

2011-2015 ASEAN INTELLECTUAL PROPERTY RIGHTS ACTION PLAN

Adopted in Manado, Indonesia on 11 August 2011

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1.0 INTRODUCTION

Intellectual property (IP) is an asset that a person can own, sell, license, or even give away at pleasure. Unlike other assets however, IP is mostly intangible and its distinct types, namely—patents, designs, trademarks, and copyrights—are assets that are borne from people’s creativity and innovation, and the specific geographical locations concerned. However, the lack of physical parameters by which most of these assets can be defined or identified does not preclude the recognition of their innate value and the need to protect them from theft or unauthorized use, just like tangible assets. This is the primary reason for the establishment of IP Offices throughout the world. Protection of intellectual property rights (IPRs) stimulates further creativity and innovation, which in turn spur progress in industries and ultimately leads to national development.

IPRs have gained prominence as an important issue in the international arena, whether in discussions on public health, education, trade, industrial policy, traditional knowledge, biodiversity, biotechnology, the internet, the cultural industries, or climate change. With the increased recognition of IPRs as a powerful tool for development and for developing states, the need to harness, protect, and promote the creativity of ASEAN nationals to secure the future of the region and promote economic integration has become more urgent. At the same time, ASEAN also recognizes that to encourage foreign direct investments in the region, it needs to ensure the protection and enforcement of IPRs of trading partners.

Developed countries are concerned that the protection and enforcement levels provided by existing multilateral treaties are insufficient to protect their growing IP interests. Meanwhile, developing and less-developed countries struggle with the challenges of fast-growing protections that tend to restrict access to essential medicines, knowledge, information and communication technologies, and other key development resources.

Given the rapid expansion of international norms and cross-cutting concerns in IP, ASEAN needs to craft an approach that takes into account the diverse needs and varying levels of capacity of its Members States, in the context of broader societal interests and especially development-oriented concerns to contribute to the promotion of knowledge creation, technological innovation and transfer, business generation in a manner conducive to the welfare of the region, among others. ASEAN needs to keep track of international developments in IP and determine what best practices can be adopted at the regional level.

Over the past several years, ASEAN has been working towards the development of the IP system in the region through the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC). The AWGIPC was established in 1996 pursuant to the ASEAN Framework Agreement on Intellectual Property Cooperation, which was signed by ASEAN Member States (AMSs) in Bangkok, Thailand, in 1995. The AWGIPC is mandated to develop, coordinate, and implement all IP-related regional programmes and activities in ASEAN.

Since 2004, the work of the AWGIPC was based on the ASEAN IPR Action Plan, 2004-2010, and the Work Plan for ASEAN Cooperation on Copyrights. The IPR Action Plan was formulated “(1) to help accelerate the pace and scope of IP asset creation, commercialization and protection; to improve the regional framework of policies and institutions relating to IP and IPRs, including the development and harmonization of enabling IPR registration systems; to promote IP cooperation and dialogues within the region as well with the region’s Dialogue Partners and organizations; to strengthen IP-related human and institutional capabilities in the region, including fostering greater public awareness of issues and implications, relating to IP and IPRs”.

With the acceleration of ASEAN economic integration from 2020 to 2015, the AWGIPC prepared a new Work Plan as part of the Blueprint of the ASEAN Economic Community (AEC) to reflect the new objective of ASEAN.

This document builds on the IPR Action Plan, 2004-2010, the Work Plan on Copyrights, and the Work Plan under the AEC Blueprint in order to develop an ASEAN IP System that takes into account the different levels of capacity of the Member States, balances access to IP and protection of IPRs, and responds to the current needs and anticipates future demands of the global IP system.

The ASEAN IPR Action Plan 2011-2015 is designed to meet the goals of the AEC by transforming ASEAN into an innovative and competitive region through the use of IP for their nationals and ensuring that the region remains an active player in the international IP community.

2.0 CONTEXT AND APPROACH

The ASEAN region is highly diverse and its transformation as a single bloc with a harmonized set of laws and procedures in IP has been a challenge. ASEAN continues to acknowledge the important role played by IP in social, technological, and economic progress. At the same time, recognizing that for ASEAN to fully utilize the benefits of IP as a tool that would help the region achieve economic integration by 2015, the AWGIPC has designed a unique way of contributing to this goal. Instead of trying to formulate a single set of laws and designing a harmonized regional system in IP, the AWGIPC has crafted its own means of integrating through a higher level of cooperation by undertaking programmes and activities together, with AMSs strengthening linkages with each other to improve their capacity, and participating in global IP structures, subject to the capacity and readiness of each AMS.

