# THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

COMPARATIVE PERSPECTIVES FROM THE ASIA-PACIFIC REGION

Edited by Christoph Antons



Max Planck Institute for Intellectual Property, Competition and Tax Lavy

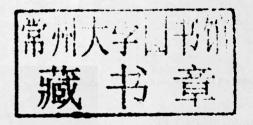


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Published by:

Kluwer Law International

PO Box 316

2400 AH Alphen aan den Rijn

The Netherlands

Website: www.kluwerlaw.com

Sold and distributed in North, Central and South America by:

Aspen Publishers, Inc. 7201 McKinney Circle Frederick, MD 21704 United States of America

Email: customer.service@aspenpublishers.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd. Stratton Business Park Pegasus Drive, Biggleswade

Bedfordshire SG18 8TQ

United Kingdom

Email: kluwerlaw@turpin-distribution.com

Printed on acid-free paper.

ISBN 978-90-411-3219-2

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Printed in Great Britain.

The Enforcement of Intellectual Property Rights

#### Max Planck Series on Asian Intellectual Property Law

#### Volume 15

Editor
Reto Hilty
Director

Max Planck Institute for Intellectual Property, Competition and Tax Law

Over the last few decades, intellectual property law has assumed an increasingly vital role in the expansion of the internet and the rapid pace of technological innovation. Intellectual property law has therefore grown into one of the world's biggest and fastest-growing fields of law. As the relative value of intellectual property increases in the global economy, the development of intellectual property rights in Asia has been nothing less than dramatic in the last couple of years. Spurred by the TRIPS Agreement, most Asian countries have completely overhauled their intellectual property systems. This formal adaptation of intellectual property law to international standards in now followed by a period in which Asia is re-conceptualizing the way that it thinks about intellectual property law, its administration, and enforcement. Thus, Asia is emerging as a potent force in reshaping the global intellectual property landscape.

The Max Planck Institute for Intellectual Property, Competition and Tax Law has pioneered intellectual property research and education in Asia since 1975. It has not only been involved in fundamental research on intellectual property law, but also in drafting legislation both on the Institute's own account, and in cooperation with projects funded by the European Union, WIPO, the World Bank, UNDP, and others. Cooperation agreements have been concluded with institutions in Japan, Korea, Taiwan, and Thailand. The Max Planck Institute is further renowned for its conferences and workshops on Asian intellectual property law and its state-of-the-art research facilities. It annually welcomes more than 40 students, guest researchers, and distinguished expert lawyers from Asia thereby

deepening the international dialogue on intellectual property policy.

The Max Planck Series on Asian Intellectual Property Law aims at providing expert coverage of intellectual property rights, their administration and enforcement in Asian jurisdictions for both academic and practicing lawyers. Particular attention is given to the non-English speaking countries of Asia where reliable information is often difficult to come by. The series includes both country-specific reports and comparative studies on current problems of interest.

The titles published in this series are listed in the back of this volume.

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#### Preface

This book presents updated and completely revised chapters originally presented in the context of a workshop on 'Intellectual property enforcement in the Asia-Pacific region' at the Centre for Comparative Law and Development Studies in Asia and the Pacific (CLDSAP) at the University of Wollongong in December 2007. The workshop was supported by the Centre of Excellence for Creative Industries and Innovation (CCI) of the Australian Research Council (ARC) and by the Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich. I would like to thank Professor Stuart Cunningham at CCI and Professor Reto Hilty at the Max Planck Institute, Munich, for supporting this project, Gabriel Garcia and Marjam Ita for their assistance with the organisation of the workshop and Elaine Newby for many hours of proof reading and editorial assistance.

Christoph Antons Wollongong, December 2010

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