
Rajah & Tann Asia Intellectual Property

Newsletter 2024-2025

Contents

Overview	3
Cambodia	4
Indonesia	6
Malaysia	10
Philippines	16
Singapore	22
Thailand	27
Vietnam	30
Our Regional Contacts	34
Disclaimer	35

Overview

Intellectual property ("IP") is an area of law that is in constant development. With the continually evolving nature of IP rights and the changing needs of IP enforcement, both domestic and international IP frameworks are having to update themselves to keep up with shifting practical and economic forces.

This is aptly demonstrated in the IP law developments in the past year in Southeast Asia. Southeast Asia has been advancing its presence in the IP industry, with more businesses looking to develop their IP interests in the region. This has led to a greater focus on domestic and regional IP frameworks, with governments looking to modernise and enhance their respective frameworks to allow for more efficient utilisation and effective enforcement of IP rights.

In this regard, 2024 has seen many jurisdictions in the region updating their IP registration frameworks, introducing novel channels for faster, more efficient processes, with greater harmonisation between jurisdictions. In the operational aspect, jurisdictions are taking advantage of the benefits of technological improvements and adopting more tech-enabled registration systems.

The past year has seen countries enhancing their IP legislation frameworks, updating their laws to accommodate the shift in global attention towards intangible assets and artificial intelligence ("AI"). Countries have also been improving their IP legislation by tightening up existing laws to fill lacunas that may have been previously unaddressed.

In this annual review, we look back at the major developments in IP law in the past year across selected Southeast Asian jurisdictions. We also look ahead to the anticipated trends and developments of 2025.

Please click on the links below to access the full collection of our country-specific 2024-2025 newsletter.

- [Cambodia](#)
- [Indonesia](#)
- [Malaysia](#)
- [Philippines](#)
- [Singapore](#)
- [Thailand](#)
- [Vietnam](#)

Cambodia

Chronicling 2024

In 2024, Cambodia made several significant advancements in its IP framework to support economic growth.

These advancements include the launch of the Intellectual Property Rights Recordation System ("**IPRRS**"), the introduction of an application process for plant breeder's rights registration, and the initiation of an Online Filing Service for patents, utility models, and industrial designs.

These developments indicate Cambodia's commitment to strengthening its IP framework and aligning with international standards.



Launch of the IPRRS

The IPRRS was launched on 1 September 2024 by the General Department of Customs and Excise ("**GDCE**") of Cambodia. GDCE further issued Notification No. 3523/24 on 15 September 2024, outlining the procedures and obligations for participating in the trial phase of the IPRRS.

The IPRRS aims to improve the efficiency of customs operations and enhance enforcement against counterfeit goods. This system allows the recording of trademarks, exclusivity, copyrights, and other IP assets with the customs authorities. The trial phase of the IPRRS officially began on 1 September 2024.

**Registration –
Counterfeit Goods**

Application for Plant Breeder's Rights Registration

Cambodia's Law on Seed Management and Plant Breeder's Rights was enacted in 2008. However, a practical mechanism for registering new plant varieties was not established at that time.

The Ministry of Industry, Science, Technology, and Innovation ("**MISTI**") has begun accepting applications for plant breeder's rights registration from 1 March 2024. This development enables plant breeders to register their new plant varieties in Cambodia.

*Registration – Seed
Management and Plant
Breeder's Rights*

Launch of Online Filing Service for IP Registration

On 14 January 2024, MISTI launched a new online filing system for registering patents, utility models, and industrial designs. Applicants can now file such registrations online from anywhere at any time, eliminating the need to visit MISTI in person.

The new online filing system is a significant step towards digitalisation, making it easier for businesses and entrepreneurs to protect their IP rights.

*Registration – Patents,
Utility Models and
Industrial Designs*

What's in store for 2025

In 2025, Cambodia plans to enhance digital platforms related to IP. These platforms are crucial for improving government service delivery and increasing public accessibility.

The developments will include upgrading the IPRRS and facilitating access to the office of the World Intellectual Property Organization ("**WIPO**").

Upgrade of IPRRS

In 2024, the trial phase of the IPRRS was launched. An upgrade is planned to address any issues that may occur during general use. The upgrade is expected to start in 2025, following the trial period in 2024.

The IPRRS allows customs officials to review registered IP assets and identify any counterfeit or infringing goods. This will help protect against the import or export of such counterfeit or infringing goods more effectively and in a timely manner.

*Registration –
Counterfeit Goods*

Cambodia to Launch as an Accessing Office of WIPO

Beginning on 1 March 2025, Cambodia will operate as an accessing office of the WIPO digital access service.

This integration will facilitate the secure electronic exchange of priority documents and other IP-related documents between participating IP offices.

*Technology – Exchange
of Documents*

Indonesia

Chronicling 2024

In 2024, Indonesia's IP landscape underwent significant changes to adapt existing regulations to developments in digital innovation. These changes aim to strengthen the protection of patents, copyrights, and trademarks. Amendments to the IP regulations, through legislation and Constitutional Court rulings, now extend protection to digital service platforms, computer-based innovation, and AI. Alongside other key amendments, the Ministry of Law issued a regulation explicitly obligating AI developers to pay royalties for the secondary use of books or literary works for data training.

These developments signal a new era for IP protection in Indonesia and reflect the government's commitment to advancing the country's IP framework and aligning it with global standards.



Patent Law Amendment

Indonesia recently amended Law No. 13 of 2016 on Patent ("**Patent Law**") to enhance protection for problem-solving systems, methods, applications, and software that produce novel technical effects, promoting digital innovation. Key changes include:

- extending the grace period for patent filing from six to 12 months;
- introducing expedited patent publication;
- simplifying requirements for patent filings related to genetic resources and/or traditional knowledge; and
- removing the postponement option for annual patent fees.

Additionally, the amended Patent Law introduces significant changes to compulsory licensing and Bolar Provisions, directly impacting the pharmaceutical industry. These changes encourage companies to proactively review their invention portfolios and

Legislation – Patent

explore opportunities for new patent registrations under the amended Patent Law. Overall, the changes signify a positive step towards fostering innovation and strengthening Indonesia's IP landscape.

For more information, please see our Legal Update [here](#).

Royalty for Books and Literary Works

Following the establishment of Indonesia's first book publishing collective management organisation in 2023, the Ministry of Law enacted a regulation mandating royalty payment for the secondary use of books and literary works, whether for commercial or non-commercial purposes, that may harm authors' interests. Key provisions of the regulation include:

- Limiting secondary use to 10% of the book or literary work and requiring that such use must not harm the legitimate interests of the author or copyright holder;
- Restricting the full version of a literary work from being used in magazines, newspapers, or newsletters; and
- Imposing obligations on AI developers to pay royalties for the secondary use of books or literary works, such as for AI data training.

For more information, please see our Legal Update [here](#).

UGC Platforms Now Responsible for Copyright Infringement

In early 2024, the Constitutional Court issued a decision broadening the meaning of "business premises" under Law No. 28 of 2014 on Copyright ("**Copyright Law**").

Previously, the term referred exclusively to physical business premises, where managers of business premises were prohibited from allowing the sale and/or reproduction of goods that infringed on copyright or neighbouring rights. The petition was filed by a publishing company, a recording company, and an esteemed singer-songwriter, all of whom suffered economic loss due to unauthorised use of their music by users of user-generated-content ("**UGC**") platforms.

While UGC platforms argued that their implementation of the safe harbour policy sufficiently protected rights holders, the Constitutional Court deemed that limiting the definition of "business premises" to physical locations was unconstitutional in the digital era. The term now includes digital service platforms facilitating UGCs. This decision encourages UGC platforms to improve their safe harbour policies and take a more proactive role in managing copyright compliance, signalling stronger protections for rights holders in Indonesia.

For more information, please see our Legal Update [here](#).

Legislation – Copyright

Dispute Resolution – Copyright

Extension of Non-Use Period

Indonesia has extended the trademark non-use period from three to five years, allowing trademark owners more time to use their marks in business without risking cancellation.

