

## Legal Update

### INTELLECTUAL PROPERTY DEPARTMENT WARNS EXPORTERS ABOUT UNITED STATE OF AMERICA LAW

Thai exporters using pirated computer software and hardware risk facing legal action in the US as Unfair Trade Acts in some states allows the seizure of products and filing of lawsuits, warns the Intellectual Property Department.

Unlicensed software often used includes Microsoft Windows, Apple's Snow leopard, Windows, Safari and the anti-virus programs, Avira, Kaspersky and AVG.

Hardware includes computer terminals and parts such as mainboards, RAM, chip processors, VGA cards, USB and internal and external hard drives.

The acts are aimed at preventing unfair trade from the sale of products using stolen or misappropriated information technology, as they carry a lower cost than products made using legal information technology.

If products are found to be produced using stolen technology, then those damaged can cooperate with producers or distributors to file civil cases. If Thai exporters decline to fight, then the court may order a goods seizure, distribution suspension or compensation.

The US wants Thailand to amend the Copyright Act and issue a law to prevent camera recording in cinemas.

Ms. Pajchima Tanasanti, director-general of the department, said two states have enacted their own act since last June 22, and another 26 will likely do so in near future. This could affect Thai exporters and distributors of Thai products.

Ms. Pajchima added that Thailand will likely remain a priority watch list country after this year's review of Section 301 of the US Trade Act.

The department expects Thailand will improve its status next year as the country is in the process of amending its Copyright Acts to crack down on copyright violations via the internet.

She said the department has worked with the police to establish Intellectual Property violation suppression centres in large cities. Arrest are expected to increase by 5% in March and next from 1,140 in the same period last year.

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