ASEAN Cooperation in Intellectual Property Rights (IPRs)

Intellectual property (IP) and IP Rights (IPRs) creation, commercialisation, and protection have been a significant source of comparative advantage of enterprises and economies and hence a major driver of their competitive strategies.

ASEAN Member States (AMS) have cooperated:
(a) to implement the ASEAN Intellectual Property Action Plan 2004-2010 (Action Plan) and the Work Plan for ASEAN Cooperation on Copyrights (Work Plan);
(b) to establish an ASEAN filing system for design to facilitate filings by users and promote coordination among the IP offices in AMS;
(c) to accede to common international treaties, including the Madrid Protocol;
(d) to sustain consultations and information exchanges among national enforcement agencies in IPR protection; and
(e) to promote regional cooperation in newer IPRs such as Traditional Knowledge (TK), Genetic Resources (GR) and Traditional Cultural Expressions (TCE). These cooperative activities are featured in the ASEAN Economic Community (AEC) Blueprint.

ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)
The AWGIPC has served as a consultative body for ASEAN cooperation on IP since 1996. Such cooperation has continued to build on the simplification, harmonisation, registration and protection of IPRs in ASEAN.

In meeting the scheduled commitments under the AEC Blueprint, a series of country and regional studies on the economic contribution of copyright industries have been conducted in AMS. Meetings have also been convened on accession to the Madrid Protocol and pilot projects have been launched on the ASEAN Patent Examination Co-operation (ASPEC) and the ASEAN “IP DIRECT”.
In addition, concerted efforts have been made by the AWGIPC to share policy experiences and to monitor regularly the TRIPS compliance of laws and regulations in AMS.

In carrying AWGIPC work, active cooperation has been maintained with many partners and organisations. These include the ASEAN Intellectual Property Association, Australia and New Zealand, China (State Intellectual Property Office – SIPO), European Commission (EC), Japan (Japan Patent Office – JPO), United States Patent and Trademark Office (USPTO) and United States Department of Justice, and World Intellectual Property Organization (WIPO). In particular, a long-term cooperation programme has been developed between the AWGIPC and USPTO for 2004-2010; a five-year extension is being planned for this programme. Meanwhile, a large-scale, four-year ASEAN Project on the Protection of Intellectual Property Rights (ECAP III) was started on 1 January 2010; this is a follow-on project to ECAP II. AWGIPC and WIPO have also collaborated in many demand-driven IP-related projects.

Concerning regional activities for future implementation, the AWGIPC has decided to compile and adopt an ASEAN IPR Strategic Plan 2011-2015 to follow on the current Action Plan 2004-2010, with Philippines as the lead country. IP and IPRs-related matters have become technically very complex (e.g., widening and deepening of patent and copyright protection to cope with rapid progress in biotechnology and communications technology). They have also covered an increasingly wider range of fields (geographical indications, TK and GR, and CTE). IP infrastructure and expertise vary enormously within ASEAN, with a significant gap between ASEAN-6 and ASEAN-4. Such differences have implications on the nature and intensity of regional cooperation, and technical assistance needs within ASEAN as well as between different sub-groups of AMS. There is also a very limited supply of IP-related skilled and experienced human resources and institutional capacity in ASEAN. Meanwhile, efforts have been made to implement an “ASEAN-helps-ASEAN” approach wherever feasible, including in exchanging policy lessons learnt and insights gained by AMS in accession to international treaties and implementing IPR-related activities and programmes.

For more information:
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