



Annual Work Plan

Year 4 – 2021

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IP Key SEA is the European Commission's programme to implement the objectives of the European Union (EU) in the area of intellectual property rights (IPR) through international cooperation with the South-East Asian (SEA) countries.

The programme is designed to support the Free Trade Agreement (FTA) talks and intellectual property dialogues of the EU with its SEA trading partners, by helping countries address specific emerging challenges in the area of IP that also affect EU businesses and stakeholders, and which stem from policy agendas and priorities laid down by the SEA countries.

In this context, IP Key SEA acts on a bilateral level to provide technical expertise to SEA countries in developing IPR rules and regulations that are consistent with international standards and global best practices, establishing systems to facilitate high quality and expeditious processing for the registration of IPRs and their effective enforcement. It will also provide support for accession to international agreements that are included in EU FTA chapters.

The action focuses on seven concrete results: (1) effectively supporting the FTA negotiations; (2) effectively supporting the IP dialogues; (3) effectively supporting the FTA implementation; (4) enhancing the capacity of IP authorities; (5) modernising registration practices and tools; (6) raising awareness of IP protection and enforcement; and (7) establishing information management systems and document repositories.

The activities under the Annual Work Plan 4 - 2021 (AWP4-2021) were identified through a comprehensive consultation process with European and SEA IP stakeholders, various departments and agencies of the European Commission, and the respective government agencies and IP offices of the SEA countries.

The activities included under the AWP4 were developed in line with IPR priorities in South-East Asia, with comprehensive coverage of the different IPRs, while adopting a balanced geographical scope. To ensure ownership and acceptance of the activities in the SEA partner countries, and the sustainability of results, this AWP4-2021 combines both EU-driven activities with those that are of mutual interest to both the EU and the SEA partner countries, as well as the organisations and institutions in the target countries.

Abstract of Activities

Activity 1	Technical Expertise and Assistance for Free Trade Agreement Negotiations and IP Dialogues
<p>As the IP Key SEA action is designed to facilitate FTA negotiations and IP dialogues, the project will provide technical expertise and assistance geared towards strengthening knowledge-based policy making in SEA countries by conducting IP studies and providing other forms of assistance that may be required. This activity would cover initiatives identified together with FTA partner countries in SEA, such as reports, studies, seminars or meetings, among others, which could be useful in ensuring positive results from the negotiations and dialogues.</p>	
Activity 2	Support and Assistance for the Implementation of Free Trade Agreements
<p>Following the conclusion of FTAs with Singapore and Vietnam, the IP Key SEA action will provide support and assistance for the implementation of the IPR-related commitments undertaken by the SEA countries. To define specific activities, the relevant government agencies and stakeholders will be consulted. Indicative activities include studies, seminars, and peer-to-peer meetings to identify the needs of SEA countries and facilitate the implementation of their FTA commitments.</p>	
Activity 3	Conference on IPR Issues and Concerns in the European Commission Counterfeit and Piracy Watch List
<p>The virtual conference targets IP officials and law enforcement authorities in SEA, and will include discussions by EU experts on the latest edition of the Counterfeit and Piracy Watch List, including the concerns of EU stakeholders in each marketplace. Best practices and a discussion of the EU's policy approaches to combatting counterfeiting in both online and physical marketplaces will also be shared. IP and law enforcement authorities from SEA will also be invited to share any developments and actions taken by the national authorities to address the concerns identified in these marketplaces.</p>	
Activity 4	Exchange of Best Practices on IPR Legal Remedies
<p>This activity aims to raise awareness among IP judges and prosecutors in SEA on the latest methods, jurisprudence, and developments related to the granting of legal remedies against IPR infringements in both the physical and online environments. It will showcase EU case-law and approaches to IPR adjudication and case build-up towards the successful granting of civil and criminal remedies against IPR infringements.</p>	
Activity 5	Workshop on IPR Customs Enforcement: Risk Indicators, Trends and Issues in SEA
<p>This activity seeks to contribute to improving the capacities of IP and customs authorities in the SEA countries, and to raise awareness about the latest modus operandi and methods adopted by infringers in the cross-border trafficking of</p>	

goods. The findings and facts from the recent EU Observatory studies on the common provenance countries, routes and modus operandi in the cross-border trafficking of IPR-infringing goods will be discussed at the workshop. The use of the postal system for trafficking small parcels and the issue of goods in transit (or those that are trans-shipped) as well as counterfeit goods in free trade zones will also be discussed.

Activity 6

Seminar on the Detection and Investigation of IPR Infringements in Online and Physical Marketplaces

The seminar targets law enforcement authorities in SEA and will highlight the latest trends in the detection and investigation of IPR infringements in both physical and online/digital marketplaces and which best practices evolve as infringers continue to adapt their methods. The seminar will also feature the EU's best practices for accurately reporting and utilising IP enforcement statistics, and the use of the latest enforcement tools and databases developed in the EU, which may contribute to increasing transparency in IP-related law enforcement operations in SEA, using statistics to strategically assess, identify and target follow-up actions. IP and law enforcement authorities from other SEA countries may also be invited to participate in the seminar.

Activity 7

Technical Meeting on the Proposed MoU between Intermediaries and IPR Owners in Thailand

This activity aims to continue to raise awareness about the important role of intermediary service providers (ISPs), such as e-commerce and social media platforms, in the protection and enforcement of IPRs in the online environment. By promoting voluntary collaboration and cooperation arrangements between IPR owners and ISPs, under the supervision of IP authorities, EU IPR owners and businesses in Thailand will have more partners in the fight against online infringements. A technical meeting will be organised to share the EU's experience and expertise on the adoption, implementation and monitoring of similar memorandums of understanding (MoUs) in relation to e-commerce platforms and online advertisers, and to promote the signing and acceptance of the MoU by more online platforms and IPR owners in Thailand.

