

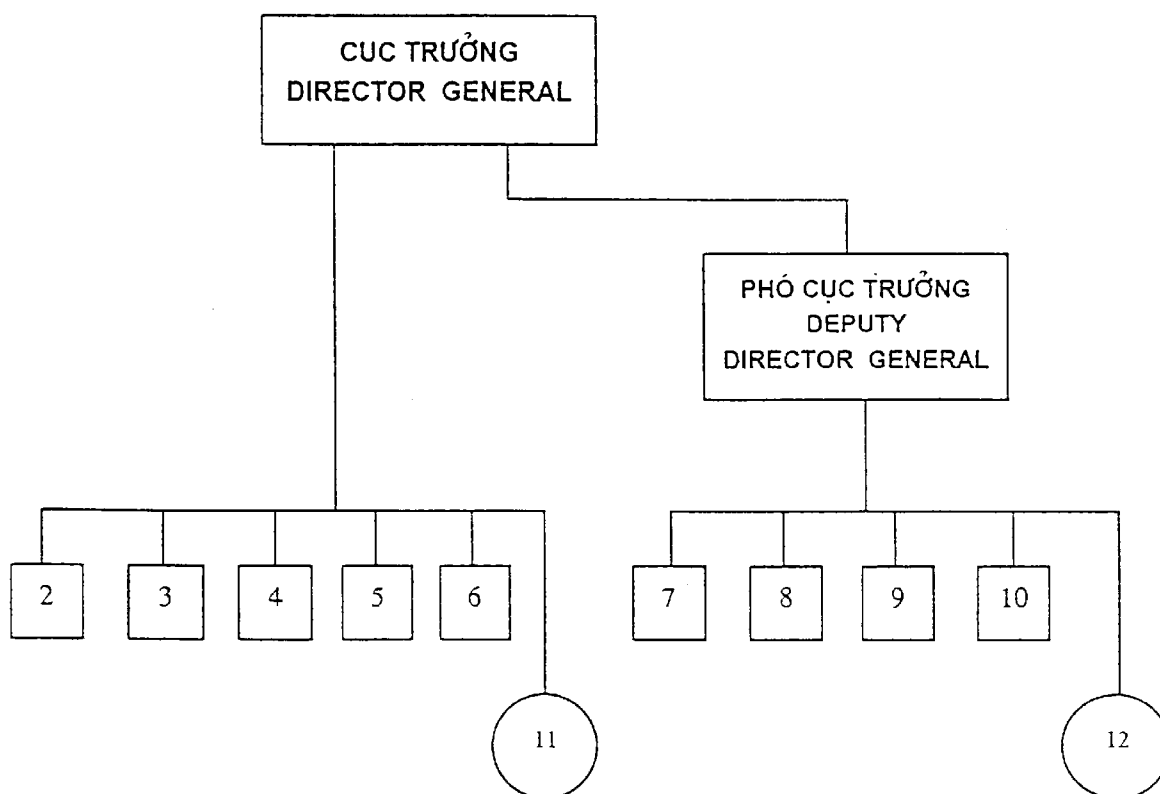
THEME 6: Mechanization of the Industrial Property
Administration's Office and Examination Procedures, and an
Industrial Property Rights Information network
Vietnam

AUTOMATION OF THE INDUSTRIAL PROPERTY ADMINISTRATION'S OFFICE
AND EXAMINATION PROCEDURES, AND AN INDUSTRIAL PROPERTY
RIGHT INFORMATION NETWORK

I. AUTOMATION OF THE INDUSTRIAL PROPERTY ADMINISTRATION'S
OFFICE AND EXAMINATION PROCEDURES

1. *Automation of the industrial property administration's office*

a. *The organization structure of the National Office of Industrial
Property of Vietnam (NOIP)*



(2) General Administration Division; (3) Legislation and Management Division; (4) Invention and Utility Solution Division; (5) Training Division; (6) IP Information and Documentation Center (IPIDOC); (7) Registration Division; (8) Trademark Division; (9) Industrial Design Division; (10) International Relation Division; (11) Trial Board; (12) Computer Service

b. Responsibilities of the National Office of Industrial Property of Vietnam

The NOIP is the Government's authority responsible for the administration and promotion of innovative and industrial property activities throughout the country in cooperation with other governmental and social organizations concerned. The main tasks of NOIP are following:

- Making proposals to Minister of Science, Technology and Environment for amending and improving of legal system on innovative and industrial property as well as the introduction of appropriate guidance, policies and measures to promote innovative and industrial property activities;

- Organizing the implementation of relevant provisions set forth by the State and obligations fixed in international treaties in the field of industrial property to which Vietnam is a party;

- Representing the State in international relations in the field of industrial property;

- Organizing basic and advanced professional training courses for the staff of the industrial property system, including administration and enforcement agencies;

- Providing industrial property information services and making best use of industrial property information for scientific-technological research and development.

c. Automation of the Office of Industrial Property

In order to complete its tasks mentioned in (b) above, NOIP has been put efforts towards improving its automation situation:

- Specialization of NOIP's operation establishing specialized Divisions as prescribed in the Organization Structure of NOIP;

- Provision of necessary equipments to its Division;

- The use of new information technology in its administration work.

2. Automation of the examination procedures

For the purpose of automation of the examination procedures NOIP, has been taken the following measures:

a. Specialization of several steps in respect of the application handling

- Receiving application is carried out by the Registration Division;

- Formality examination in respect of patent, trademark and industrial design applications is carried out by the Invention & Utility Solution, Registration and Industrial Design Divisions ;

- Publication of the patent, trademark and industrial design applications is carried out by the Industrial Property Information and Documentation Center (IPIDOC);

- Searching of patent application is carried out by the Invention & Utility Solution Division;

- Searching of trademark and industrial design applications is carried out by the Trademark and Industrial Design Divisions;

- Substantive examination is carried out by the Invention & Utility Solution, Trademark and Industrial Design Divisions;

- Appeal against decisions in respect of acceptance of application for the title of protection, granting and rejecting to grant protection titles is dealt with by the Appeal Board;

- Granting procedure of protection titles is carried out by the Registration Division.

b. Specializing examinations in respect of technological field

Experts of the Invention & Utility Solution Division have been divided into three groups responsible for examination of patent application relating to there main fields of technology such as: chemical and biological, mechanical, electrical and electronical field.

c. Automation of publishing Industrial Property Gazette

The Industrial Property Gazette issued by the NOIP is a legal document publishing information relating to the establishment, transfer, change, suspension, invalidation of industrial property rights as well as the content and scope of such rights. IPIDOC is provided with necessary equipment for preparation and publication of the Industrial Property Gazette.

d. Automation of searching for patent applications

Searching of patent applications is included in the substantive examination and carried out by patent examiners. At present, we use the following means for searching:

- CD-ROM
- Patent Family System

- Internet

These CD-ROM and databases are very useful for our patent examiners in the assessment of the novelty and the inventive step. But we are still facing many difficulties because of the lack of CD-ROM workstations and a complete patent collection.

Since June 1998, because of the increasing number of patent applications, the IPIDOC has carried out searches on 149 patent applications to facilitate the work of patent examiners. In the future we will set up a patent examination procedure like the EPO.

II. INTELLECTUAL PROPERTY RIGHT INFORMATION NETWORK

1. *Functions of IPIDOC:*

One important division of NOIP is the Industrial Property Information and Documentation Center, which has been set up with the following functions:

- Collecting and processing patent documents, official gazettes of trademarks, industrial designs and other legal documents.
- Providing industrial property search services for users
- Disseminating industrial property information
- Publishing the "Industrial Property Gazette"

2. *Databases of IPIDOC*

Our patent documentation collection contains a total of about 19.000.000 descriptions on various carriers such as paper, microfiche, microfilm and CD-ROM. These documents were acquired by bilateral exchange or donated by the patent offices of 27 countries and two International Organizations, namely EPO and WIPO. The patent collection includes full-text patent specifications, patent abstracts and official industrial property gazettes. At the end of December 1998, we have already finished with setting up a searching tool for all industrial designs published on PCT gazettes with about 140.000 bibliographic cards, and a electronic trademark database including words and images of some 28.000 national trademarks.

3. *Industrial Property Information services provided by IPIDOC*

On the basis of these collections and databases, the Industrial Property Information and Documentation Center provides the public with the following services :

- Novelty and state-of-the-art searching services. These services are provided mainly to researchers who come from various research institutes or enterprises, and lecturers or students from universities. Each year, we provide about 200 state-of-the-art searches to users.

- We also carry out topic search services in different fields of technologies such as waste water treatment, environment protection, food processing etc...

These services are provided to some of the Provincial Departments of Science, Technology and Environment. In 1998, IPIDOC has provided the Departments of Science, Technology and Environment of Quang Ninh, Ben Tre, Tien Giang and Hai Phong Provinces with 4 topic searches. These topic searches include thousands of patent abstracts.

- Full-text patent document copying services. Users from all over the country can send requests to copy of patent documents to us, and they will receive these documents available on our collections or through the Internet.

- From 1998, the IPIDOC could have an opportunity to use the Information Services provided by WIPO free-of-charge to the developing countries. We sent 23 search requests to WIPO for which we received 23 search reports from WIPO in return.

- From January 1999, we will offer a public access to our electronic trademark databases. All public users can perform their searches on these databases free-of-charge.

- Another important service of IPIDOC is organizing training courses and seminars for participants from various institutions, enterprises, patent attorneys of provinces and cities. These training courses have been held to promote public awareness as well as to educate the general public.

At present, we are trying to improve our industrial property information services.

4. Automation of Industrial Property Information Network under Technical Co-operation of the European Community and Japan:

- As from 1996, under technical assistance of the EC, we have received 3 workstations, which are very efficient for our work by using CD-ROM.