ASEAN will move towards the agreed goals as a region even while preserving its diversity, without compromising the varying levels of development of Member States, but charting for the region a unique brand of an ASEAN IP System. To achieve the 2015 goal of economic integration, the AWGIPC will build on past accomplishments, intensify the level of cooperation among AMSs by building on each other’s strengths, and continue partnering with organizations and institutions in order to move forward collectively towards a single direction, albeit at varying paces.

This Action Plan recognizes the challenges that continue to face IP Offices in the region, such as modernizing their office infrastructures and constantly improving their operations, the struggle with backlogs in both patents and trademarks, the growing need for work sharing in order to ease workloads. Over the past years, ASEAN has experienced difficulties in utilizing IP as a tool to develop the innovative capacity of the region, raise awareness among its nationals so that they could protect their inventions and creations, and make use of IP to jumpstart innovation and encourage technological advances in the region.

Developing the IP system in the region necessitates improving the capacity of AMSs and the national IP Offices to enable them to build a higher level of confidence in the integrity and transparency of their processes. Each national office in ASEAN will provide higher quality, efficient, and cost-effective systems to protect IPRs. Each IP Office in the ASEAN will be stakeholder-centric, continuously improving the quality and timeliness of the services that they provide.

The AWGIPC will continue to improve relationships with dialogue partners, internal and external stakeholders, and other institutions and agencies. The IP chapters of agreements entered into by ASEAN and other partnership agreements will continue to be implemented, with the end in view of transforming activities under these agreements to improve capacity and development in the region.

This Action Plan identifies five strategic goals that will contribute to the collective transformation of ASEAN into a competitive region with the use of IP. With this new Plan, ASEAN will work towards economic integration through intensified cooperation, with AMSs acting as leads for initiatives that will be more focused and with specific deliverables that will move the region closer to its goal. The AWGIPC will ensure ownership and accountability by AMSs of the projects to be undertaken and heightened collaboration in the implementation of regional activities and projects.

3.0 STRATEGIC GOALS AND AREAS OF FOCUS

The AWGIPC has formulated the following five strategic goals that will serve as framework for its work in the next five years. The implementation of the activities and the achievement of deliverables identified under each of the five strategic goals will be monitored and regularly evaluated according to measurable performance indicators that will be agreed among AMSs.

STRATEGIC GOAL 1:

A balanced IP system that takes into account the varying levels of development of Member States and differences in institutional capacity of national IP Offices to enable them to deliver timely, quality, and accessible IP services to promote the region as being conducive to the needs of users and generators of IP.

STRATEGIC GOAL 2:

Developed national or regional legal and policy infrastructures that address evolving demands of the IP landscape and AMSs participate in global IP systems at the appropriate time.

STRATEGIC GOAL 3:

The interests of the region are advanced through systematic promotion for IP creation, awareness, and utilization to ensure that IP becomes a tool for innovation and development; support for the transfer of technology to promote access to knowledge; and with considerations for the preservation and protection of indigenous products and services and the works of their creative peoples in the region.

STRATEGIC GOAL 4:

Active regional participation in the international IP community and with closer relationships with dialogue partners and institutions to develop the capacity of Member States and to address the needs of stakeholders in the region.

STRATEGIC GOAL 5:

Intensified cooperation among AMSs and increased level of collaboration among them to enhance human and institutional capacity of IP Offices in the region.

3.1 STRATEGIC GOAL 1

A balanced IP system that takes into account the varying levels of development of Member States and differences in institutional capacity of national IP Offices to enable them to deliver timely, quality, and accessible IP services to promote the region as being conducive to the needs of users and generators of IP.

This strategic goal focuses on registration, protection, and enforcement of IPRs and the programmes that will enable the region to provide simple and user-friendly protection frameworks, and improve the quality and accessibility of IP services.

The grant of IP involves a balancing of rights—the exclusive right of the creator to reap benefits from the IP and the public right of access to information associated with the right.