*Dispute Resolution –
Trademark*

This change stems from a Constitutional Court ruling that recognised the need for micro, small, and medium enterprises ("**MSMEs**") to have a longer recovery period after economic disruptions, such as the COVID-19 pandemic. The extension aims to support MSMEs while ensuring trademark owners actively use their marks. The Constitutional Court emphasised that non-use assessments must be based on clear, accountable, and measurable data from the registration or last use date.

For more information, please see our Legal Update [here](#).

What's in store for 2025

To keep pace with rapid advancements in technology and industry, Indonesia is planning key revisions to its copyright and industrial design laws in 2025. The Directorate General of Intellectual Property has fittingly announced copyright and industrial design as the theme of 2025, reflecting these planned revisions.

The revision of the Industrial Design Law is particularly significant, as the current law, established in 2000, no longer adequately addresses the industry's evolving needs, particularly in areas like 3D printing, digital designs, and user interfaces. With technology evolving at an unprecedented pace, the revision of the Copyright Law is crucial to ensure adequate protection for creators in the digital realm. A key focus will be on AI, especially concerning the creation of artworks and songs, as well as the definition of authorship in the context of AI-generated works.

These updates reflect an effort to modernise Indonesia's legal framework in response to disruptive technological changes. These revisions are poised to significantly impact businesses operating in the creative and industrial design sectors.

Copyright Law Revision

Copyright infringement is a growing concern in Indonesia, particularly in the music industry, where unauthorised remixes and use of copyrighted material are rampant. These infringements often occur on digital platforms, with unauthorised use in online videos, social media content, and streaming services, without proper attribution, impacting both the moral rights (recognition of authorship) and economic rights (fair compensation for their work) of the relevant creators.

*Enforcement –
Copyright*

This issue highlights the need for a more effective approach to copyright enforcement in the revised Copyright Law. This could include stronger penalties for infringement, improved digital tracking systems, and greater collaboration with online platforms to identify and remove infringing content.

To balance copyright protection with the need for creative expression and collaboration, Indonesian legislators may consider adopting open licensing models, such as Creative Commons. This approach provides clearer guidelines for permissible use, allowing creators to grant specific usage rights while retaining control over their work. These revisions may provide stronger protection for musicians and rights holders, ensuring they receive fair compensation and recognition for their creative work.

Industrial Design Law Revision

Indonesia's Industrial Design Law, enacted over two decades ago, is struggling to keep pace with the rapid evolution of design and technology. The lack of recent development has left businesses grappling with uncertainties in protecting their designs in today's dynamic marketplace.

It is hoped that the Directorate General of Intellectual Property's announcement to set 2025 as the year of copyright and industrial design will become a catalyst for legislators to pass the revised Industrial Design Law, providing much-needed clarity and protection for businesses.

The revised law is expected to extend the protection period for industrial designs. It will also place greater responsibility on managers of business premises to prevent the sale of infringing products. Lastly, the revised law will recognise industrial design rights as fiduciary objects, which will enable businesses to use these rights as collateral for loans, facilitating access to finance and promoting innovation.

*Legislation – Industrial
Design*

Malaysia

Chronicling 2024

In 2024, Malaysia's IP law landscape saw developments aimed at strengthening enforcement and modernising its regulatory framework. Among these was a judicial emphasis on combating trademark squatting and clarifying the "use" requirements for maintaining trademark rights.

The Government of Malaysia maintains a proactive approach to IP rights protection, supporting both local and foreign businesses in an increasingly competitive global market. These advancements reflect its commitment to fostering innovation, encouraging investment, and maintaining compliance with international IP frameworks.



Partial Revocation of Registered Trademark for Non-Use

The case of *Transferwise Ltd v Public Bank Bhd* [2024] MLJU 2866 concerned an application by Transferwise for partial revocation of the Public Bank's trademark containing the word "WISE", registered under Class 36 ("**PBB Registered Wise Mark**"). Transferwise, as the user and applicant of trademarks incorporating "TransferWise" and "Wise", whether standalone or in combination with a device ("**TransferWise and Wise Marks**"), argued that Public Bank was using the PBB Registered Wise Mark solely for children's savings accounts. Transferwise contended this warranted revocation for non-use regarding other services and claimed to be an "aggrieved person" with a genuine intention to use the TransferWise and Wise Marks in Malaysia. Public Bank asserted that it had the genuine and present intention to use the PBB Registered Wise Mark in relation to some or all the services included in its scope of registration.

The High Court dismissed the application, concluding that Transferwise failed to meet the threshold requirement of an "aggrieved person" and thereby lacked the *locus standi* to institute a revocation action. The High Court further held that the

*Dispute Resolution –
Trademark*

two investigative reports submitted by Transferwise were insufficient evidence of non-use of PBB Registered Wise Mark, stating that Transferwise ought to have conducted a survey following the Whitford Guidelines.

The Court of Appeal overturned the High Court's decision, recognising Transferwise as an "aggrieved person" and acknowledging the global use of the TransferWise and Wise Marks, including in Malaysia through its subsidiary, Wise Payments Malaysia, which was licensed by Bank Negara Malaysia. The Court found that the two investigative reports submitted were sufficient evidence that the PBB Registered Wise Mark was not used for the full range of registered services and limited its application to children's savings accounts.

The Court of Appeal thus ordered a partial revocation of PBB Registered Wise Mark under Section 46(4) of the Trademarks Act 2019, restricting its scope to "banking" and "financial" services to avoid monopolisation of unused categories.

This decision highlights that trademark registrations must align with good faith use in the specifications registered for. In turn, this supports fair competition and protects businesses' rights to legitimately enter markets. This decision further establishes that investigative reports can be duly considered in trademark revocation proceedings.

Statutory Requirement for Actual Use of Trademarks

In *Deluxe Caterers Pvt Ltd v Food Stack Concepts Pte Ltd* [2024] 9 MLJ 603, the Plaintiff ("DCPT") sought to revoke the Defendant's ("FSC") registration of a stylised word mark resembling DCPT's "Copper Chimney" trademark. While exploring expansion into Malaysia, DCPT discovered FSC's registration of the mark under Class 43. DCPT argued for revocation based on non-use and sought invalidation of FSC's trademark, alleging FSC had not used it in good faith. In turn, FSC contended that DCPT lacked standing as it had not used the mark in Malaysia.

However, the Court recognised DCPT as an "aggrieved person" since FSC's registration posed a risk of trademark infringement to DCPT, if DCPT expanded into Malaysia. The Court also found that FSC had not engaged in "actual use" of its trademark, a requirement to defeat an action under Section 46(1) of the Trademarks Act 2019, as demonstrated by a non-result search and FSC's failure to present contrary evidence.

The Court ordered the revocation of FSC's trademark due to non-use but dismissed DCPT's other invalidation grounds. Additionally, the Court clarified it lacked authority to transfer FSC's trademark to DCPT.

This case highlights the statutory requirement for prompt actual use of trademark registrations and safeguards against unjust monopolisation of unused marks.

Ruling on Requirements for Safeguards in Discovery Applications

In *Bentley Systems, Incorporated v PUSB Engineering Sdn Bhd* [2024] MLJU 2048, the software company Bentley sued PUSB for copyright infringement, alleging unauthorised use of its software on over 10 computers. As the trial date approached, Bentley filed a discovery application seeking access to PUSB's

**Dispute Resolution –
Trademark**

**Dispute Resolution –
Copyright**

computing devices and related records, claiming such access was essential to confirm the extent of the alleged infringement. PUSB opposed the application, arguing it was overly broad, lacked sufficient legal justification, and amounted to a fishing expedition.