- In the framework of this Project, we have an access to the Patent Family System and received a CD-ROM collection of all granted European applications, which are especially helpful for our patent examiners in assessment of the inventive step of patent applications.

- In the near future, we will implement a project on automation of the NOIP with technical assistance of Japan. This project will provide us with a Local Automation Network which will consist of the following equipment:

- + A server
- + Workstations
- + A system software
- + Juke boxes
- + Internet

At present, we have one work station connected to the Internet.

We hope, that the Automation Project assisted by Japan will allow us a more efficient access to the Internet for free use of the databases for searching, especially for processing patent applications.

We are planning to establish the electronic trademark databases and the databases of the national patents on the intranet, and in the future on Internet to serve all users nationwide.

At present we are working on a Plan for Automation of NOIP from now on until Year 2003. This plan is aimed at the following targets:

- To set up a Local Area Network at NOIP connecting all the divisions relating to the application processing and granting procedure.

- To set up electronic databases of national patents, trademarks and industrial designs.

- To automate certain stages of application handling such as receiving, processing of applications, publication of the Industrial Property Gazette.

THEME 6: Mechanization of the Industrial Property
Administration's Office and Examination Procedures, and an
Industrial Property Rights Information network
Laos

JICA/DIP Seminar and Workshop on Industrial Property
Rights and Internet Technology
January 27 to 29, 1999 in Bangkok, Thailand.

**Mechanization of the Industrial Property Administration's
Office and Examination Procedures, and Industrial Property
rights Information Network**

Prepared by Mr. Aphivath Sombounkhanh,
Technical Officer
of Intellectual Property, Standardization and Metrology Department.
LAOS.

Introduction.

Since the launching of the New Economic Mechanism program of economic reform in 1986, the Government of the Lao PDR has achieved a remarkable success in stabilizing its national economy and shifting from central planning to a market based growth economy. As a result, the private sector appears to play an active role on the economic development of the country in parallel with the public sector.

Intellectual Property activities are considered to be an important element of the Lao Government policy for socio-economic development. Due to its important role, the MST was subsequently changed its name to Science, Technology and Environment Organization, which is a part of the Prime Minister's Office in 1993 and assigned the Department of Industrial Property, Standardization and Metrology (DISM) the responsibilities of trademarks, Patents, industrial designs and utility models activities. Actually, the DISM deals only with the registration of trademarks. Beginning 1998 the Department of Industrial Property, Standardization and Metrology change its name to Department of Intellectual Property, Standardization and Metrology.

Present situation

Lao PDR becomes a member of WIPO since January 17, 1995 and has recently acceded to the Paris Convention since October 8, 1998 and is also seeking to adhere to the other conventions and international protocols regarding Intellectual Property Rights. Moreover Lao PDR has also a cooperation project with WIPO notably in the area of upgrading public awareness, modernization of legislation for the protection of Intellectual Property, personnel training on administration and information system. Lao PDR is now a permanent member of ASEAN and has joined multifaceted cooperation on Intellectual Property with Thailand (Department of Intellectual Property), Vietnam (National Office of Industrial Property), other IP offices of ASEAN countries and IP offices in Asia and the Pacific region mainly in the field of information exchange, human resource development and study visit. Recently, the US Government and the Lao PDR has initialed a bilateral cooperation agreement on April 1998 in Washington DC, certain contents of which deal with IP matters.

Copyrights and Relating Rights.

With respect to copyrights, starting this year the DISM is assigned to take over this matter. The association of composers was set up and legislation is in the process of drafting.

Patents, Industrial Designs, Geographical Indications and Layout Designs of Integrated Circuits and Protection of Variety of Plants.

The DISM is also invested with the responsibility for registration and protection of patents, industrial designs, utility models, geographical indications, layout Designs of Integrated Circuits as well as new variety of plants. But there is no such legislation in force yet. The DISM is now in the process of drafting a Decree to cover these domains and at the same time to harmonize the new legislation with the TRIPS Agreement. The main features of this Decree to be finalized by this year which will be based on the principle of WIPO update model laws.

Trademarks.

In order to ensure that the protection of trademarks is more enforceable, the Prime Minister Decree for trademark Registration No. 06/PM dated January 18, 1995 was issued. A more general for common practice, Decree No. 06 plays ground for the registration and protection of trademarks in Lao PDR. The DISM (STENO) together with other government agencies responsible for protection of Intellectual Property rights have relied on the authority granted by the Decree and other relevant laws and regulations in force to proceed with registration and enforcement measures. Up to December 1998, more than 6.800 applications have been granted.

Trademarks Application Procedures.

The Decree No. 06/PM dated January 18, 1995 provides for registration of trademarks, service marks, collective marks and figurative marks. As per the Decree, a trademark is defined as a type of mark used to identify a product or service of a particular owner. A mark may be comprised of words, figurative elements or a combination thereof capable of distinguishing the goods or services of an enterprise.

Any individual or legal entity, which legally owns the trademark or produces related goods or provides related services, may register the trademarks in Lao PDR. However, foreign individuals or legal entities are required to register their trademarks through a local representative in Lao PDR who in turn submits an application for registration of trademark to the DISM (STENO).

Required documents :

- A standard application form provided by DISM.
- A duly notarized Power of Attorney issued by the applicant;
- 12 specimens of the mark, minimum 5 x 5 cm, maximum 10 x 10 cm
- A description of the goods and/or services to be covered by the registration in accordance with the Nice International Classification;
- If priority is being claimed, a certified copy of the application/certificate of registration made from originating country shall have to be attached with the application form;
- The payment of appropriate fees; and
- Other supporting documents as may later on required by the examiner.

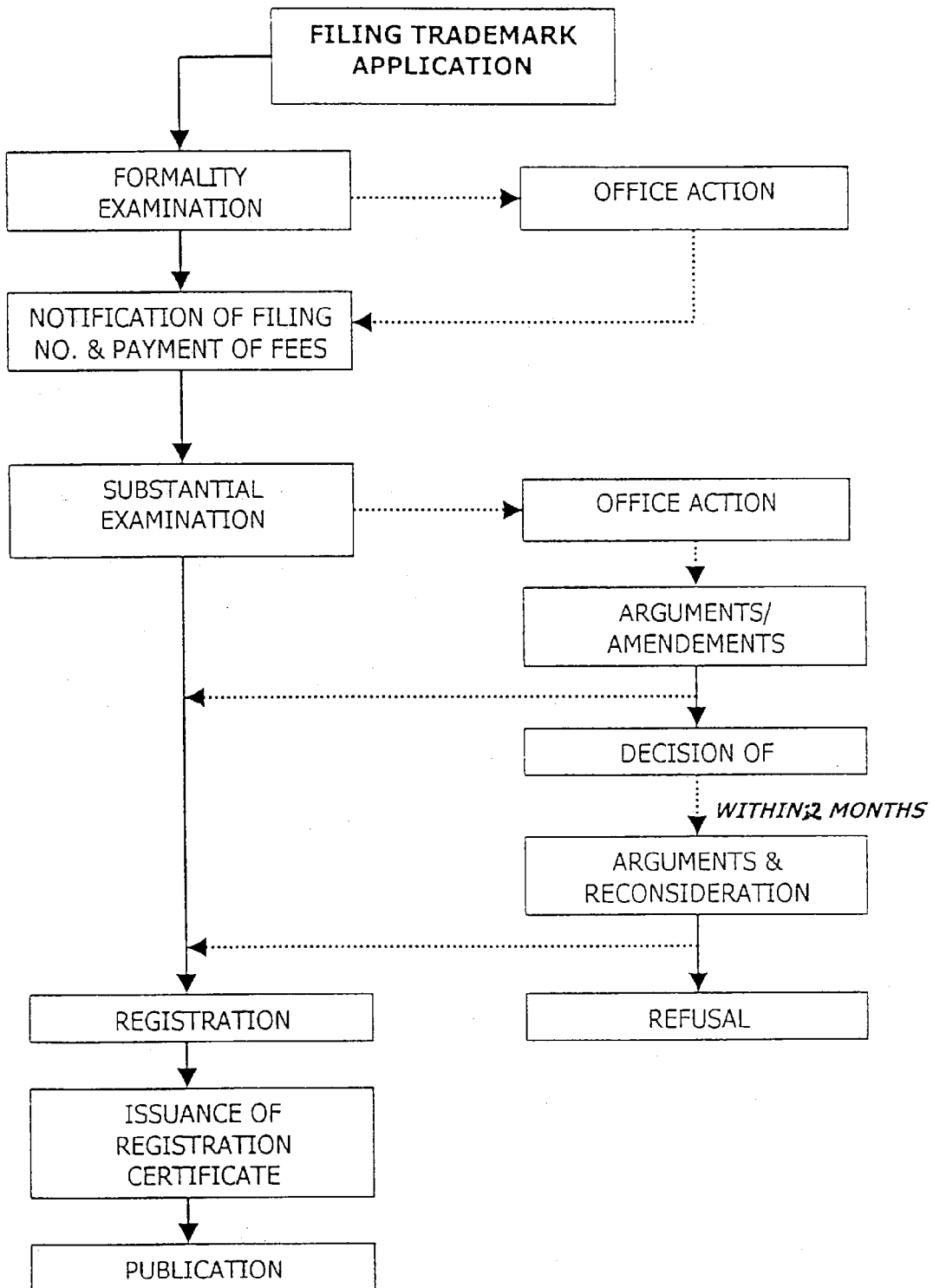
The DISM then examines or rejects the applications, issues certificates and publishes the result of Registration in the form of national Gazette which is published quarterly by the DISM (STENO). It takes nearly two months from application to grant. The duration for the protection of trademark in Lao PDR is for a period of ten years from the filing date and may be renewed every ten years.

Future Direction.

1. Legislation of IP in different field
2. Modernization of IP system
3. IP Homepage for the Internet
4. Strengthening the public awareness
5. Accession to PCT and other conventions
6. Developing the international cooperation with WIPO and other IP offices in the region particularly with ASEAN countries.