ASEAN needs to continuously attract the inflow of cutting-edge technology through patent filings by assuring inventors and innovators that patents granted in any of the AMSs have a high presumption of validity and enforceability. With more patent filings in the region, there will be better opportunity for technological information to eventually be diffused to local businesses, which, in turn, will spur the growth of the technological and innovative capacity of the region.

As local businesses continue to grow, the need for them to use trademarks to distinguish their products and services becomes even more important. With strong trademark systems in the region, ASEAN businesses will be encouraged to file in the AMSs where their business is located and foreign entities that bring their businesses into the region will be assured of protection for their marks.

The overriding goal for the AMSs is the achievement of continuous improvement in the quality of IP registrations granted and timeliness of the delivery of services. Improving quality means improving both the presumption of validity of granted IPRs and access by the public. Improving service delivery means reducing turnaround times for the processing of applications and minimizing, if not eliminating, backlogs. It also means devising mechanisms for work sharing to ease patent workloads in the region. In addition, AMSs need to provide services that are accessible and transparent. This can only be done by improving the infrastructures of the IP Offices and to link together and exchange information needed by stakeholders in the region.

The national IP Offices will work with the judiciary and other government institutions to improve the disposition of IP cases that have served as disincentives to IP owners not only in protecting their IP, but also in continuing their trade activities in the region.

While improving the capacity of the region to protect IPRs, the need for ASEAN to access IPRs and for the region to continue to exercise the necessary flexibilities afforded Member States under existing and future agreements will have to be maximized.

This first strategic goal will focus on improving the efficiency of the administration and protection of IPRs and promoting enforcement of IPRs in the region within the context of development. ASEAN will leverage on IPRs generated in and out of the region to pursue its development and economic integration goals.

| Initiatives | Deliverables |
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| <p>1. Reduction of average turnaround time (from filing to registration) for the registration of trademarks without objections/opposition to 6 months by 2015</p> <p>Leads: Cambodia and Philippines</p> | <p>1.1 Best practices aimed at eliminating backlog applications in AMSs are shared among and implemented by ASEAN IP Offices.</p> <p>1.2 A manual of substantive examination is used by ASEAN trademark examiners.</p> <p>1.3 Simplified trademark workflow is implemented across ASEAN IP Offices.</p> <p>1.4 An enhanced IT-system is deployed in each of the national offices.</p> <p>1.5 Trained TM examiners and attorneys/agents.</p> |
| <p>2. Implementation of the ASEAN Patent Search and Examination Cooperation (ASPEC)</p> <p>Lead: Singapore</p> | <p>2.1 Fully operational ASPEC by 2012, with institutionalized activities and programs.</p> <p>2.2 ASPEC is utilized by at least 5% of patent applicants by 2015.</p> <p>2.3 Patent directors and experts meetings are held regularly.</p> <p>2.4 Regular information awareness activities (including the development of information materials) to encourage the use of ASPEC are conducted in the region.</p> |
| <p>3. Implementation of the Regional Classification of Ethnic Goods and Services</p> <p>Lead: Singapore</p> | <p>3.1 List of ethnic goods and services is finalized and used by AMSs to supplement the Nice Classification.</p> <p>3.2 Symposia and discussion meetings with AMSs and stakeholders on the use of the regional classification of ethnic goods and services are undertaken in the region.</p> |
| <p>4. Capacity building for patent professionals/attorneys</p> <p>Lead: Singapore</p> | <p>4.1 The needs of patent professionals and areas for capacity building are identified.</p> <p>4.2 Trainings, workshops, and other similar activities are conducted in response to identified training needs.</p> <p>4.3 ASEAN patent professionals are trained in the patent laws, regulations, and procedures of AMSs and high achieving IP offices in other regions.</p> |