Activity 8

Webinar on the Protection and Enforcement of IPRs in Online Platforms in SEA

This activity is aimed at raising awareness among EU businesses, particularly small and medium-sized enterprises (SMEs), on how to better enforce their IPRs when faced with infringing content in online and e-commerce platforms in SEA. This activity will also contribute to the objective of establishing avenues of cooperation between IPR owners and online platforms or ISPs in SEA, as part of the on-going initiatives being undertaken by the SEA IP offices to facilitate the establishment of MoUs, or voluntary agreements, between IPR owners and ISPs.

Activity 9

Conference on Combatting Counterfeit Medicines, Medical Devices and Protective Equipment

The conference will highlight the dangers and, at times, fatal risks posed by counterfeit medicines, medical devices and protective equipment, and emphasise the gravity of the problem given its global impact during the COVID-19 pandemic. The event will

bring to light the important role that IPRs play in promoting the health and safety of consumers worldwide, as well as the need for international cooperation as the present public health crisis and the dangers brought about by counterfeit medicines remains a global concern.

Activity 11	Workshops on Advanced Patent Search and Examination
<p>This activity aims to improve the search and examination capabilities of SEA patent examiners by enabling them to process more complex applications. The workshops will also expand the discussion into other fields of inventions commonly applied for by EU businesses in the specific SEA country, and will include more advanced modules on patent search and examination. The workshops are also expected to promote consistency between the search results of European and SEA patent examiners, as there may be a better approximation of the search practices and tools used in both jurisdictions.</p>	

Activity 13	Webinar Series on Geographical Indications
<p>This activity seeks to contribute to strengthening the <i>sui generis</i> geographical indication (GI) systems in the SEA countries. The series of webinars planned under this activity focuses on the technical aspects of GIs, including control of GIs, issues on GI enforcement and the main features of the Lisbon Agreement. The webinars will serve as a tool to continue promotion of the <i>sui generis</i> GI system in SEA among national IP, agriculture, enforcement and trade officials, as well as EU and SEA businesses and IP attorneys.</p>	

Activity 14	Support to Strengthen the GI Systems of SEA Countries
<p>This activity entails the provision of technical support to Brunei Darussalam in the planned establishment of a <i>sui generis</i> GI system, as well as to Malaysia and Thailand to strengthen their respective GI systems. The technical assistance provided will be tailored to the specific needs of the target countries based on the outcomes of previous GI activities undertaken by the IP Key SEA.</p>	

Activity 15	Development of Promotional and Training Materials on the Trade Mark Guidelines of DGIP Indonesia and IPOPHL
<p>Following the drafting of the Trade Mark Examination Guidelines of the Directorate-General of Intellectual Property (DGIP) Indonesia and the Intellectual Property Office of the Philippines (IPOPHL), promotional and training materials will be developed for the IP offices for internal users (examiners and legal officers) and external users (IP attorneys and applicants). This activity aims to promote the use of the guidelines and their consistent application in the examination work of the trade mark examiners.</p>	

Activity 16	Training of Examiners on the Trade Mark Guidelines
<p>As a follow-up to the support provided by the project on the drafting of trade mark guidelines, training sessions will also be organised to clarify any doubts or questions the users may have regarding the guidelines. The training will also ensure that the interpretation and application of the guidelines is consistent. With better trained trade mark examiners in examination, applications will be processed more expeditiously following international standards and best practices, thereby providing businesses with more certainty and transparency. The improved quality of examination will also contribute to the high level of enforceability of trade marks protected in Indonesia and the Philippines.</p>	

Activity 17	Webinar Series on Plant Variety Rights and UPOV 1991
<p>This activity seeks to continue raising awareness on the benefits of an effective plant variety protection system and membership of the International Union for the Protection of New Varieties of Plants (UPOV 1991). The webinar series will focus on the main features of UPOV 1991 and tackle common issues concerning plant variety rights protection in SEA, the challenges faced by plant breeders and farmers, as well as the contribution of plant variety protection on sustainable farming and global food security, while minimising the impact on climate change.</p>	

Activity 18	Training of Plant Variety Protection Officials in Thailand
<p>This activity involves the provision of legal training to plant variety protection, agriculture and other officials from Thailand. The focus of the training will be on the salient provisions of UPOV 1991 and any issues on the improvement of plant variety protection that benefits plant breeders and farmers.</p>	

Activity 19	Webinar on Trade Secrets
<p>A webinar on trade secrets will be organised to raise awareness among IP authorities and public and private stakeholders and promote the need to improve their protection, as well as share EU best practices. The webinar will focus on the importance of trade secrets as a form of intellectual property, the protection of trade secrets in the EU and in the SEA countries.</p>	

Activity 20	Integration in TMview, DesignView and TMclass
<p>This activity supports the integration of SEA IP offices in the EUIPO global databases, which assure the accessibility of updated information on trade marks (TMview) and industrial designs (DesignView) for the benefit of IP stakeholders worldwide. The countries targeted for integration are Indonesia (TMview and DesignView), Malaysia (DesignView), Singapore (TMview and DesignView), Thailand (DesignView and TMclass), and Vietnam (TMview and DesignView).</p>	