

# ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS (IPR)

## THAILAND

### 1. INTRODUCTION TO IPR ENFORCEMENT IN THAILAND

Thailand, as a member of WTO, has the obligation under TRIPs agreement to provide for effective and appropriate means for the enforcement of IPR.

The Royal Thai Government consistently and continuously takes systematic measures to stem IPR violation in all aspect: production, distribution and importation/exportation. The public agencies together with IPR owners enforce both IP and Non-IP Laws as follows.

#### IP Laws

1. Copyright Act B.E. 2537 (1994)
2. Patent Act B.E. 2522
3. Trademark Act B.E. 2534 (1991)
4. Protection of Layout-Designs of Integrated Circuits Act B.E. 2543 (2000)
5. Trade Secret Act B.E. 2545 (2002)
6. Protection of Geographical Indications Act B.E. 2546 (2003)
7. Optical Disc Production Act B.E. 2548 (2005)

#### Non-IP Laws

1. Customs Act B.E. 2469 (1926)
2. Exportation and Importation of Goods Act B.E. 2522 (1979)
3. Commercial Registration Act B.E. 2499
4. Revenue Code

### 2. CIVIL IPR ENFORCEMENT

#### 2.1. COMPETENT COURTS

##### 2.1.1. First instance

Central Intellectual Property and International Trade Court

##### 2.1.2. Appeal

Supreme Court

- 2.2. REMEDIES AVAILABLE (COMPENSATION, INJUNCTIONS - PRELIMINARY AND FINAL)  
Injunctions (preliminary and final) and damages
- 2.3. EXECUTION OF COURT ORDERS
- 2.3.1. Local Court Orders  
To be executed by the Legal Execution Department, Ministry of Justice
- 2.3.2. Overseas Court Orders  
N/A
3. CRIMINAL IPR ENFORCEMENT
- 3.1. POLICE AUTHORITIES (COMMERCIAL, MARKET, ECONOMIC POLICE ETC.)  
Royal Thai Police  
- Economic and Technological Crime Suppression Division, Central Investigation Bureau  
- Metropolitan Police Bureau  
- Provincial Police Bureau 1-9  
Department of Special Investigation
- 3.2. COMPETENT COURTS AND JURISDICTION (INCLUDING APPEAL)  
Central Intellectual Property and International Trade Court  
Supreme Court
- 3.3. PENALTIES  
Fine and/or imprisonment

#### 4. BORDER CONTROL

##### 4.1. REGISTRATION PROCEDURE

Available for trademarks

##### 4.2. REGISTRATION AUTHORITY

Office of Prevention and Suppression of IPR Violation, Department of Intellectual Property

##### 4.3. RELEVANT COURTS

Central Intellectual Property and International Trade Court  
Criminal Court

##### 4.4. REMEDIES (INJUNCTION)

Detainment, seizure, forfeiture and destruction of shipments  
Fine and/or imprisonment

#### 5. ADMINISTRATIVE IPR ENFORCEMENT

##### 5.1. ROLE OF PATENT OFFICE (IF ANY)

Patent examiners testify to the court if needed.

##### 5.2. RELEVANT COURTS

Central Intellectual Property and International Trade Court

#### 6. COMMENTS

Public agencies (including the Department of Intellectual Property, the Royal Thai Police, the Customs Department and the Department of Special Investigation) and representatives of IP owners have signed and implemented 7 Memorandums of Understanding with the aim to consolidate and facilitate the cooperation on IPR enforcement between all the relevant agencies. The Department of Intellectual Property has a plan to initiate a close cooperation with the Bangkok Metropolitan Authority and the landlords in keeping the premises free from pirate distribution.