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| | <p>4.4 Periodic assessments of training programs are undertaken to evaluate the results of capacity building activities, with areas of possible improvement identified.</p> |
| <p>5. Capacity building for industrial design and trademark professionals/attorneys</p> <p>Leads: Philippines and Vietnam</p> | <p>5.5 The needs of industrial design and trademark professionals and areas for capacity building are identified.</p> <p>5.6 Trainings, workshops, and other similar activities are conducted in response to identified training needs.</p> <p>5.7 ASEAN industrial design and trademark professionals are trained in the laws, regulations, and procedures of AMSs and high achieving IP offices in other regions.</p> <p>5.8 Periodic assessments of training programs are undertaken to evaluate the results of capacity building activities, with areas of possible improvement identified.</p> |
| <p>6. Development and implementation of a Regional Action Plan on IPR Enforcement</p> <p>Lead: Philippines</p> | <p>6.1 National internal guidelines for enforcement consistent with the civil, criminal, and administrative structures of AMSs are drawn up based on best practices identified through information sharing among national agencies in AMSs that are tasked with IP enforcement.</p> <p>6.2 Publicly available statistical information relating to IP enforcement, including the status of IP cases in the judiciary, is collated through a centralized coordinating unit and is accessible online in the region.</p> <p>6.3 Reduced movements of pirated and counterfeit goods into and between AMSs are documented.</p> <p>6.4 Private sector involvement in antipiracy and information awareness campaigns at the regional level is intensified.</p> <p>6.5 Workshops and symposia on enforcement issues and developments in IPR protection are held, and stronger linkages between the national IP Office and the judiciary in each AMS to expedite the disposition of IP cases and other government agencies tasked with enforcement of IP rights are established.</p> |

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| | <p>6.6 Information awareness activities (including development of information materials) on enforcement are undertaken in the region.</p> |
| <p>7. Copyright exceptions and limitations for the visually impaired and persons with disabilities</p> <p>Lead: Singapore</p> | <p>7.1 Information sharing on copyright exceptions and limitations for the visually impaired and persons with disabilities, including exploring best practices, and consultations with concerned interest groups in each AMS to discuss the necessity of implementing the initiative on a regional or on a per country basis are undertaken.</p> <p>7.2 ASEAN collective stand on copyright exceptions and limitations for the visually impaired and persons with disabilities is discussed and determined.</p> <p>7.3 7.3 Agreed initiatives on the copyright exceptions for the visually impaired and persons with disabilities are implemented by 2013.</p> |
| <p>8. Effective use of copyright system by 2015</p> <p>Leads: Brunei Darussalam and Thailand</p> | <p>8.1 National studies (for AMSs that have not completed or commenced the study) on the contribution of copyright-based/ creative industries to economic development are completed by 2012 and a forum to share the results is held thereafter.</p> <p>8.2 Exchange of information and best practices relating to notification and recordation of copyright is undertaken by AMSs in 2012.</p> |
| <p>9. Establishment of collective management societies in AMSs by 2015</p> <p>Lead: Thailand</p> | <p>9.1 Experiences and best practices relating to AMSs' respective collective management societies and/or copyright tribunal through regional policy dialogues are shared among them.</p> <p>9.2 Studies on collective management societies/ organizations, with special focus on their administrative/regulatory framework and the challenges and issues in their operations in the ASEAN region are completed.</p> <p>9.3 Additional collecting societies in each AMSs are formed and linkages among these collecting societies to determine the feasibility of regional cooperation are established.</p> |

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| <p>10. Creative ASEAN</p> <p>Lead: Thailand</p> | <p>10.1 Survey on areas of interest among AMSs on Creative ASEAN is conducted and assessment of the survey results is presented.</p> <p>10.2 Possible areas of cooperation among AMSs in relation to an ASEAN creative economy is identified and the implementation of activities under the Creative ASEAN program determined by 2012.</p> |
| <p>11. Protection of geographical indications (GIs)</p> <p>Leads: Thailand and Vietnam</p> | <p>11.1 The systems of protection of GIs in each AMS are compiled.</p> <p>11.2 Review and analysis of the positions of AMSs on GIs in the WTO is conducted and areas of convergence or a consolidated position on GI extension and registry is determined by 2012.</p> <p>11.3 Information and best practices on enhancing the value of local products in AMSs and in branding and protecting these products under any system of protection (sui generis GI or under the trademark system) are shared among AMSs.</p> |
| <p>12. Protection of traditional knowledge (TK), genetic resources (GR) and traditional cultural expressions (TCE)</p> <p>Leads: Indonesia, Cambodia and Lao PDR</p> | <p>12.1 AMSs actively participate as a region in the WIPO Intergovernmental Committee on IP, TK, GR, and Folklore (IGC) meetings.</p> <p>12.2 Developments in TKs, GRs, and TCE in AMSs are shared among AMSs.</p> <p>12.3 Information on the experiences of China and India concerning the protection of TK, GR, TCE and establishment of national and regional database on TK, GR, and TCE (TK, GR, TCE Digital Library system) are identified by AMSs and shared among them.</p> <p>12.4 Interface with the ASEAN Working Group in charge of TK, GR, TCE for the formulation of better policies on their protection.</p> |
| <p>13. Plant Variety Protection</p> <p>Lead: Vietnam</p> | <p>13.1 Information and experience on UPOV implementation by Singapore and Vietnam and on the respective national laws of other AMSs on plant variety protection and their implementation are shared among AMSs.</p> <p>13.2 International discussions are monitored and emerging concerns on plant variety protection addressed.</p> |