The Court dismissed Bentley's discovery application, finding that it had not established sufficient reasons for unrestricted access to PUSB's computing devices. With regard to the discovery application, the Court noted that it was in substance akin to an Anton Pillar order without providing the usual safeguards, which include but are not limited to the following:

1. Supervising Solicitors: To oversee the process and ensure fairness;
2. IT Experts: To handle the technical tasks like data imaging and extraction;
3. Protocols for Possession: Clear steps for collecting the computing devices;
4. Data Imaging and Extraction: Guidelines to properly download and extract relevant data;
5. Preserving Integrity: Measures to maintain the integrity of the devices and data;
6. Limiting Disclosure: Protocol for limiting disclosure of the information disclosed;
7. Protecting Confidentiality: Safeguards for confidential and privileged data;
8. Avoiding Irrelevant Data: Ensuring unrelated data is not extracted or disclosed; and
9. Presenting Evidence: Proper protocols to present the data as evidence in court.

This case underscores the importance of timely and specific discovery applications in copyright infringement lawsuits, particularly when seeking the disclosure of devices and information contained therein. Discovery cannot be used as a fishing expedition for evidence, and applicants must propose appropriate protocols to safeguard the rights of the opposing party.

Talent Mobility in Malaysia

In 2024, there was a notable increase in cases involving breaches of confidential information, reflecting the growing trend of talent mobility, where employees frequently transition between roles or organisations. This movement heightens the risk of sensitive data, such as trade secrets or client information, being misused or disclosed.

The law of breach of confidence protects employers by obligating employees to maintain confidentiality during and after employment, subject to certain requirements. Through this, employers may seek legal remedies including injunctions and damages to provide recourse for breaches, ensuring sensitive information remains secure amidst workforce transitions.

Since the Singapore Court of Appeal's decision in *I-Admin (Singapore) Pte Ltd v Hong Ying Ting and others* [2020] 1 SLR 1130, Malaysian courts have consistently applied the 'modified approach' established in that case. This approach shifts the burden to the defendant to prove there was no unauthorised use of the information causing detriment to the plaintiff.

**Employment –
Confidential Information**

Under the traditional approach, the plaintiff must first prove three key elements: (i) the information in question must have the necessary quality of confidence; (ii) the information must have been imparted under circumstances that create an obligation of confidence; and (iii) there must have been unauthorised use of the information, resulting in detriment to the plaintiff. Only after the plaintiff establishes all three elements does the burden shift to the defendant to disprove them.

Under the modified approach, however, the plaintiff only needs to prove the first two elements — that the information has the necessary quality of confidence and that it was imparted under an obligation of confidence. Upon the satisfaction of these prerequisites, an action for breach of confidence is presumed. Once these are established, the burden shifts to the defendant to prove there was no unauthorised use of the information causing detriment to the plaintiff.

Initiatives for Expediting Patent Filings

Malaysia is a party to various initiatives aimed at streamlining the patent filing process, providing inventors with faster and more efficient pathways to secure intellectual property protections. Since 2009, Malaysia has participated in the ASEAN Patent Examination Cooperation.

Between 2014 and 2023, Malaysia also launched Patent Prosecution Highway ("PPH") initiatives with several patent offices, including those of Japan, Europe, China, Korea, and the United States. The latest development in this area is the memorandum of understanding ("MoU") signed between the Intellectual Property Corporation of Malaysia ("MyIPO") and the Intellectual Property Office of Singapore, potentially paving the way for the establishment of a PPH agreement between the two countries in the near future.

Registration – Patent

Strengthening Global Intellectual Property Partnerships

In 2024, MyIPO undertook significant initiatives to advance IP frameworks and foster international collaboration. Through various MoUs, MyIPO addressed critical areas such as biodiversity, education, digital enforcement, and innovation, reinforcing Malaysia's position as a key player in the global IP landscape:

Policy – IP Rights

1. MyIPO partnered with the Federal Agricultural Marketing Authority to enhance entrepreneurs' understanding of IP protection in product and service development.
2. A similar collaboration with the Sabah Biodiversity Centre aimed to safeguard traditional knowledge and genetic resources, underscoring MyIPO's dedication to biodiversity preservation.
3. Malaysia also played a leading role in supporting the WIPO treaty on Genetic Resources and Associated Traditional Knowledge, a groundbreaking agreement promoting inclusivity and sustainability in innovation.

4. To strengthen enforcement against copyright infringement, MyIPO joined the WIPO Alert Data Sharing Platform, a global initiative to combat online copyright violations.
5. Collaboration with Japan's Agency for Cultural Affairs expanded efforts in copyright protection, emphasising artificial intelligence development and creative industry support.
6. In education, MyIPO signed an MoU with the Ministry of Education to incorporate IP awareness into the national curriculum, cultivating future generations that value intellectual property rights.
7. On the international stage, Malaysia supported the establishment of the Riyadh Design Law Treaty to simplify global design protection processes, supporting cross-border trade and local designer accessibility.
8. Domestically, MyIPO extended the Technology Innovation Support Center Program to Universiti Malaysia Sarawak and Curtin University, empowering institutions to enhance IP commercialisation and innovation.

These efforts collectively highlight MyIPO's dedication to advancing intellectual property protection, fostering innovation, and establishing robust international partnerships to support sustainable economic growth.

What's in store for 2025

Following the rise of AI in our day-to-day lives through major tech players, Malaysia has taken an active effort to regulate this new area, with the introduction of the National Guidelines on AI Governance & Ethics in 2024 ("**AIGE**") being the precursor of further AI legislation to come.

Furthermore, we may see further developments to various IP laws, including the Patents Act and the Industrial Design Act in 2025.

MyIPO is expected to take further steps to strengthen IP protection through various collaborations, including MoUs with local and international organisations. These efforts to foster innovation and improve IP frameworks reflect the government's commitment to protect IP rights and advance the nation's IP framework.

Possible Legislation on AI

Malaysia's Ministry of Science, Technology, and Innovation ("**MOSTI**") launched the AIGE, aimed at fostering ethical and responsible AI development, and further expressed that it is considering drafting an AI Bill for potential new legislation regulating the usage of AI in Malaysia. Though voluntary, the AIGE promotes compliance with its Seven Key Principles of AI – including fairness, transparency, and accountability – to support Malaysia's AI Roadmap and align with global trends.

**Technology –
Artificial Intelligence**

Malaysia's AIGE echoes global AI governance efforts, such as the EU's AI Act and China's AI Measures, which impose stricter, risk-based regulatory frameworks for AI systems. These foreign measures emphasise principles like transparency and ethical use, resembling the AIGE's foundation. While the AIGE is non-binding, businesses are encouraged to adopt its guidelines as a precursor to future AI legislation, positioning Malaysia as a proactive player in shaping ethical AI governance.

With the potential enactment of new legislation pertaining to AI, there may be a ripple effect on IP legislation due to the intricate interplay between AI and IP. Key issues such as authorship, ownership, and the copyrightability or patentability of AI-generated works may need to be re-examined to ensure alignment with emerging AI regulations.

Potential Collaboration for International Filing of Industrial Designs

In 2022, MyIPO published a Consultation Paper to review the Industrial Designs Act 1996, aiming to ensure the legislation aligns with the demands of today's dynamic market. Chief among MyIPO's considerations was whether Malaysia should accede to the Hague Agreement concerning the international filing of industrial designs, which could simplify the management of industrial design registrations.

While no updates have been announced on this initiative for the time being, this, coupled with Malaysia's support for the Riyadh Design Law Treaty, potentially signals the country's future accession to treaties related to industrial designs.

*Legislation –
Industrial Design*

Post-Grant Opposition Proceedings under Patent Law

Although the Patents (Amendment) Act 2022 ("**Amendment Act**") introduced post-grant opposition proceedings, these provisions have yet to come into force. Nearly three years after the Amendment Act's passage, it is anticipated that the provisions for post-grant opposition proceedings may soon be gazetted and brought into effect.

