



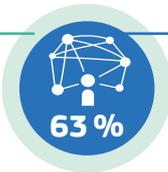
SOUTH-EAST ASIA IPR SME HELPDESK

Thriving e-commerce growth in South-East Asia

How to protect your intellectual property?

World's fastest-growing e-commerce market

662 Million
Population



416 Million
Internet users



5 Million
E-Commerce orders a day
(average)



39%
Compounded annual
growth rate

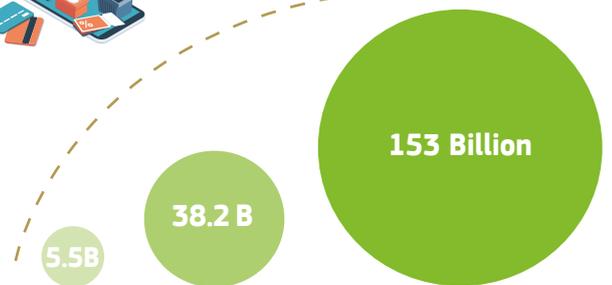
Worldwide



South-East Asia



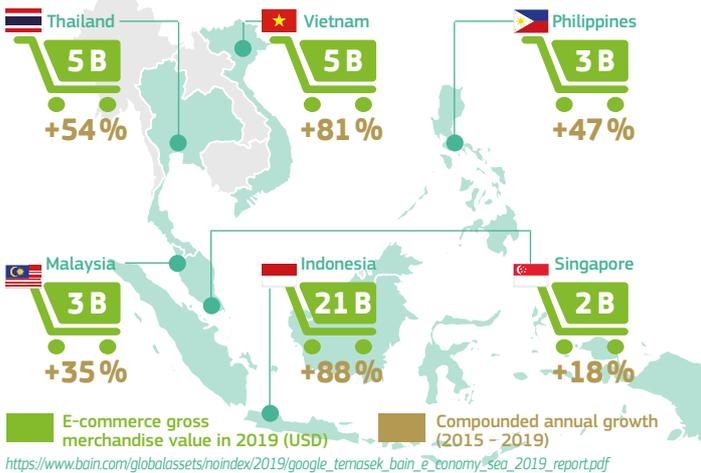
+17%
10 Million
New e-commerce
shoppers



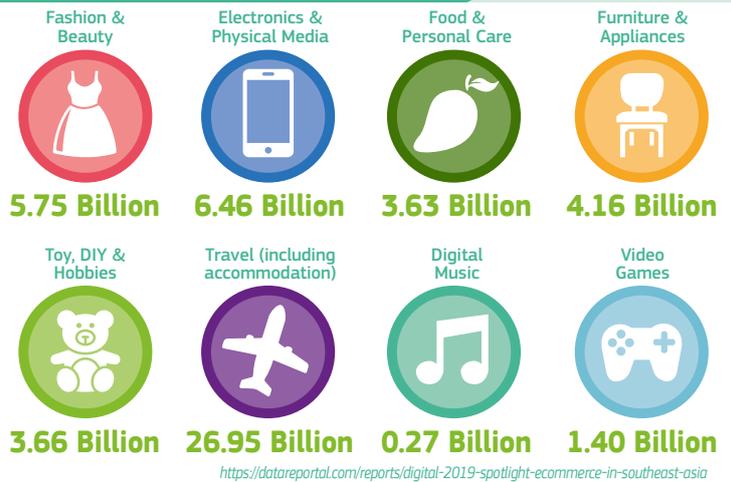
Internet users age 16 to 64 who say they bought something online in the past month via any device
<https://datareportal.com/reports/digital-2019-spotlight-e-commerce-in-southeast-asia>

E-commerce gross merchandise value in the South-East Asia (USD)
https://www.bain.com/globalassets/noindex/2019/google_temasek_bain_e_economy_sea_2019_report.pdf

6 largest markets in the region



E-commerce spend by category (USD)



Intellectual Property in e-commerce era

What should business know?



PATENT

The exclusive rights granted to the owners of inventions which are **new, creative and capable of industrial application**.

Nowadays patents are used across many sectors such as ICT, chemistry, pharmaceuticals, biotechnology, or transportation. The high demand for fast and cheap technology has been also a strong drive for **counterfeiters to simply copy your ideas for saving the R&D costs and then sell their products at a competitive price**.