3.2 STRATEGIC GOAL 2

Developed national or regional legal and policy infrastructures that address evolving demands of the IP landscape and AMSs participate in global IP systems at the appropriate time.

The ever-changing IP landscape and the common needs of IP creators worldwide have resulted in the formulation of global IP protection systems to standardize certain procedures and international registration mechanisms. Global IP protection systems, which almost always take the form of multilateral agreements, have evolved.

ASEAN has attempted to formulate regional IP protection mechanisms. But given the diversity of their respective national laws, the growing demand for international, rather than regional, protection mechanisms from IP owners and creators worldwide, and the need for region to participate in global IP systems in order to be more competitive, the AWGIPC agreed on an alternative to the establishment of a regional IP System that will enable AMSs to move at their own pace.

Together, the AMSs will determine whether it will be in the best interests of the region to participate in multilateral agreements on IP, what agreements they will join, and when each AMSs will start using these systems.

In addition to participating in global IP protection systems, the AWGIPC will continue to participate and adapt to the changes in the IP landscape that are brought about by technological and related developments, as well as by the development needs of the region's stakeholders.

| Initiatives | Deliverables |
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| <p>14. Accession to Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks by AMSs by 2015</p> <p>Lead: Philippines</p> | <p>14.1 Backlogs are cleared, turnaround times are reduced, and infrastructures are in place for Madrid accession.</p> <p>14.2 Studies on the issues and implications (legal and technical) of accession to the Protocol and results are shared among AMSs.</p> <p>14.3 Road map for accession is prepared by each AMS.</p> <p>14.4 Support for Madrid accession is secured from major business groups.</p> <p>14.5 Law is amended, if required, and/or regulations governing the filing of Madrid applications in AMSs are drafted.</p> <p>14.6 IP Officers are trained in Madrid operations.</p> <p>14.7 Information dissemination campaigns are held to encourage stakeholders to use the Madrid system.</p> |

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| <p>15. Accession to the Hague Agreement Concerning the International Registration of Industrial Designs by at least 7 AMSs by 2015</p> <p>Lead: Philippines</p> | <p>15.1 Studies on the issues and implications (legal and technical) of accession to the Hague Agreement and results are shared among AMSs.</p> <p>15.2 Road map for accession is prepared by each AMS.</p> <p>15.3 Consultations prior to accession are held.</p> <p>15.4 Law is amended, if required, and/or regulations governing the filing of Hague applications are drafted.</p> <p>15.5 Guidelines operationalizing Hague are drafted.</p> <p>15.6 IP Officers are trained in Hague operations.</p> <p>15.7 Information dissemination campaigns are held to encourage stakeholders to use the Hague Agreement.</p> |
| <p>16. Accession to the Patent Cooperation Treaty by 2015</p> <p>Lead: ASEAN Secretariat(ASEC)</p> | <p>16.1 Information on PCT is shared among AMSs.</p> <p>16.2 Studies on the issues and implications (legal and technical) of accession to the PCT are completed.</p> <p>16.3 Consultations prior to accession are held.</p> <p>16.4 Law is amended, if required, and/or regulations governing the filing of PCT applications are drafted.</p> <p>16.5 Guidelines operationalizing PCT are drafted.</p> <p>16.6 IP Officers are trained in PCT operations.</p> <p>16.7 16.7 Information dissemination campaigns are held to encourage stakeholders to use the PCT.</p> |

3.3 STRATEGIC GOAL 3

The interests of the region are advanced through systematic promotion for IP creation, awareness, and utilization to ensure that IP becomes a tool for innovation and development; support for the transfer of technology to promote access to knowledge; and with considerations for the preservation and protection of indigenous products and services and the works of their creative peoples in the region.

