INTELLECTUAL PROPERTY

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IP Enforcement Training for Customs Across Thailand

Border measures are at the frontlines of IP enforcement efforts to stop the spread of counterfeit goods both domestically and internationally. By raising the awareness of Royal Thai Customs Department officials and educating them on how to verify genuine and counterfeit goods, brand owners can increase their effectiveness in taking aggressive actions against IP infringement.

With this goal in mind, Tilleke & Gibbins recently cooperated with 10–15 of our major clients, including companies focused on alcoholic beverages, apparel, electronics, and consumer products, to hold IP enforcement training sessions for three main Customs regions, covering 34 ports in total, located near Thailand's borders with Laos, Myanmar, and Malaysia.

Northeastern Region

The training for Customs Region II in northeastern Thailand was held on March 12, 2013. Fifty-seven Customs officers attended the event, which was opened by Mr. Charnchai Chobcheunchom, Director of Customs Region II. This Customs region covers nine ports, all of which are located on the Thai-Laos border: Nongkai, Ta-li, Chiangkhan, Buengkan, Nakornpanom, Mukdaharn, Khemmarat, Phibulmungsaharn, and Chongjom.

In our experience, most counterfeit goods found and seized at these ports are carried over the border between Thailand and Laos by individual smugglers. Although the amount of counterfeit products smuggled into the country with each individual carrier is not significant, it is known that the illegal traders' technique is to use tremendous numbers of people to cross the border several times a day, every day.

Northern Region

On March 14, 2013, we provided training for 52 officers from Customs Region III in northern Thailand, which covers nine ports: Maesai, Chaingkhong, Maesot, Chiangsan, Chiangmai Airport, Mae Hongson, Chiangdao, Maesariang, and Tungchang. This training was honored to have Mr. Seri Thaijongrak, Director of Customs Region III, give the opening speech for the event.

The northern region of Thailand is connected to Myanmar, and parts of Myanmar are connected to China. Reports indicate that many illegitimate manufacturers and exporters in China use Myanmar as a transit channel for counterfeit goods prior to transporting them to other countries, including Thailand, in order to cover up the origin of the goods, as they know that Customs officials in many countries are quite sensitive and suspicious about shipments arriving directly from China.

Southern Region

The training for Customs Region IV in southern Thailand followed on March 19, 2013. After an opening address by Mom Luang Sitthidej Suksawad, Chief of Sadao Customs Port, 54 officers participated in this training. Customs Region IV covers 16 ports: Padang Besar, Sadao, Sungaiko-lok, Songkla, Hadyai Airport, Phuket Airport, Phuket, Betong, Takbai, Satun, Kantang, Krabi, Nakorn Sri Thammarat, Pattani, and Sichon.

Feedback from Customs

All three of the Customs regional directors understand the problems of IP enforcement in Thailand and acknowledge that their units are important to stopping the flow of counterfeit goods. They committed to encouraging all of their officers to continue monitoring and assisting brand owners by taking aggressive action against counterfeit goods.

The officers who attended told us that this kind of training is very helpful to their work, as they learned interesting and useful information about the products of different brands and different industries, and how to detect counterfeit products themselves. They will also spread this

knowledge to their colleagues who were unable to attend the training.

Customs officials are eager to participate in additional training sessions, as the more information we can provide, the more effective they can be in enforcing brand owners' rights. They requested that we provide regular updates to them so that they can remain informed about new products, new trademarks, and new brand owners who are facing infringement challenges.