Register your patent in the South-East Asian countries to **protect your exclusive rights against infringers**.



INDUSTRIAL DESIGN

The **new aesthetic appearance** of your products.

E-commerce and media tools allow your **catchy designs to easily attract more consumers on a large scale, boosting sales of products**. However, it also means that designs can be **quickly copied and reproduced** by your competitors or other companies.

Register your design in South-East Asian countries to protect your rights regarding the creative work on the exterior of your products



COPYRIGHT

The **exclusive right given to the author of creative works** such as books, music, films, photographs, computer programs, software, databases.

Concern on copyright violation has become more critical i.e. your book, music, films, photographs may be **copied, downloaded and used freely without your permission, your software may be cracked, your data may be hacked**.

Take preventive actions to **protect your copyright against piracy**.



TRADE MARK

Signs to **distinguish** the goods or services of one company from those of another company.

Trade mark is an effective marketing tool, making your product standing out from the other and building a strong consumer base across borders, cultures and languages, especially in the **thriving e-commerce environment**.

Register your trade mark in the South-East Asian countries to **obtain legal protection against counterfeiting and cybersquatting**.

HOW TO PROTECT YOUR INTELLECTUAL PROPERTY IN E-COMMERCE?



Monitoring e-commerce and social media platforms

Companies can conduct **online monitoring to detect counterfeits, piracy and cybersquatting** by themselves or hire service companies with expertise in the field. In addition, today there are many advanced technological tools for searching and detecting sources of IP violation.



Proactively communicate with the customers

Companies should be more protective of their communications with their consumers, **guiding them to available supply channels with authentic products and warning them about fakes**.



Conduct investigations and gather facts

Don't make a groundless claim, it will cost you both time and money. Once you have found a suspected infringement on the internet, the first step is to **quickly collect evidence on the infringer**, e.g. basic information (name, address, other contact details, the scale of their business and the origin of their products).



Take-down Notices and Warning Letters

Utilise the available complaint functions on the e-commerce and social media platforms and **encourage the operators to quickly take down infringing products**. In the meantime, as a legitimate brand owner, you can also consider **sending Warning Letters to the counterfeiters** to ask them to stop their illegal activities.



Inform the enforcement authorities

In South-East Asian countries, local governments have recently made many efforts and improvements in combating online counterfeits. Companies can **find available complaint tools such as hotlines, emails or complaint submissions on the websites of customs, market police departments and other relevant national bodies** to promptly notify the authorities of detected infringement.



Seek advice from local IP experts

In critical cases, companies are usually advised to consult with **local experts that are familiar with infringement cases and have close relations with enforcement bodies such as customs, investigators and the police**. It is worth noting that many counterfeits are advertised in local languages or posted on local websites, so sometimes monitoring using detection software or search tools (usually in Roman characters) don't work effectively.

Where to find further information?

The [South-East Asia IPR SME Helpdesk](#) is an EU initiative that provides **free, practical, business advice relating to SEA IPR to European SMEs**. To learn about any aspect of intellectual property rights in South-East-Asia:

- Check out our [website](http://www.southeastasia-iprhelpdesk.eu) at www.southeastasia-iprhelpdesk.eu
- E-mail your **questions** to question@southeastasia-iprhelpdesk.eu for free IP expert advice on SEA. You will receive a reply **within 3 working days**.
- Contact local **IP Experts** in SEA at www.southeastasia-iprhelpdesk.eu/en/our-experts.

Tips in South-East Asia

- IP protection is **territorial**, so registration is needed in each and every country in South-East Asia.
- As South-East Asian countries apply the **first-to-file** system for IP protection, you should file an application as soon as possible when you plan to expand your business in this region.
- Bad Faith Registration** is not uncommon in South-East Asia where a **third party** may register your IP **first**, thereby preventing the legitimate owner from registering and using it.
- Given the **first-come, first-served** nature of the domain name registration system, many cybersquatters have registered the trade marks or trade names of legitimate owners with the localised domains such .vn, .th, .id, .kh, .la, etc. and then **either offer to sell them back to the brand owners or profit from the IP themselves**.



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