

**THE ASEAN INTELLECTUAL PROPERTY RIGHTS (IPR)
ACTION PLAN 2016-2025**

**Updates to the ASEAN IPR ACTION PLAN
(version 2.0)**

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The ASEAN Working Group on IP Cooperation (AWGIPC) had embarked on a Mid Term Review (MTR) of the ASEAN IPR Action Plan (AIPRAP) 2016-2025 between July to December 2020. The MTR was conducted via an online survey circulated to all ASEAN Member States (AMS) and followed up with a series of discussions over several AWGIPC Meetings.

The main objectives of the MTR are to ensure the AIPRAP 2016-2025 remains relevant and current; to assess its usefulness in and adaptability to the context of current developments in the region as well as to reflect the progress achieved by the AWGIPC to date. As of March 2021, 18% of the deliverables under the AIPRAP have been completed, 64% are ongoing and 18% have not started. The list of completed deliverables as of March 2021 are as follows:

- (i) Deliverable 2.5 – Develop ASEAN Common Guidelines on Industrial Design Examination
- (ii) Deliverable 8.1 – Establishment of a regional network of patent libraries within schools and universities in AMS, to increase access to global scientific and technology information for research and development
- (iii) Deliverable 9.2 – Conduct a Feasibility Study for an ASEAN Trademark Registration System
- (iv) Deliverable 10.1 - Ensure IP Offices' patent, trademark, industrial design and copyright databases and relevant information are easily accessible to their customers, partners, industry, and the public
- (v) Deliverable 11.1 - Develop a checklist to ensure that relevant information is updated regularly (on the ASEAN IP Portal)
- (vi) Deliverable 11.2 - Integrated searches of ASEAN IP databases can be done from the ASEAN IP Portal
- (vii) Deliverable 12.4 - Deliverable National internal guidelines for enforcement consistent with the civil, criminal, and administrative structures of AMSs are drawn up based on best practices identified through information sharing among national agencies in AMSs that are tasked with IP enforcement
- (viii) Deliverable 12.6 - Develop a coordination mechanism to enhance enforcement operations
- (ix) Deliverable 16.1 - AMS conduct a study on supporting schemes to encourage IP protection and acquisition by MSMEs and the creative sectors and the effectiveness of the various schemes with the objective of adopting suitable and relevant measures
- (x) Deliverable 16.2 – Creative ASEAN

While these deliverables listed above have been marked as *Completed* by the AWGIPC, the monitoring and carrying out of activities to support these deliverables will still continue with the assistance from the relevant Dialogue Partners (DPs).

Moving forward, the AWGIPC will place higher priority on deliverables which are *Ongoing* or *Not Yet Started*. As of March 2021, the following are deliverables which have not yet been started. Discussion with various Dialogue Partners requesting their support on these *Not Yet Started* initiatives have commenced and the activities will take place over the period of 2021-2025.

- (i) Deliverable 4.2 - Consider implementing the recommendations from the study (Study to harmonize formality requirements for trademarks and industrial designs – Deliverable 4.1)

- (ii) Deliverable 17.2 - Conduct a study on the best practices for IP valuation, including on the IP and non-IP legal and policy frameworks that help increase the recognition of the value of IP as a financial asset in the business community
- (iii) Deliverable 19.2 - Develop relevant national policies and laws related to GRTKTCE, for interested AMS
- (iv) Deliverable 19.3 - Develop a network of GR and TK databases for interested AMS
- (v) Deliverable 19.4 - Implement regional cooperation agreements such as a code of conduct/MOC on the use of GR by interested AMSs

Through the MTR exercise, the AMS also proposed new deliverables to be implemented, amendments to existing ones and the dropping of certain deliverables. The newly-proposed deliverables are in line with emerging trends within the ASEAN and global IP landscape and are focused on strengthening areas relating to Copyright, Patents and Online Enforcement. The AWGIPC and the ASEAN Secretariat will be working closely with the AWGIPC Chair, all AMS and various Dialogue Partners to facilitate and support the implementation of these new deliverables. The list of new deliverables as proposed by the AWGIPC are as follows:

