

The Thailand Experience on the MoU on Online Advertising and IPR



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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



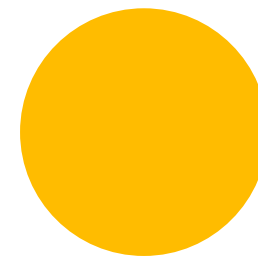
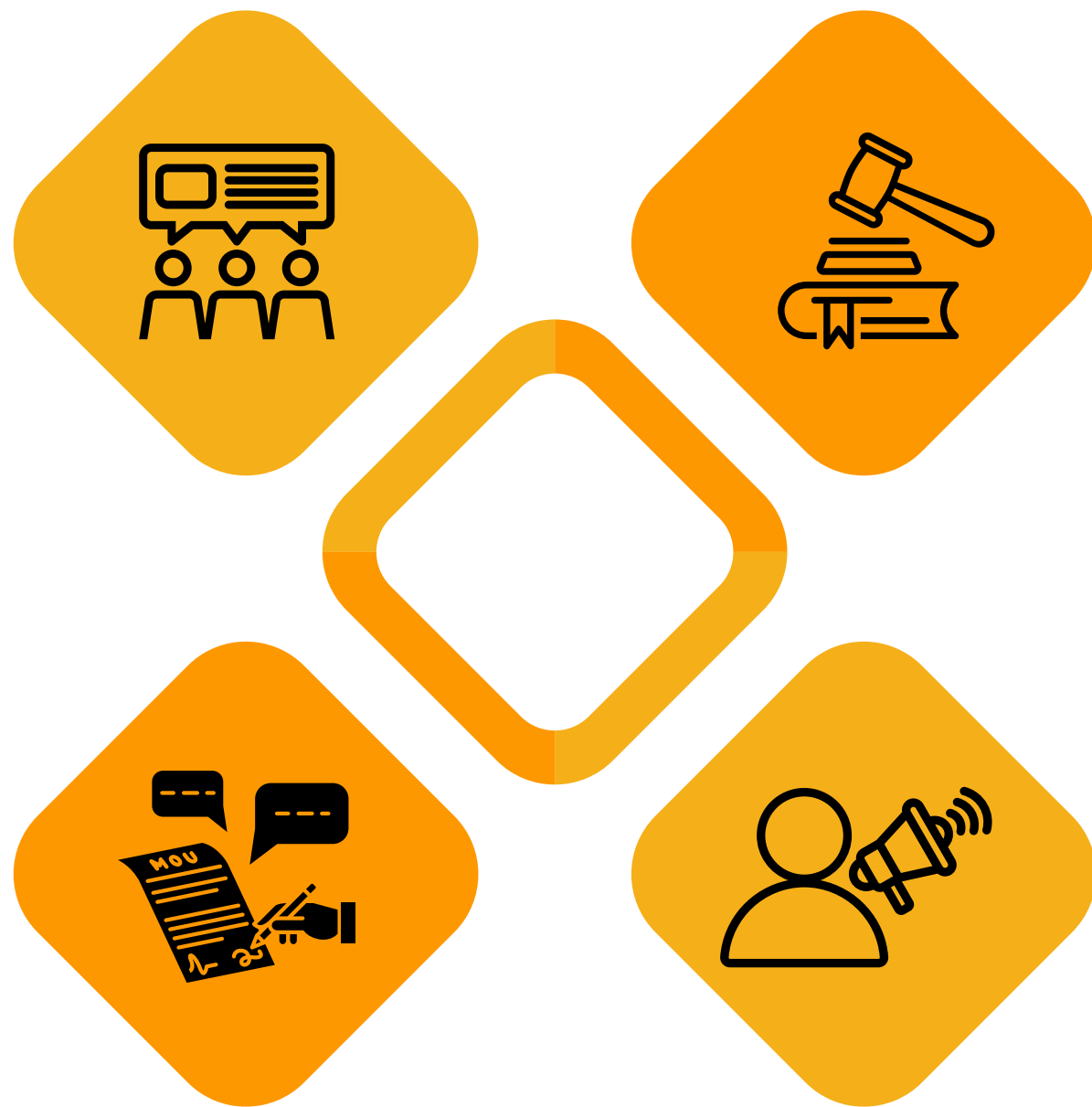
Physical



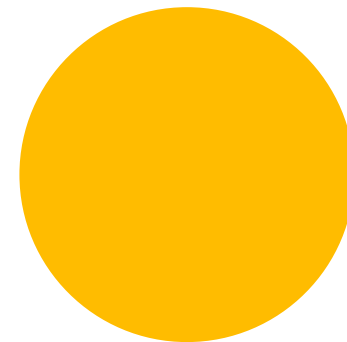
Online



IPR Enforcement Mechanicisim



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 arresting 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.