(End of document)

TRADEMARK APPLICATION / REGISTRATION IN LAO PDR



THEME 6: Mechanization of the Industrial Property
Administration's Office and Examination Procedures, and an
Industrial Property Rights Information network
Myanmar

**Seminar and Workshop on Industrial Property
Rights and Internet Technology**

Organized by

**The Japan International Cooperation Agency (JICA)
in cooperation with
The Department of Intellectual Property (DIP) of Thailand**

Bangkok, January 27-29, 1999

**Recent Developments in Industrial Property Rights in
Myanmar**

Document prepared by Myanmar Delegation

INTRODUCTION

1. Myanmar, once a British colony, naturally and inevitably had to accept and apply the LAWS in English, enacted in the British era, however, successive Governments had tried to substitute the LAWS with the new LAWS in Myanmar language. Myanmar Economic System has changed from the centralized economic system to the Market Oriented Economic System to cope with the current world situation since the then, State Law and Order Restoration Council took over the responsibilities of the State in 1988. In Myanmar, two prominent categories of industrial property are Trademarks and Patents.

TRADEMARK

2. In Myanmar, there is no specific law on trademarks nor is there any statutory provision regarding registration of trademarks : This fact has been evident in a 1951 ruling by the then Chief Justice of the Supreme Court of the Union. The following is the extract of the observation of the Honourable Chief Justice : -

“ In Burma, we have not got any Act like the English Trademarks Registration Act, 1875, the English Trademarks Act 1905, or the Indian Trademarks Act, 1940. So there is no system for registration of trademarks and there is no statutory title to trademarks.”

3. However, there are certain provisions in some laws regarding this matter. Section 478 of the Penal Code defines the trademarks as “ a mark used for denoting that goods are the manufacture of merchandise of a particular person”. The definition has been more clearly interpreted by some rulings. Another law related to trademarks is the Registration Act. The ownership of a trademark shall be effected by registration at the office of the Registrar of Deeds in accordance with the provisions of the Registration Act. A special law entitled “The Myanmar Merchandise Marks Act” is also associated with trademarks. The law is a supplement to the relevant provisions in the Penal Code.

4. Formerly, no litigation was maintainable under the civil law for infringement of trademarks rights in Myanmar except on action for passing-off, an old common law remedy following a ruling passed in 1939 by the then High Court of Yangon. But, in 1968, it was overruled and held that an action for infringement of the trademarks is maintainable under section 54 of the Specific Relief Act, that evidently authorises the Courts of Law to grant perpetual injunctions in infringement suits.

5. In addition to civil litigation, a person who has established the right to trademark may take action against anyone for the following offences:-

- (a) using a false trademark, punishable with imprisonment up to one year or with fine or with both;
- (b) counterfeiting a trademark, punishable with imprisonment up to three years or with fine or with both;
- (c) marking or possessing any instrument for counterfeiting a trademark, punishable with imprisonment up to three years or with fine or with both;
- (d) selling goods marked with a counterfeit trademark, punishable with imprisonment up to one year or with fine or with both.

PATENTS AND DESIGNS

6. The legislature in Myanmar has enacted a law to protect inventions, a category of industrial property. The Myanmar Patents and Designs Act of 1939 was first introduced into Myanmar after separation from British India. Then the Myanmar Patents and Designs Act, 1945 was promulgated but was not brought into force till the law was repealed in 1993. However, the Myanmar Patents and Designs (Emergency Provisions) Act, 1946 was promulgated for the extension of the India Patents and Designs Act of 1911 to the then Burma. In these circumstances, it may be said that there is presently no law or at least any law in operation on patents and designs.

TRANSFER OF TECHNOLOGY

New Law and its Objectives

7. Since the advent of the State Law and Order Restoration Council it has adopted the market oriented economic system which necessitates changes in the legal and administrative systems to cope with its needs in developing it. To be in line with the changing and developing system, the existing laws need be reviewed and amended or substituted with new laws and if necessary new law need be introduced in some areas. The Science and Technology Development law, which was promulgated on the 7th June 1994, is one of the examples. This may said to be the first step for Myanmar to enter into the developing world of intellectual property. The main objectives of this Law are as follows:

- (a) to carry out development of Science and Technology for promotion of industrial production contributory towards the national Economic Development Plans;
- (b) to carry out Research and Development for the increased extraction and utilization of domestic raw materials and the promotion of industrial production enterprises base on modern Science and Technology;
- (c) to effect Technology Transfer for the promotion of production processes and improvement of the quality of goods;
- (d) to communicate and co-operate with domestic and foreign research institutes and organizations for the development of Science and Technology and Research and Development;
- (e) to honour and grant appropriate benefits to outstanding luminaries and inventors in the field of Science and Technology.

NATIONAL COUNCIL

8. The section 4 of the law prescribed for the formation of the "*National Council for Science and Technology Development*" which is a high-level body headed by a responsible person not below than the rank of a Cabinet member and consisting of ministers or deputy ministers from the relevant ministries, heads of government departments and organizations mainly responsible for the development of science and technology and appropriate experts.

9. The duties and powers of the National Council are, *inter alia*, to lay down policies for the successful implementation of the objectives of the law, to provide guidance and supervise the scientific and technological development and research development activities conducted by government departments and organizations, and to promote and assist the advancement of science and technology works and research and development activities by non-governmental organizations, cooperative societies and private experts.

Establishment of a New Department

10. Another important provision of the Law is to established the "*Myanmar Science and Technology Research Department*" which is mainly responsible for the effective and successful implementation of the objectives of the law. The functions and duties of the department are among others:

- (a) conducting research and applied research in science and technology;
- (b) conducting research for solving technological problems and difficulties encountered by domestic industries;
- (c) developing successful laboratory research to the production stage;
- (d) conducting research for commercial exploitation of natural resources;
- (e) designing and modelling machinery and equipment, establishing pilot plants;

- (f) conducting research and development on environmental conservation;
- (g) conducting research and development with respect to the use of atomic energy and protecting from atomic radiation.

Rules for Transfer of Technology

11. Another important subject dealt with by the Law is technology transfer according to the provisions of Law, a person or an organization that has conducted research and successfully developed a new technology may transfer the right to use it to any person or organization upon payment of a fee or free of charge under a licensing contract. The manner and conditions relating to the export and import of technology shall be determined by the Government. The Law also prescribes some salient terms and conditions to be contained in contract for technology transfer. Every contract for transfer of technology must be registered with the Registry established by the Department. There shall be no right to institute a suit based upon a contract which is not registered. However, the Law provides that the provisions relating to technology transfer shall not be applied to the transfer of a right to patent on design, for which separate specific laws are expected to be introduced in the very near future. But transfers of computer technology, according to Section 40 of the Computer Science Development Law promulgated in 1996, are to be made accordance with the provisions of the Science and Technology Development Law, as have mentioned above.

CONCLUSION

12. Myanmar on the context of capacity building since 1988, when it adopted the Market Oriented Economic System has been developing and sustaining itself with its own resources; in order to be in line with the changing social, economic and cultural trends. Myanmar is fully aware of the globalization and liberalization of today social, economic, and culture and technological changes. On this context, Myanmar as a member of ASEAN, as well as the membership in WTO has to abide and respect by the provisions of relevant treaties of such organizations, particularly, TRIPS Agreement and the ASEAN Framework Agreement on the Intellectual Property.

13. In conclusion, all draft Laws on industrial property rights have to be reviewed and redrafted so as to ensure compliance with the International and Inter Government obligations of Myanmar. The establishment of the newly constituted ministry, Ministry of Science and Technology (1996) and designating it as the focal point to deal with all matters, especially on the Intellectual Property will help expediate the outcome in compliance with the TRIPS Agreement. Noteworthy, particularly, a new law on industrial property rights has already been drafted and expected to come out in the near future.

14. There are no Intellectual Property Offices and Internet Systems in Myanmar. However, Myanmar has yet to join the WIPO, which is under consideration by the authorities especially after the International Intellectual Property Seminar sponsored by WIPO and held in Yangon in October, 1997. We are all hoping that this matter will come about soon, as Myanmar now have adopted the open market economic policy. We also hope that the experience gained from the Seminar and Workshop will enhance and strong protection system of the Industrial Property Rights.

(End Document)

THEME 6: Mechanization of the Industrial Property
Administration's Office and Examination Procedures, and an
Industrial Property Rights Information network
Japan

Mechanization of the Industrial Property Administration's Office and Examination Procedures, and an Industrial Property Rights Information Network

COUNTRY: JAPAN
NAME : Nobuya Tomiyoshi
TITLE : Deputy Director of EDP
Administration Division
ORGANIZATION: Japanese Patent Office

1. Current computer system in Japanese Patent Office

● Overview of Paperless system

Application system
Formality Examination system
Substantive Examination system
Publication system
Dispatch system etc.

● On-line Application (Patent and Utility models)

- By UNIX Work Stations with OSI protocol (December 1990 -)
- By Personal Computers with TCP/IP protocol (April 1998 -)

2. Future Plans

● On-line Application (Design, Trademark, PCT DO, and Appeal)

- By Personal Computers with TCP/IP protocol. (January 2000-)

3. Further Developments

● On-line Application under internet environment.

- By Personal Computers with TCP/IP protocol (200X-)
Confirmation of Electronic certification is experimental stage.

THEME 7: Homepage Contents to Be Sent Out by Industrial
Offices

-Presentation of Current Homepage of IP Offices
and their Future Plans

Philippines

**IPOWEB: THE INTERNET HOMEPAGE OF THE
INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES**
(Speaker: Mr. Cecilio M. Fernandez)

Introduction

The Intellectual Property Office of the Philippines, also known by an acronym IPO, which is now in the process of organization per Republic Act 8293 or IP Code, proudly presents its Internet Homepage called the IPOWEB. Actually, this Homepage is an improved version of the IPO's first Homepage. It was launched last October 1998 together with the launching of the IPO's new logo.