- (i) Deliverable 1.8 - Strengthening Financial Management of IP Offices
- (ii) Deliverable 3.5 - Capacity Building for Copyright Offices
- (iii) Deliverable 3.6 - Study on royalty setting of CMOs
- (iv) Deliverable 9.4 - Implement an ASEAN Copyright Information Network
- (v) Deliverable 9.5 - Feasibility Study on an ASEAN Patent System
- (vi) Deliverable 12.7- Develop information exchange on online enforcement
- (vii) Deliverable 12.8 - Develop ASEAN guidelines on IPR enforcement against online infringement

The list of deliverables which are assessed to be of low usefulness and low priority at this current point of time are dropped and may be reviewed further to be included in the post-2025 IPR Action Plan. This list of dropped deliverables also includes those which may no longer be relevant in the current IP landscape. The list of dropped deliverables as agreed by the AWGIPC are as follows:

- (i) Deliverable 1.5 - Establish an ASEAN Copyright Notifications/Recordation Network
- (ii) Deliverable 3.1 - Participate in WIPO's initiative on creating international quality assurance standards for CMOs
- (iii) Deliverable 3.3 - Guidelines for Accreditation / certification of CMOs
- (iv) Deliverable 3.4 - Educate and train CMOs on TAG
- (v) Deliverable 15.1 - Create awareness of Regional Accreditation System (RAS)
- (vi) Deliverable 15.2 - Feasibility study to establish Regional Accreditation System
- (vii) Deliverable 15.3 - Establish Regional Accreditation System

Several deliverables have also been further amended or re-worded to better reflect the status of the deliverables at this current point of time or to make it clearer, for ease of implementation by the AWGIPC. The updated ASEAN IPR Action Plan 2016-2025 (v2.0) is presented in the following pages. For any inquiries, please email to ASEC-IPR@asean.org.

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(version 2.0)

Last Updated 23 March 2021
[Updates are in **red**]

INITIATIVES	DELIVERABLES
Initiative 1. Improved patent, trademark, and industrial design services	1.1. Conduct IP Diagnostics of AMS IP systems to ascertain issues and the extent of their impact on the delivery of IP services, including the backlog situation so that appropriate measures may be taken to improve the delivery of their IP services
	1.2. Expand work-sharing activities for patents among AMSs
	1.3. Continued implementation of the ASEAN Patent Search and Examination Cooperation (ASPEC)
	1.4. Effective use of copyright system by 2025
	1.5. Establish an ASEAN Copyright Notifications/Recordation Network (dropped)
	1.6. Update and enhance the ASEAN Databases of Industrial Designs and Trademarks
	1.7. Establish an ASEAN database for published applications and registered patents
	1.8. Strengthen Financial Management of IP Offices (new)
Initiative 2. Promote improvement of IP services in terms of timeliness and quality of output	2.1. Identify similarities and differences in practices of patent and industrial design among the AMSs
	2.2. Update or draft national patent substantive examination manuals
	2.3. Update or draft national industrial design examination manuals <u>or guidelines (amended)</u>
	2.4. Develop ASEAN Common Guidelines on Patent Examination
	2.5. Develop ASEAN Common Guidelines on Industrial Design Examination
	2.6. Regularly update, as may be necessary, the ASEAN Common Guidelines on Substantive Trademark Examination
	2.7. Adopt and publish the performance pledge for IP registrations
Initiative 3. Promote excellence of CMOs in	3.1. Participate in WIPO's initiative on creating international quality assurance standards for CMOs (dropped)

