

## THAILAND

**DIP teams up with online operators for IP protection**

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E-commerce platforms have become some of the most significant marketplaces in Thailand, with millions of daily business transactions and huge numbers of online users. The increasing number of online shops operating on e-commerce platforms requires new techniques to be employed in online IP rights infringement cases.

Both the private sector and the government have developed tools to enhance online IP enforcement, including ones using the latest legal technologies and artificial intelligence (AI). Many legal technologies and AI operations are still nascent and typically do not yet offer the best approach for online IP rights enforcement. For example, AI and other technologies available today are still unable to consistently differentiate between original and counterfeit products from the images and information displayed on the e-commerce platforms and the internet.

Therefore, some of the most effective measures for online IP enforcement still involve manual online searches by experienced local investigators with deep understanding of the behaviours of local users (both sellers and buyers) and the ability to link relevant information across online platforms.

Thailand's Department of Intellectual Property (DIP), as the governmental office responsible for IP-related matters in Thailand, has initiated its new Memorandum of Understanding on the Protection of Intellectual Property Rights on the Internet. This memorandum of understanding (MOU) does not create additional rights for IP

owners, but acts as a mechanism to gather all the relevant stakeholders to address issues related to online IP infringement in a unified, mutually agreeable manner.

The signatories of the MOU fall into four categories:

- Governmental authorities: DIP, Department of Business Development, and Department of International Trade Promotion;
- E-commerce platform operators: Lazada, Shopee, and JD Central (the most popular e-commerce platforms in Thailand);
- IP rights holders: Particularly including trademark owners facing ongoing counterfeiting problems in Thailand; and
- Law firms.

Although the MOU is not legally binding on the signatory parties, it demonstrates the intent of the government authorities and the e-commerce platforms to collaborate in the prevention and suppression of online IP infringement. This is expected to greatly improve the cooperation of the e-commerce platforms in online infringement matters.

The inaugural signing ceremony of the MOU was held on January 11 2021. Tilleke & Gibbins signed the MOU as a law firm partner, represented in the ceremony by Darani Vachanavuttivong, co-managing partner of the firm and managing director of the IP group.

Moving forward, the DIP will still allow other partners to join the MOU as signatory members upon request. IP owners who join this MOU will be visibly recognised and will receive strong support from both government offices and the participating e-commerce platforms to resolve IP infringement issues in Thailand.

Joining the MOU will be especially beneficial to IP owners and e-commerce platforms, as doing so will help them obtain the benefits possible via this collaborative

mechanism and enhance the potential of online IP enforcement in Thailand.

Together with both recent and forthcoming developments in the country's legal and regulatory environment for online IP enforcement, Thailand is taking clear steps to support the adaptation of its IP legislation and application for the digital age.