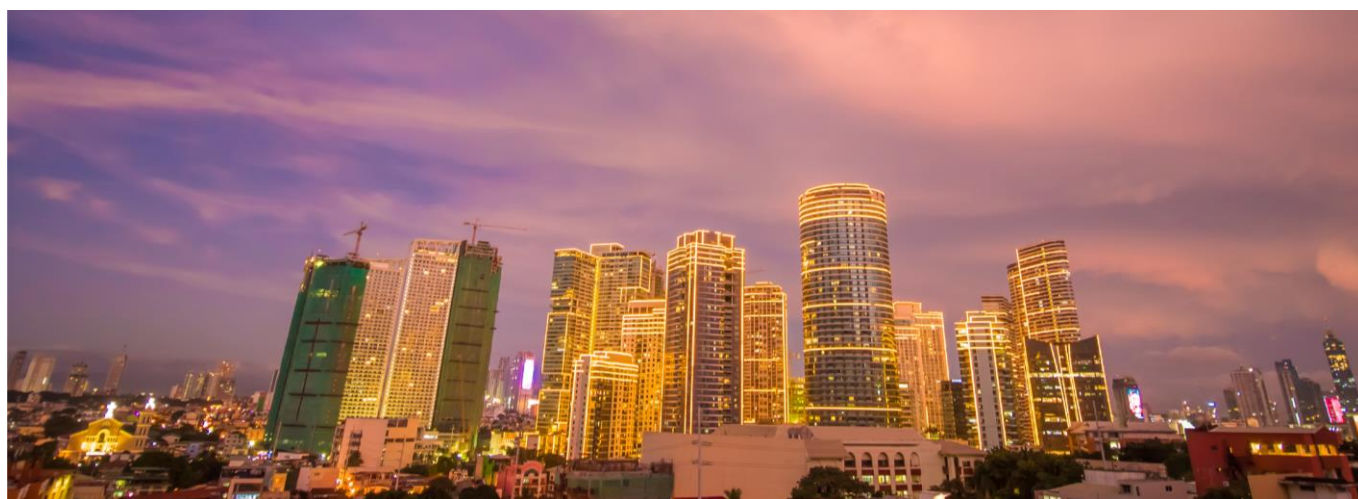
Legislation – Patent

Philippines

Chronicle 2024

In the 2024 International Intellectual Property Index, the Philippines saw an improvement from its 2023 rankings, thereby making it to the 14th spot in the Asia and Oceania region and 84th spot in the world. Thus, true to its commitment to streamline its processes relating to IP protection, the Philippines scaled up its digitalisation efforts and reorganised its practices not just in the prosecution of applications but also in the litigation arena.

Such initiatives resulted in important revisions to the rules and regulations of the Intellectual Property Office of the Philippines ("IPOP HL") relating to the handling of IP administrative complaints, trademark prosecution under the Madrid Protocol, and prosecution of patent applications filed through the direct route and under the Patent Cooperation Treaty. These landmark changes seek to revolutionise the overall IP system in the Philippines, thereby making the country appealing to business investment, which in turn drives economic growth.



2024 Amendments to the Rules and Regulations on Administrative Complaints for Violation of Laws Involving IP Rights ("IPV Rules")

With the aim of transforming IPOP HL into a fully digitised agency, Memorandum Circular No. 2024-021 dated 10 June 2024 was issued to further amend the IPV Rules. For cases covered by the IPV Rules, such as infringement and unfair competition complaints, filing of pleadings and motions shall be made electronically, although hard copies of the complaint ("**Complaint**") and the answer should still be submitted after the electronic filing. Also, hearings may be conducted via online video conferencing if already agreed upon by or upon joint request of the parties. Decisions or final orders can be served by electronic means (i.e. party and/or counsel's e-mail address on

*Dispute Resolution –
Civil Procedure*

record or other such channels) and facsimile if the concerned party has consented to such modes of service.

As to the Complaint itself, it must show the official e-mail addresses of the parties and state facts showing the capacity or authority of the relevant party to sue or be sued. Judicial affidavits, in proper format, should be submitted. In the case of corporations or other juridical entities, proof of capacity to sue must be attached to the Complaint, such as articles of incorporation and bylaws. In relation to the formal requirement to submit a Verification/Certification of Non-Forum Shopping along with the Complaint, if an individual signs on behalf of a juridical entity, a Special Power of Attorney or a Resolution issued by said entity should also be attached. All these formal requirements, if signed abroad, must be notarised and authenticated or apostilled. Similar to opposition/cancellation cases, the authentication or apostille can now be secured after the filing of the case, provided that the document: (i) was executed prior to filing; and (ii) is submitted during the hearing set for reception of evidence.

New Rules of Procedure on Resolution of Actions without Provisional Remedies in IP Cases with Delimited Damages ("RAPID Rules")

IPOPHL issued Memorandum Circular No. 2024-045 or the new RAPID Rules on 27 November 2024 to address the need for faster disposition of IP administrative complaints, including infringement cases, with total claims for damages amounting to Php200,000 (approximately US\$3,600) to Php500,000 (approximately US\$9,000) and without any prayer for provisional remedies. All papers shall be filed electronically based on the format provided under the RAPID Rules, except that the hard copies of the Complaint and Answer should be submitted after the electronic filing. Trial shall be expedited by setting the case for successive and continuous hearing, with each party having five hearing dates for the presentation of their respective evidence.

Notably, certain pleadings and motions are not allowed under the RAPID Rules, in particular a motion to dismiss (except on the ground of prescription), a motion for reconsideration of a judgment on the merits or of an interlocutory order, a petition for relief from judgment, a motion for extension of time, dilatory motions for postponement, and third-party complaints.

For more information, please see our Legal Update [here](#).

*Dispute Resolution –
Civil Procedure –*

Amendments to Revised Rules on Mediation

Amendments have been made to the process of mediation proceedings for IP disputes. The amendments, as covered in Memorandum Circular No. 2024-007 dated 12 March 2024, expressly encourage the parties to submit their dispute to arbitration in accordance with existing guidelines as an option. Also, mediation is no longer mandatory for cases appealed before the IPOPHL-Director General. These changes are in line with IPOPHL's goal to be efficient in providing IP dispute resolution services.

*Dispute Resolution –
Mediation*

Settlement of Full Fees Upon Filing of Request for Renewal of Trademark Registration

To facilitate renewal of a trademark registration, IPOPHL issued Memorandum Circular No. 2024-023 dated 1 July 2024, revising further the Trademark Regulations of 2023, and requiring payment of the issuance and publication fees together with the filing fee for the renewal. This process streamlines the renewal process as the certificate of renewal of registration can already be issued without waiting for payment of the second batch of fees.

*Registration –
Trademark*

Amended Philippine Regulations Implementing the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks of 2017 ("Philippine Madrid Regulations of 2024")

The issuance of the Philippine Madrid Regulations of 2024 on 1 July 2024, through Memorandum Circular No. 2024-024, was borne out of the need for consistency with the amendments introduced in the Trademark Regulations of 2023. The previous Philippine Madrid Regulations took effect on 2 August 2017 and several revisions have since been introduced in relation to trademark prosecution. Following the amendments, international registrations ("IR") with Philippine designation are protected as long as there is compliance with the local laws and rules, as amended. One specific example is the recording of licence contracts. Such contracts submitted at the international level are still subject to review by IPOPHL and, upon a showing of compliance, a certificate of compliance will be issued pursuant to the Trademark Regulations of 2023 and the Rules and Regulations on Voluntary Licensing (as revised on 2 January 2020). Otherwise, the recording of the licence contract shall have no effect in the Philippines and shall not be enforceable.

