

ABSTRACT

Thesis Title : Legal Measures to Prevent Unfair Competition : A Case
Study in Integrated-Circuit Design Protection

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Thailand has an obligation to issue domestic laws to protect an Integrated Circuit design under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) of which Thailand is one of its members. This will create incentives for the creation of the Integrated Circuit design which will benefit the society. At the same time the protection of Integrated Circuit innovation may create unfair competition if the holders of the right try to restrict competition unfairly. Therefore it is necessary in the process of protecting the Integrated Circuit design to consider some certain measures to prevent subsequent damages in order to benefit Thailand in the process of protecting the Integrated Circuit design.

The objective of this study is to research to what extent and types of protective measures on the Integrated Circuit design are suitable under TRIPs. Furthermore this study analyzes and compares all different legal measures to prevent unfair competition on the use of intellectual property rights. This study also tries to determine and offer suitable legal measures to prevents unfair restriction on the use of Integrated Circuit design .

From the study, it is found that the measures of our existing Monopoly law cannot effectively applied to the rights in the Integrated Circuit design. It is

also found that to apply concepts and principles of Monopoly law on Intellectual property law is to some extent protect the Integrated Circuit design.

Finally this thesis concludes that there should be new measures in the law to protect the Integrated Circuit design and to prevent unfair competition on the use of the rights in the Integrated Circuit design by applying concept and principles of the Monopoly law as applicable in other Thai Intellectual property law. This study tries to suggest the protective measures on unfair competition in 2 categories : firstly, measure on condition of protection ; secondly, measure in the form of model provisions to prevent unfair competition. Apart from that, it is suggested that the Monopoly law be amended in order to give rights to the injured person from the unfair competition to claim compensation by bringing the case to the court of law. It is also recommended that all types of business be enlisted in the law itself, not only in the notice of ministerial decree, in order to enhance the application of Monopoly law on the Integrated Circuit design more effectively.