General Features

The IPOWEB Homepage features the new IPO logo in animation as its distinct mark. It also features the former logos in silhouette form at the right side as part of the background design. Clicking directly the IPO logo on the screen automatically displays its meaning, while clicking the "Welcome" heading displays the message of the IPO Director General.

At the lower center portion is the e-mail address of the Office. Whoever is interested may write and send his/her comments and inquiries to the Office directly while he/she is in the IPOWEB by simply clicking the e-mail address.

General Information

At the left portion of the page are the eight main navigation bars of the IPOWEB. The web site can be entered by clicking anyone of the eight navigation bars. In conformance with the norms of the IP Information Mall (IPI Mall) on the types of information items that Intellectual Property Offices should consider in their respective Internet homepages, the IPO had included in the IPOWEB the following linked pages: (Please refer to the attached IPOWEB Page Outline shown in chart format)

A. The "About Us" navigation bar links to a page which contains general information about the Office such as the following:

1. Historical Highlights featuring the last 50 years of the Philippine Patent Office leading to the present Intellectual Property Office. It also features all the Office and/or Bureau Directors from 1947 to 1997;
2. Organizational Chart showing the different Bureaus under the Intellectual Property Office;
3. Contact Point showing the postal address, e-mail address, telephone and fax numbers of the Office;

4. Location Map to help interested visitors quickly find the location of the Office in Makati City, Philippines; and

5. Who's Who in IPO which allows the visitor to view pictures of the IPO staff and their respective designations.

B. The "Services" navigation bar links to a page which contains downloadable information such as: (1) the Annual Reports, and (2) the Laws, Rules and Regulations pertaining to IPRs in the Philippines.

C. The "What's New" navigation bar links to a page which contains publications of upcoming events relating to IPO and IPRs, new information, news update on rules and regulations and other matters.

D. The "FAQ" navigation bar links to a page which contains answers to frequently asked questions about IPRs, especially those which concern the present IPR system and practice adopted in the Philippines.

E. The "Laws & Rules" navigation bar links to a page which contains laws, rules and regulations, and memoranda relating to IPRs in the Philippines.

F. The "Fees & Forms" navigation bar links to a page containing information about IPO fees. The linked page also contains downloadable forms such as application forms for patent, utility models, industrial designs, trademark, and technology transfer. On the screen is a sample of a downloadable Request Form for a grant of Philippine Patent, that is, for an invention. The Request Forms for Utility Models and Industrial Designs have similar formats.

G. The "Other Info" navigation bar links to a page which contains statistical information of the Office that are covered or featured in its latest Annual Report, a sample of which being shown in a bar-graph format on the screen. It also includes linkages to related web sites such as the Homepages of US Patent and Trademark Office, The Japanese Patent Office, European Patent Office, Singapore's Registry of Trademarks and Patents, Malaysia's Intellectual Property Division, and Thailand's Department of Intellectual Property.

Linkages to these web sites, especially the first three Homepages, will enable visitors, most especially the patent examiners, to make IP document searches from the IPOWEB.

H. The "Site Index" navigation bar links to a page which provides an A-Z listing of available information to help visitors find what they are looking for in no time.

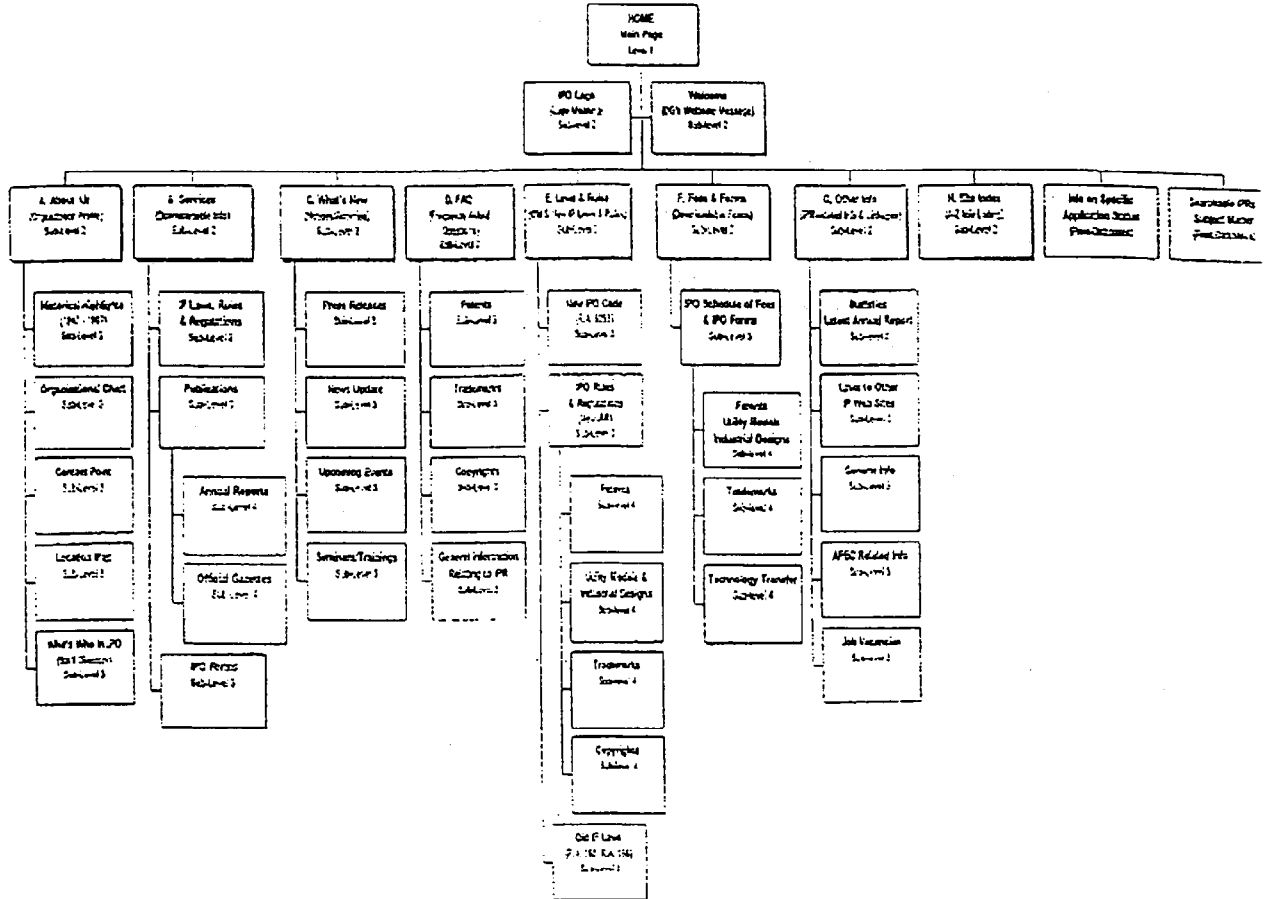
Improvements and Future Plans

Since its launching, the IPOWEB has been regularly updated and continuously improved. As regards the IPI Mall's information on specific applications and granted IPRs and Subject Matter of IPRs, they are to be considered in the IPO's future plans for improving the IPOWEB as shown in dotted-line boxes in the attached chart. The establishment of IP information databases in trademarks, and the present computerization programme jointly undertaken by both the IPO and JICA/JPO proponents that will eventually lead to the development of patent databases would be very helpful in making such plans a reality in the near future.

Whoever is interested may visit the IPOWEB at this Internet address: www.dti.gov.ph/ipo, and for e-mail inquiries at ipo@dti.gov.ph.

Thank you.

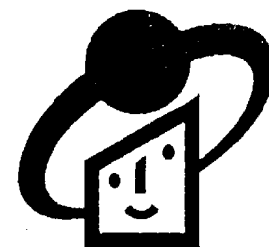
IPOWER PAGE OUTLINE



THEME 7: Homepage Contents to Be Sent Out by Industrial
Offices

-Presentation of Current Homepage of IP Offices
and their Future Plans

Japan



*Homepage Content to be sent out by
Industrial Property Offices*

Hitoshi WATANABE

Japanese Patent Office

January 28, 1999

Comparison of 1998 and 1999



- JPO's information policy status at the beginning of 1998, presented at the previous Seminar in Bangkok.
- JPO's present status in information Policy

JPO's status at the beginning of 1998,
presented at the previous Seminar in Bangkok.



「The JPO has been providing primary administrative information to the public through the Internet since April 1996. In April 1997, the JPO began offering PAJ (Patent Abstracts of Japan) through the Internet on a trial basis, This information can be accessed from foreign countries, including APEC. ...As the Internet makes it possible to access information inexpensively from anywhere in the world, we are considering it as a means for users to browse industrial property information.」

JPO Information Policy Status



The JPO provides free of charge all IP information stored in its databases - about 40 million documents through the Internet with search capabilities.

- OLaunch : March 1999*
- OContents : IP gazettes published since 1885 and related information*
- OSite search fees : Free of charge*
- OBudget in 1998FY : ¥ 3.7 billion*



JPO/IPDL will encourage R&D activity among small and medium-sized enterprises (e.g. venture enterprises).

Anticipated Effects

OBeing able to search the JPO/IPDL will prevent redundant investment in R&D activity. Moreover, it will help companies and individuals to establish technological strategies.

➔ Boost R&D activity and businesses of venture enterprises, universities, research institutes etc.