*Legislation –
Trademark*

The new rules also provide clarity in the case of filing of declarations of actual use ("DAU") for IRs with a subsequent designation. Where the period to file a DAU (either 3rd Year DAU or 5th Anniversary DAU) overlaps with the period to file a Renewal DAU, which is due within one year from renewal of the registration, only one DAU needs to be filed. However, all fees corresponding to both DAUs should be paid. There is deemed to be no overlap if: (i) the deadline to file the earlier DAU will end before the start of the filing period of the Renewal DAU; or (ii) the filing period of the Renewal DAU has ended before the period to file the 3rd Year DAU or 5th Anniversary DAU. After renewal of the IR, the holder must still file a 5th Anniversary DAU and Renewal DAU within their respective periods. In case of replacement, the replaced national registration shall be maintained in the IPOPHL database without the need to file a separate DAU, except in the case of partial replacement. Compliance with the DAU filing requirements must still be observed for the IR. If there has been a transformation of an IR to a national trademark, the DAU must be filed within the prescribed periods.

Full Implementation of Electronic Correspondence for Patents, Utility Models, and Industrial Designs

To fully utilise the IPOPHL eCorrespondence portal, Memorandum Circular No. 2024-036, which took effect on 1 November 2024, mandates that papers issued by the Bureau of Patents will no longer be printed and sent via courier or registered mail. Deadlines for filing of responses shall be determined from the date of mailing, which

*Technology –
Registration System*

is the date the correspondence was sent out from the eCorrespondence system. The applicant or their agent shall be responsible for ensuring that the email address provided through the online filing system is correct and active. Non-receipt of correspondence due to internet connectivity is not a valid excuse.

Revised Philippine Rules on Patent Cooperation Treaty ("PRo-PCT")

The Revised Pro-PCT of 2024, covered by Memorandum Circular No. 2024-006 dated 21 November 2023, incorporated procedural changes when filing international Patent Cooperation Treaty ("PCT") applications or national phase entry applications, to be consistent with the latest practices at IPOPHL and with the Revised Implementing Rules and Regulations for Patents, Utility Models and Industrial Designs of 2022. Pursuant to the amendments, an international application may be filed directly with IPOPHL or by using the ePCT system, removing registered mail as a mode of filing. A national phase entry application, on the other hand, must be filed through the IPOPHL electronic filing system. As for the payment of fees for a national phase entry application, the filing fee, publication fee (PCT Listing Publication), and fee for claim for priority or multiple priorities, if any, must all be paid in full at the time of filing the application. Otherwise, the application shall be deemed to have failed in the Philippines. Previously, applicants were given a one-month grace period within which to settle all payments. The quantum of the filing fees should be in accordance with the existing IPOPHL Fee Structure, including the IPOPHL International Searching Authority ("ISA") / International Preliminary Examining Authority ("IPEA") Fee Structure in cases where IPOPHL is nominated as a competent ISA/IPEA.

Registration – Patent

The national phase entry application shall now be considered invalid if it is filed: (i) in a language other than English and, within the 31-month filing period, no English translation is submitted; or (ii) beyond the 31-month filing period. Also, appointment of a local agent or representative for non-resident applicants is mandatory. Failure to appoint a local agent within one month from issuance of an office action shall cause the application to be deemed withdrawn. It was also highlighted that the "Restoration of Right of Priority" is not compatible with the national laws of the Philippines; hence, any application invoking said right shall have the international filing date, not the priority claim, as the effective filing date.

The Revised Pro-PCT also emphasised that decorum and courtesy is required in the conduct of business before IPOPHL. Hence, erring applicants shall be required to be represented by an attorney, and papers found to be in violation of the rules can be returned to the sender. On the other hand, if there are complaints against examiners and other officers, it must be made in a communication separate from other papers and will be promptly investigated.

Green Technology Incentive Program for Patents, Utility Models, and Industrial Designs

IPOPHL launched the Green Technology Incentive Program to encourage local inventors to create green and sustainable technologies by providing incentives in the form of waiver of some fees and expediting the application process. The Program runs from 1 November 2024 to 1 November 2025.

Policy – Green Technology

What's in store for 2025

A sustained and collaborative effort amongst IP stakeholders will have to take centre stage this 2025 in order to reach the Philippines' full potential as a hub of creativity and innovation. For the past few years, the country has substantially progressed in the IP arena by improving its regulatory framework and utilising digital tools to nurture IP creation and commercialisation. As a testament of these efforts, there has been a steady increase in the number of patent, trademark, utility model, and industrial design applications, as well as copyright registrations since 2021.

However, as highlighted in the Philippine Intellectual Property Strategy ("**PHIPS**") framework, the country still needs to address trade imbalance and boost domestic competitiveness. Also, the passage of important IP legislations, such as the site-blocking law and amendment of the Intellectual Property Code, needs more push. Thus, IP awareness remains crucial, and participation of every stakeholder is essential to bring the country's goals into fruition.

Philippine IP Strategy 2025-2030

The PHIPS 2025-2030 was unveiled by IPOPHL along with other government agencies on 26 November 2024. It serves as a roadmap designed to foster collaboration and unlock all possible opportunities for homegrown IP assets. According to IPOPHL, the PHIPS 2025-2030 aims to position the Philippines as a global hub for creativity and innovation, fostering IP creation, protection and commercialisation.

Policy – IP Strategy

The PHIPS 2025-2030 sets out four key strategies to attract global investments: (i) Strengthening IP Awareness and Education; (ii) Building Systems for IP Valuation and Commercialisation; (iii) Enhancing Local and Global Cooperation; and (iv) Maximising Emerging Technologies. Much importance is placed on IP as a tangible investment—a stark contrast from its traditional view as an intangible asset. Specifically, IPOPHL plans to launch an IP valuation service in 2025 to enable creators to access financing from banks through use of IP assets as collateral. Eventually, this will encourage export trading and commercialisation as one way of boosting the country's economy.

Call for Swift Passage of Site-Blocking Law

It is high time for the Philippines to enact a Site-Blocking Law given the rising number of piracy cases, as several stakeholders, such as creative industry workers, non-government organisations, and associations such as the Motion Picture Association, Inc., urge the country's legislators for a swift response. Several bills have been passed to address this issue, and among them are Senate Bill No. 2150, which proposes to restrict access to pirate websites with fines of up to Php1Million, and Senate Bill No. 2385, which when passed into law will expand the authority and responsibilities of IPOPHL in implementing site-blocking measures.

Legislation – Copyright

IPOPHL, through its own initiative, issued back in 2023 the Rules on Voluntary Administrative Site Blocking, whereby a copyright owner or right holder or its representative can apply for issuance of a "Request to an ISP to Block or Disable Access to Websites"

against a pirate website. While this is already a significant development, there is a need for legislation in order to muster governmental capabilities in cutting off access to pirated materials, which has proved to negatively impact the Philippine creative economy.

Strengthening IP Adjudication in the Philippines

In recent years, the Philippines saw the enrichment of IP jurisprudence or case law with an increasing number of IP cases that reached the Supreme Court. To equip judges and other court personnel with the required knowledge on IP, WIPO, the Supreme Court, and IPOPHL collaborated and conducted the Judicial Colloquium in Manila on 4 and 5 December 2024.

This is not the first time that the WIPO and the Philippine judiciary has collaborated, as both have committed to strengthen IP protection in the country. In fact, plans for 2025 include an enhanced customisation of the Distance Learning Course on IP for judges to drive judicial expertise in IP.

*Dispute
Resolution –
Adjudication*

Singapore

Chronicling 2024

Singapore's IP law landscape continues to adapt to meet the needs of a rapidly evolving market, fostering innovation and enhancing global competitiveness. In 2024, key developments include an extension of a fast track programme to expedite patent applications and related trademark and registered design applications, as well as amendments to the patent linkage system that further clarified important regulatory aspects. A new initiative waiving fees for time extensions on patent search and examination requests provides applicants with more flexibility to navigate complex technological challenges. Updates to the Copyright Act 2021 ("**CA**") also ensure that Singapore maintains a balanced regime, offering robust copyright protection for rights owners, while enabling the public to make reasonable use of copyright works.

In addition, Singapore continues to address the needs of emerging fields like AI with its issuance of supplemental guidance for AI-related patent applications. The introduction of an expedited track for certain trademark proceedings aims to simplify and speed up the resolution of straightforward disputes, while the success of a pilot mediation programme underscores a shift toward alternative dispute resolution in IP law, offering a more flexible and cost-effective approach for resolving IP conflicts. These developments reflect Singapore's commitment to supporting innovation and enhancing the overall efficiency of its IP system.