Efforts at raising IPR awareness in the region has remained generally low, although over several years, as a result of national and regional efforts at increasing IP awareness, the concept of IP has begun to be recognized. This has resulted in more trademark filings by ASEAN nationals in the region, but patent filings remained low largely because the capacity for science and technology in the region has not changed much over the last several years.

In order for the capacity of ASEAN to generate more IPRs, access to IP information and awareness must be intensified if the region is to become competitive. Access to developed countries' technologies and publicly available patent information should also be increased in order for more IPRs to be created.

As a rich source of indigenous products and services, ASEAN must also determine the most effective means to protect these to ensure that the region benefits from these rich resources and at the same time protect the national heritage and patrimony of Member States.

| Initiatives | Deliverables |
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| <p>17. Establishment of a regional network of patent libraries within schools and universities in AMSs to increase access to global scientific and technology information for research and development</p> <p>Lead: Philippines</p> | <p>17.1 Developed concept and mechanics of establishing a regional network of patent libraries.</p> <p>17.2 Technical assistance is provided to schools and universities that agree to establish patent libraries in the region.</p> <p>17.3 At least 20 regional patent libraries/patent information search facilities are established in ASEAN by 2015.</p> |
| <p>18. Development of a region-wide IP promotional campaign to raise awareness at all levels</p> <p>Leads: Lao PDR, Indonesia, Thailand, ASEC</p> | <p>18.1 A series of high profile IP fora as part of the IP promotion campaign of ASEAN to engage high level officers of government and leaders of society are conducted.</p> <p>18.2 An IP Promotion Strategy (which will include toolkits) that takes into account various IP stakeholder groups is developed and implemented.</p> <p>18.3 A pool of IP resource persons from the AMSs who will conduct presentations, workshops, and lectures on IP in the region is formed by 2012.</p> <p>18.4 Regular updates of the progress of promotional campaigns are provided by each AMSs.</p> |
| <p>19. Improved awareness in ASEAN on technology transfer and commercialization</p> | <p>19.1 Regional symposia and capacity building activities on technology transfer and commercialization are conducted in region.</p> |

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| <p>Leads: Thailand and ASEC</p> | <p>19.2 Dissemination of data and information on ASEAN IP Direct, including regular consultations by AMSs with all ASEAN stakeholders, is conducted in the region.</p> <p>19.3 The extent of usefulness of ASEAN IP Direct and enhancement of the platform to improve its usability and continued collection of data/information for uploading on the website is assessed and necessary modifications made based on the results of the evaluation.</p> |
| <p>20. Enhancing the capability of SMEs in the AMSs to generate and fully utilize IP</p> <p>Lead: Malaysia</p> | <p>20.1 Strategic plans for the promotion of innovation among SMEs in the AMSs are drafted.</p> <p>20.2 Training modules are designed for SMEs on identification and acquisition of IPRs, exploitation and enforcement of IPRs, cost effective search for IP-related information, and IPR registration.</p> <p>20.3 Comprehensive collaborative programs between the IP Offices and Science & Technology, Research & Development Institutions, and Universities to improve their capacity to identify, protect, and manage their IPs are developed.</p> |
| <p>21. Development of ASEAN IP Portal</p> <p>Leads: Thailand and Singapore</p> | <p>21.1 An ASEAN IP Portal that allows the stakeholders of AMSs to easily obtain IP information in the region is deployed.</p> <p>21.2 The ASEAN IP Portal is regularly updated, with one AMS tasked with its management for a specific period.</p> |

3.4 STRATEGIC GOAL 4

Active regional participation in the international IP community and with closer relationships with dialogue partners and institutions to develop the capacity of Member States and to address the needs of stakeholders in the region.

ASEAN needs to continue to participate in discussions in international fora, such as standing committees in the WIPO, and in bodies such as the World Trade Organization, in order to maintain not only national, but more importantly, regional presence and to help ASEAN find its voice in the international IP community. Espousing a common position on IP issues is increasingly becoming important in the light of the trend for regional cooperation programmes and agreements and the need for ASEAN to maximize the benefits, as a region, from these engagements. Having a single negotiating position is also important to preserve the needed flexibilities of Member States and to ensure that ASEAN does not commit to obligations that would pose difficulties for some Members.

