

New Border Measure against Counterfeits and Pirated Goods

On 4th January 2022, the Cabinet of Thailand approved the draft Notification of the Ministry of Commerce on Counterfeits and Pirated Goods Prohibited from Export, Import and Transit to and from Thailand (“**Notification**”) to enhance the intellectual property protection commitment of Thailand under the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the Regional Comprehensive Economic Partnership Agreement (RCEP). The draft Notification is being reviewed by the Legislation and Sub-legislation Review Committee. It will become effective after it is signed by the Minister of Commerce and published in the Government Gazette for 90 days.

The Notification stipulates that goods that are infringing against a trademark registered in Thailand and pirated goods that infringe a copyright are prohibited from exportation from, importation into, and transition through Thailand. Owners of trademarks or copyrights can notify the Customs Department of their trademarks or copyrights for the Customs Department to monitor and seize counterfeits and pirated goods at border pursuant to the rules, procedures and conditions to be announced by the Customs Department. However, the Notification does not apply to counterfeits and pirated goods brought into or out of, or in transit through Thailand for personal use and without any commercial purpose. This Notification does not apply to trademarks registered outside Thailand and patents.



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AUTHOR



Kowit Somwaiya
Managing Partner & | Bangkok
kowit.somwaiya@lawplusltd.com

Pitsinee Srisantitham



Associate | Bangkok
pitsinee.srisantitham@lawplusltd.com

LawPlus Ltd.
Unit 1401, 14th Floor, Abdulrahim Place 990
Rama IV Road, Bangkok 10500, Thailand
Tel: +662 636 0662
Fax: +662 636 0663

LawPlus Myanmar Ltd.
Unit No. 520, 5th Floor, Hledan Centre
Corner of Pyay Road and Hledan Road, Kamayut Township,
Yangon, Myanmar
Tel: +95 (0)92 6111 7006
and +95 (0)92 6098 9752