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Update on the National Intellectual Property Center for Enforcement

Since 2007, Thailand has found itself on the Priority Watch List (PWL) of the U.S. Trade Representative Special 301 Report—a list which identifies countries that provide inadequate and ineffective protection of intellectual property rights or unfair and inequitable market access to U.S. persons that rely on intellectual property rights. The Thai government, including the Department of Intellectual Property (DIP), has taken several steps to address the issues and endeavor to have Thailand removed from the PWL, in an effort to improve the country's image as a safe choice for investment.

One way in which the Thai government has attempted to remove Thailand from the PWL has been to set up the National Intellectual Property Center for Enforcement (NICE), an established but not-yet-operational government organization which aims to uphold and advance intellectual property rights.

NICE was established and formed in 2013 by Ms. Pajchima Tanasanti, the former Director General of the DIP. The purpose of NICE is to promote cooperation among the 25 government agencies responsible for enforcing IP rights in cases involving significant offenders, such as organized and transnational criminals. NICE is directed by the DIP and uses the facilities of the Ministry of Commerce to coordinate

its operations. It is modeled after the U.S. National Intellectual Property Rights Coordination Center (U.S. IPR Center), which is supervised by the U.S. Immigration and Customs Enforcement (ICE), a federal law enforcement agency under the U.S. Department of Homeland Security (DHS).

Thailand has not yet authorized or allocated a budget to permanently staff NICE, and the participating agencies currently operate voluntarily through working groups that address key goals and jointly pursue enforcement cases. Some of the 25 government agencies that comprise NICE are the DIP, the Royal Thai Police, the Department of Special Investigation, the Office of the Attorney General, the Department of Agriculture, the Customs Department, the Ministry of Information and Communication Technology, and the Consumer Protection Board.

In October 2014, the new Director General of the DIP, Ms. Malee Choklumlerd, held a meeting to discuss cooperation between NICE and the U.S. IPR Center. The then DHS allocated two officers from the U.S. IPR Center to Thailand from November 1 to December 15, 2014, for them to share their IP enforcement experiences and develop Thai officers' IP enforcement capabilities. The Thai officers also exchanged their experiences with the U.S. IPR Center officers and, in particular, sought the help of the U.S. IPR Center officers to solve a range of problems and limitations they had encountered throughout their work.

During their visit to Thailand, the ICE officers assisted in a number of raid actions in the "Red Zones" of Bangkok (Pantip Plaza, Klong Thom, Saphan Lek, Baan Mor, Patpong, Silom, MBK, and Sukhumvit Road), Eastern Thailand (Pattaya), Southern Thailand (Phuket, Krabi, and Samui), and Northern Thailand (Chiang Mai and Chiang Rai). Some of our clients also participated in these operations, along with the DIP and the U.S. IPR Center. The operations were a huge success.

These developments are a sign that NICE is closer to becoming operational. We hope that once NICE is fully up and running, IPR enforcement will be strengthened in Thailand and the way will be paved for Thailand to be removed from the PWL. ⚖️