

ABSTRACT

Thesis Title : Legal Problems Intellectual Property Rights at the
Border Points

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Nowadays, the protection of intellectual property right is a major problem in the world trade system caused by infringing on the intellectual property rights of owner of producers in countries with regardless of efficient protection of intellectual properties. Such producers subsequently send their across to other countries which destroy for world trade system. Industrial countries, rightful owners of intellectual properties, have induced any countries to establish effective protection of intellectual property, especially at the import-export post which is an important place for delivery of goods cross border. There is influence Thailand to improve and amend measures for protection at the post.

In conducting this study, I found problems that arose from protecting the rightful owners' rights to their intellectual properties at import-export post. These problems included:

1. the process of termination of releasing goods at the import-export posts, which inefficiently involves customs officers to review pleas related to import-export matters individually rather than using an efficient method of replying to similar pleas all together;

2. competent customs officers are not granted authority to call for securities as well as for indemnity for damages upon the termination of releasing goods from the relevant applicants or any importers or exporters;

3. the time period under the current system of customs for the process of termination of releasing goods is too short;

4. rights of importers or exporters to investigate and achieve any information related to infringe or imitate on rightful owners' trademarks are unfair;

5. the legislative process in Thailand creates more confusion by enacting inconsistent regulations that are often contrary to one another.

Recommendations for amending and resolving the above mentioned problems are as follows:

1. process of termination of releasing goods should be changed so that the response to one plea of release is controlling to similar pleas from rightful owners when the goods arrive at import-export posts;

2. legal framework with regard to customs officers' authority to call and receive securities for damages upon the termination of releasing goods should be granted to the officers and to order indemnity to be paid to importers or exporters from the deposited securities. Those who are required to place securities with the customs officers may file an appeal against the order granted by the officers and submit to the customs committee. The resolution approved by the committee shall be final;

3. duration for the current system of customs for the process of termination of releasing goods should be between 20 to 30 days;

4. Rights to investigate and achieve any information related to infringe or imitate on rightful owners' in order to jointly investigate with customs officers and together with applicants;

5. the powers of the legislative process in Thailand must enact more consistent regulations;

6. the current systems of Customs Department should be readjusted in order to become more organized with efficient procedures.