

| No. | Country     | Regulations for ISP's Liability for TM infringement (Yes / No)          | Remedies for IP Owners |  |                           |   |                 | Notes   |
|-----|-------------|---|------------------------|--|---------------------------|---|-----------------|---|
|     |             |   | Notice and Take-Down   | Disclosure request of Infringers' identity | Administrative complaints | Civil action – Block access or remove infringing information, compensation claim etc. | Criminal action |   |
| 1   | Singapore   | No specific regulation  | ✓                      | ✓  | ✗                         | ✓   | ✗               | <p><u>ISP's liability</u></p> <p>May apply Common Law Principle - Vicarious or secondary liability. However, there have been no cases so far.</p> <p>Some case laws validate that online platforms can no longer refute liability merely because they do not physically manufacture or stock the products.</p>  |
| 2   | Brunei      | No specific regulation  | ✗                      | ✗  | ✗                         | ✓   | ✗               | <p>Civil action only arises when there exists a contract between the network service provider and IP owners.</p> <p>IP owners cannot bring criminal action against the network service provider unless such action amounts to any criminal offence provided in written law (which is currently not available).</p>  |
| 3   | Myanmar     | No specific regulation  | ✓                      | ✗  | ✓                         | ✗   | ✓               | <p>Consumer Protection Law:</p> <p>Civil remedies under Consumer Protection Law are limited to – merchants and entrepreneurs. No civil remedy for IP owners against ISPs as a secondary party.</p> <p>There are ISP's administrative liability for breaches of Consumer Protection Law, but IP owners cannot file administrative complaints.</p> <p>Telecommunication Law: IP owners can take criminal action under Section 66.c</p> <p>The Essential Supplies and Services Law (Notification No. 51/2023): The registered online sales business or online platforms shall take responsibility for and solve issues concerning goods or services sold. If they sell the goods or provide services which are prohibited or restricted by any law or that violate any law, it is possible for the IP owners to file an administrative complaint. As a result, the registration certificate of online sales business will be suspended or cancelled.</p> |
| 4   | Thailand    | No specific regulations   | ✓                      | ✗  | ✓                         | ✓   | ✓               | <p>No direct provisions, including NTD system, for ISP's liabilities for trademark infringement but could theoretically be held liable for facilitating the sale of counterfeit goods.</p>  |
| 5   | Philippines | Yes (but for infringement of "intellectual property rights" in general) | ✓                      | ✓  | ✓                         | ✓   | ✓               | <p>R.A. No. 8792, E-Commerce Law</p> <p>No specific regulations on TM infringement, but we can argue the ISP's liabilities under Section 30(b), which cites "possible infringement of any right subsisting in or in relation to such material", which may cover not just piracy and copyright infringement but also TM infringement.</p> <p>R.A. No. 11967, Internet Transactions Act (ITA)</p> <p><u>ISP's Liability:</u></p> <p>ISP can be held for secondary liability if it derives some form of benefit from infringement of "intellectual property rights", which necessarily includes TM rights.</p> <p>E-marketplaces and digital platforms can be held jointly liable with e-retailers or online merchants in civil actions or administrative complaints.</p>  |
| 6   | Cambodia    | No specific regulation  | ✓                      | ✓  | ✓                         | ✓   | ✓               | <p><u>ISP's Liability:</u></p> <p>ISPs will not be liable if:</p> <ul style="list-style-type: none"> <li>• Are not the sender/originator of the content.</li> <li>• Have no knowledge of the infringing content.</li> <li>• Report the infringing content to the authority when become aware of it</li> </ul> <p><u>Remedies for IP Owners:</u></p> <p>IP owners can argue that ISPs may be liable if they fail to meet the safe harbor provision requirements.</p>   |
| 7   | Indonesia   | No specific regulation  | ✓                      | ✗  | ✓                         | ✓   | ✓               | <ul style="list-style-type: none"> <li>• No remedy for IP owners to act against ISPs in Trademark Law.</li> <li>• Remedies under Trade law limited to contract parties – merchants, ISP and consumers. No civil remedy for IP owner against ISPs as secondary party.</li> <li>• Administrative remedies – theoretically exist, but a further regulation (still in draft) is required for the complaint procedure. So, at present this is not effective. The effect of administrative complaint is unknown.</li> </ul>   |
| 8   | Malaysia    | Yes   | ✓                      | ✗  | ✓                         | ✓   | ✓               | <p>Lodge a complaint with Personal Data Protection Commissioner if believe personal data has been processed in violation of the PDPA.</p>   |
| 9   | Vietnam     | Yes   | ✓                      | ✓  | ✓                         | ✓   | ✗               | <p>Decree No. 85/2021/NĐ-CP on E-commerce</p> <p>ISPs have liabilities to cooperate with the IP owners in scanning and removing the IP infringing content from their platforms.</p> <p>ISP may be subject to joint liabilities if there is damage caused by their violation in handling illegal activities in their platforms.</p>  |