

THAILAND'S PROGRESS IN PROTECTING AND ENFORCING INTELLECTUAL PROPERTY RIGHTS

The United States Trade Representative (USTR) is conducting the "Special 301" Report, which is an annual review of US trading partners of intellectual property rights (IPR) protection and enforcement to designate countries in the categories of Priority Foreign Country, Priority Watch List and Watch List.

The Thai Government has demonstrated a firm commitment, sustained efforts, and significant successes in IPR protection and enforcement, **Thailand should be warranted to be removed from the Special 301 Priority Watch List in this year Special 301 review.**

Since January of 2009, Thailand has taken aggressive step to improve intellectual property rights protection with significant success in many dimensions.

[1.] Unyielding Political Commitment

- There has been an unyielding political will to elevate intellectual property protection as a National Agenda. The National Committee on IP Policy was established and chaired by the Prime Minister. We also launched the National IP Strategy and the Proactive Plan on Prevention and Suppression of IPR Violations. Above and beyond that, the Thai Government has marshaled the Creative Economy Policy to promote Thailand as a hub of knowledge-based and creative industries and aim to have 1/5 of its GDP in creative sectors by 2012.

[2.] Major Legislative Reforms

- Major legislative reforms are now in progress. This includes Anti-Camcorder Law, Landlord Liability, enhanced border enforcement, and modernizing the Copyright Law to provide better protection in the digital environment, based on international standards under the World Intellectual Property Organization (WIPO) Treaties.

[3.] Strengthened Law Enforcement

- Seizures and raids in 2009 demonstrate remarkable achievement in IP violation suppression. Close to 8,000 arrests of IP violators were made and 5.1 million IP infringing goods seized. The enforcing agencies destroyed 66 million dollars worth of infringing goods. Record of criminal sanctions by Thailand's IP Court points to tough penalties to deter rights violation resulting in imprisonment in 119 cases in 2009 alone.

[4.] Proactive Actions to Combat Piracy

- As a result of proactive actions to combat piracy, there has been a decline in software piracy from 80 percent in 2006 to 76 percent in 2008 as reported by the Business Software Alliance. The government also enacted the TV and Radio Broadcasting Act and the National Telecommunications Committee's Temporary Regulations to resolve the problem of cable piracy.

[5.] Active Engagement with US Pharmaceutical Industry

- No new Compulsory Licensing (CL) has been announced since 2008 and the government has no plans to issue any new CL.
- The government actively recruited participation of US pharmaceutical industry such as PReMA, which is the sister organization of PhRMA, in Thailand to identify constructive ways and means to ensure continued supply and access to medicines. PReMA is now actively involved in both the Patent Law Amendment Working Group and subcommittees led by the Ministry of Public Health.

[6.] Awareness Raising

- In order to instill a sense of IP protection in children at a very young age, an IP curriculum is being created for all levels of education. This includes trial programs in 40 schools before nationwide expansion and other coordination efforts with the Ministry of Education and Kenan Institute of Asia to create learning materials.

[7.] Great Support from US Copyright Industry

- In addition, International Intellectual Property Alliance (IIPA) has recognized our efforts by recommending to USTR that Thailand be lowered from Priority Watch List to **Watch List in this year Special 301 review.**

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