

**IPR Reference Collection: 2004 Seminar Series**

*Trademark Enforcement in the Courts*

The Honorable Justice Michael Moore

09 October 2004

Last Saturday, October 9<sup>th</sup>, the U.S.-Vietnam Trade Council organized the third installment of our 2004 IPR Seminar Series, hosted by the Ho Chi Minh City Bar Association. Our guest speaker for the seminar on “Trademark Protection in the Courts” was The Honorable Justice Michael Moore, Judge of the Federal Court of Australia.

Justice Moore prepared an overview of the Australian federal court system, IPR legislation in Australia, trademark enforcement in the courts and provisional measures. He provided examples of recent trademark disputes and described the process and arguments used to make final judgments. Justice Moore discussed accountability of both judges and lawyers in the Australian federal court system and detailed the efforts judges go through to explain their decisions and make them available to the general public.

Seminar participants included more than 120 local judges, lawyers, law faculty and government officials involved in the protection and/or enforcement of intellectual property rights. The Chief Justices of both the HCMC economic court and the HCMC administrative court attended along with the head of the IPR division at the HCMC Department of Science and Technology. A selection of books on trademark enforcement, loaned from the IPR Reference Collection, was displayed at the HCMC Bar Association.

Mr. Nguyen Dang Trung, Chairman of the Bar Association said, “As Vietnam works to [fulfill] its commitments under the BTA and meet requirements for WTO accession, IPR enforcement continues to be a key area in which Vietnam will need to improve. Once we can ensure IPR enforcement [in Vietnam], the path to WTO accession will be faster. He added, “Justice Moore has considerable experience in IPR enforcement. His vivid case study examples helped seminar participants easily understand important enforcement issues. The seminar was very useful [for] not only lawyers and judges but also law professors, businessmen and Government officials... The seminar was a great success.”

Background Information

Over the past year, the Trade Council has been working with the HCMC University of Law and the HCMC Bar Association to bring international trade law experts to speak on important issues as Vietnam works to implement the BTA and join the WTO. We are also working with the General Sciences Library of HCMC to provide access to current

materials and information on the protection and enforcement of intellectual property rights, a key chapter in the BTA and very central to Vietnam's accession to the WTO. This seminar presents a fitting union of our on-going programs at the General Sciences Library and the HCMC Bar Association.

The Honorable Michael Moore

Justice Moore commenced practicing as a lawyer in 1976 in private practice and was a judicial member of a national labour tribunal between 1989 and 1993.

Justice Moore was appointed to the Federal Court in 1994. Since its creation in 1976, the Federal Court has been the court in which virtually all intellectual property litigation has been conducted in Australia. Such litigation can involve disputes concerning patents, trademarks, copyright and designs. Justice Moore has been a member of a panel of Federal Court intellectual property judges since its formation in 1999.

Justice Moore has a particular interest in the development of judiciaries in South East Asia and promoting exchanges between judges in the region and judges of the Federal Court of Australia. In July 2003, along with three other Australian judges, Justice Moore conducted 2 two-day intellectual property law workshops for judges of the Supreme People's Court (SPC) of Vietnam in both Hanoi and Ho Chi Minh City. On his most recent visit to Hanoi, Justice Moore provided technical assistance in the development of a comprehensive bench book for use by all judges of the SPC.