

Editorial

Violations of intellectual property laws in Thailand has been one of the critical issues recently after the United States Trade Representative (USTR) issued this year's Special 301 Report in last April. Even the Department of IP (DIP), the Economic Crime Suppression Division and related agencies has made progress in suppression of IP violation with aim to upgrade the Country's status, Thailand remains on the Watch List (WL) in April 2024 (*"US lauds Thai IP upgrades, though piracy concerns remain"* Bangkok Post, May 5, 2024).

Thailand was on the Priority Watch List (PWL) tier in the year's Special 301 Report by the U.S. Trade Representative (USTR) since 2007, before it was moved to the Watch List (WL) category in 2017. This year, the USTR 2024 report indicates a positive direction for Thailand's IP Protection, enforcement and improving of its intellectual property system.

Apart from pirated goods and violations, the US government also raised concern about geographical indications (GIs) protection. Currently, Thailand protects geographical indications (GIs) through a sui generis law which requires registration at the DIP for protection. However, the Ministry of Commerce proposed amendments to the GI Act in 2024 represent a significant step forward in refining and strengthening the legal framework. The draft amendment aims to specify the grounds for objections and reduce the timeframe for presenting counterarguments to an objection from 90 days to 60 days. Additionally, the amendment modifies the penalty framework for GI-related offenses from criminal sanctions to regulatory fines and clarifying unauthorized use of GIs. These amendments not only strengthen the protection of GIs but also to upgrade country's status in the future.

Furthermore, DIP director general Mr. Wutthikrai Leeweeraphan stated that IP protection, suppression and encouragement will remain priorities. His office will commit to addressing the concerns and working on *"IP Work Plan"* together with the US so that Thailand can enhance its IP protection and impose effective enforcement measures. Not only to raise the country's status, but these operations will foster the environment for creation and innovation to the country as the most important result.

Apapan S. Milde

Patent Attorney

1. More unique Thai crops to be added to GI list in 2024

(From Bangkok Post, Thailand, February 12, 2024)

Bangkok – The Commerce Ministry wants to increase the geographical indication (GI) product list by another 20 items from 198, aiming to boost sales from GI products to 60 billion baht in 2024. The ministry will promote agricultural products for use both as raw materials and as items that can be transformed into finished goods. Vuttikrai Leewiraphan, director of the Intellectual Property Department, said the department plans to establish quality control systems, support continuous marketing channels, and create added value for the products. They will also provide knowledge to producers, entrepreneurs and relevant local entities, with a focus on direct collaboration with those involved in GI product production.

2. GI registration proposed for Nan coffee

(From Bangkok Post, Thailand, February 17, 2024)

Nan, Thailand – The Commerce Ministry visited to premium coffee growing areas in the northern province to push for geographical indication (GI) registration for Nan coffee. Inspections of coffee planting areas were made in Mae Charin district and Doi Suan Ya Luang in Tha Wang Pha district. The Department of Intellectual Property is also working with the Biodiversity-Based Economy Development Office to write an application for GI registration. Coffee is a popular cash crop in the northern province. Many Nan coffee varieties are now in high demand including Doi Suan Ya Luang, Mae Charim, Manipruek and Sakiang coffee.

3. Foreign investment posts robust gain last month

(From Bangkok Post, Thailand, February 17, 2024)

Bangkok – Foreign investment rose in January with applications approved by the Foreign Business Committee under the Foreign Business Act totaling 7.17 billion baht, up 39.8% year-on-year. Japan took the lead at 3.79 billion baht, with 15 projects mainly in service-related businesses, such as providing equipment, e-commerce platforms, and contracted manufacturers. Foreign investment in the government's flagship Eastern Economic Corridor (EEC) has 17 investors, accounting for 31% of total foreign investment, up 113% year-on-year from eight investors. Total investment value in the EEC was 2.30 billion baht.

4. 30,000 'fake' elephant pants seized in raid on Bangkok warehouse

(From www.nationthailand.com, March 17, 2024)

Bangkok – Officers from the Economic Crime Suppression Division confiscated some 30,000 elephant pants that are believed to have been smuggled in. Officers received a tip-off about contraband goods being stored in a warehouse which led to a raid in Bangkok's Bang Khun

Thien district. Initial evaluation shows the value of the pants to be about 6 million baht. Elephant trousers are popular souvenir from Thailand and a part of the government's Thai "soft power" campaign, but cheap imported versions have started flooding markets across the country. The Customs Department was called to clamp down on the import of cheap pants from China as they may be violating the copyrights of local manufacturers.

