

Chapter 8. IPRs in the Motorbike Industry

Presented to JWG

Time and Date: 2-4pm, Nov 2, 2006

Place: Vietnam Development Forum (VDF)

Outline

- 1. Importance of the Protection of IPRs**
- 2. IPRs' violations in the motorbike industry**
- 3. Actions of stakeholders**
- 4. Proposed policy measures**

1. Protection of IPRs in the motorbike industry

- **4 main components of IPRs**
 - **invention**
 - **trademark**
 - **industrial design**
 - **fair competition**
- **Importance of IPRs protection**
 - **Producers**
 - **Consumers**
 - **Society**

Importance of IPRs Protection

- **Producers**
 - **Protect from illegal copy**
 - **Increase product's value**
 - **Increase product's prestige**
- **Consumers**
 - **Safety**
- **Society**
 - **Healthy competition & Honest business activities**
 - **Good image if IPRs protection since motorbike is everywhere in the street**
 - **Creativity in the society**
 - **WTO consistency + sustainable background for economic integration**

2. IPRs's violation

- **Most common infringement is industrial design**
- **Violations are in manufacturing, transporting and sales**

- **Table. Violation in the motorbike industry 1996-2006 by 4 types of violation (IPSI?)**
- **Pictures provided**

3. Actions of stakeholders

- **Government**

- **Legal framework**

- **IP law dated Nov 29, 2005 (effective on July 1, 2006)**
 - **Decree No.103/2006/ND-CP dated Sept 22, 2006 on industrial design**
 - **Decree No.105/2006/ND-CP dated Sept 22, 2006 on state management of IPs**

- **Institutions involved**

- **NOIP**
 - **Ministry of Police**
 - **People's Committee**
 - **Agency for market management/watchdog**

- **Producers**

- **market investigation and taking photos**
 - **training courses for officials**
 - **producing evidence and bringing violators to law**
 - **PRs campaigns**

Remaining Issues

- **Law and decrees**
 - **Too advanced law compared to Vietnam's practice: role of civil courts**
 - **Decrees regulated limited infringements which are harmful to consumers (food and medicine only)**
- **Enforcement and institutions**
 - **People's committees and Sub-agencies for market watchdog: Budget and instructions**
 - **Police: only big violation**
 - **Unclear role of examining violation (before: NOIP)**
 - **Non-severe punishment**
 - **International practice vs Vietnam: seize and destroy whole product vs destroy only plastic parts or labels**

4. Proposed policy measures

- **Gradual roadmap to change to advanced IP law system so that civil courts can accumulate experience to solve cases**
- **Circular to guide implementation of law and decrees**
 - **Each ministry should decide what infringement is harmful to consumers**
 - **Budget should allocated directly to Sub-agencies for market watchdog**
 - **Severe punishment should be considered**