OBeing able to investigate the scope of existing right (patents, designs, trademarks)

➔ Prevention of conflicts

➔ Improvement in the quality of applications

OProvide IP Information to overseas

➔ Support venture enterprises in worldwide competition

Drastic and Rapid Change



- Many patent offices have established their own websites and provide various kind of patent information.
- Many private companies have provided various types of patent information services through the Internet.
- The WIPO (SCIT) has launched new plans in the field of patent information dissemination, namely WIPOnet and WIPO-IPDL.
- the Trilateral Patent Offices (USPTO, EPO, JPO) have amended guidelines for patent information dissemination and established TWS in 1998.

Present Plans of JPO-IPDL



- New IP Information Age (concept)
- JPO-IPDL Specifications (content)
- Expand IP Information through the Internet

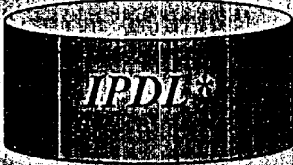
New IP Information Age (concept)

All JPO databases

through the Internet

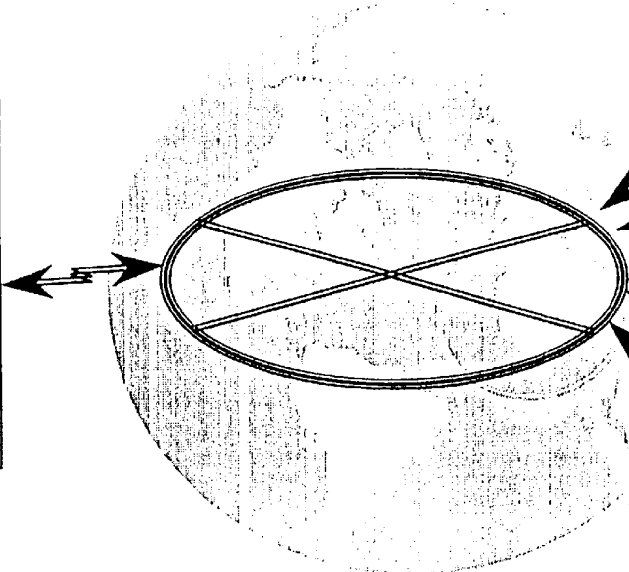
free search capabilities






JPO



IPDL

40 million documents
(10 Terabytes)



- Individuals 
- Chambers of Commerce 
- Business Enterprises 
- Universities 
- Research Institutes 

The largest IP Information database in the world

Worldwide service

Improvement of User Interface

*JPO/IPDL(Industrial Property Digital Library):This will enable the public to access whole official gazettes stored in the JPO

JPO-IPDL Specification



Item	Title of Service	Available From	English Version	Contents	Functions
1	Patent Gazette Searches	1998.2		CD-ROM gazette (patent and utility model)	Text search, Classification (FI IPC) search (bibliographic data, claim and abstract)
2	Front Page of Unexamined Patent Gazette Searches	1998.4		Front Page of unexamined patent gazette plus basic legal status information	Text search (bibliographic data and abstract), Number search
3	PAJ Searches	1998.4	◎	PAJ plus basic legal status information	Text search (bibliographic data and abstract), Number search
4	Comprehensive Document Database (Facsimile-mode for domestic documents)	1999.3		Patent, Utility model, Design, Trademark gazette, etc.	Number Search, Classification search
	Comprehensive Document Database (Mixed-mode for domestic documents)	1999.3	○ 2000.1 (With Automatic Translation)	CD-ROM gazette (Patent and Utility model)	Text search, Classification (FI IPC) search (bibliographic data, claim and abstract)
5	Comprehensive Document Database (Facsimile-mode for foreign documents)	1999.3		U.S patent and EPO's patent documents	Number search, US Classification search
6	F-term Searches	1999.3		Patent and utility model gazette	FI IPC F-term search
7	D-term Searches	1999.3		Design gazette	D-term search, Design classification search
8	Japanese Trademark Searches	1998.7		Japanese trademark application & registration information	Number search, Text search (bibliographic data, trademark for search), Similar group code search
9	Japanese Trademark in English Searches	1999.3	◎	Japanese trademark application & registration information in English	Number search, Text search (bibliographic data, classification)
10	Japanese Well-known Trademark Searches	1998.10	◎	Japanese well-known trademarks	Text search (bibliographic data, trademark for search)
11	Registered Design as News Flash Searches	1999.3		News Flashes of registered designs	Number search, Design classification, D-term search
12	Appeal and Trial Decisions as News Flash Searches	1999.3		News Flashes of appeals and trial decisions	Number search, Text search (bibliographic data), Classification search

JPO-IPDL Specification

(continued)

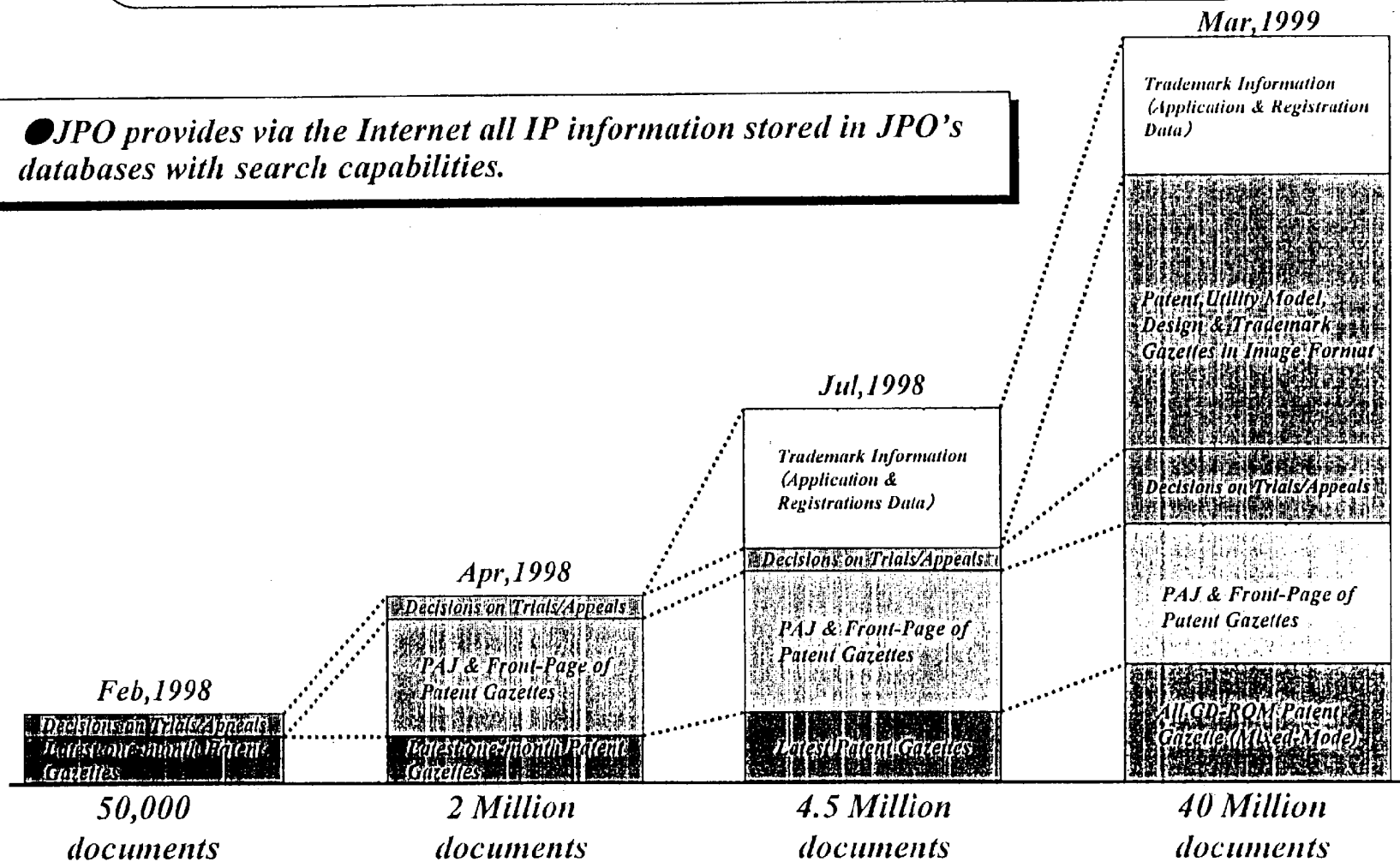


13	Guidance of IPC and FI	1999.3		FI IPC classification, Concordance of IPC and FI, etc.	IPC version, Concordance
14	F-term List	1999.3		Description of F-term	Description of F-term and F-term list in matrix form
15	Guidance of Japanese Design Classifications	1999.3		Japanese design classification	Concordance with D-term list
16	Concordance between Locarno Classification and Japanese Design Classifications	1999.3		Concordance between Locarno Classification and Japanese Design Classification	
17	D-term List	1999.3		Description of D-term	Concordance with Japanese design classifications
18	List of Goods and Services	1999.3		Goods and services	
19	Reclassification Guidelines	1999.3		Reclassification of goods	
20	Legal Status Information Searches	1999.3		Legal Status information (patent, utility model, design, trademark)	Number search, list
22	Journal of Technical Disclosure Searches	2000.1		Journal of Technical Disclosure	Number search, IPC search, text search (bibliographic data)
23	Miscellaneous	1999.3		Other information	In Portable Document Format

Expanding IP Information offered through the Internet



● JPO provides via the Internet all IP information stored in JPO's databases with search capabilities.



Comments on PRESENT Situation



- Global dissemination of pro-patent policy will raise awareness of the importance of patent information.
- Technical developments, including Internet technologies can facilitate the dissemination of information, including patent information.
- Internet technology makes it possible to browse patent information from anywhere.
- Users can acquire patent information free of charge from the JPO website.
- The most important point of this program is not technical development, but that the cost of patent information acquired through the Internet has been reduced to zero.

Conclusion



Technical development has made the current program possible, but more importantly, the use of technology will transform concepts regarding the value of IP information.

