

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

DEPARTMENT OF TRADE NEGOTIATIONS (DTN)

MINISTRY OF COMMERCE

THE KINGDOM OF THAILAND

No.

**The Capacity Building Program
on
the Implementation of the WTO Agreements
in
the Kingdom of Thailand**

FINAL REPORT

December 2002

UFJ Institute Ltd.

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Preface

In response to a request from the Government of the Kingdom of Thailand, the Government of Japan decided to conduct "the Capacity Building Program for the Implementation of the WTO Agreements in Thailand", and the technical assistance was implemented by the Japan International Cooperation Agency (JICA).

JICA sent a Technical Assistance (TA) team, led by Mr. Hidekazu Tanaka of UFJ Institute Ltd., to Thailand approximately 20 times from August 2001 to December 2002.

The TA team held discussion with the Thai officials concerned, and conducted relevant needs assessment and knowledge transfer activities. After returning to Japan, the TA team compiled a report on the outputs of technical assistance and provided recommendations for further capacity building activities in this report.

I hope this report will contribute to the promotion of WTO-related capacity building activities in Thailand and to the enhancement of goodwill between our two countries.

I would like to express my sincere appreciation to the Thai officials concerned for their close cooperation throughout the program.

December 2002



Takao Kawakami
President
Japan International
Cooperation Agency

December, 2002

Mr. Takao Kawakami, President
Japan International Cooperation Agency

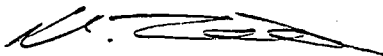
Letter of Transmittal

We are pleased to submit the Final Report of the Capacity Building Program on the Implementation of the WTO Agreements in the Kingdom of Thailand. This report compiles contents and results of the technical assistance activities conducted through this Program, together with recommendations for further capacity building for the implementation of the WTO Agreements.

The goal of this Program is to assist developing countries to be able to receive merits from multilateral trade regime, through strengthening their administrative capacity for implementation of WTO Agreements. The Program covers four countries, Thailand, Indonesia, Malaysia and the Philippines. The Program for Thailand has been conducted since August 2001, based of the Scope of Work signed on July 4, 2001, and concluded with the Wrap-up Seminar held on November 11, 2002.

We believe this Program has contributed in human resource development through technical transfer activities by holding seminars and workshops, and also in institutional strengthening by building information sharing system. Furthermore, it covered transfer of Japanese experience in WTO, by inviting Japanese officials and experts as guest lecturers. It is expected that Thai government will make further effort in the capacity building in order to contribute in developing multilateral free trade system.

We would like to take this opportunity to express our gratitude to the Japanese officials concerned of JICA, Ministry of Economy, Trade and Industry, Ministry of Foreign Affairs, and Ministry of Public Management, Home Affairs, Posts and Telecommunications. We also wish to express our sincere gratitude to the officials concerned of Thai counterparts, namely Department of Trade Negotiation, Department of Foreign Trade, Department of Intellectual Property, Ministry of Finance, Ministry of Transportation and Communications, and Thai Industrial Standards Institute.



Hidekazu Tanaka
Team Leader, JICA WTO Capacity Building Program TA Team
Chief Consultant, UFJ Institute Ltd.

Abbreviation

1. WTO relate issues

WTO	World Trade Organization
AD	Anti-Dumping
CVD	Countervailing Duties
DSU	Dispute Settlement Understanding
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GRP	Good Regulatory Practice
MFN	Most-favored Nation
SCM	Subsidies and Countervailing Measures
SG	Safeguard Measures
SPS	Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
TPRM	Trade Policy Review Mechanism
TRIM	Trade-related Investment Measures
TRIPS	Trade-related Aspects of Intellectual Property Rights
AFTA	ASEAN Free Trade Area
AFAS	ASEAN Framework Agreement in Services
ASEAN	Association of South East Asian Nations
APEC	Asia-Pacific Economic Cooperation
ASEM	Asia-Europe Meeting
ISO	International Standardization Organization
WIPO	World Intellectual Property Organization

2. Government of Thailand related issues

DBE	Department of Business and Economic (former DTN)
DFT	Department of Foreign Trade
DIP	Department of Intellectual Property
DTN	Department of Trade Negotiations
IPIT	Intellectual Property and International Trade

TISI Thai Industrial Standards Institute

TDRI Thailand Development Research Institute

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I. Introduction

1. Backgrounds, Objective and Scope of the Program

I. Introduction

1. Backgrounds, Objective and Scope of the Program

1.1 Objective of the Program

The objective of this program is to conduct capacity building activities on the implementation of duties under WTO Agreements¹ to developing countries, which face many kinds of challenges, such as introduction of domestic laws/regulations consistent to the Agreements and human resource development. The activities include training for the government officials and strengthening of administrative functions, which facilitate the implementation of WTO Agreements.

