Bilateral ties, agreements and opportunities amongst ASEAN

CIIPC
22 April 2019

Mr. Yogesh Pai, co-director, CIIPC, delivered a lecture titled "Bilateral ties, agreements and opportunities amongst ASEAN" as a resource person for a five day workshop on "*Intellectual Property Rights & Technology Transfer*" under *ASEAN-India Innovation Programme (AIIP) for ASEAN Member States (MS* from 1st – 5th April, 2019 at New Delhi, organized by National Research Development Corporation in partnership with partnership with Department of Science & Technology (DST) and ASEAN. He started the lecture with the current context of the increasing relevance of IP in the age of 4th Industrial revolution, wherein IP would be extensively traded. He then discussed the need and the basis of international protection of IP, wherein territorial nature of IP, potential for discriminatory treatment and potential for positive cooperation on IP issues was cited as major reasons for international protection. He then discussed how TRIPS matters for ASEAN members by discussing the negotiating history of TRIPS in the light of different blocks of countries with divergent interests. He then discussed how TRIPS changed the whole scenario in terms of common minimum standards of IP protection. He dealt with the nature of differential treatment available to least developed countries ASEAN countries. He then discussed the ASEAN's approach towards cooperation. Firstly, a cooperation programme with the World Intellectual Property Organization (WIPO) in January 1993 was developed to strengthen the legislative framework of intellectual property protection in the region. He then discussed salient features of ASEAN framework agreement on IP cooperation. Furthermore, the ASEAN working group on Intellectual Property Protection which was formed to improve the regional framework of policies and institutions relating to patent and trademark and now includes copyrights too. Task Force on Trademarks, the ASEAN Task Force on Patent Examination Cooperation and the ASEAN Network of IP Enforcement Experts (ANIEE) are the sub committees set up under this working group. The ASEAN IPR Action Plan 2016-25, which attempts to meet the challenge of "One Vision, One Identity, One Community" through Intellectual Property through 4 strategic goals, was also discussed. He also discussed various free trade agreements like ASEAN-Australia-New Zealand Free Trade Area, ASEAN-India Free Trade Area, ASEAN-Republic of Korea Free Trade Area which have been used to promote cooperation in the field of IP. He then moved on to the ongoing negotiations about Regional Comprehensive Economic Partnership (RCEP) proposed between ten member states of ASEAN and six Asia-Pacific states, wherein Intellectual Property is one of the most crucial points for the intense discussions between the countries. Finally, he spoke about the potential areas of IP Cooperation between ASEAN countries and beyond which include single IP office, regional exhaustion, regional exercise of IP limitations and exception, patent pools for technology transfer, cooperation in capturing global value chains, judicial and administrative cooperation for enforcement and cooperation among competition enforcement authorities. He concluded the lecture by emphasising that ASEAN members must decide on the extent to which IP harmonisation is feasible within the region based on mutual interests.

The slides can be accessed here.

Cite as (OSCOLA, 5th ed.): CIIPC, 'Bilateral ties, agreements and opportunities amongst ASEAN' (*The Innovation Brief*, 22 April 2019) <https://innovationbrief.nludelhi.ac.in/essays/bilateral-ties-agreements-and-opportunities-amongst-asean> accessed 18 November 2026.

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Published by the Centre for Innovation, Intellectual Property and Competition, National Law University Delhi. Read online at https://innovationbrief.nludelhi.ac.in/essays/bilateral-ties-agreements-and-opportunities-amongst-asean.