INFORMATION HIGHWAY POLICY AND INDUSTRIAL PROPERTY AGENCIES' INFORMATION POLICY

By

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Technology
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Bangkok Thailand

Information Highway Policy of Malaysia

Information is one of our nation's most critical economic resources. It not only fuels economic growth, but also generates a steady increase in the standard of living of all Malaysians. Today, increasingly more and more workers are in information-related jobs and the rest in industries that rely heavily on information. Malaysia places due strategic importance on technologies that create, manipulate, manage and use information. So what is the Information Highway Policy of Malaysia?

There is no formal Information Highway policy statement in record. The Information Highway policy for Malaysia shall be deduced from some regulatory and economic policies as well as from national projects and agendas. In fact the Multimedia Super Corridor project is Malaysia's first major investment in the commitment towards the development of the Information Highway in Malaysia.

I quote the Prime Minister of Malaysia, Dato' Seri Dr. Mahathir bin Mohamad who said,¹

“...we have developed an Information Technology (IT) Agenda to support our vision to become a fully developed nation by year 2020. Among others, the IT Agenda outlines various strategies which will help us achieve a knowledge society through the development of people, infrastructure and applications. We have started building the foundation to support this knowledge society, and this is in the form of the huge Multimedia Super corridor or the MSC which is our first major investment in the future...”

Whilst the IT Agenda which is under the supervision of the National Information Technology Council (NITC) and MSC development is important in the information highway policy, the National Telecommunications Policy too plays a significant role towards regulating and controlling the development of the telecommunications infrastructure and value added services nationwide. The recently established Multimedia Commission of Malaysia plays a significant role in implementing the newly enacted multimedia ‘cyberlaws’ and regulating the converging multimedia industry in Malaysia.

The Multimedia Super Corridor

The Multimedia Super Corridor or MSC, is a greenfield “corridor”, 15 kilometers wide and 50 kilometers long that stretches from the Kuala Lumpur City Center (KLCC), down south to the Kuala Lumpur International Airport (KLIA). Two of the world’s smart cities are being developed in the MSC. The first is Putrajaya, the new Government center and administrative capital of Malaysia where the concept of electronic government will be introduced. The second, Cyberjaya is an intelligent city with multimedia industries, R&D centers, a Multimedia University and an operational headquarters for multinationals wishing to direct their multimedia activities to MSC.

¹ Excerpt from Speech by the Prime Minister of Malaysia, Dato' Seri Dr. Mahathir bin Mohamad on 13 February 1998 at the opening of “The Economist Roundtable on electronic communities in Asia”.

A fibre-optics backbone with potential capacity of 2.5 – 10 Gbits/sec will be laid by the end of 1999. High bandwidth links from MSC to the rest of Malaysia and also to the ASEAN countries, Japan, USA, and Europe is also being laid. The entire project including the infrastructure costs of the KLCC and KLIA, is estimated to cost around RM50 billion to RM 100 billion. A high powered corporate organization, The Multimedia Development Corporation, (MDC) has been formed to act as a one-stop administrative and operational center for the establishment of MSC.

MSC will be :

- A world of smart homes, smart cities, smart schools, smart cards and smart partnerships: a global community living on the leading edge of the information society
- A center for attracting world class technology-led companies to Malaysia and developing local industries
- A corridor of excellence with multimedia specific capabilities, technologies, infrastructure, legislation, policies and systems for competitive advantage
- A multimedia haven offering a productive, intelligent environment within which a multimedia value chain of goods and services can be produced and delivered across the world.
- A test bed for invention, research and other ground breaking multimedia developments spearheaded by seven multimedia applications popularly known as the seven flagships of MSC.

The Multimedia Development Corporation envisions a 20-year time frame for the full implementation and execution of the MSC. There are three phases of activity:

- **PHASE I:** MDC will successfully create MSC, attract a core group of world class companies, launch the seven flagships application, put in place a legal framework of cyberlaws and establish Cyberjaya and Putrajaya as the world class intelligent cities.
- **PHASE II:** In this period, MSC will be linked to other cybercities in Malaysia and the world. A web of corridors and a second cluster of world-class companies will

also be established. It will also set global standards in flagship applications, champion cyberlaws within the global society and establish a number of intelligent globally linked cities.

- **PHASE III:** In the third phase it is expected that Malaysia will be transformed into a knowledge-based society being a true global test bed for new multimedia and IT applications. MSC will by this time have a cluster of intelligent cities linked to the global information highway and become the platform for the International Cybercourt of Justice.

The 7 flagship applications of MSC are basically seven electronic business opportunities that will attract world-class multimedia systems and software companies. These are electronic government, telemedicine, R&D clusters, worldwide manufacturing web, borderless marketing, multimedia fund transfer including a national multi-purpose smart card and smart schools. In fact the electronic government flagship policy applies to information management of the intellectual property agencies in Malaysia.

The electronic government application seeks to improve both how the government operates internally as well as how it delivers services to the people of Malaysia. It seeks to improve the convenience, accessibility and quality of interactions with citizens and businesses: simultaneously it will improve information flows and processes within the government to improve speed and quality of policy development, coordination and enforcement. Needless to say, the objectives of the electronic government effort goes far beyond the mere computerization of government.

Against the backdrop of this scenario, we now take a look at the main Intellectual Property Agency of Malaysia, the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs.

The Intellectual property Division (IPD) of Malaysia

The question is, what is the IPD's information policy. The IPD is headed by a director and has its headquarters in Kuala Lumpur and 2 regional offices in Sabah and Sarawak.

With the general objective of providing intellectual property protection consistent with international practices in the interest of trade, among its operational objectives are to provide an intellectual property information center to facilitate research, development and dissemination of intellectual property and technological information and to ensure that patent registrations, trade marks registrations and other related registrations are consistent with the laws.

Information management policy at the IPD is currently confined to two aspects:

- A simple, unsophisticated web page aimed at disseminating basic information. The web site is not complex enough to facilitate user access to IPD database.
- An automation program for the administration of trademarks and patent procedures. (PANTAS)

The WEB Page

- The IP Infonet Malaysia as the Website is called can be found at URL <http://www.kpdnhq.gov.my/ip> . Information on the homepage outlines the IP system in Malaysia, provides guides to understanding patents, trade marks, copyrights and industrial designs and sets out details and forms on how to file for applications. It also provides basic links to IP offices around the world. The web site does not allow on-line filing of applications and neither does it facilitate database access for search purposes.

PANTAS

Computerization of the IPD was initiated as far back as 1984 where on-line and off-line queries and up dating of information in the database was made possible. In 1992 a PC based information management was developed for patent registration procedures. However, in 1995, IPD initiated a modernization program for the administration of trademarks and patent procedures. PANTAS was completed in 1997 and launched in 1998. The system aims at providing a more efficient trade marks and patent services that is responsive to users need by establishing a modern and complete computerized administration system including network linkages to all of the intellectual property

offices. The system established a user orientation in trade mark and patent information services and also more efficient research and development in Malaysia.

The PANTAS System

There are four main components to the PANTAS System:

1. **Common Software (CS):** CS supports the whole trademark and patent administrative procedure from filing right up to registration. It records the status of the applications, making it possible to find out the stage the application is at and the section in IPD dealing with it at that moment. It is the main source of information in the official register intended for public consultation. The CS technology was donated to Malaysia by the European patent office and the European Commission.
2. **Figurative Search System (FSS):** FSS, was commissioned by WIPO and funded by the European Commission. It is a module capable of scanning paper-based records of registered marks containing figurative elements as well as pending applications for such types of marks. It stores the scanned images in a special database in accordance with WIPO prescribed graphical standard. Search operations can be performed on this database, to retrieve the desired images using the Vienna and Nice Classification Codes.
3. **Verbal Search System (VSS):** VSS is primarily used by patents or trademark examiners to perform text or word search on the trademark or patent database. This system has numerous search sub-systems as well as features that link it to the Internet, and hyperlinks to relevant records based on pre-defined search keys.
4. **Workflow & Imaging System:** This system uses the administrative data in CS together with all documents in a given file and complements the CS in a number of ways. It captures applications in image format thus reducing or totally eliminating duplicate copies of application forms, recognizes optical characters and eliminates manual data entry of an application's abstract and full specification. This system

automates routing of work and respective images of the required documents to respective officers.

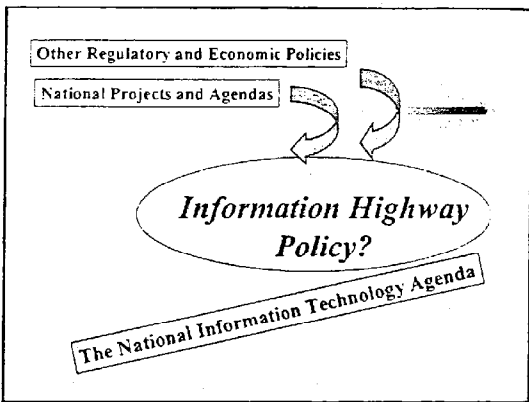
Conclusion

In line with the aspirations of the Information Technology Agenda of the nation, and vision 2020, in formulating the information policy , the IPD adopts the dynamic status of a learning organization. Though currently the focus has been on mechanization of IP procedures, and information management for functional purposes, the IPD of Malaysia is also studying the possibility of dispatching information for public and private sector use both on the Internet and Intranets. As such this seminar is of great significance.

INFORMATION HIGHWAY POLICY OF MALAYSIA AND THE INTELLECTUAL PROPERTY DIVISION'S (IPD)'S INFORMATION POLICY

By **Jothimani K. Muniandy**
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 National Institute of Public Administration (NIPAA)

*Paper presented at the JICA DIP Seminar on "Industrial Property and Internet Technology"
 27-29 Bangkok, Thailand*



Quote by Prime Minister of Malaysia
 Dato' Seri Dr. Mahathir bin Mohamad

"... we have developed an Information Technology (IT) Agenda to support our vision to become a fully developed nation by year 2020. Among others, the IT Agenda outlines various strategies which will help us achieve a knowledge society through the development of people, infrastructure and applications. We have started building the foundation to support this knowledge society and this is in the form of the huge Multimedia Super Corridor or the MSC which is our first major investment in the future..."