1.2 Background of the Program

1.2.1 WTO and Developing Countries

In 1995, World Trade Organization (WTO) was established as a successor organization of General Agreements on Tariffs and Trade (GATT). The Uruguay Round Agreements, which was the last comprehensive negotiation rounds under GATT, put member countries under several duties and commitments on international trades. In addition to the agreements on boarder measures (tariff and non-tariff barriers), the newly agreed “General Agreements on Trade in Services (GATS)” and “Agreements on Trade-Related Aspects of Intellectual Property Rights (TRIPS)” require Member Countries to harmonize their domestic regulations. Also the Agreement on Technical Barriers to Trade (TBT) starts to cover all member countries comprehensively (under the GATT framework, TBT was only applied to ratified countries separately) and developing countries, which have not yet finished to establish domestic legal regimes in this fields, have found the difficulties to implement their duties under TBT.

The positive participations of developing countries are essential for keeping and developing the WTO-centered multilateral free trade regime. However, a lot of developing countries have faced various problems based on their deficits of human, legal and financial capacities.

It is not rare to hear recently the negative impacts of economic globalization based on the facts that many developing countries have not received the benefit of multilateral free trade regimes. However, a lot of economic analyses show that trade liberalization

¹ “Implementation of duties under WTO Agreements” will be described, hereinafter, as “implementation of WTO Agreements.”

expand the trades among countries, which lead the increases of employment, the active private sectors, and the developments and dynamic inflows of new technologies, and have positive impacts on the alleviation of poverty and the promotion of economic development in developing countries. For their economic developments, it is fundamental for developing countries to liberalize their domestic markets according to their development stages, to join international free trade regimes and to receive the full benefits.

1.2.2 Launch of “Doha Development Agenda”, the WTO new round negotiations

On November 2001, the WTO fourth Ministerial Meeting at Doha adopted the “Doha Development Agenda” and stressed the importance of the due consideration for developing countries. In particular the WTO Ministers focused on the importance of the capacity buildings for developing countries and showed their understandings for the needs of capital funds, bilateral cooperation, coordination with other international organizations, and technical assistance in information technology fields. Based on this agenda, the developed countries have begun to plan the contents of the capacity building programs, which may expand their target countries. Japan has already started its cooperation under “the APEC Strategic Plan” and other assistance programs in several fields. Japan also began to examine the possibilities to expand the covered fields and targeted countries.

In order to participate free trade regimes consistent with the national interests and to receive their merits continuously, it is necessary for developing countries to plan and enforce their trade policies effectively from the aspects of long-term interests. This requires developing countries to take information on the present status and future estimates of their export competitiveness and trade situations, to make and enforce their industrial policies including imports and exports strategies, and also to implement the WTO Agreements on the pace that their domestic capacities permit. However, many developing countries have unstable political and social factors and weak economic and industrial infrastructures, which make developing countries difficult to design clear and fair policies based on both the mid- and the long-term aspects. It is needless to say that the WTO Ministers have already recognized these situations and the serious concerns from developing countries, and declared the above-mentioned Doha Development Agenda.

1.2.3 Japan's Initiative in APEC

The Japanese Government proposed, at the Meeting of APEC Ministers Responsible for Trade in June 2000, to maintain and develop multilateral trade regimes through encouraging developing economies to build and strengthen their domestic legal and administrative infrastructure for implementation of the WTO Agreements. On November 2000, APEC Ministerial Meeting and informal Leaders' Meeting, based on the survey of the need for developing economies in APEC, approved "the APEC Strategic Plan," which intended to build developing economies' capacity for implementation of the WTO Agreements. This plan was then transferred to bilateral assistance regimes for the implementation of specific assistance in Thailand, Indonesia, Malaysia and the Philippines.

Based on "the APEC Strategic Plan," Japan International Cooperation Agency (JICA) established the "Committee on the Capacity Building to Implement the WTO Agreements in APEC" and conducted the needs surveys for Thailand, Indonesia, Malaysia and the Philippines from December 2000 to March 2001.

1.3 Scope of the Program

1.3.1 Countries/ Agreements

This Program covers the capacity building for the implementations of WTO Agreements in Thailand as well as Indonesia, Malaysia and the Philippines, which are regarded as mid-developed countries in their market/economic development stages. The issues to be covered within this Program are within the scope of existing Agreements of WTO so that the legal framework is already in force for some extent (Figure1-1-1). Therefore, the "new issues" such as trade and investment, trade and competition policy or trade and environment are out of the scope of this Program.

