

E-commerce in South-East Asia: Intellectual Property Protection

Facts & Figures

Up to 5% of Imports reaching Europe consist of Counterfeit Products

Malaysia's government has initiated a partnership with its major e-commerce platforms to spread awareness and tackle online counterfeits

Singapore & Thailand had the highest amount of counterfeits in the early 2010's. This has rapidly expanded in Malaysia and Indonesia as well

E-commerce spending in Vietnam is expected to increase by over 20% per year until 2020

Thailand's Computer Crime Act aids rights holders in dealing with online IPR violations

Singapore's e-commerce revenues are predicted to reach over 6 million USD by 2020



Singapore



Malaysia



Thailand






Indonesia

	Singapore	Malaysia	Thailand	Indonesia
Online Penetration Rate (2016)	81.2%, 4.7 million users	78.8%, 24.5 million users	83.5%, 57 million users	50.4%, 132.7 million users
Copyright Protection	Copyright is conferred automatically upon creation			
	No Copyright Registration System	Voluntary Recordal is possible and recommended for EU SMEs		
Trade mark Duration of Protection	Valid for 10 years, and renewable			
Industrial Designs Duration of Protection	Valid for 15 years, subject to payment of renewal fees every 5 years	Valid for 5 years, extendable for four 5-year terms for a total of 25 years	Valid for 10 years from the date of filing	Valid for 10 years, subject to payment of renewal fees every 5 years

Take-Down Notice*: Must-Have's

Documents to be Submitted to the E-commerce Platform advertising an infringed product:

-  **Proof of Identity:** a **Business Incorporation Certificate** or **Company License** and/or a valid form of **Personal Identification**;
-  **Proof of IPR Ownership:** an **IP Registration Certificate** or **Copyright Recordal Certificate**;
-  **Links and Webpages:** the details and the exact Link to the Webpage advertising the infringing listings you require to be removed.

* A written warning requesting to remove an infringing good from a website, and disable access to IP infringing material

Subsequent Process

- 1** The E-commerce Platform investigates the **formality** of the claim;
The alleged infringer will be **notified** by the E-commerce Platform;
- 2** The alleged infringer can submit a **counter-notification** proving authorisation of sales;
- 3** The IP-owner can either **accept** the counter-notification or **submit the case for dispute**;
- 4** Claims will be handled through the E-commerce platform: a standardised programme through which IP owners can **notify ownership** prior to online advertising.

South-East Asia 
Available at: southeastasia-iprhelpdesk.eu

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