Information Highway Policy

- The National Information Technology Council (NITC)
- The Multimedia Super Corridor Project
- The National Telecommunications Policy

... Regulates and Controls the development of telecommunications infrastructure and value-added services nationwide

The Multimedia Commission

The Multimedia Super Corridor

15 km x 50 km and stretches from KLCC to KLIA

- 2 Smart Cities: Putrajaya & Cyberjaya
- Fibre-Optics backbone: 2.5-10 Gbits/sec
- High bandwidth links within Malaysia and to other countries: ASEAN, USA, Japan, & Europe
- RM 50 billion- RM 1000 Billion
- Multimedia Development Corporation PLC

Envisaged... MSC will be...

- A Global community living on the leading edge of the information society. A world of smart schools, smart homes, smart cities, smart cards and smart partnerships.
- A Corridor of excellence, with multimedia specific capabilities, technologies, infrastructure, legislation, policies and systems for competitive advantage
- A Center for attracting world class technology-led companies to Malaysia and developing local industries
- A test bed for inventions, research and other ground breaking multimedia developments.

The 7 Flagship Applications of MSC...

- Electronic Government
- Telemedicine
- R&D Clusters
- Worldwide Manufacturing Web
- Borderless Marketing
- Smart Schools
- Multi-purpose smart cards

3 Development Phases for MSC...

- **Phase I:** MSC will be created, the 7 flagships launched, legal framework in place and smart cities established.
- **Phase II:** MSC will link to other cybercities in Malaysia and the world. Global standards for 7 flagship applications will be set
- **Phase III:** Malaysia will be transformed into a knowledge based society, linked to global information highway and platform for International Cybercourt of Justice

20 Year Time Frame

The Electronic Government Flagship seeks to...

- Improve both how the Government operates internally as well as how it delivers services to the people
- Improve the convenience, accessibility and quality of interaction with citizens
- improve information flows and processes within the government
- improve speed, and quality of policy development, coordination and enforcement

The Intellectual Property Division (IPD) of Malaysia

- Main Intellectual Property Agency of Malaysia, Ministry of Domestic Trade and Consumer Affairs.
- General Objective: To provide intellectual property protection consistent with international practices in the interest of trade

One of the Operational Objectives: To facilitate research, development and dissemination of intellectual property and technological information and to ensure IP registrations are efficient and consistent with the laws

Information Management Policy at IPD

The WEB Page

PANTAS

An Automated Program for the Administration of Trademarks and Patent procedures

Www.kpdnhq.gov.my/ip

- A simple, unsophisticated web page aimed at disseminating information

- Guides to understanding patents, trademarks, copyrights and industrial designs
- Sets out details and application forms on how to file for patents and trademarks
- Provides basic links to IP offices around the world.

PANTAS

An Automated Program for the administration of Trademarks and Patent procedures

- 1984... Computerization of IPD
- 1992... Patent Registration Procedures via PC Based information management
- 1995... Initiation of PANTAS
- 1998... PANTAS launched

PANTAS aims to...

- provide a more efficient trade marks and patent services that is responsive to users need
by
establishing a modern and complete computerized administrative system including network linkages throughout the IP offices.

The PANTAS System

There are 4 main components

- Common Software (CS)
- Figurative Search System (FSS)
- Verbal Search System (VSS)
- Workflow & Imaging System

Common Software (CS)

- Supports the whole trademark and patent administrative procedure from filing to registration. It records the status of the application, so the stage of application can be identified and the section in the IPD dealing with it. The CS is the main source of information in the official register intended for public consultation

Figurative Search System (FSS)

- It is a module capable of scanning paper-based records of registered marks containing figurative elements as well as pending applications for such types of marks. It stores the scanned images in a special database in accordance with WIPO prescribed graphical standard. Search operations can be performed on this database, to retrieve the desired images using the Vienna and Nice Classification Codes.

Verbal Search System (VSS)

- is primarily used by patents or trademark examiners to perform text or word search on the trademark or patent database. This system has numerous search sub-systems as well as features that link it to the Internet, and hyperlinks to relevant records based on pre-defined search keys.

Workflow & Imaging System

- This system uses the administrative data in CS together with all documents in a given file and complements the CS in a number of ways. It captures applications in image format thus reducing or totally eliminating duplicate copies of application forms, recognizes optical characters and eliminates manual data entry of an application's abstract and full specification. This system automates routing of work and respective images of the required documents to respective officers

In Conclusion

In its information Management Agenda, IPD is currently confined to a simple website and Office mechanization and automation

However...

The IPD adopts the dynamic status of a learning organization and has long term plans to actively use both Intranets and the Internet to enhance information management.

INTERNET INFORMATION POLICY AND INDUSTRIAL PROPERTY INFORMATION DISSEMINATION POLICY¹

Trihono Sastrohartono²
Gofar Ismail³

ABSTRACT

The information plays strategic roles in the development of a nation. The nature of information that can be regarded as public goods gives raise to intensive discussion on the policy formulation on the dissemination of information, especially when related to the freedom of speech and access to information. The industrial property information, as a specific type of information, is one of the determining factors for a nation to success in the open market era which is marked by increasingly stiff competition. At present, there is no Internet policy specifically policy on the internet content in Indonesia, while formulation of the policy to disseminate the industrial property rights is under the responsibility of the Directorate General of Copyrights, Patents and Trademarks (DGCPT), Ministry of Justice. Considering there is no such a policy in Indonesia, this paper will attempt to discuss relevant issues on the Internet information policy. A more specific discussion will be presented on the industrial property rights dissemination policy.

I. INTRODUCTION

Internet is a worldwide network of computer networks. At present, it is approximately a network of 200,000 computer networks, being used by upwards of 60 million people. Internet exists increasingly in our daily lives as a medium of communication, giving access to any kind of information at any time and almost at any place. It is also a new media, comprising already established communication media such as television, radio, prints and telephony, through which people can transmit and receive text, pictures, sound, video and data.

The Internet has been rapidly emerging as a communication technology and the Internet connection has been developing rapidly the world over to include all aspects of economy and social activities of the people, industry and nations. The development of the Internet and the realization of the full potential of the Internet to influence all sectors of economy and social, therefore, need a good policy. For the Internet Service Providers, the industry and the users, the policy on the information content of the Internet will greatly affect the Internet development. Considering the business and economic values and coupling with the general opinion of freedom of speech and access to information, such a policy obviously creates intensive debates amongst parties involved.

The industrial property rights recognition, appreciation and protection are essential elements to the development of a nation. As Indonesia transforms itself from an agrarian country to industrialized country, those elements need to be promoted and consistently

¹ Presented at the JICA/DIP Seminar on Industrial Property Rights and Internet Technology, January 27-29, 1999, Bangkok, Thailand.

The content of this paper is of the authors' personal opinion and may not represent the policy of the Government of the Republic of Indonesia.

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³ Directorate General of Copyrights, Patents and Trademarks.

enhanced and developed over time. The dissemination of industrial property information will be crucial to the national development and the policy on the implementation of this activity needs to be established accordingly.

II. THE INTERNET INFORMATION POLICY

2.1. The Problem

The Internet needs to be acknowledged as a key tool for digital communication and publication, particularly on an international scale. The Internet technology can enable considerable savings, convenience and access for a wide range of sectors including academia, research, education, news media, business, government, and individual citizens. Several efforts to formulate policy on the Internet information content have been facing crucial issues, questions and debates to become acceptable even for a nation. While many individual nations and their respective Internet industries have made effort in formulating policy for the Internet information in order to fight fraud, and objectionable content and activities on the Internet, there is no global consensus on Internet policy. A global policy would be difficult and even impossible to achieve. Since different countries have different laws and different cultures, a regulation that might be important in one nation could be objectionable in another. The problem is even more complicated because the technology is advancing at such an incredible pace that problems will certainly continue to arise in the future and demand comprehensive analysis and legislation. The following sub-sections describe some principles to be considered when establishing Internet policy.

2.2. Access

The convergence of computer and communications technologies has made possible the development and rapid growth of the National Information Infrastructure (NII). A strong government policy on promoting universal access to inexpensive telephone service and protections against monopoly is required. Policies that sustain monopoly control of local telephone markets will slow the rise of the competition necessary to spur investments essential for creating widely accessible, seamless networks, especially the broadband networks that require huge investment. It will hinder fostering affordable access to broadband networks. Funding must be set aside for affordable Internet access in educational and research institutes, as well as through public kiosks. Special initiatives may be encouraged for private sector involvement in such non-profit ventures. Low-cost solutions like e-mail access through BBS gateways must be encouraged.

2.3. Intellectual Property Rights

The NII will generate both unprecedented challenges and important opportunities for the industrial property rights marketplace, and has tremendous potential to improve and enhance our lives, through the exchange of information by means of Internet. The intellectual property implications of the NII need to be examined and the recommendations on any appropriate changes to intellectual property law and policy need to be determined. The digital nature of the Internet content makes it very easy to be copied or distributed illegally, thus infringe the intellectual property rights. A working group consisted of a

broad spectrum of interested parties; such as various industries, telecommunications and information service providers, the academic, research, library, legal communities, individual creators, industrial property right owners and users, as well as the computer software, entertainment industries; needs to be established to address those issues. Laws should be passed extending traditional copyright protection to online material, in accordance with internationally accepted drafts of such legislation.