Figure1-1-1 WTO Agreements and Scope of the Program

1 A Multilateral Agreements on Trade in Goods
◆ Agreement on Agriculture
◆ Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)
◆ Agreement on Technical Barriers to Trade (TBT)
◆ Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) (AD)
◆ Agreement on Subsidies and Countervailing Measures (SCM)
◆ Agreement on Safeguards (SG)
1 B General Agreement on Trade in Services (GATS)
1 C Agreement on trade-Related Aspects of Intellectual Property Rights (TRIPS)
2 Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU)

(numbers imply the annex numbers of the WTO Agreements)

1.3.2 Scope of the Program under the agreement between the Government of Thailand (S/W)

The Scope of Work agreed between the Government of Thailand and the Preliminary Study Team of JICA on July 2, 2001 was as follows:

1. Institutional building of the Department of Trade Negotiations, Ministry of Commerce (former DBE) related to WTO Agreements implementation (Development of information-sharing system)
 - (a) Designing overall information-sharing system
 - (b) Designing and development of a Pilot System (P/S)
 - (c) Management of the P/S and technical transfer
 - (d) Development of recommendation
2. Capacity building for the implementation of GATS (General Agreement on Trade in Services)
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
3. Capacity building for the implementation of the Agreements on AD/CVD (Anti-Dumping/Countervailing Duties)²
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
4. Capacity building for the implementation of the Agreement on TRIPS (Trade-Related Aspects of Intellectual Property Rights)
 - (a) Study on present situation
 - (b) Consultations for development of training curriculums
 - (c) The trainer's trainings
 - (5) Development of recommendation
5. Capacity building for the implementation of the Agreement on TBT
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
6. WTO capacity building in general
 - (a) Submitting the Inception Report, the Interim Report and Work Plans
 - (b) Assist counterpart session in Tokyo

² While the "Agreement on Subsidies and Countervailing Measures (SCM)" is the correct name of the Agreement, in this program, the term "CVD" (Countervailing Duties) is commonly used, as "Agreement on CVD" or "CVD Agreement", as well as "Capacity Building for CVD" and "CVD measures".

(c) Summing up, review and evaluate the overall program, Organizing Wrap-up Seminar, Submitting the Draft Final Report and the Final Report

This Program was designed and undertaken aiming to enhance the capacity of developing countries for implementing WTO Agreements and for participating multilateral trade liberalization through technical assistance activities. Not only studying the situations and recommending the future actions in the reports, but also the activities to facilitate the enhancement of capacity of officials/business representatives by providing seminars/workshops/trainings, capacity of institution by development of system and curriculum, were prioritized.

2. Outline of the Program and Composition of the Report

2. Outline of the Program and Composition of the Report

2.1 Major Issues and Target of the Program

This program targeted on strengthening institutional aspects and capacities for implementing the WTO Agreements, which developing countries have found difficulties to implement. Assistance for developing countries in this field is essential for developments of WTO multilateral trade regimes and also for the transparent business environments of Japanese industries and companies. This technical assistance is import, in addition, for the Japanese Government to share its experience and recognition with Asian countries including Thailand.

