changed, any previously recorded Customs Recordation will now be no longer valid. Hence, the rights owners should file new application for Customs Recordation to ensure that their IP rights are being protected at Thailand’s borders. The new procedures established by the notification are detailed below:

#### 1) File a Formal Application for custom recordation

- File a formal application for recordal of IP with the Custom;
- By filing the formal application, it will help the Custom to distinguish products bearing counterfeit mark/infringing copyrighted works from genuine goods and increase the chances of IP infringing goods being blocked at the borders.
- For foreign applicants, a local agent must be appointed to file a formal application for recordal of IP;
- The custom recordation will now be valid for three years after it is received or the remaining duration of the registered trademark or copyright in question, whichever comes first;
- Renewal of the custom recordation is allowed no later than 30 days before the expiry date.
- Upon successful renewal, the custom recordation will be valid for another three years from the previous expiry date or the remaining duration of the registered trademark or copyright in question, whichever comes first.

#### 2) Impoundment Procedure against infringing goods

When the products were found infringing IP rights based on the recordal information, the custom officer will impound the product as well as notify the exporter, importer, or transit person and trademark or copyright owner.

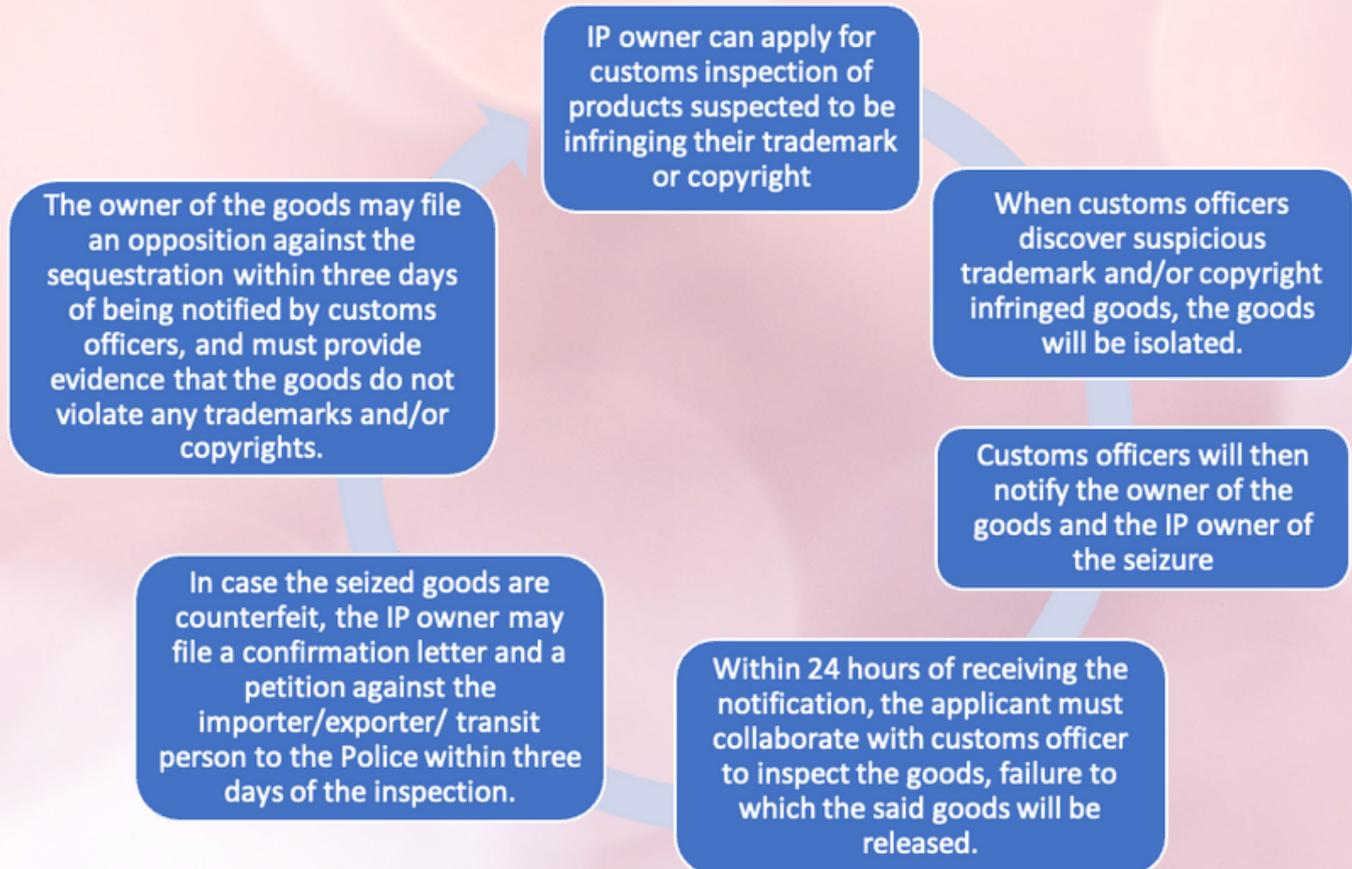
If the exporter, importer, or transit person is not contactable by the custom officers, or if the relevant person does not raise objection against the impoundment of the product, the products will be deemed as infringing products.

In the event the exporter, importer or transit person admit that the products are non-legitimate, the officer will generate a memorandum of inspection and seizure or detention and thereafter send the case to the litigation unit for further action.

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#### 3) Custom inspection request on a case-to-case basis



For more information or assistance on filing customs recordation with the Royal Thai Customs Department, please contact Pintas IP Group at <https://pintas-ip.com/contact-us/>.