2.4. Content

As the Internet has become increasingly popular around the world, the freedom it offers to all user to obtain and provide all kinds of information at any time has alarmed many people and governments of the libel, pornography and copyright violations. Censorship on the Internet information and the freedom and openness of the web have been creating debates among experts. A balance between those two extremes is needed. The Internet needs to be remain open while at the same time some sorts of protection needs to be provided for the children and people who need it. An acceptable standard of censorship and thus international controls for the Internet content is highly impossible due to the difference in culture, legal system and political views amongst countries. Perhaps the most possible approach is to require that the Web pages and other on-line content be rated systematically.

The Internet Content Coalition (ICC), which consists of representatives from a number of corporations including Microsoft and Sony, is creating guidelines that are intended to be used by news Web sites voluntarily to rate their journalistic content according to criteria yet to be established by the ICC. The current crop of filtering software does not make exemptions for news content. A rating scheme would be a workaround to the filtering software. Under the proposed system, a rating hidden in the computer code of news Web sites would be read by browsers that could detect and then allow or deny access based on a user's pre-set preference. The user could pre-set that preference in the browsers, as well as third-party programs. Some Web sites are currently rated by a system developed by the Recreational Software Advisory Council (RSACi), a non-profit group based in Cambridge, Massachusetts, U.S.A., which began rating computer games. However, the role of the group has expanded to rate Internet content. The rating system uses special Internet protocols developed at the Massachusetts Institute of Technology (MIT), an ICC member. The Platform for Internet Content Selection (PICS) is a software system that lets companies add a special code (meta tags) to the HTML code of a Web site, so the browser will recognize whether a particular Web site falls within a specified rating. The different categories in the RSACi rating scheme include: violence, nudity, sex and language. With the rating system, the users will be able to decide what kind of content they like to obtain. It is expected that there will be minimum government influence in filtering the information the users will be able to access when the rating system can be determined appropriately.

2.5. The Need for Comprehensive Policy

The government should also regularly dialogue with the Internet professional community, concerned organizations and citizens. Government policy processes regarding the Internet should be made transparent, and disseminated through the Internet itself. A competent body such as an Internet Society of a country may be formed, consisting of

professionals from Information Technology community. This body should always keep abreast with technological progress and regularly consult with the technical standards committees and other international task forces involved in Internet technology, potential usage and policy. The policymakers should recognize the very nature of the Internet. It is different from existing earlier communications media. Internet policymakers must first understand the Internet's all communications characteristics, its distinct technological features, and its relative indifference to geographical and legal boundaries. They must know how the Internet operates and understand how people use it. Policymakers must consider the whole scope of the Internet and formulate a truly comprehensive and integrated policy.

2.6. Indonesian Policy

An initiative to develop an Indonesian National Information Infrastructure has been carried out by an Indonesian Telematics Coordination Team, which addresses three components of the telematics development: the infrastructure, the application and the supporting aspects. The team is responsible among others to formulate policy on the development of telematics in Indonesia. The telematics term is adopted here as a new field which represents the convergence of telecommunication and informatics. The work of the team has not so far resulted in comprehensive examination and detailed analysis to arrive at a policy formulation on the Internet information policy and, more specifically, on the intellectual property implications of the NII.

III. INDUSTRIAL PROPERTY INFORMATION DISSEMINATION POLICY

3.1. The Demand for Industrial Property Information

The world is entering a new era in the coming century as the information-intensive environment represents the third wave of revolution. The globalization becomes the key issue being faced by every country in the world. In such a world, information becomes strategic product, as it will influence every activity, for example the Research and Development (R&D) activity, with the advent of information and network technology. It will also increase productivity and fuels creativity. The free globalization will increase competition among countries, but at the same time also heighten interdependency in the economy, science and technology.

As the countries become more industrialized, the science and technology will be the key factor to success. The economic development will rely more on value-added industries, in which innovation is the essence of the R&D activity leading to science and technology acquisition. This situation obviously requires strong commitment on the Intellectual Property Rights protection. The IPR promotion and protection involve the supply side and the demand side of the scale. An efficient effort for the economic development demands transparent, complete and timely IPR or specifically the Industrial Property Rights information exchange among the parties involved. The supply side of the R&D provides innovation and S&T to the users or demand side of the industrialization process.

It is important to strengthen activities on science and technology and to exploit the results of those activities. As the IPR protection is strengthened, and the royalties and compensation

awards for damages have been on the rise, the value of intellectual property will increase and will be recognized as property of high economic value.

3.2. The Role of the Directorate General of Copyrights, Patents and Trademarks

The Directorate General of Copyrights, Patents and Trademarks (DGCPT) of Indonesia plays a pivotal role in the establishments and management of a high standard intellectual property system in Indonesia. Thus, DGCPT provides essential service to industry and trade by providing a safe environment for investment, research and commerce.

In carrying out those duties, DGCPT has functions to:

- formulate technical policy in the field of IPR, provide counseling and guidance in the IPR in line with the existing ministerial policy, laws and regulations,
- implement activities in the IPR field based on the existing laws and regulations,
- provide technical security and protection on the IPR activities based on the existing ministerial policy, laws and regulations.

3.3. Administration of the IPR

DGCPT was established in 1988. Examination of patent applications and the registration of trademarks effectively began in 1991. Therefore, as an IP office that performs full examination of patent and trademark applications, DGCPT is a young organization, compared to long established offices in other countries. However, through intensive training and practice, DGCPT now has a core group of qualified and dedicated staff, in particular, patent and trademark examiners.

DGCPT administers the granting of patents and simple patents, the certification of trademarks, the registration of copyrights, and in the future, other industrial property rights, within the legal and regulatory framework of intellectual property protection in Indonesia. The office strives to provide the following essential services equal to the highest international standards to industry, commerce, R&D and individuals:

- Strong patents, and trademark certificates, and other industrial property rights administration and protection that stand up to scrutiny under revocation of infringement procedures,
- The services are delivered within the time limits foreseen in the laws, and in line with standard international practice, in a manner that is cost efficient to the applicant and the office,
- A total package of useful and user friendly industrial property information services to local companies, R&D institutes and universities, and the general public.

Since joining the World Trade Organization (WTO) in January 1995, the Government of the Republic of Indonesia has been adopting its Intellectual Property regime to the provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). GOI has also been a member of the World Intellectual Property Organizations (WIPO) Convention since 1979. Both WIPO and TRIPS imply the need for a proper, suitable and transparent national Intellectual Property administration system.

In anticipation of the IPR protection and to prepare for the free trade era, on May 7, 1997, GOI has ratified five international conventions as follows:

- Paris Convention for the Protection of Industrial Property and Convention Establishing the World Intellectual Property Organization.
- Patent Cooperation Treaty (PCT) and Regulation under the PCT.
- Trademarks Law Treaty.
- Bern Convention for the Protection of Literary and Artistic Work.
- WIPO Copyright Treaty.

In anticipating the implementation of the TRIPS beginning from the year 2000, DGCPT is in the process of restructuring to become the Directorate General of Intellectual Property Rights (DGIPR).

3.4. Policy on the Dissemination of Industrial Property Information

With the provision of laws and regulations on the IPR meeting the international standard, covering the copyrights, trademarks, patents, trademarks, industrial design, integrated circuit design, trade secret, and unfair competition, DGCPT is responsible for the campaign and dissemination of the laws and regulations.

Certain IPR aspects as stipulated in TRIPS Agreement, such as industrial design, integrated circuit, and trade secret, are not covered in DGCPT's scope of functions. Therefore, the new organizational structure of the upcoming DGIPR will include those IPR aspects.

Recognizing the importance of strengthening the IPR especially the dissemination of IPR information, a new Directorate of Cooperation and IPR Information Development under the DGCPT specifically assigned to address the IPR information issue is proposed to be formed.

The administration and processing of registration, examination, and litigation on the copyrights, patents and trademarks are predominantly manual execution. Consequently, to certain extent, they cause infringement complaints and delays of services. To remedy this problem and to become world class IPR office, DGCPT is carrying out an automation project. The project will take advantage of Information Technology as a tool to automate the IPR administration and to provide transparent information to the parties involved in the IPR business.

To improve the dissemination of industrial property information, DGCPT is undertaking the following activities:

- Institutional development and automation projects of the DGCPT with the World Bank support, to be finished in the year 2000.
- Direct registration of IPR through the 27 DGCPT provincial branch offices starting from the year 1999 with the support of JICA.
- Coordination with other institutions at the national and provincial level to establish DGCPT branch offices.
- Seminar on IPR registration and protection participated by industry, universities, professional organizations and associations, and public.
- Provide industrial property information to the small, medium and large scale industries.

- Provide information on technological inventions to the students and academia.
- Establish on-line information services and provide information through electronic media.
- Cooperate with universities, industry, R&D institutions, and professional associations to promote the IPR
- Increase the awareness to the importance of the IPR to the universities, industry, R&D institutions, professional associations, and public

4. CONCLUSIONS

The information exchange on the Internet requires a policy and acceptable norms in order to recognize the decency and to honor the social values of different communities. A balance between the ability to control the information obtained by the users and maintaining the freedom to provide and access information is needed. The Internet needs to be remain open while at the same time some sorts of protection needs to be provided for the children and people who need it. The most possible approach is to require that the Web pages and other on-line content be rated systematically. It is recommended that the censorship of the information content best accomplished through the rating determined by the information providers. A rating method, such as by the Recreational Software Advisory Council (RSACi), seems to be appropriate to implement. The laws and regulations regarding the IPR protection on the information in digital form in the Internet need to be examined and properly establish. They should be able to cope with the rapid progress of the Information Technology and electronics underlying the Internet.

The Industrial Property Rights information plays an important role in development of economy. It is, therefore, an important aspect to be undertaken with utmost attention. The information dissemination should cover both the demand side and the supply side of the IPR. DGCPT of Indonesia puts its best effort in disseminating the industrial property rights information through its policy and implementation programs.

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