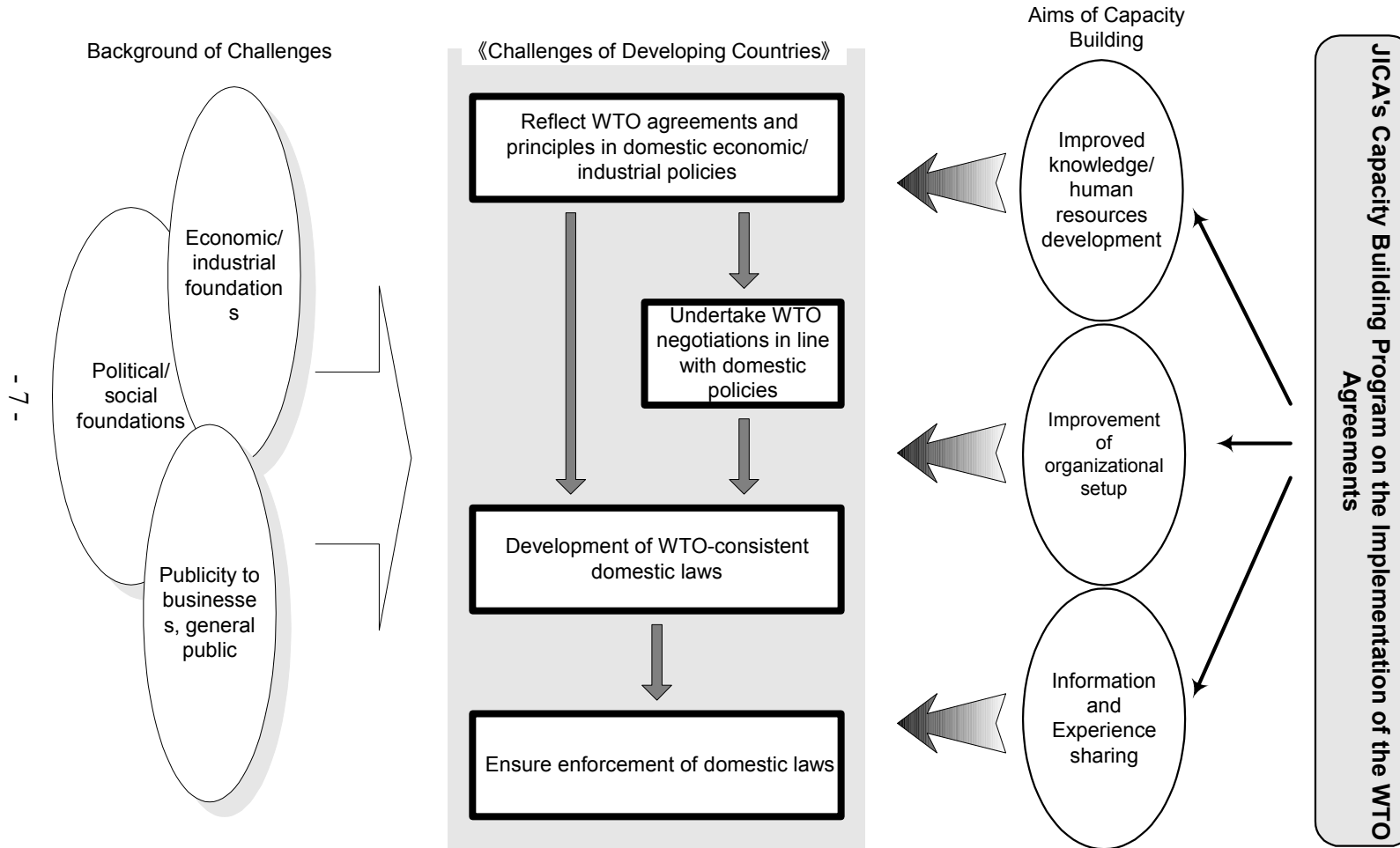
This program, under these situations, focused on knowledge transfer activities as a pilot project in addition to field-studying and making recommendations on targeted countries' domestic structures for implementation of the WTO Agreements. Knowledge transfer activities, for example, include educating government officials and industrial members, training of trainers, making materials and curriculums for continuous domestic education, and strengthening institutional infrastructure for inter-governmental information exchanges.

This program used Japanese experiences in multilateral trade regimes and its human resources in governments, academics and industrial societies. The contents of each program were decided by tailor-made approaches based on the surveys of the targeted countries' current situations and problems, and follow-up activities were also enacted following each knowledge transfer activities.

This program is a new type cooperation program, which assists targeted countries including Thailand to build their capacities to implement the WTO Agreements and to join multilateral free trade regimes fairly. Therefore, this program did not focus on making reports and recommendations based on field researches such as the so-called development studies, but on knowledge transfer itself for building and strengthening capacities of targeted government officials to implement the WTO Agreements. In this sense, the focal points of this program are to build the information-sharing systems strengthening WTO-related government offices and to create their human resources through seminars and workshops.

The concept of the aims of this program, challenges of Developing countries and the background behind them can be shown as the figure I-2-1.

Figure I-2-1 Capacity Building on the Implementation of the WTO Agreements



In order to implement these kinds of knowledge transfers effectively, the following points of 2.1.1 – 2.1.4 were considered.

2.1.1 Due consideration to the domestic situations of targeted countries

It is important for effective knowledge transfers not only to provide packaged educational programs, but also to analyze the needs and problems of targeted countries and to design tailor-made programs. This program used human resources, such as former WTO secretariat officials, Japanese experts from academics, governments and related organizations, and also the third countries' experts, to make and implement knowledge transfer programs effectively according to the theme that each component dealt with. Especially in Thailand, the necessary information could be obtained only through domestic languages and the periods for the research were limited. Therefore, local experts who understood local languages and had a full of knowledge on domestic situations were also assigned in part for effective analysis.

2.1.2 Identification of the targeted beneficiaries and appropriate response to their needs

The targeted beneficiaries of this program were not only administrative officials but also private sectors. However each required level of knowledge, abilities and skills were different according to the targeted beneficiaries. This program made clear the directly targeted beneficiaries, analyzed their needs and designed each knowledge transfer program.

2.1.3 Recommendations of activities continued after the program and of sustainable institutional capacity

This program focused not only on the capacity building for the implementation of the WTO Agreements through the programs directly, but also on activities continued by targeted human resources after the programs. Each component encourages targeted countries to examine the activities continued for sustainable capacity buildings and also made a recommendation from these aspects. In particular, it is note to worth that information sharing systems and materials/curriculums for TRIPS have been utilized continuously.

