Linklaters



IP BITES

Asia and Middle East Intellectual Property Update

Issue 2, 2026

We are delighted to present the second issue of our IP newsletter for 2026.

Greetings from sunny Thailand! I am writing this from Phuket where I have just spoken at the ASEAN IPA Annual General Meeting and Conference. The first quarter of 2026 has brought several significant IP developments across the region, including Saudi Arabia's new Copyright Law, proposed amendments to the PRC Trademark Law, and Vietnam's overhaul of copyright enforcement. Together, these changes underscore a continued regional push to modernise IP frameworks and strengthen rights-holder protection. This issue also features a spotlight on agentic AI and the corresponding IP risks, which was the focus on my presentation at the ASEAN IPA Conference.



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INDIA
January 2026

Consultation on design rights regime

The Indian Government has published a concept note proposing wide-ranging amendments to the Designs Act 2000 for public consultation. Key proposals include expanding protectable subject matter to cover virtual and digital designs, streamlining filing and enforcement procedures, and clarifying the relationship between design protection and copyright. The reforms aim to modernise India's design framework in line with technological developments and evolving international practice.

UAE
January 2026

New law on the protection of plant varieties

The UAE has enacted Federal Law No. 8 of 2025 on the Protection of New Plant Varieties, replacing the 2009 law and aligning the UAE with the Union for the Protection of New Varieties of Plants' (UPOV's) standards. Protection covers all plant genera and species meeting the criteria of novelty, distinctness, uniformity, and stability, with terms of 20 years generally and 25 years for trees and vines.

JAPAN
January 2026

Publishing of procedural frameworks for SEP disputes

In January 2026, the Tokyo District Court's Intellectual Property Divisions published two new frameworks for SEP disputes: litigation guidelines and a dedicated judicial mediation procedure (SEPJM). Both aim to facilitate agreement on FRAND royalties covering global SEP portfolios. The litigation guidelines promote early settlement and discourage extreme negotiating tactics while the SEPJM aims to resolve disputes swiftly within three sessions using court-appointed technical experts.

MAINLAND CHINA
February 2026

New regulations on trade secret protection

The State Administration for Market Regulation issued new regulations on trade secret protection, which will be effective from 1 June 2026. The regulations refine the definition of trade secrets to cover algorithms, interim research results and failed experimental data. The regulations also clarify what constitutes reasonable confidentiality measures and electronic intrusion, and provide detailed enforcement and penalty guidelines.

MAINLAND CHINA
February 2026

Draft amendments to Trademark Law released for public comment

The National People's Congress released draft amendments to the Trademark Law for a public consultation. The new draft proposes various reforms to the Trademark Law, including shortening the opposition period from three to two months, refining bad-faith filing rules and penalties, and adjusting the protection period for cancelled trademarks.

SAUDI ARABIA
February 2026

Enactment of new Copyright Law

On 13 February 2026, Saudi Arabia enacted a new Copyright Law which replaces the 2003 law and will come into force on 1 August 2026. Key changes include an expanded geographical scope on which authors benefit from copyright protection, clarified work-for-hire provisions (where works created during employment shall vest automatically in the employer), and a new exception permitting reproduction of works for AI development purposes.

VIETNAM
February 2026

Overhaul of copyright enforcement

Vietnam's Decree No. 341/2025/ND-CP, effective 15 February 2026, overhauls Vietnam's enforcement framework for copyright. Notably, sanctions now apply to infringing acts committed on the internet where content is accessed, consumed or exploited by users in Vietnam (whether or not such users are Vietnamese entities). Available enforcement measures have been expanded significantly, such as temporary removal of infringing digital content and disgorgement of profits remedies.

INDONESIA
February 2026

New regulation on trademark registration

The Ministry of Law has issued Regulation No. 5 of 2026 on trademark registration. The regulation introduces procedural streamlining measures aimed at improving the efficiency of the trademark registration process. Measures include the introduction of "force majeure" in relation to the registration process and shorter examination timelines of 30 days (where there is no opposition) and 90 days (where there is an opposition).

INDONESIA
March 2026

New regulation on patent applications

The Ministry of Law has enacted Regulation No. 6 of 2026 on patent applications, which sets out an updated framework on the patent filings process. Notable features include a requirement for non-English filings to be accompanied by English and Indonesian translations, a mechanism for expedited publication, and a new substantive re-examination procedure enabling applicants to seek reconsideration before proceeding to appeal.

Team news

Article in the European Chamber of Commerce in China's Journal

Alex Roberts and Yang Fan co-authored an article on *Navigating AI innovation and legal risks* in the January 2026 issue of the European Chamber of Commerce in China's journal, EuroBiz.

Sher Hann Chua featured by Asia IP in article on how AI transforms the gaming industry

Sher Hann Chua spoke with Asia IP Magazine in February 2026 on IP challenges arising from AI use in the Asia gaming sector. Read the feature here, and a separate feature on Valentines' Day trademarks here.

Presentation to LASALLE College of the Arts Students

On 26 March 2026, Sher Hann Chua and Ivan Annandale delivered a guest lecture to music students at the School of Contemporary Music at LASALLE College of the Arts, University of the Arts Singapore on IP issues in the music industry.

Panel Presentation at the ASEAN IPA Annual General Meeting and Conference

On 28 March 2026, Sher Hann Chua spoke on a panel session on Intellectual Property in the AI era, at the ASEAN IPA Annual General Meeting and Conference.

SPOTLIGHT ON AGENTIC AI

AGENTIC AI: THE NEXT EVOLUTION IN IP RISK

Agentic AI, illustrated by tools such as OpenClaw represents a significant step beyond conventional generative AI. Where generative AI responds to user prompts to perform discrete tasks, agentic AI acts autonomously towards user-set goals, and in doing so amplifies existing IP risks through greater levels of autonomy, real-time content retrieval/storage and reduced human oversight.

For example, on copyright, agentic AI commonly uses retrieval-augmented generation to retrieve and store third-party content in real time, acts that may constitute reproduction for which one would typically require a licence. Liability for "autonomous" infringement of copyright remains legally untested.

On trade secrets, agentic AI tools present an elevated risk of trade secret leaks, as their autonomous operations can facilitate broader and less controlled dissemination of sensitive information compared to conventional systems. This increases the likelihood of confidential data being exposed at multiple stages throughout the workflow.

In relation to patents, agentic AI can autonomously identify problems, generate solutions and refine inventions. While this may be valuable assistance, patent law generally provides that only natural persons can be inventors. If human input is minimal beyond a general instruction to an agentic AI system, any inventions resulting from such instruction may be unpatentable.

Key contacts



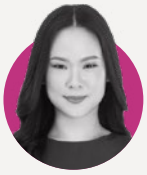
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