INITIATIVES	DELIVERABLES
transparency, accountability and governance	<p>3.2. Develop a compendium of transparency, accountability and governance (TAG) principles relating to the right of access to repertoire information, transparent tariff calculation, requirements regarding deductions, etc.</p> <p>3.3. Develop a set of best practices/guidelines for the certification/accreditation of CMOs (dropped)</p> <p>3.4. Educate and train CMOs, with emphasis on transparency, accountability, and governance, providing guidance and assistance where requested, to reach certification (dropped)</p>
	3.5. <u>Capacity building for Copyright Offices to conduct audits to ensure compliance with transparency, accountability and governance (TAG) among collective management offices (CMOs) (new)</u>
	3.6. <u>Study on royalty setting of CMOs. Once completed to consider its feasibility for implementation in the ASEAN setting (new)</u>
Initiative 4. Explore the feasibility of harmonizing formality requirements for trademarks and industrial designs across the region	<p>4.1. Undertake a feasibility study for harmonizing study to harmonize formality requirements for trademarks and industrial designs <i>(amended)</i></p> <p>4.2. Consider implementing the recommendations from the study</p>
Initiative 5. Accession to international treaties: i. Madrid Protocol; ii. Hague Agreement; and iii. PCT	<p>5.1 Accession to the Madrid Protocol and Hague Agreement</p> <p>5.2 Accession to the PCT by AMSs</p>
Initiative 6. Endeavour to accede to other WIPO-administered international treaties (may be determined by each AMS)	6.1. Accession to Singapore Trademark Law Treaty as part of improvement of TM processes, or to other WIPO-administered international treaties by interested AMSs <i>(amended)</i>
Initiative 7. Develop targeted and sustainable capacity building and office-initiated client-assistance programs linked to levels of	7.1 Establish an ASEAN IP Academy (based on the outcomes of a feasibility study) to increase the competency of ASEAN IP stakeholders, including practitioners (such as advisors, lawyers, engineers, patent and trademark agents, and strategists, etc.)

INITIATIVES	DELIVERABLES
development, with special focus on CLM (Cambodia, Lao People's Democratic Republic, and Myanmar)	
Initiative 8. Develop new networks of integrated IP services for the region, including technology transfer offices and innovation technology support offices (patent libraries)	8.1 Establishment of a regional network of patent libraries within schools and universities in AMSs, to increase access to global scientific and technology information for research and development
	8.2 Link the existing or new national virtual IP marketplaces of AMS' IP Offices via the ASEAN IP Portal (amended)
	8.3 Hold regional IP Fair/Technology Marketplace events on either an annual or biennial basis
Initiative 9. Improve service delivery of AMSs through connected online services, including patent, trademark, copyright and industrial design search systems, and online filing systems	9.1 Implement on-line filing for patents, trademarks and industrial design applications
	9.2 Conduct a feasibility study for an ASEAN TM Registration system
	9.3. Implement online system for copyright recordation/notification for AMSs that have recordation systems
	9.4 Implement an ASEAN Copyright Information Network – a centralized page for copyright-related information in ASEAN (new)
	9.5 Conduct a Feasibility Study for an ASEAN Patent System (new)
Initiative 10. Adopt modern Information Technologies to improve quality of regional services, including the development of an automated (including translation) system for electronic correspondence and dossier systems for trademarks; online filing; sharing of patent and copyright information through the establishment of	10.1 Ensure IP Offices' patent, trademark, industrial design and copyright databases and relevant information are easily accessible to their customers, partners, industry, and the public