2.1.4 Targeting the capacities to deal with the duties under the WTO Agreements

With regard to general understandings of the WTO Agreements and its rules, international assistance including those from the WTO secretariat have been given in the form of seminars and workshops. This project targeted knowledge transfers to strengthen the capacities of related persons in Thailand. From this aspect, various programs were held, such as analyzing the effect to apply the WTO Agreements to domestic legal systems, sharing Japanese experiences to implement the WTO Agreements, transferring knowledge related to institutional systems and know-how in Japan, and advocating WTO related information.

2.2 Formation of the Program

For the Program in Thailand, the cooperation activity consists of following five cooperation contents (“Components”) were undertaken:

- 1) Institutional Building for implementation of WTO Agreements
- 2) Capacity Building for GATS (General Agreement on Trade in Services)
- 3) Capacity Building for AD/CVD Agreements (Anti-Dumping/ Countervailing Duties)
- 4) Capacity Building for TRIPS Agreements (Trade-Related Aspects of Intellectual Property Rights)
- 5) Capacity Building for TBT Agreements (Technical Barriers to Trade)

The first component is intended to build Thailand’s overall WTO Agreements implementation capacity. In terms of strengthening institutional aspects, a pilot database system is to be introduced into the Department of Trade Negotiations (DTN) within the Ministry of Commerce as one practical means of helping to build capacity.

Components (2) to (5) are addressed with the aim of concrete improvement of Thailand’s implementation capacity in regard to each specific agreement. An overview of the direction of assistance in each component has been considered characterized into the following features.

GATS (Component 2): Aspect on strengthening foundations

Capacity building focused on strengthening the necessary foundations for GATS

implementation, including deepening understandings of the GATS, identifying key sectors essential to build GATS implementation capacity from among Thailand's diverse domestic services industries, and analyzing the relationship between related domestic laws and the GATS.

AD/CVD (Component 3): Technical aspects

Capacity building closer to working level, focusing on technical aspects such as clarification of injury assessment methods and dumping margin calculation procedures. The practical information and experience were shared not only between the government officials but also the experts in business sectors of Thailand and Japan.

TRIPS (Component 4): Aspect on enforcement of laws and regulations

Capacity building focused on enforcement of laws and regulations, now that Thailand has virtually completed the institutionalization of TRIPS-consistent domestic legislation. Sustainability of capacity building even after the period of this program was sought through development of training materials and providing trainers' trainings.

TBT: Strategic aspects (Component 5)

Capacity building centering on the strategic aspects of standardization, including expanding TBT-consistent domestic standards and conformance systems, as well as bolstering Thailand's presence in international standard-making, having participation of experts from governments and industries in Thailand and Japan.

Figure I-2-2 Activities in Thailand (yearly basis)

	Component 1 Institutional Building of DTN (Information Sharing System) Counterpart: DTN	Component 2 Capacity Building for GATS Counterpart: DTN	Component 3 Capacity Building for AD/CVD Counterpart: DFT	Component 4 Capacity Building for TRIPS Counterpart: DIP	Component 5 Capacity Building for TBT Counterpart: TISI
Summary of Activities	-Study/analysis on present situation of WTO-related information sharing -Development and management of a Pilot System (P/S) for information sharing -Development of recommendations	-Study/analysis on present situation of GATS Implementation -Workshops for enhancement of understanding and knowledge of general and sector-specific GATS issues -Development of recommendations	-Study/analysis on present situation of the implementation of AD/CVD Agreements Implementation -Workshops on AD/CVD for government officials and business sector -Development of recommendations	-Study/analysis on present situation of implementation of TRIPS Agreement -Development of training curriculums and materials -Trainers' trainings -Development of recommendations	-Study/analysis on present situation of the implementation of TBT Agreement -Workshops for enhancement of understanding and knowledge of general and sector-specific issues in TBT Agreement -Development of recommendations
FY 2001	-Study/analysis on present situation -Concept design of information sharing system -System design -Identification of the scope of P/S -Detailed design of P/S -Planning of development procedure and organization for P/S	-Study/analysis on present situation of GATS Implementation -Workshop for enhancement of understanding and knowledge of general issues (February 2002)	-Study/analysis on present situation of Implementation AD/CVD Agreements -Workshop for enhancement of practical knowledge/skills with regard to AD/CVD for government officials (February 2002)	-Study/analysis on present situation of Implementation TRIPS -Consultation on training curriculums -Development of training materials	-Study/analysis on present situation of Implementation of TBT Agreement -Workshop for enhancement of understanding and knowledge of general issues (February 2002)
FY 2002	-Development of P/S -Testing implementation of P/S (November 2002) -Development of users' guide -Provision of administrator/user trainings -Maintenance -Development of recommendations	-Workshops on general and sector-specific issues of GATS (August 2002) -Development of recommendations	-Workshop on specific issues of AD/CVD Agreements for government officials and business representatives (August 2002) -Development of recommendations	-Consultations for developing training curriculums -Development of training materials -Trainers' trainings (October 2002) -Development of recommendations	-Workshop on specific issues of TBT Agreement (August 2002) -Development of recommendations

