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## MAJOR SEIZURE OF AMP NETCONNECT CABLES

Thai markets continue to be plagued by a large volume of counterfeit and substandard electronic products. Tyco Electronics, a leading global provider of engineered electronic components, has partnered with Tilleke & Gibbins in order to develop an effective IP enforcement strategy to suppress these infringing products, given their dubious quality and potential safety risk for consumers.



In early July 2010, an anticounterfeiting raid team jointly led by the Department of Special Investigation and Tilleke & Gibbins conducted a raid action against two stockrooms and two retail shops in a prominent department store in Lam Lukka District, Patumthani Province. A warehouse located behind the department store was also targeted. More than 700 boxes containing over 200,000 meters of counterfeit AMP NETCONNECT LAN cables were

seized along with over 10,000 pieces of counterfeit LAN accessories and equipment with AMP or AMP NETCONNECT trademarks. The total value of the seized products amounted to more than THB 3 million, making this the largest-ever seizure of counterfeit AMP products in Thailand.

The owners of these premises were arrested and charged with criminal trademark violations carrying a maximum penalty of imprisonment for four years, a fine of THB 400,000, or both.

Tyco Electronics intends to continue pursuing aggressive actions against counterfeit goods, and expects that the counterfeit AMP NETCONNECT LAN cables will be swept from the Thai markets soon. Tilleke & Gibbins, as Thai legal counsel to Tyco Electronics, will assist in the effort by closely monitoring the market and taking legal actions against counterfeiters of AMP NETCONNECT LAN cables and associated accessories and equipment to safeguard Thai consumers from shoddy and potentially risky products. 🐞



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## RECLASSIFICATION OF COSMETIC PRODUCTS

On September 2, 2003, the ASEAN governments signed the ASEAN Harmonized Cosmetic Regulation Scheme with two main objectives. First, the Scheme is intended to enhance cooperation among member states in ensuring the safety, quality, and claimed benefits of all cosmetic products marketed in ASEAN. Second, it eliminates restrictions to trade of cosmetic products among member states through harmonization of technical requirements. By virtue of the Scheme, member states agreed to undertake the necessary measures to fully implement the ASEAN Cosmetic Directive by January 1, 2008, including mutual recognition of product registration approvals.

The Thai Food and Drug Administration (FDA), which is responsible for providing support in coordinating and monitoring cosmetic products in the market, announced that the requirements of the ASEAN Harmonized Cosmetic Regulation Scheme will be fully implemented

by the beginning of 2011.

Among the requirements, certain cosmetic products may need to be reclassified and re-registered. Previously, there had been three categories of cosmetics: general cosmetics, controlled cosmetics, and specially controlled cosmetics. Under the Scheme, all cosmetic products will need to be registered with the Thai FDA within the controlled cosmetics category, and the other two categories will be eliminated. Therefore, companies and individuals who registered their products with the Thai FDA prior to September 26, 2008, will need to submit additional documents to reclassify their products as controlled cosmetics. This reclassification must be finalized before January 1, 2011. Failure to comply could lead to imprisonment for a term of not more than one month and/or a fine of up to THB 10,000.

In order to avoid workload delays resulting from these reclassifications, the One-Stop Service Center of the Thai FDA has implemented in an internal policy dated May 21, 2010, under which companies are now limited to filing a maximum of five product registration applications per day. In parallel, an e-submission system has been implemented since June 1, 2010. After November 1, 2010, all applicants will be required to register their products via e-submission applications, rather than through the previous system.

To ensure compliance with these new regulations, companies would be well advised to diligently check their portfolio of cosmetic products filed prior to September 26, 2008. 🐞