ASEAN, at the same time, recognizes the need to continue its partnerships with other institutions and organizations to improve regional and national capacity and for ASEAN to fulfill its commitments aimed further improving relationships with trading partners and building new relationships with future partners.

In implementing activities and projects with a partner, the ASEAN will avoid duplication of initiatives by identifying the specific partner to be involved in the activities concerned.

The ASEAN IP Offices will be stakeholder-centric and will espouse a culture of openness to the publics they serve. Through a culture of openness, the AWGIPC will contribute towards building respect for the IP system in the region, which will encourage more IP owners to bring their businesses to ASEAN. The AWGIPC will conduct regular consultations with private stakeholders as a tool to keep the national IP Offices attuned and responsive to the needs of these stakeholders.

| Initiatives | Deliverables |
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| <p>22. Implementation of a structured cooperation with WIPO on a regional level</p> <p>Lead: ASEC</p> | <p>22.1 Regional work plan with WIPO following a two-year cycle is adopted.</p> <p>22.2 Annual consultation to monitor the implementation of activities under the work plan is held and regular assessment is undertaken.</p> |
| <p>23. Enhancement of Cooperation with Dialogue Partners</p> <p>Lead: ASEC</p> | <p>23.1 ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) is fully implemented through a work programme in response to priorities identified by ASEAN and ANZ.</p> <p>23.2 The ASEC-USPTO Arrangement on the Field of Intellectual Property Rights Cooperation is implemented according to the needs of the region.</p> <p>23.3 The Financing Agreement of the EC-ASEAN Intellectual Property Rights Cooperation Programme (ECAP III) is implemented according to the needs of the region.</p> <p>23.4 The ASEAN-China Memorandum of Understanding on Cooperation in the Field of Intellectual Property is implemented.</p> <p>23.5 Structured cooperation with the European Patent Office (EPO) is established.</p> <p>23.6 Structured cooperation with the Japan Patent Office (JPO) is established.</p> |

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| | <p>23.7 Regular consultations between the AMSs and Dialogue Partners on the implementation of joint projects/activities are held.</p> <p>23.8 Periodic reviews/assessments of the results of the engagements are undertaken.</p> |
| <p>24. Active participation by AMS in international fora and more open relationships with private stakeholders in the region</p> <p>Lead: ASEC</p> | <p>24.1 AMSs regularly participate in international fora (such as the WIPO and WTO meetings) and are updated on issues relating to IP.</p> <p>24.2 AMSs interface with stakeholder groups, including international, regional, and national associations dealing with IP.</p> <p>24.3 Regional fora for private stakeholders as a feedback mechanism on the performance of ASEAN IP Offices and as basis for continuous improvement are held regularly.</p> |
| <p>25. Development of a strong negotiating position</p> <p>Lead: ASEC</p> | <p>25.1 A minimum negotiating framework on IP is formulated and adopted by ASEAN and regular discussions on issues affecting AMSs are conducted.</p> |

3.5 STRATEGIC GOAL 5

Intensified cooperation among AMSs and increased level of collaboration among them to enhance human and institutional capacity of IP Offices in the region.

ASEAN, over the past several years, has relied heavily on partners and institutions to enhance human and institutional capacity of national IP Offices. While recognizing the need for and continuing to benefit from maintained relationships with more developed partners and organizations and institutions, there is a need for AMSs to rely on each other and engage in deeper and more meaningful cooperation.

Undertaking joint activities and intensifying cooperation, with or without the assistance of partners, will not only result in the success of ASEAN projects but will also build confidence in the capacity of AMSs to provide the assistance needed by other AMSs. Reliance on each other is key if ASEAN is to improve its capacity as a region, but without losing sight of the need to be part of the global IP system.

