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18 May 2010

Ambassador Ron Kirk,

I am writing to you regarding the Office of the United States Trade Representative's (USTR) placement of Thailand on the Priority Watch List ("the PWL") in the 2010 Special 301 Report of intellectual property situation and the announcement that USTR will conduct an Out-of-Cycle Review of Thailand in 2010.

Thailand is disappointed that USTR continues to place Thailand on the PWL despite the significant progress that the Thai Government has made over the past years in improving and strengthening her intellectual property rights (IPR) protection and enforcement.

Indeed, several Members of the U.S. Congress including Senator Jim Webb (D-VA), Senator Christopher Bond (R-MO), Representative Jim Moran (D-VA), and Representative Henry Waxman (D-CA) have recognized Thailand's efforts to strengthen her IPR enforcement. In letters to USTR, these legislators have urged you to reconsider Thailand's placement on the PWL in light of the improvements that Thailand has made to her IPR regime. For your reference, please find attached to this correspondence the letters of support from Members of Congress. In addition, several U.S. organizations including the U.S. Copyright Industry, the International Intellectual Property Alliance (IIPA), and the Business Software Alliance (BSA), among others have also acknowledged Thailand's progress, and called on USTR to move Thailand from the PWL to the WL (Watch List). Thailand is dismayed that the Special 301 Report does not include this recognition.

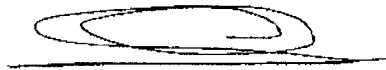
During the past year, the Royal Thai Government and concerned government agencies had attached great priority to improve the country's profile in the term of intellectual property. Major policy initiatives had been put in place including the amendment of the intellectual property laws to set forth the landlord liability, the drafting of the anti-camcording law, and the significant achievements of actions under the Proactive Plan on Prevention and Suppression of Intellectual Property Right Violations.

In this regards, I believe that removal of Thailand from the PWL will demonstrate to Thailand and other countries that the United States recognizes improvements in the arena of IPR, and that the United States is committed to working with its trading partners to collectively improve the global intellectual property environment.

I urge USTR to conduct its 2010 Out-of-Cycle Review of Thailand in a timely manner. I look forward to cooperating and working with USTR in the Out-of-Cycle Review to demonstrate that Thailand has made improvements to her intellectual property regime, and it is my hope that at the conclusion of the review, USTR will decide to remove Thailand from the Special 301 PWL.

I look forward to your views on this matter.

Your sincerely,

A handwritten signature in black ink, consisting of a series of loops and a horizontal stroke at the end.

Alongkorn Ponlaboot
Deputy Minister of Commerce

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