

# Intellectual property awareness: The key to success in Thailand

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The competitive success of the Association of Southeast Asian Nations (ASEAN) when confronting the challenges of rising economic powerhouses, such as India and China, will depend significantly on how effectively the region's countries embrace systems for the effective protection of intellectual property rights (IPRs).

Historically, there has been a distinct lack of awareness and understanding of the IP system in many countries in Asia. This lack of awareness is often combined with skepticism for the benefits that IP rights, such as copyright, patents, trade secrets and trade marks, can confer. Many of those running small and medium enterprises believe that IPRs can only benefit and be exploited by large, wealthy foreign companies.

There has been some improvement in recent years through successful policy and educational initiatives sponsored by agencies, such as the Thai Department of Intellectual Property under the Ministry of Commerce, but there is still an imbalance between the number of domestic and foreign companies that register and exploit IPRs. Hence, one of the foremost policy goals among ASEAN governments should be to educate businesses and individuals about the value of intellectual property (IP) and how it should form a central policy component of any government that wants its nation to adopt and exploit technology and innovation.

The growing importance of IPRs to the competitiveness of many of the world's economies has long been recognized, but this is not a recent phenomenon. For example, in the last fifty years the growth in United States gross domestic products has seen a remarkable shift in dependence from physical property assets to IP assets, to the extent that today some consider IP as one of America's biggest export assets. IP assets also contribute enormously to economies in Europe, Japan, Australia and in many industrialized and western nations. IP as a form of prop-

erty has existed for centuries and its existence is considered one of the central means employed to promote and incentivize technological development and progress in a nation.

Many nations in Asia have recently experienced laudable economic performance and growth, but it is widely conceded and recognised that much of that growth is a direct result of higher rates of accumulation of 'physical tangible productive factors,' such as labour and capital resources. Some believe that this cannot be sustained in the long-term, particularly in the context of competition with China and India.

To use the IP system to create a competitive ASEAN, each nation must fulfill two obligations: (a) the need to adopt viable, effective and strong IP laws; and (b) the need to ensure that such laws derive meaning by efficient and effective enforcement. Many assume that governments and their officials, the public and businesses understand and respect the IP system,

including its purpose and its mechanics. For too long many in Asia have erroneously argued that IPRs protect only foreign interests, but this is a misapprehension that can retard economic growth if not corrected.

Until recent political turmoil sidelined many policy initiatives, Thailand had been a leader in helping to educate neighboring ASEAN countries in how to effectively battle IP violations. Thailand is one of the few countries in the world with a dedicated specialized IP court and Thai authorities have amassed considerable experience in enforcing IP rights. After the December 2007 elections, Thai authorities should be in a position to assist their counterparts in neighboring countries that also want to adopt viable IP systems.

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