

Malaysia still on piracy watch list

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KUALA LUMPUR, MALAYSIA: Malaysia must do even more to protect intellectual property rights, according to a statement by the United States Trade Representative posted on the USTR website.

It said that although the country continues to show a strong commitment towards strengthening intellectual property rights protection and enforcement, it "needs to make further improvements."

That is why the USTR is keeping the country on the US Government's Special 301 Watch List for the seventh year running.

The list reflects the state of intellectual property piracy in the countries on it and their efforts to keep the piracy in check.

Failure to do so could lead to US trade sanctions being brought against the offending country.

Tarun Sawney, director of antipiracy for Asia at the Business Software Alliance (BSA), said Malaysian courts need to be hearing more intellectual property piracy cases because there is a backlog of such cases that can only get worse.

The country has a special court that hears only cases related to such offences as a means to clearing the backlog but it is not enough, according to the BSA.

"With the Attorney General's support, we also believe that successful prosecutions will help show recalcitrant businesses that there are repercussions to disobeying the (antipiracy) law," said Tarun.

BSA is antipiracy watchdog that represents several IT industry giants, including Microsoft Corp, Autodesk Inc, and IBM Corp.

In March, the International Intellectual Property Alliance (IIPA) reported that there is a significant difference between the number of antipiracy raids being carried out and the number of piracy cases being processed through the courts.

IIPA is a coalition of several trade associations, including those representing the music, movie and software industries.

The Recording Industry Association of Malaysia, meanwhile, said getting off the watch list is an incentive for Malaysia to improve its intellectual property rights protection.

"This (the USTR move) tells the Government that there is room for improvement and what exactly

needs to be done," said Sandy Monteiro, its chairman. USTR is a Cabinet-level official of the US Government that is responsible for developing and co-ordinating US international trade, commodity and direct investment policies.

Malaysia was on the more critical Special 301 Priority Watch List in 2000 and 2001. It was moved to the current list after establishing its Optical Disc Act 2000.

The Act requires optical discs made in the country to contain a special code that allows their source to be determined through forensics - a move that helps curtail software, music and movie piracy.

Over the years, the country has also stepped up its efforts against those pirating intellectual property, including the shutting down of errant optical disc factories and action against shopping complexes where pirated products were being marketed.

It later set up the specialised intellectual property court, which began to adjudicate cases last year.

Malaysia's most recent antipiracy action has been the use of sniffer dogs trained to identify optical and compact discs among other cargo at ports and airports.