2.3 Activities in Thailand

In this program, particular periods of the activities in Thailand, as well as the members, were planned based upon the progress of the activities of the Components. Among twenty field activities, first activity for inception mission, the seventh activity in February 2002 and the twelfth activity in August 2002, both for Workshops on GATS, AD/CVD and TBT, and the fifteenth activity for Wrap Up Seminar and consultation on the recommendation have included the activities of all the Components, besides the other field activity periods covered single or two Components, as shown in Figure I-2-3.

Figure I-2-3 Activities in Thailand

Aug. 2001	1 st Field Activities	• Inception Mission															
Oct. 2001	2 nd Field Activities	• Component 1															
Nov. 2001	3 rd Field Activities	• Component 1															
Dec. 2001	4 th Field Activities	• Overall Meeting • Component 1															
Jan. 2002	5 th Field Activities	• Component 4 (Meeting)															
Feb. 2002	6 th Field Activities	• Component 1															
Mar. 2002	7 th Field Activities	• Workshop <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Component</th> <th style="width: 20%;">Period</th> <th style="width: 40%;">Participants</th> </tr> </thead> <tbody> <tr> <td>Component 5</td> <td>2 days</td> <td>50</td> </tr> <tr> <td>Component 3</td> <td>3 days</td> <td>42</td> </tr> <tr> <td>Component 2</td> <td>3 days</td> <td>106</td> </tr> </tbody> </table>	Component	Period	Participants	Component 5	2 days	50	Component 3	3 days	42	Component 2	3 days	106			
Component	Period	Participants															
Component 5	2 days	50															
Component 3	3 days	42															
Component 2	3 days	106															
May 2002	8 th Field Activities	• Component 1 • Component 4 (Meeting)															
Jun. 2002	9 th Field Activities	• Component 1															
Jun. 2002	10 th Field Activities	• Overall Meeting • Component 1															
July 2002	11 th Field Activities	• Component 2 (Meeting)															
Aug. 2002	12 th Field Activities	• Workshop <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Component</th> <th style="width: 20%;">Period</th> <th style="width: 40%;">Participants</th> </tr> </thead> <tbody> <tr> <td>Component 5</td> <td>2 days</td> <td>40</td> </tr> <tr> <td>Component 3</td> <td>2 days</td> <td>40</td> </tr> <tr> <td>Component 2</td> <td>3 days</td> <td>Financial : 22 Tourism: 26 Telecommunication: 26 Accounting: 30</td> </tr> </tbody> </table> • Component 4 (Meeting)	Component	Period	Participants	Component 5	2 days	40	Component 3	2 days	40	Component 2	3 days	Financial : 22 Tourism: 26 Telecommunication: 26 Accounting: 30			
Component	Period	Participants															
Component 5	2 days	40															
Component 3	2 days	40															
Component 2	3 days	Financial : 22 Tourism: 26 Telecommunication: 26 Accounting: 30															
Aug. 2002	13 th Field Activities	• Component 1															
Sept. 2002	14 th Field Activities	• Component 1															
Oct. 2002	15 th Field Activities	• Component 4 <Trainer's Training (first session) > <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Training Materials</th> <th style="width: 20%;">Period</th> <th style="width: 20%;">Participants</th> </tr> </thead> <tbody> <tr> <td>Patent Application procedures</td> <td>1 days</td> <td>20</td> </tr> <tr> <td>Patent Practices for Individual Inventors and Small & Medium-sized Enterprises</td> <td>1 days</td> <td>20</td> </tr> <tr> <td>Trademark Practices</td> <td>1 days</td> <td>30</td> </tr> <tr> <td>IPR Management in Private Sector</td> <td>1 days</td> <td>30</td> </tr> </tbody> </table>	Training Materials	Period	Participants	Patent Application procedures	1 days	20	Patent Practices for Individual Inventors and Small & Medium-sized Enterprises	1 days	20	Trademark Practices	1 days	30	IPR Management in Private Sector	1 days	30
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Trademark Practices	1 days	30															
IPR Management in Private Sector	1 days	30															
Oct. 2002	16 th Field Activities	• Component 1															
Oct. 2002	17 th Field Activities	• Component 4 <Trainer's Training (second session) > <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Training Materials</th> <th style="width: 20%;">Period</th> <th style="width: 20%;">Participants</th> </tr> </thead> <tbody> <tr> <td>IPR Regulatory Enforcement at Border Control</td> <td>1 days</td> <td>42</td> </tr> <tr> <td>IPR Management and Utilization of Information in Educational Organizations</td> <td>1 days</td> <td>33</td> </tr> <tr> <td>Basics on Trade Secret Act</td> <td>1 days</td> <td>39</td> </tr> </tbody> </table>	Training Materials	Period	Participants	IPR Regulatory Enforcement at Border Control	1 days	42	IPR Management and Utilization of Information in Educational Organizations	1 days	33	Basics on Trade Secret Act	1 days	39			
Training Materials	Period	Participants															
IPR Regulatory Enforcement at Border Control	1 days	42															
IPR Management and Utilization of Information in Educational Organizations	1 days	33															
Basics on Trade Secret Act	1 days	39															
Nov. 2002	18 th Field Activities	• Wrap-up Seminar <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Component</th> <th style="width: 20%;">Period</th> <th style="width: 40%;">Participants</th> </tr> </thead> <tbody> <tr> <td>Wrap-up Seminar</td> <td>1 days</td> <td>88</td> </tr> </tbody> </table>	Component	Period	Participants	Wrap-up Seminar	1 days	88									
Component	Period	Participants															
Wrap-up Seminar	1 days	88															
Nov. 2002	19 th Field Activities	• Component 1															
Dec. 2002	20 th Field Activities	• Component 1															