Extension of SG IP FAST Pilot Programme

On 19 April 2024, the Intellectual Property Office of Singapore ("**IPOS**") announced the extension of the SG IP FAST pilot programme to 31 December 2024. The SG Patent Fast Track programme was introduced by IPOS on 1 May 2020 to expedite patent applications in all technology fields, allowing straightforward patent cases to be granted in as little as six months, with no additional fees required. On 1 September 2020, the programme was expanded to allow applicants with accelerated patent applications to also request acceleration for their related trademark and registered design applications, leading to its rebranding as the SG IP FAST pilot programme. The programme thus allows IP applicants in Singapore to be better equipped to build and manage their IP portfolio by expediting the

**Registration –
Patent,
Trademark, and
Registered
Design**

obtaining of necessary IP protection, and its extension indicates IPOS' ongoing efforts and commitment to support innovators and enterprises.

Please see the IPOS portal [here](#) for further information.

Amendments to Patent Linkage System

Following a public consultation held from 1 March 2024 to 12 April 2024, amendments were made to regulations relating to Singapore's patent linkage system - in particular, Regulation 23 of the Health Products (Therapeutic Products) Regulations 2016. Under Regulation 23, when an applicant submits a marketing approval application to register a therapeutic product, it must furnish a patent declaration stating whether any patent is in force in respect of the patent product and whether the applicant is the proprietor of the patent.

The amendments, effective 1 August 2024, clarify the types of patents that must be declared for marketing approvals and specifies exclusions, such as process patents unrelated to therapeutic uses. Additionally, updates were made to the steps which the patent proprietor must take to trigger the operation of a 30-month stay on the grant of a marketing approval application. By redefining the declaration process, these amendments align with Singapore's broader strategy of balancing industry innovation with public accessibility.

Please see the Health Sciences Authority portal [here](#) for the full announcement.

**Legislation –
Patent**

Issuance of Copyright Subsidiary Legislation

The Ministry of Law ("MinLaw") and IPOS conducted a public consultation from 22 April 2024 to 2 June 2024 to seek feedback on the temporary exceptions in the CA relating to circumvention of technological measures that control access to copyright works or protected performances, which would expire on 31 December 2024. This exercise was part of a periodic review of the exceptions in the CA, conducted once every four years to take into account technological developments. Feedback was sought on whether the existing exceptions should be retained or modified, and whether new exceptions should be introduced for existing non-infringing uses or new non-infringing uses resulting from the enactment of the CA. For more information, please see our Legal Update [here](#).

The exceptions that will be renewed (with modifications) or introduced pursuant to this periodic review were then prescribed in a new subsidiary legislation, the Copyright (Access Control Measures – Prescribed Exceptions) Regulations 2024. This subsidiary legislation will be in force for the period between 1 January 2025 and 31 December 2028 (both dates inclusive). The periodic review of the exceptions in the CA reflects MinLaw's and IPOS' ongoing commitment to ensure that the CA remains updated with technological and market developments.

Please see the IPOS portal [here](#) for the full press release on the public consultation, and the MinLaw portal [here](#) for a summary of the key changes to the CA.

**Legislation –
Copyright**

Launch of Fee Waiver Initiative for Time Extensions on Search and Examination Requests

In August 2024, IPOS launched a fee waiver initiative for time extensions on patent search and examination requests. This pilot programme is applicable to patent applications with deadlines between 1 September 2024 and 31 August 2026, allowing applicants an additional

**Registration –
Patent**

18 months to file requests for search and/or examination with no additional costs. This was in response to feedback that applicants welcome having more time to consider how best to proceed with search and/or examination of their Singapore patent applications and takes into account applicants' global patenting strategies and IP commercialisation developments. By allowing an additional 18 months to file requests, the initiative thus allows businesses more time to redefine their patent specifications, especially as they conduct further research or await outcomes from other jurisdictions.

At the same time, applicants who prefer to receive earlier search and/or examination results from IPOS and use the reports to advance their corresponding patent applications overseas may continue to tap on IPOS' suite of acceleration programmes, including the SG IP FAST programme mentioned above.

Please see the IPOS portal [here](#) for the full circular.

Issuance of Supplemental Guidance for Examination of AI-related Patent Applications

In October 2024, IPOS issued supplemental guidance for the examination of AI-related patent applications. This guidance supplements the Examination Guidelines for Patent Applications at IPOS, issued in October 2023, and provides a quick patentability reference for applicants seeking to protect their AI-related inventions. The guidance emphasised that AI-related patent claims must demonstrate clear technical contributions, particularly where AI interacts with hardware or is part of a larger system solving tangible challenges. The guidance also usefully provides hypothetical examples pertaining to AI applications, illustrating what goes beyond a mathematical method or mere business method etc. By applying the relevant patentability principles to hypothetical AI applications, this guide will assist innovators, researchers and businesses in navigating the complexities and challenges of patenting AI-related inventions.

*Technology –
Artificial
Intelligence*

Please see the IPOS portal [here](#) for the full guidelines.

Launch of Pilot Expedited Track for Certain Trademark Proceedings

In November 2024, IPOS announced that on 2 January 2025, it would launch a pilot for an Expedited Track for certain trademark proceedings before the Registrar of Trade Marks, such as trademark oppositions and revocations. The Expedited Track will be offered to a maximum of eight cases filed in 2025. Depending on the take up, IPOS may increase the number in 2026. It is an optional track that can only be activated with the consent of all parties, and the Registrar must also assess that this is a suitable case for the Expedited Track. There are shorter deadlines under this track, as well as page limits on evidence and written submissions. Parties can expect to receive the grounds of decision within one month from the filing of the written submissions or end of hearing (if there is one). The Expedited Track may be of benefit in cases where the issues in the dispute are straightforward or where proceedings are anticipated to involve a limited volume of evidence. A faster outcome can also provide businesses with earlier certainty and aid in making decisions on market strategies.

*Registration –
Trademarks*

For more information, please see our Legal Update [here](#).

Successful IP Mediation Cases

2023 saw the launch of the pilot WIPO - Singapore ASEAN Mediation Programme ("AMP"), where ASEAN parties with IP/ technology disputes or negotiations mediated by a Singapore-based mediator and administered by the WIPO Centre's Singapore Office can apply for WIPO mediation and AMP funding of up to S\$8,000. The AMP seeks to increase the accessibility of mediation for businesses in their IP or technology disputes and the first successful mediation case under the AMP was conducted in November 2023.

**Dispute
Resolution –
Mediation**

In 2024, there were several other successful mediations conducted under the AMP. These companies were in the industries of F&B (see *Captain K F&B Management Pte. Ltd & En Dining Bar Holdings Pte. Ltd* [2024] AMP MED 1 and *Fun Toast Pte. Ltd & Fun Tea Pte. Ltd* [2024] AMP MED 2), skincare products (see *Gromark Consumers Enterprise Pte Ltd & Universe Kingdom Pte Ltd* [2024] AMP MED 3), education (see *Lee Mei Lie t/a CY Education Centre & Fun with Abacus School Pte Ltd* [2024] AMP MED 4) and health supplements (see *The Beauty Nation Pte. Ltd. & Kiong Onn Medical Hall Pte. Ltd.* [2024] AMP MED 5). Parties are encouraged to consider mediation in view of its success rate. IPOS also publishes successful mediation cases on its website [here](#).

Please see the WIPO portal [here](#) for more information.

What's in store for 2025

In 2025, it will be interesting to monitor how the developments in 2024 continue to shape the IP landscape in Singapore, such as the number of cases that undergo the Expedited Track for trademark proceedings and the outcome of these cases.

The effects of the recent updates to the exceptions in the CA relating to circumvention of technological measures that control access to copyright works or protected performances may also be observed this year. Additionally, we may see further updates to the patent linkage system.

