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## THAILAND: STOPPING IP INFRINGEMENT ON THE INTERNET

Given the importance and ubiquity of computers and the Internet in daily life, it is crucial to have effective statutes for protecting intellectual property rights and combating infringement. Thailand's Computer Crime Act, enacted on July 18, 2007, was initially intended to address issues in cyberspace not previously covered by Thai criminal law. However, the Act does not explicitly address intellectual property matters.

In order to resolve this problem, the Ministry of Information and Communication Technology has set up a committee to seek solutions that will allow the authorities to suppress IP infringement on the Internet. One of this committee's key initiatives has been an attempt to amend the Computer Crime Act to include provisions dealing with intellectual property infringement online. The committee members include officers from the Department of Intellectual Property, the Department of Special Investigation, the Police Economic Crime Division, the Telecommunication Commission, and the Thai E-Commerce Association, among other representatives.

Intellectual property infringement on the Internet takes two main forms: (1) using the Internet to offer for sale products bearing forged trademarks and pirated products such as DVDs, CDs, and MP3s; and (2) using the Internet to illegally download songs, movies, and/or computer programs. To counter these forms of infringement, the committee has proposed adding the word "copies" to Section 9 of the Computer Crime Act, which currently reads, "Whoever wrongfully causes damage, destroys, revises, modifies or adds, wholly or partly, to computer data of other persons shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding THB 100,000 or to both." This amendment would thus cover the crime of copying IP owners' data on the infringing websites.

The committee is also pursuing an amendment of Section 20 of the Act that would allow blocking infringing websites. Section 20 currently states that competent officials may seek court orders to block the distribution of computer data if such data may affect the security of the country or if it is inconsistent with public order or good morals. The committee has proposed that this section should cover offenses under other legislation as well, such as the Trademark Act or the Copyright Act. In addition, this section should state clearly that officers charged with enforcing the Computer Crime Act are granted the authorization to block the distribution of computer data.

These proposed amendments represent only the initial stage of trying to solve the question of how best to combat intellectual property infringement on the Internet. All sectors involved will continue to seek additional initiatives to deal with the increasingly complex issues that are constantly arising in today's digital world. 🏠