2.4 Composition of the Report

The final report consists of two volumes, “Summary” and “Main Report”, covering the whole activities of this Program.

“Main Report” is divided into four parts, “I. Introduction,” “II. Capacity Building Activity,” “III. Evaluation and Recommendation,” and a separated volume of “Annexes.”

“I. Introduction” describes a general outline of the Program, Thailand’s policy, institution and present situation and challenges of WTO in general and specific issue and Agreements covered by this Program. “II. Capacity Building Activities” covers activities in whole program and in each Component. “III Evaluation and Recommendation” identifies evaluation of the program and recommendations for further capacity building. “Annexes” contains selected documents/materials used during the activities in Thailand.

3. Thailand's Policy and WTO-related Organizations / Present Situation and Challenges in Implementation of WTO Agreements

3. Thailand's Policy and WTO-related Organizations / Present Situation and Challenges in Implementation of WTO Agreements

3.1 Current Economic and Trade Situation and WTO related policies

After the hardship arose from the crisis in mid-1997, Thailand has been promoting structural reforms on financial sector to accelerate consolidation of banks, to encourage private investment, to re-capitalize financial institutions through public fund, and to promote private asset management enterprises. In the Ninth National Economic and Social Development Plan over 2002-2006, which came into force on October 2001, major focus is put on "balanced development" of human, social, economic, and environmental resources. The pursuance of good governance is also stressed at "all levels of Thai society in order to achieve real sustainable people-centered development". On the economic perspectives, promotion of economic stability and sustainability as the prior objective, it is stated that the Government shall take initiative to restructure its economy by strengthening the financial sector and fiscal position creating "a strong and self-reliant economy at the grassroots level". As for the economic growth, it is targeted 4 to 5% of annual average growth rate. In the trade area, it is pursued for annual average rate of export growth at 6.0%.

3.1.1 Economic Situation

The Thai economy, after the crisis, has been recovering from the transient slowdown. Although it marked at 4.6% growth (approx. 3,000 bil. Baht in total of GDP amount) in the year 2000, the growth rate in 2001 has come to rest at 1.8% as factors causing sharp slowdown of private consumption observed in the latter half of 2000.

Figure I-3-1 Gross Domestic Product at 1988 price

Bil Baht

	1993	1994	1995	1996	1997	1998	1999	2000	2001
GDP	2,471	2,693	2,942	3,115	3,073	2,750	2,872	3,005	3,059
Agriculture	255	266	277	289	287	283	289	303	307
Non-Agriculture	2,216	2,427	2,665	2,826	2,786	2,467	2,583	2,702	2,751
GDP	-	9.0%	9.2%	5.9%	-1.4%	-10.5%	4.4%	4.6%	1.8%
Agriculture	-	4.2%	4.0%	4.4%	-0.7%	-1.5%	2.2%	4.8%	1.6%
Non-Agriculture	-	9.5%	9.8%	6.1%	-1.4%	-11.4%	4.7%	4.6%	1.8%

** figures in 2000 & 2001 are preliminary indication*

Source: National Economic and Social Development Board (NESDB), 2002

As for the agricultural sector, it stopped at 1.6% growth rate in 2001 contrasting from 4.9% growth in previous year due to downturn in rubber and forestry sectors³. As for the non-agriculture sector, slowing down trend is also observed due to dragging down by export-oriented industries affected by the slump in the world trade and economy. However, domestic-oriented industries, namely automobiles and construction materials, have remained steady covering some loss in other areas in response to domestic demand triggered by governmental economic stimulus policies.