Copyright Subsidiary Legislation Comes into Force on 1 January 2025

Further to the public consultation held in 2024 (mentioned in the above section on updates in 2024), the newly prescribed Copyright (Access Control Measures – Prescribed Exceptions) Regulations 2024 relating to the circumvention of technological measures that control access to copyright works or protected performances will be in force for the period between 1 January 2025 and 31 December 2028 (both dates inclusive). The effects of these most recent updates may be observed this year.

**Legislation –
Copyright**

Possible Further Changes to Patent Linkage System

Further to the public consultation held in 2024 relating to Singapore's patent linkage system (mentioned in the above section on updates in 2024), the Health Sciences Authority stated that it had received suggestions on additional amendments to be made to the patent linkage

**Legislation –
Patent**

system, and will review the same taking into consideration "*the applicability of the measures in [Singapore's] local context while ensuring that Singapore's international obligations continue to be met*". As such, further amendments to the Health Products (Therapeutic Products) Regulations could be possible in 2025.

Thailand

Chronicle 2024

In 2024, Thailand continued to make significant progress in advancing its IP practices, focusing on both policy development and enforcement. Having remained on the US Special 301 Report Watchlist for IP protection for eight years, Thailand has earned praise for its efforts to improve IP protection and enforcement. The Thai government is actively working to strengthen IP policies with the goal of removing Thailand from the watchlist, with the final outcome expected by April 2025.

A key area of progress in the field of IP has been the continued promotion and increased awareness of geographical indications ("GI") for locally-made products across Thailand. The Department of Intellectual Property ("DIP") has intensified its efforts to register GI products and actively promote them through campaigns and trade fairs, highlighting their cultural and economic significance.

While there have been no major changes to existing IP laws or regulations in 2024, the DIP has signalled its readiness to introduce a new Patent Act. This act is expected to transform the prosecution process for patents and design protection, modernising the system to meet current demands. Meanwhile, the Trademark Act, Copyright Act, and other related IP laws remain unchanged.



Issuance of Statements of Grant for IR Designations

The Thai Trademark Office has faced ongoing challenges in issuing statements of grant for International Registration ("IR") designations. These delays stemmed from technical glitches that significantly hindered the issuance of local certificates and statements of grant, particularly in response to provisional refusals issued by the office.

In August 2024, the technical issues were successfully resolved, enabling the Thai Trademark Office to initiate the clearance of the backlog. With this progress, the Thai Trademark Office has now resumed processing pending local certificates and statements of grant, ensuring a smoother and more efficient system for handling IR designations moving forward.

**Registration –
Trademark**

Streamlining Court Processes for Revocation or Appeal of Thai Trademark Board Decisions

Under civil procedure rules, evidence hearings are typically a pivotal step between the submission of written statements and the judgment hearing. However, cases related to the revocation or appeal of Thai Trademark Board decisions are often straightforward and primarily rely on legal interpretation. In many such instances, evidence hearings are unnecessary.

*Registration –
Trademark*

A recently introduced regulation addresses this inefficiency by eliminating the requirement to schedule court appointments for cases where evidence hearings are deemed non-essential. This reform greatly enhances the efficiency of court proceedings, allowing decisions to be rendered more promptly. It also expedites the trademark registration process, particularly in cases where the judgment supports the trademark owner, ensuring a smoother and faster resolution.

Potential Accession to WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge

In May 2024, Thailand participated in negotiations with the World Intellectual Property Organization ("WIPO") regarding its potential accession to the Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge ("**WIPO Treaty**"). Accessing to the WIPO Treaty would require patent applicants to disclose the use of genetic resources and associated traditional knowledge in their applications.

*Legislation –
Patent*

This initiative aims to safeguard the rights of traditional knowledge holders and local communities, promoting sustainable development by integrating natural resources with innovations across agriculture, medicine, and industry. It represents a significant step toward ensuring equitable benefit-sharing and the protection of cultural heritage.

However, implementation is currently on hold due to the ongoing development of Thailand's new Patent Act. The revised legislation is expected to incorporate provisions aligning with the WIPO Treaty's requirements. Once the new Patent Act is enacted, Thailand will be well-positioned to proceed with the WIPO Treaty's implementation, further strengthening its patent framework.

What's in store for 2025

In 2024, Thailand demonstrated a strong commitment to improving its IP framework, from addressing procedural delays to promoting innovation and sustainability. Other actions include the upcoming new Patent Act and ongoing efforts to align with global standards. As these initiatives progress, 2025 promises to bring more transformative developments in the IP sector.

Legislative Process for the New Patent Act

The draft of the new Patent Act ("**draft Act**") was made open for public opinion, with feedback accepted until the end of January 2025. Thereafter, DIP plans to submit the draft Act to the Cabinet for initial approval of its principles, which is anticipated to take place by mid-2025.

Once the Cabinet grants its approval, the draft Act will be forwarded to the Council of State for a comprehensive review and refinement. After this step, the finalised draft Act will be submitted to the lower house and Senate for legislative consideration and approval.

If the process progresses smoothly, the new Patent Act is expected to be enacted and implemented by late 2025 or early 2026. This legislation will represent a significant advancement in modernising Thailand's patent and industrial design framework, ensuring it meets current global standards.

*Legislation –
Patent*

Target Patent Fast Track

At the start of 2025, the Patent Office reinforced its commitment to expediting the patent prosecution process by maintaining the official fast-track channel. Building on this effort, the Patent Office has expanded the fast-track program to include inventions and designs focused on green innovation.

This initiative is designed to significantly reduce processing times, streamlining the preliminary examination process to six months and the substantive examination process to 12 months. By prioritising environmentally sustainable technologies, the Patent Office demonstrates its dedication to fostering innovation that supports global sustainability goals.

*Registration –
Patent*

Vietnam

Chronicling 2024

In 2024, Vietnam's IP landscape experienced significant growth in transactions, applications, and the establishment of rights. However, the approval of trademark assignments has slowed, mainly due to stricter review processes, particularly in cases where conflicts with the assignor's trade name arise. As most IP infringement cases are resolved through administrative measures, criminal proceedings remain rare.

Nonetheless, IP rights ("IPR") enforcement faces ongoing challenges, including changes in domain name dispute resolution processes and the introduction of additional administrative sanctions for IPR violations involving industrial property, etc. Enforcement of IPR also faces practical limitations, such as the lack of proactive actions in raids, delays in case resolution (which are often dependent on expert opinions), and unresolved procedural issues.

On a positive note, the establishment of a Specialised IP Court in 2024 marks a crucial milestone in Vietnam's legal system, addressing the growing complexity and volume of intellectual property cases.



Trademark Prosecution: Challenges in Recordal of Trademark Assignments

The Intellectual Property Office of Vietnam ("IPVN") has become stricter in its approach to applications for approving of trademark assignments, rejecting assignment recordals on the ground of conflict with the assignor's trade name. If the mark is identical to a dominant part of the assignor's company name, the IPVN deems the assignee's use of the mark to be likely to cause confusion with the assignor's trade name, leading to instant rejection. Previously, a declaration from the assignor confirming non-use of the trade name or their affiliate relationship with the assignee could have been sufficient to overcome the rejection. However, the IPVN now requires official documents to demonstrate the above, creating challenges for IP holders in overcoming assignment rejections.

Registration – Trademark

Industrial Property Certificate Can be Issued in Electronic Format

IPVN is building an online database for the registration of industrial property certificates in electronic format, which will have the same legal validity as paper certificates. This database will be accessible to relevant parties, such as government authorities, enforcement bodies, third parties, and owners, for post-grant and enforcement procedures.

*Registration –
Industrial
property*

Removing Deadline for Submission of Power of Attorney ("POA")

Previously, under the prior regulations, a POA was required to be submitted within one month from the filing date of an application for the registration of a mark to be protection, or within 10 days from the filing date of an appeal against a relevant decision. Under the new regulations and current practice, the deadline for submitting a POA has been eliminated. Therefore, the applicant or appellant can now submit the POA at any time before the application is formally accepted or the appeal is acknowledged for processing.

