



The Thailand Experience on the MoU on the protection of Intellectual Property Rights on Internet

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Thailand IP Policy



- ① IP Creation
- ② IP Protection
- ③ IP Commercialization
- ④ IP Enforcement
- ⑤ Geographical Indications
- ⑥ Genetic Resource

Thailand IP Committee

○ National Committee on IP Policy

○ Sub-Committee on IPRs
Enforcement

○ Working Groups on IPRs
Enforcement



the Policy Level



Efforts in combating IPR infringement

The Cabinet issued a resolution instructing the relevant enforcement agencies to continue their best efforts in combating IPR infringement, particularly in the online environment, including IPR infringement through media boxes and the application of downloading and streaming pirated content.

This resolution further instructs all government agencies to strictly implement the guidelines on the government acquisition of legitimate software adopted in the cabinet resolution in June 2021

Thailand IPR Infringement Situation

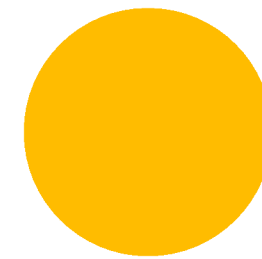


Physical

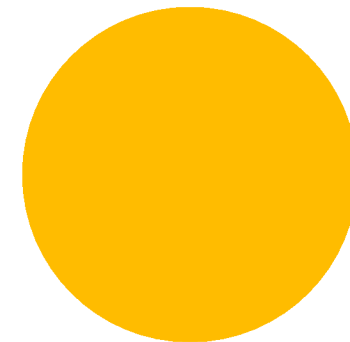


Online

IPR Enforcement Mechanicism



Legal Measures



**Voluntary
Mechanism**

Legal Measures



**Criminal
Enforcement**



**Notice &
Takedown**



Site Blocking



Criminal Enforcement



Physical Market

Enforcement agencies collaborate with IP owners or their representatives to survey various locations, markets, and shopping districts. They take action against violators by combating those involved in selling counterfeit goods across the nation.

Online

Enforcement agencies conduct investigations by tracing the activities of online platforms that sell products. They follow a series of steps to apprehend infringers and seize counterfeit and copyright-infringing goods found in storage or production locations, thereby facilitating criminal enforcement.





Site Blocking

Computer Crime Act

- IPR Owners can use the mechanism available under the Computer Crime Act to request the blocking of infringing websites or the deletion of infringing content to the DIP.
- The DIP examine the pieces of evidence and then reports to the Ministry of Digital Economy and Society (MDES)
- The MDES considered the elements of the offence under Section 20 of the Computer Crime Act and file to the IP Court
- The courts have issued orders to block or disable access to IPR-infringing content



Voluntary Mechanism



**MOU on the Protection of IPRs
on the Internet**



**MOU on Online Advertising and
Intellectual Property Rights**



MOU on the Protection of IPRs on the Internet

▶ **Voluntary notice & takedown mechanism between IP right holders and online platform**

▶ **26 Initial partners signed on 11 January 2021**

3 + **3** + **20**

Objective

- ▶ **Strengthen the cooperation among the government authorities, IPR owners, and internet platform**
- ▶ **Protect the rights of IPR owners and prevent any impact on consumers**
- ▶ **Maintain the credibility of the online commercial system**

Definition



IPR owner

**TM Owner
(registered
with DIP)**

**Copyright
Owner
(under the law)**



Representative



Internet platform operator



E-commerce



Social media



Search engine

Signatories & Scope of Cooperation



Government Agencies

- Department of Intellectual Property
- Department of Business Development
- Department of International Trade Promotion

