

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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Mr.Vuttikrai Leewiraphan
Director General
Department of Intellectual Property
Ministry of Commerce
563 Nonthaburi Road
Bangkrasor Muang
Nonthaburi 11000
Thailand

Dear Mr.Vuttikrai Leewiraphan,

Re: JIPA Comments on the amendment bill of Thailand Patent Act

We, the Japan Intellectual Property Association “JIPA”, are a private user organization established in Japan in 1938 for the purpose of promoting intellectual property protection, with about 980 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property system of other countries and make recommendations for more effective implementation of the systems.

<http://www.jipa.or.jp/english/index.html>

Having learned the amendment bill of Thailand Patent Act on your website, we would like to offer our opinions as follows.

Your consideration on our opinions would be greatly appreciated.

Sincerely yours,

(Tatsuya MORI)
Managing Director
Japan Intellectual Property Association

Regarding to the amendment of Article 51/1 and 51/2, JIPA understands that this revision will be made in accordance with paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health. On the other hand, research and development of pharmaceutical products requires a huge amount of time and money, and therefore, pharmaceutical inventions should be appropriately protected by the patent system of each country. So as not to grossly impede pharmaceutical development incentives, the government should grant compulsory licenses as a last resort only in exceptional circumstances, in accordance with international rules, and should be implemented in a manner that is consistent with Thailand's international treaty obligations under Articles 31 and 31bis of the TRIPS Agreement. Decisions should also be made through a fair and transparent due process including dialogue with affected companies as far as possible in advance that requires the participation of all stakeholders and takes into account all relevant facts and options.