*Registration –
Trademark*

Administrative Sanctions for IP Infringements

On 15 November 2024, Circular 06/2024/TT-BKHCN on administrative sanctions for IP infringements in Vietnam came into effect, introducing significant updates to IP enforcement. The circular clarifies the supplementary sanctions that may be imposed for IP violations, specifying that a full or partial suspension of business activities related to the IP violation for up to three months may be imposed.

*Legislation – IP
Enforcement*

The circular also addresses domain name disputes, specifying that domain names must be "identical or confusingly similar" to registered trademarks to qualify as infringements, and requiring valid documentation for the temporary detention of illegal domain names.

Additionally, the circular addresses trademark infringement, emphasising that trademark licence agreements must be properly documented, and that letters of consent for use of trademark alone are not sufficient to avoid sanctions for trademark infringement.

The circular also regulates IP infringements in the digital space, including internet-based violations on websites targeting Vietnamese users, and introduces penalties for domain name violations, such as fines and forced returns. The circular further outlines preventive measures, such as temporary seizures of domain names, and emphasises the authorities' responsibility for verifying and investigating IP infringements.

For more information, please see our Legal Update [here](#).

Challenges in Enforcing Criminal Measures against Counterfeiting

In Vietnam, the application of criminal measures to combat counterfeiting faces several challenges. Despite the high number of IPR violations, criminal proceedings remain rare, with most cases handled through administrative measures. The overlap and lack of clarity between the legal provisions for counterfeit goods and goods violating trademark rights complicates the enforcement process, often leading to misapplication of penalties. Proving that criminal acts have been committed also presents difficulties, such as the need for expert examination comparisons between counterfeit and genuine goods, which can be costly and

*Enforcement –
Counterfeiting*

time-consuming. Additionally, inconsistencies in how courts determine civil damages further complicate the process.

These issues highlight the need for a more effective criminal enforcement system to protect IPR holders and address the growing issue of counterfeit goods in Vietnam.

Challenges in Enforcement Activities

In 2024, there remain challenges in the enforcement of IPR in Vietnam. Enforcement bodies often lack proactive measures, conducting few market surveys to detect infringements. Their strict requirements for evidence and authorisation frequently delay case resolution, while penalties remain inconsistent or insufficient to deter repeat offences. Furthermore, the reliance on expert opinions in the evaluation process introduces delays and unpredictability, as conflicting assessments from experts complicate matters for both IPR owners and enforcement agencies. These challenges collectively hinder the effectiveness of the IPR enforcement in Vietnam.

*Enforcement –
IP Infringement*

Changes in Domain Name Dispute Resolution Impacting Enforcement Procedures

On 9 November 2024, the Vietnamese government issued Decree No. 147/2024/ND-CP, governing the management, provision, and use of internet services and information in cyberspace. The decree introduces significant updates to domain name dispute resolution, including the use of administrative actions in IP enforcement. It outlines the conditions for deactivating domain names, such as incorrect registration or unpaid fees, and clarifies that action can be taken against a domain name that is identical or confusingly similar to a registered trademark and used in bad faith.

*Enforcement –
Domain Name*

Additionally, the decree formalises the practice that disputed domain names may be frozen to prevent transfers, and establishes a 45-day grace period for transferring domain names after a successful domain name dispute resolution, though this period may conflict with the five-year enforcement timeline which applies to civil cases in general.

Approval of Specialised IP Court

On 24 June 2024, the National Assembly of Vietnam approved the amended Law on the Organisation of People's Courts, which paves the way for the establishment of a Specialised IP Court. This marks a significant step forward in the development of the country's IP enforcement framework. The amendment, effective from 1 January 2025, outlines the structure and authority of the Specialised IP Court, including: (i) adjudicating first-instance IP cases; (ii) enforcing court rulings; and (iii) penalising the obstruction of procedural actions. Judges at the Specialised IP Court must have expertise in IP law. Existing courts will continue to handle IP cases until the Specialised IP Court is fully operational. The Specialised IP Court will be piloted in major cities like Hanoi, Da Nang, and Ho Chi Minh City to assess its feasibility.

*Dispute
Resolution – IP
Court*

What's in store for 2025

As businesses increasingly turn to IP litigation, the court system is expected to see heightened activity in this area. If the Draft Law establishing a Specialised IP Court is enacted, it will enhance the judiciary's ability to manage IP cases more efficiently, reinforcing the legal framework necessary to protect IPR effectively.

In 2025, utilising AI in IP management and protection, particularly in online enforcement actions, will be crucial for businesses looking to strengthen their IP strategies. AI-driven solutions will enable companies to streamline IP filings and detect trademark infringements more efficiently, even within complex online content like images and logos.

Establishment of a Specialised IP Court in Vietnam

The decision to establish a Specialised IP Court for IP cases is still awaiting approval via the draft amendment to the Law on the Organisation of People's Courts. However, if approved, it will be an important step in strengthening IP protection in Vietnam. There is hope for positive progress, and the Specialised IP Court may be implemented by 2025.

**Dispute
Resolution – IP
Court**

IP Portfolio – Leveraging AI for IP Portfolio Management and Enforcement Actions

It is now crucial for businesses to focus on using AI technology to optimise their IP portfolio and IP enforcement processes in digital spaces. AI-driven tools can help monitor digital platforms, detect infringements in real-time, and adapt to legal developments related to AI and digital content. Furthermore, exploring AI-assisted solutions for developing licensing and IP commercialisation strategies, particularly in fast-evolving industries like technology, green tech, and manufacturing, should be prioritised. By leveraging AI, businesses can optimise IP assets, identify market opportunities, and improve their competitive edge in new markets.

**Technology –
Artificial
Intelligence**

Our Regional Contacts

R&T SOK & HENG | *Cambodia*

Hout Sotheary

D +855 23 963 112 / 113

E hout.sotheary@rajahtann.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Dewi Kamaratih Soeharto

D +62 21 2555 7800

E dewi.soeharto@ahp.id

Ari Juliano Gema

D +62 21 2555 7800

E ari.gema@ahp.id

CHRISTOPHER & LEE ONG | *Malaysia*

Celia Cheah

D +603 2273 1919

E celia.cheah@christopherleeong.com

Sri Richgopinath Salvam

D +603 2273 1919

E sri.richgopinath@christopherleeong.com

Alex Choo

D +603 2273 1919

E alex.choo@christopherleeong.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Ruby Ann S. Jalit

D +632 8894 0377 to 79/ +632 8894 4931 to 32 /

+632 552 1977

E ruby.jalit@cagatlaw.com

RAJAH & TANN | *Singapore*

Lau Kok Keng

D +65 6232 0765

E kok.keng.lau@rajahtann.com

Tng Sheng Rong

D +65 6232 0199

E sheng.rong.tng@rajahtann.com

RAJAH & TANN | *Thailand*

Akkaraporn Muangsobha

D +66 2 656 1991

E akkaraporn.m@rajahtann.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Duy Cao

D +84 24 3267 6127

E duy.cao@rajahtann.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This publication is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this publication.

Disclaimer

Rajah & Tann Asia is a network of member firms with local legal practices in Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Our Asian network also includes our regional office in China as well as regional desks focused on Brunei, Japan and South Asia. Member firms are independently constituted and regulated in accordance with relevant local requirements.

The contents of this publication are owned by Rajah & Tann Asia together with each of its member firms and are subject to all relevant protection (including but not limited to copyright protection) under the laws of each of the countries where the member firm operates and, through international treaties, other countries. No part of this publication may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Rajah & Tann Asia or its respective member firms.

Please note also that whilst the information in this publication is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as legal advice or a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. You should seek legal advice for your specific situation. In addition, the information in this publication does not create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on the information in this publication.