

JIM WEBB  
VIRGINIA

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COMMITTEE ON  
ARMED SERVICES  
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VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

United States Senate  
WASHINGTON, DC 20510-4605

April 12, 2010

The Honorable Ron Kirk  
United States Trade Representative  
600 17th Street, NW  
Washington, D.C. 20508

Dear Ambassador Kirk:

As the Office of the United States Trade Representative (USTR) prepares its Special 301 Report on trade partners' intellectual property rights protections and enforcement, I would like to encourage you to reevaluate Thailand's status in the report. Thailand, one of our key allies in Asia, has been on USTR's Priority Watch List since 2007. In developing this year's Special 301 report, USTR should consider the steps Thailand has taken to improve and strengthen its intellectual property regime.

In response to concerns raised by U.S. industries and USTR regarding access to medicines, the government of Thailand has facilitated in-depth consultations on these issues with the private sector. Thailand has also indicated its understanding that an effective patent protection system is required to ensure continued medical and pharmaceutical research, development, and innovation of new life-saving medicines. As such, Thailand is taking steps to strengthen its patent protection system.

Thailand has also made strides in addressing concerns over its intellectual property regime and strengthening its intellectual property monitoring and enforcement. Recent actions include the formation of a National Committee on Intellectual Property Policy and, in an effort to formulate policies and coordinate agency actions, the drafting of a plan on the prevention of intellectual property rights violations. The government also is implementing legislation that addresses, among other things, effective monitoring and control over the production of infringing optical disks; ensuring better protection of the rights of copyright owners in digital and network-based environments; and enabling customs officials to more easily inspect transshipped goods and goods in transit.

Furthermore, it is important to consider Thailand's trade policies and practices relative to other countries in the region. For example, according to USTR's most recent Special 301 report, China's intellectual property enforcement regime is "largely ineffective," its trademark counterfeiting is a "major source of frustration for international brand owners," and piracy and counterfeiting levels are "unacceptably high." USTR has also cited China's need to

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“significantly increase criminal prosecutions and other enforcement actions against Internet-based piracy and counterfeiting operations.”

The severity of widespread intellectual property rights violations in China and the Chinese government’s lack of enforcement contrasts sharply with the efforts Thailand has made to address the problems of piracy and counterfeiting. Meanwhile, Vietnam, which also has widespread trademark infringement problems, is not listed on the Priority Watch List. Our trade policies across the region toward these respective countries should be consistent, predictable, and firm.

Promoting closer economic ties between the United States and Thailand is an important component of our nation’s engagement in the Asia Pacific region. Thank you for your consideration of Thailand’s efforts to improve its intellectual property rights protection and enforcement in this year’s intellectual property rights review. I look forward to continuing engagement with you on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Webb", is written over a circular embossed seal.

Jim Webb  
United States Senator