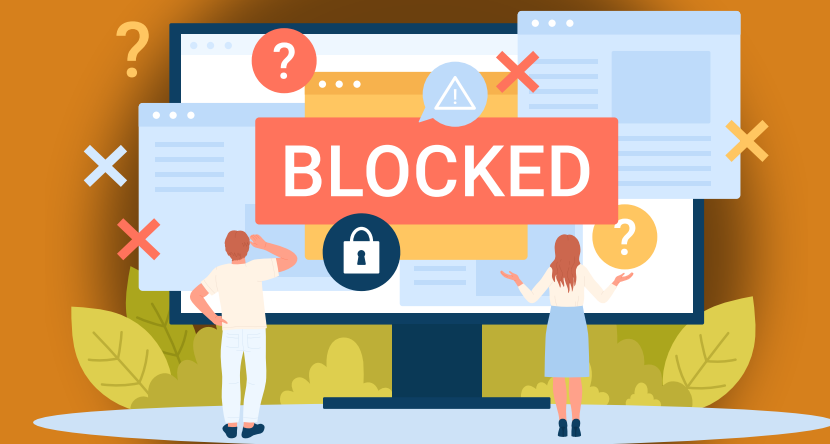




Site Blocking

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**



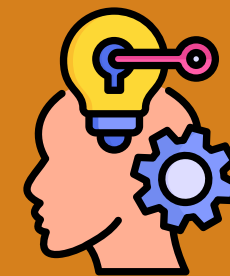
MOU on the Protection of IPRs on the Internet



MOU on the Protection of IPRs on the Internet

Signatories

- ▶ 26 Initial partners signed on 28 January 2022
 - ▶ Department of Intellectual Property
 - ▶ 3 Advertising Associations (199 members)
 - ▶ 20 IPR Owners



Objective

- ▶ **Strengthen the cooperation mechanism among the DIP, IPR owners, advertisers and associations in the suppression and prevention of online IPR infringement**
- ▶ **Discourage the advertising of IPR infringing goods or services or the producing or disseminating of IPR infringing advertising content.**

Definition



Advertiser



online advertising producer



online advertising service provider



online advertising intermediary



IPR owner



TM Owner (registered with DIP)



Copyright Owner



Representative



Association

- **an association whose members are advertisers**



Website or application infringing IPR

- **website or application whose majority of activities violate intellectual property law on a commercial scale**

Signatories & Scope of Cooperation



**Department of
Intellectual Property**



Advertiser

Association



IPR owners



Signatories & Scope of Cooperation



Department of Intellectual Property

- Receive information from IPR owners about ads on infringing websites/apps.
- Coordinates with advertisers and associations to remove such ads.
- Facilitates collaboration among IPR owners, advertisers, and associations for effective MOU implementation.
- Monitor the implementation of this MOU

Signatories & Scope of Cooperation

Advertisers

Online advertising producers

- Undertake any steps not to produce advertising content infringing IPR of others.
- Establish and publicly share an IPR policy against infringing content.
- Promote the signing of the MOU to make their business contacts aware of the existence of the MOU
- Share information related to the implementation of this MOU with the DIP

Online advertising service providers / Online advertising intermediaries

- Undertake any step
 - Not to provide advertising services for IPR-infringing goods or disseminate IPR-infringing content.
 - Not to place advertising on IPR Infringing websites or applications
 - To remove advertising from IPR Infringing websites or applications upon becoming aware or being notified
- Establish and publicly share an IPR policy against infringing content.
- Promote the signing of the MOU to make their business contacts aware of the existence of the MOU
- Share information related to the implementation of this MOU with the DIP

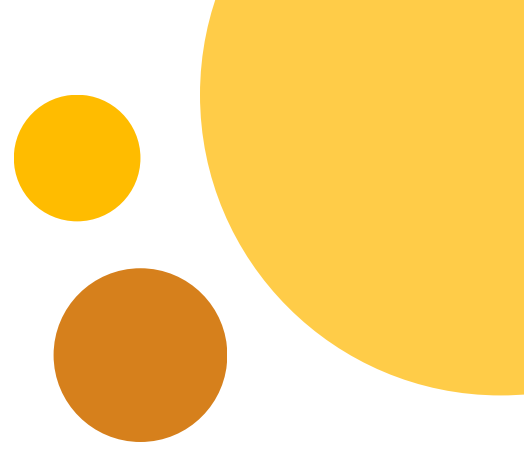
Signatories & Scope of Cooperation



Association

- Receive information from IPR owners about ads on infringing websites/apps.
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Signatories & Scope of Cooperation