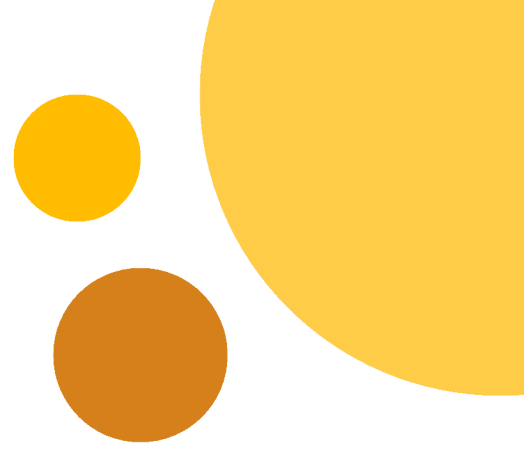


IPR owners



Internet platform operators

Signatories & Scope of Cooperation

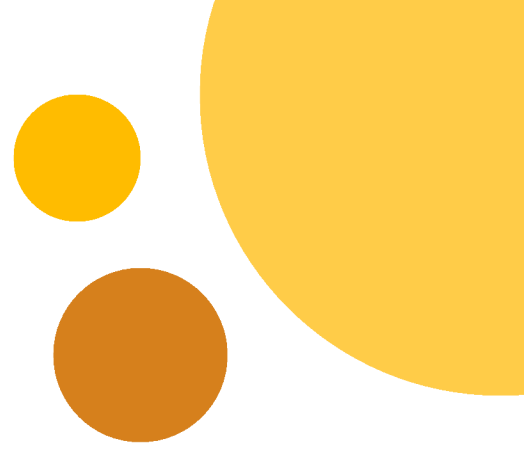


Enforcement Roles

The DIP

- **initial survey on the Internet platform, notify the IP owner**
- **facilitate coordination between the IP Owner and Internet platform operator**
- **monitoring the outcome and process of the MoU**

Signatories & Scope of Cooperation

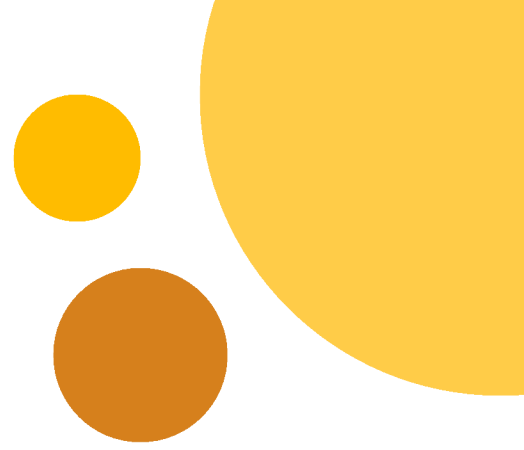


Enforcement Roles

IPR Owners

- survey of online platforms, examine relevant facts as notified by the DIP
- gather relevant information and evidence and report to the internet platform operators to discontinue sales of infringing goods.
- shared the list of IP for which they have responsibility and the list of names of persons currently authorized as their IP agents,

Signatories & Scope of Cooperation

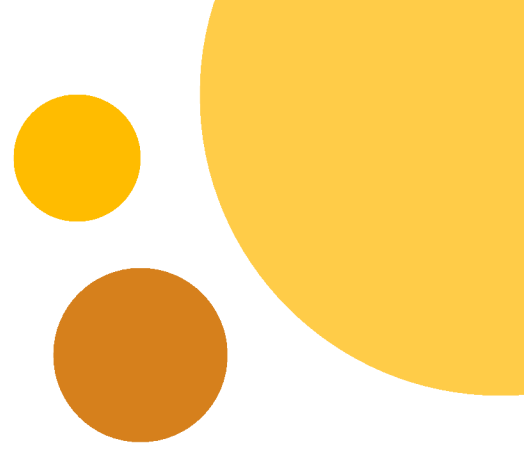


Enforcement Roles

Internet Platform Operator

- **Set up a channel for receiving reports on sales of IPR-infringing goods**
- **Examine reports to discontinue the sales of IPR-infringing goods on the online platform**
- **Stipulate in the terms of use of their platform that users must not conduct any IPR-infringing activities**
- **Share information related to the implementation of the MOU with the Department of Intellectual Property**

Signatories & Scope of Cooperation

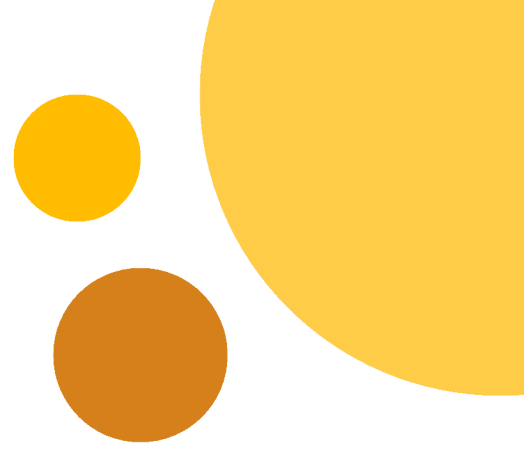


Promote & Support Roles

Department of Business Development

- **Strengthen e-commerce business knowledge to increase online sales distribution channels and foster awareness of IP infringement on the internet**
- **Provide information concerning juristic person or commercial entity registrations to support the investigations of intellectual property infringement**