5. Depa, Digital China Group sign MOU for regional digitization & AI

(From www.nationthailand.com, March 21, 2024)

Bangkok – Digital China Group, a leading Chinese digital transformation service provider, signed a Memorandum of Understanding (MOU) with the Digital Economy Promotion Agency (DEPA) on March 20. The agreement involves cooperation in digital economy development, cloud computing, digital infrastructure construction, big data centres, and digital talent development. Both parties commit to advancing cutting-edge digital technologies like artificial intelligence in Thailand. The collaboration aims to enhance social well-being across public and private sectors amidst rapid technological advancement.

6. Applications for factory licences surge

(From www.nationthailand.com, April 1, 2024)

Thailand – Department of Industrial Works has introduced an online system for factory licensing, aiming to create confidence, transparency, and efficiency to facilitate investors. The statistics for 2022-2023 showed a significant increase in the issuance of licenses for establishing and expanding large-scale factories, reaching 800 factories per year. In 2023, licenses were granted for 2,598 industrial factories (outside industrial estates), with a total investment value of 356.14 billion baht, a 23% increase over 2022. The Board of Investment (BOI) has also received investment promotion applications worth a total of 850 billion baht in 2023. Foreign direct investment (FDI) saw significant growth and increasing by 72% compared to the previous year.

7. Ducati to use Thailand as an export hub

(From [Bangkok Post, Thailand](#), April 17, 2024)

Bangkok – Italian big bike manufacturer Ducati Motor Holding aims to make Thailand one of its export hubs after opening a factory in Rayong, its first production facility in Asia. The 400-million-baht plant will make 10,000 motorcycles a year in the first phase. The company plans to export the products to Asia-Pacific. Last year the company delivered 58,000 motorcycles to its customers around the world. The Federation of Thai Industries (FTI) expects total sales of big bikes at 15,000 units in Thailand this year. In 2023, production of all types of motorcycles in

Thailand rose by 5.2% year-on-year to 2.12 million units, with 1.7 million of them manufactured for export.

8. Industry Ministry to fight low-quality kitchenware by setting new TIS standard

(From www.nationthailand.com, April 17, 2024)

Bangkok – The Thai Industrial Standards Institute (TISI) will announce safe industrial standards for seven items of stainless steel kitchenware to protect consumers from low-quality foreign products, especially through online channels. The TIS committee resolved to have stainless steel kitchenware regulated under TIS standards for seven kitchenware items such as pots, pans, spatulas, spoons, forks, food trays, and lunch boxes. The agency will speed up the announcement and will require that all products in these groups carry the TIS mark. Importers will have to seek permission from TISI before importing such products and imported product will require a TIS mark, otherwise importers or manufacturers will be liable to jail term or fine.

9. BoI reveals new project proposals rise 31% in Q1

(From Bangkok Post, Thailand, May 3, 2024)

Bangkok – The Board of Investment (BoI) reported a 31% year-on-year surge in the value of new investment project proposals in the first quarter, tallying 228 billion baht, with electronics and electrical appliances comprising the highest value. The board received 724 new project proposals for investment incentives, a gain of 94% year-on-year. Geopolitical conflicts are partly causing investors to seek new destinations. From January to March, foreign direct investment rose 130% year-on-year, totaling 460 projects with value of 169 billion baht, up 16%. Singapore led with investment applications tallying 42.5 billion baht, followed by China with 34.7 billion baht, Hong Kong 26.6 billion, Taiwan 20.0 billion and Australia 17.2 billion.

10. US lauds Thai IP upgrades, though piracy concerns remain

(From Bangkok Post, Thailand, May 5, 2024)

Bangkok – Thailand remains on the watch-list (WL) tier in Special 301 Report by the United States Trade Representative (USTR). The report identifies trade barriers to American companies and products based on each country's intellectual property laws, such as copyright, patents, and trademark. It praised Thailand for progress in improving intellectual property (IP) protection and enforcement via the draft Copyright Act amendments that helped enable accession to the WIPO Performances and Phonograms Treaty (WPPT). Thailand also introduced an amendment to the Patent Act to streamline procedures for joining the Hague Agreement Concerning International Registration of Industrial Designs. The department said it has encouraged an IP Work Plan and will discuss with the USTR with aim to upgrade the status quicker.