INITIATIVES	DELIVERABLES
regional patent and copyright databases; and updating an improvement of the regional industrial design and trademark databases	
Initiative 11. Improve and centralize the management of the ASEAN IP Portal by ensuring that IP information, including statistical data, is accurate and regularly updated (e.g., no. of filings, registrations, grants, pendency periods)	11.1 Develop a checklist to ensure that relevant information is updated regularly
	11.2 Integrated searches of ASEAN IP databases can be done from the ASEAN IP Portal
Initiative 12. Implementation of a Regional Action Plan on IPR Enforcement	12.1 Information awareness activities (including development of information materials) on enforcement are undertaken in the region, and private sector involvement in anti-piracy and information awareness campaigns at the regional level is intensified
	12.2 Publicly available statistical information relating to IP enforcement, including the status of IP cases in the judiciary, is collated through a centralized coordinating unit and is accessible online in the region Count
	12.3 Reduced Cross border movements of pirated and counterfeit goods into and between AMS is documented (<i>amended</i>)
	12.4 National internal guidelines for enforcement consistent with the civil, criminal, and administrative structures of AMSs are drawn up based on best practices identified through information sharing among national agencies in AMSs that are tasked with IP enforcement
	12.5 Workshops and symposia on enforcement issues and developments in IPR protection are held, and stronger linkages between the national IP office and the judiciary in each AMS to expedite the disposition of IP cases and other government agencies tasked with enforcement of IP rights are established
	12.6 Develop a coordination mechanism to enhance enforcement operations
	12.7 <u>Develop an information exchange for online enforcement (<i>new</i>)</u>
	12.8 <u>Develop ASEAN guidelines on IPR enforcement against online infringement (<i>new</i>)</u>

INITIATIVES	DELIVERABLES
Initiative 13. Establish an ASEAN IP network (IP, judiciary, customs and other enforcement agencies)	13.1. Support parties in dispute, IP practitioners and judicial officers in the hearing of IP disputes, particularly complex cases by making available an ASEAN directory of local and foreign technical experts for niche technology areas
Initiative 14. Enhance intra and extra ASEAN engagement with stakeholders and external partners including dialogue partners/ consultations with the private sector/ IP associations (e.g., AIPA, INTA, WIPO Singapore Office)	14.1. Establish on-line national IPR helpdesks
	14.2. Establish an on-line ASEAN IPR helpdesk under the supervision and management of one or more AMS
	14.3. Establish an IPR helpdesk for MSMEs in Business Associations identified by participating AMSs
Initiative 15. — Establish a regional accreditation system for IP practitioners	15.1. Create awareness of possible accreditation system (dropped)
	15.2. Undertake the feasibility study on the establishment of such a system (dropped)
	15.3. Establish a regional accreditation system, as appropriate (dropped)
Initiative 16. Improve awareness and respect of IP to promote its protection and utilization, including development of supporting schemes for MSMEs and creative sectors	16.1. AMSs conduct a study on supporting schemes to encourage IP protection and acquisition by MSMEs and the creative sectors and the effectiveness of the various schemes with the objective of adopting suitable and relevant measures
	16.2. Creative ASEAN
	16.3. Comprehensive collaborative programs between the IP Offices and Science & Technology, Research & Development Institutions, and Universities to improve their capacity to identify, protect, and manage their IPs are developed
Initiative 17. Develop IP valuation services to create awareness of the value of IP as a financial asset	17.1. Design and conduct training programmes for IP valuers
	17.2. Conduct a study on the best practices for IP valuation, including on the IP and non-IP legal and policy frameworks that help increase the recognition of the value of IP as a financial asset in the business community
Initiative 18. Promote the commercialisation of	18.1. Training in the use of GIs, certification and collective marks to create awareness to enhance value of local products and services and post registration management programme

INITIATIVES	DELIVERABLES
GIs in ASEAN by improving the capacity of the productive sector in the development of protection and branding strategies	
	18.2. Evaluate protection mechanisms of GIs and assist in the protection of GIs in ASEAN and foreign market
Initiative 19. Promote a protection mechanism for GRTKTCE	19.1. Conduct a preliminary study by interested AMSs, (i.e. comparison study to several countries that have laws on GR/TK/TCE)
	19.2. Develop relevant national policies and laws related to GRTKTCE, for interested AMSs
	19.3. Develop a network of GR and TK databases for interested AMSs
	19.4. Implement regional cooperation agreements such as a code of conduct/MOC on the use of GR by interested AMSs