Signatories & Scope of Cooperation

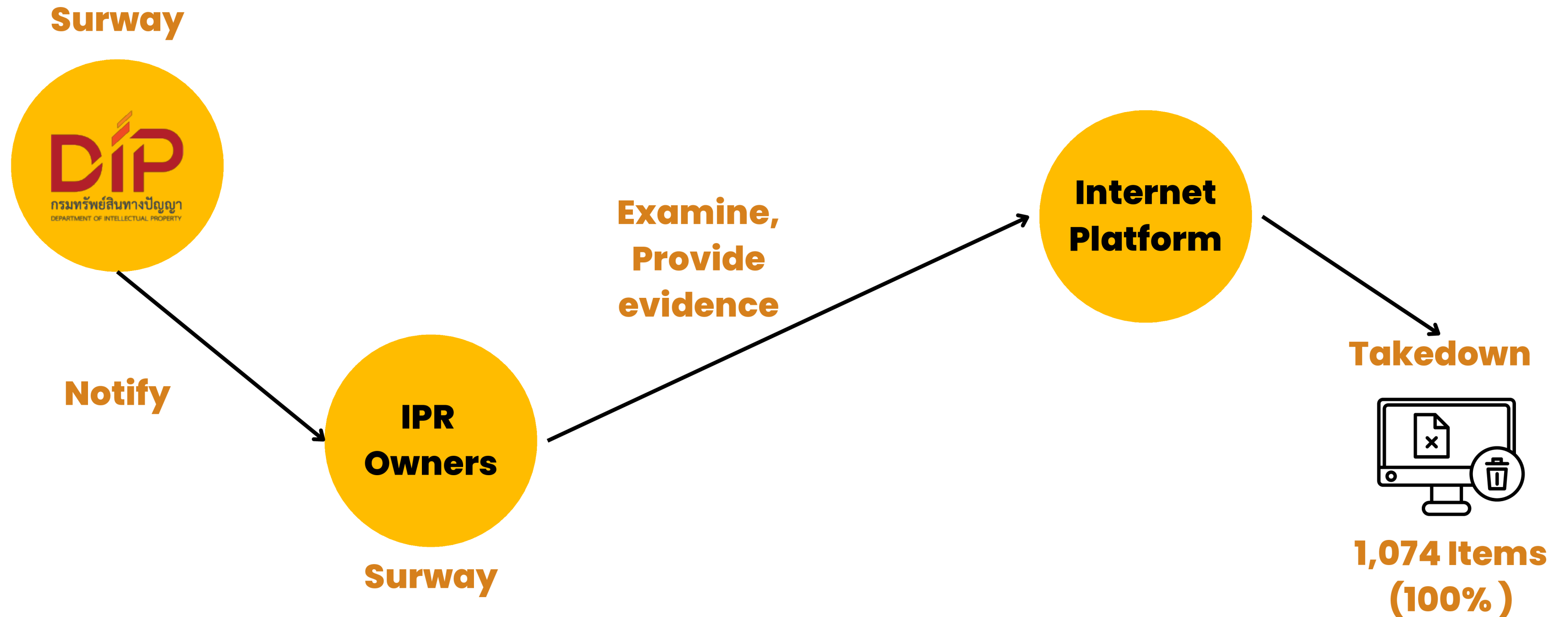


Promote & Support Roles

Department of International Trade Promotion

- **Facilitate and provide advice to Thai IPR owners and internet platform operators to raise the potential of Thai e-commerce businesses to compete in the global market**
- **Strengthen the knowledge and disseminate information regarding Thai products and services that received protection under Thai IP laws to promote international businesses through the online channels**

Process of the MoU to takedown infringing items

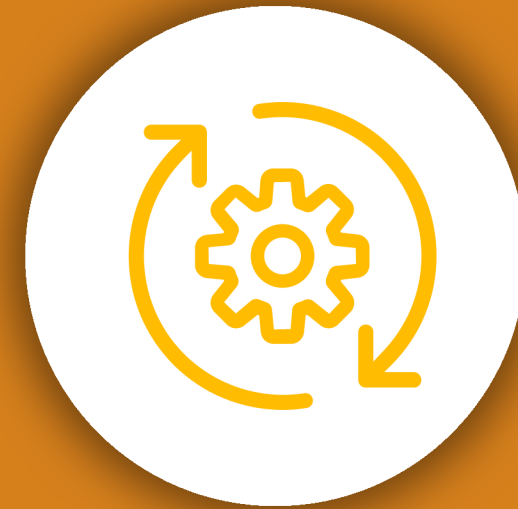


Additional Signatories



Open for additional stakeholders to join the MoU by inform the Department of Intellectual Property in writing

Reviewing the MoU



Review the implementation of this MOU every 3 months or as agreed by the signatories.



Thank You

For Your Attention