

ABSTRACT

Thesis Title : Problems, Impediments and Legal Measures Relating to the
Control of Technology Transfer Contracts between Thai
Private Parties and Foreign Private Parties

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Degree Sought : Master of Laws Academic Year 1997

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This research is aimed at analyzing problems impediments legal measures relating to the control of and guidelines for controlling technology transfer contracts as well as problems and impediments derived from policy, operational plan and the administrative's roles related to technology transfer process in Thailand. Such problems and impediments occur because, in making technology transfer contracts, foreign partners who are usually transferors of the technology, often impose, by virtue of the principle of "freedom of contract" and using superior bargaining power, terms and conditions which put the other party to the contracts, the Thai partners and transferees of the technology, in a very disadvantageous position. Such terms and conditions are, often, inappropriate and unfair, and, more over, may affect development process of science and technology in this country.

The research shows that the problems and impediments of controlling technology transfer contracts in Thailand are caused by the lack of specific legal measures and guidelines for technology transfer contracts. Currently, there are only some provisions regarding the control of technology transfer contracts in various

ligislation. This Thesis, hence, would like to suggest some legal controlling and administrative and scheme that may be able to solve the problems and impediments. To have the problems solved, some relevant provisions in The Patent Act, The Trademark Act, The Consumer Law, The Anti-trust Law and The Civil and Commercial Code Law as to contracts may have to be amended, and the state may also have to intervene the making of technology transfer contracts by imposing policies, operational plans and administrative roles relating to technology transfer process in the manner that will reinforce the development process of science and technology in this country in the long run.