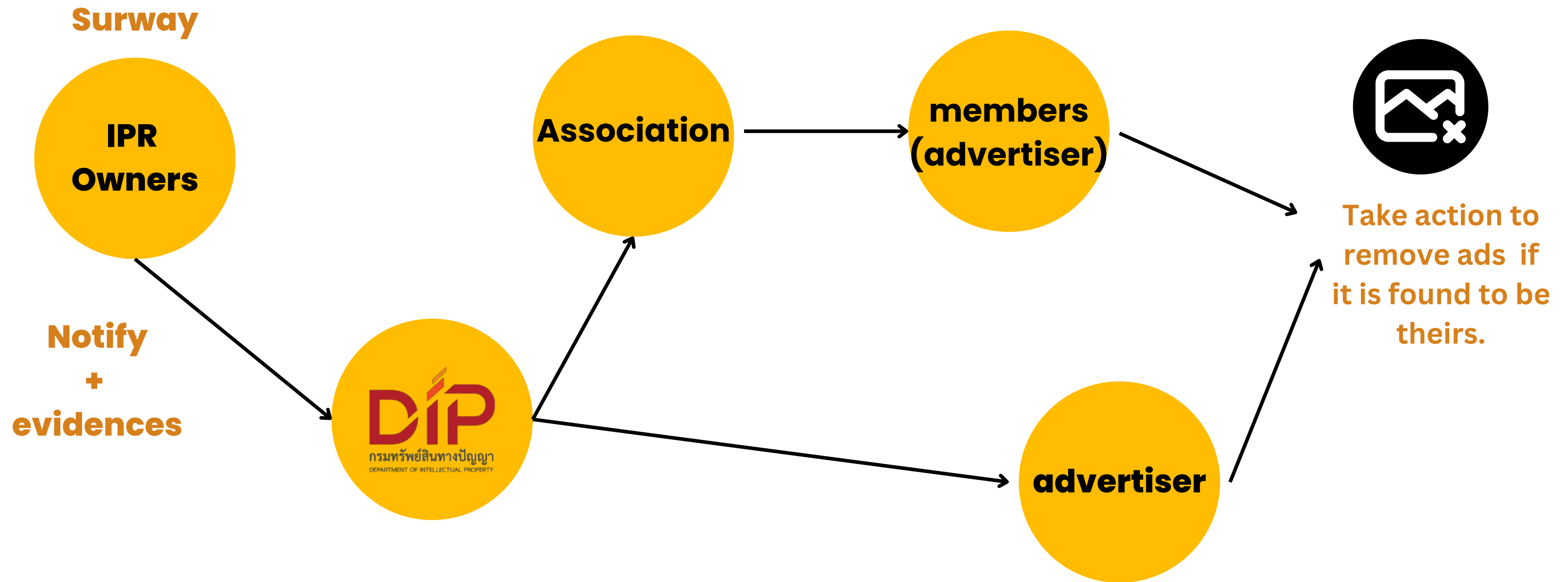


IPR owners

- Avoid producing or distributing ads that infringe on others' intellectual property.
- Refrain from posting ads on infringing websites or apps and remove them when notified.
- Collect evidence of infringements and notify the DIP for coordinated action.
- Provide a list of their intellectual property to the Department for advertising operators.

Process for MoU

When encountering advertisements that violate intellectual property rights.

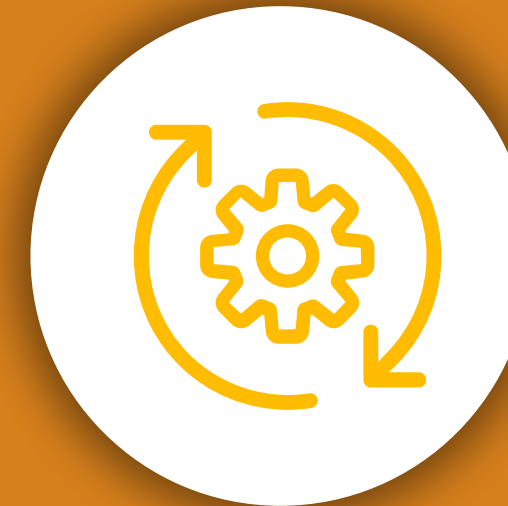


Additional Signatories



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 6 months or as agreed by the signatories.



Thank You

For Your Attention