| Initiatives | Deliverables |
|---|--|
| <p>26. Capacity building for patent examiners</p> <p>Leads: Malaysia and Singapore</p> | <p>26.1 Training needs analysis of patent examiners in each AMS and consolidation of results for all AMSs are conducted.</p> <p>26.2 Structured training programs for patent examiners based on training needs analysis are formulated.</p> <p>26.3 Trainings and seminars for ASEAN patent examiners to increase their capacity are regularly undertaken.</p> <p>26.4 Patent examiners' exchange programme (within the region and with the national IP Office of a Dialogue Partner) to improve their capacity is institutionalized.</p> |
| <p>27. Capacity building for industrial design and trademark examiners</p> | <p>27.1 Training needs analysis of industrial design and trademark examiners in each AMS and consolidation of results for all AMSs are conducted.</p> <p>27.2 Structured training programs for industrial design and trademark examiners based on results of training needs analysis are formulated.</p> <p>27.3 Trainings and seminars for ASEAN industrial design and trademark examiners to increase their capacity are regularly undertaken.</p> <p>27.4 Industrial design and trademark examiners' exchange programme (within the region and with the national IP Office of a Dialogue Partner) to improve their capacity is institutionalized.</p> |
| <p>28. Infrastructure Modernization of ASEAN IP Offices</p> <p>Leads: Philippines and Vietnam</p> | <p>28.1 Databases are cleaned up, updated, and accurate by 2015.</p> <p>28.2 Patent and trademark documents are digitized by 2015.</p> <p>28.3 Roadmap for enhancement of existing IT systems of IP Offices is prepared.</p> |

| | |
|--|--|
| | <p>28.4 Recommendation on feasibility of implementing a common electronic data management system and linked search systems that will facilitate access to information among ASEAN stakeholders is prepared.</p> <p>28.5 An IT platform to facilitate ASPEC operations is identified and implemented.</p> |
|--|--|

4.0 IMPLEMENTATION, REVIEW, AND MODIFICATION

The AWGIPC will achieve its goal of contributing to the vision of an ASEAN Economic Community by 2015 by implementing focused projects and activities with measurable outputs in the identified areas. Country champions for specific areas have been designated to ensure that projects or activities are undertaken with identified deliverables or outputs to achieve desired outcomes. The Country Champions are also responsible for monitoring the implementation of the activities and ensuring that the activities are balanced and will achieve the goals of the Action Plan in their respective areas.

Each project or activity will have a Lead Country that will implement it. The Lead Country will be responsible for the timely completion of the activity and delivery of the agreed outputs. The Country Champion/s for the area identified will work in close coordination with the Lead Country. The Country Champion/s for an area may also act as Lead for certain activities that they propose.

The areas identified are as follows:

| Area | Country Champion |
|--|-----------------------|
| Patent Administration | Malaysia |
| Trademark Administration | Philippines, Brunei |
| Industrial Design Administration | Vietnam, Philippines |
| Copyright and Creatives | Thailand |
| Patent Information | Philippines, Cambodia |
| Traditional Knowledge, Traditional Cultural Expressions, and Genetic Resources | Indonesia |
| Geographic Indication | Thailand, Vietnam |
| Innovation, Technology Transfer, and IP Commercialization | ASEC |

| | |
|--|----------------------|
| Office Infrastructure Modernization/Automation, Quality Management | Philippines, Vietnam |
| Plant Variety Protection | Vietnam |
| IP Education, Awareness, and Marketing | Thailand, ASEC |
| IP Enforcement | Philippines |

The implementation projects and activities will be guided by project documents/plans to be developed by the lead country/ies. These activities will be contained in separate documents. The AMSs will also identify the hierarchy of priorities among the initiatives.

The Action Plan may be reviewed and modified, where necessary, every two years. Considering the changing circumstances of AMSs, there are some deliverables that may continue to be implemented beyond 2015.

5.0 CONCLUSION

ASEAN continues to acknowledge the important role played by IP in social, technological, and economic progress and regional integration. With this ASEAN IPR Action Plan 2011-2015, the AWGIPC has designed a unique approach toward regional cooperation which takes into account different levels of capacity of the Member States in development and integration, balances access to IP and protection of IPRs, and responds to the current needs and anticipates future demands of the global IP system.

The initiatives and deliverables identified under each of the five goals of this Action Plan will help AMSs meet the objectives of the AEC by transforming ASEAN into an innovative and competitive region through the use of IP for their nationals, and ensuring that the region remains an active participant in the international IP community and the world economy. The strategic goals embody a higher level of regional cooperation with AMSs acting as champions for areas that will be more focused and with specific deliverables that will move the region closer to its goals of development and integration.

The AWGIPC will ensure ownership and accountability by AMSs, as well as heightened collaboration and strengthened linkages with internal and external ASEAN stakeholders, in the implementation of regional initiatives, programmes and projects. This Action Plan thus can be expected to lay the foundation for the evolution of a regional brand and profile for an ASEAN IP System under the AEC.