³ According to the annual economic analysis by the Bank of Thailand, keen downturn is also pointed out in crops sector due to decline of rice production in addition to rubber and forestry sector. However, Figure 1-3-2 indicates upward figures both in crops and rice sector. It may be resulted from inclusion of vegetable and fruit figures in this indication.

Figure I -3-2 Gross Domestic Product by Sector at 1988 price

Unit: %

	1994	1995	1996	1997	1998	1999	2000	2001
Gross domestic product^{1/}	9.0	9.2	5.9	-1.4	-10.5	4.4	4.6	1.8
Agricultural Sector	5.0	3.5	4.1	-0.9	-1.5	2.0	4.9	1.6
Crops (incl. Vegetable & Fruit)	4.0	4.9	5.4	3.6	-0.6	5.6	2.8	4.6
Rice	2.5	6.6	5.0	3.0	5.0	-1.4	5.8	8.7
Rubber	11.8	4.2	7.0	12.0	-0.2	1.6	8.2	1.9
Maize	18.2	6.3	-2.0	-6.7	22.3	-10.0	7.6	0.0
Cassava	-10.2	-10.2	7.5	3.4	-6.2	-1.1	16.0	-1.1
Sugarcane	10.6	39.6	6.2	3.1	-26.1	51.0	-32.7	14.2
Forestry	-19.0	-30.6	-5.4	-9.9	-14.3	-28.6	11.8	-7.1
Fishery	8.0	3.9	-4.3	-4.9	2.3	-1.4	0.2	2.5
Livestock	3.9	3.9	3.2	4.1	-0.5	4.0	4.0	3.0
Non-agricultural Sector	9.5	9.8	6.1	-1.4	-11.4	4.7	4.6	1.8
Manufacturing	9.6	11.9	6.6	1.4	-10.9	11.9	6.0	1.2
Mining (incl. fuel)	7.5	2.1	18.2	13.4	-6.2	8.2	5.5	0.5

^{1/} Projections of crop since 1997 are BOT's (Bank of Thailand) figures. Other items are from NESDB.

* figures in 2000 & 2001 are preliminary indication

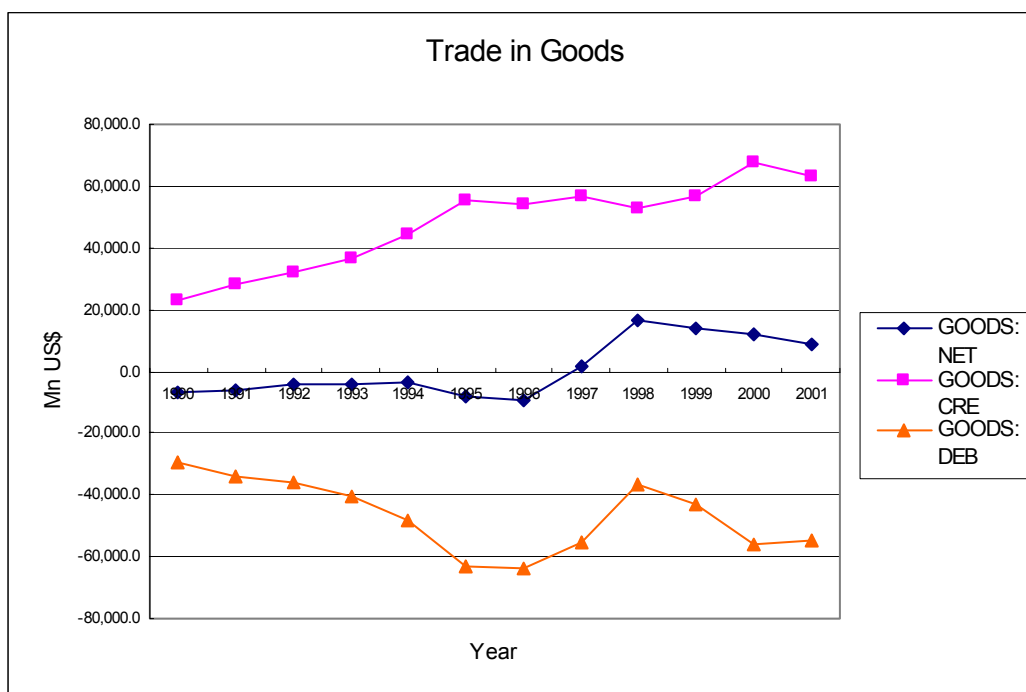
Source: National Economic and Social Development Board (NESDB), 2002

3.1.2 Trade Situation

(1) Trade in Goods

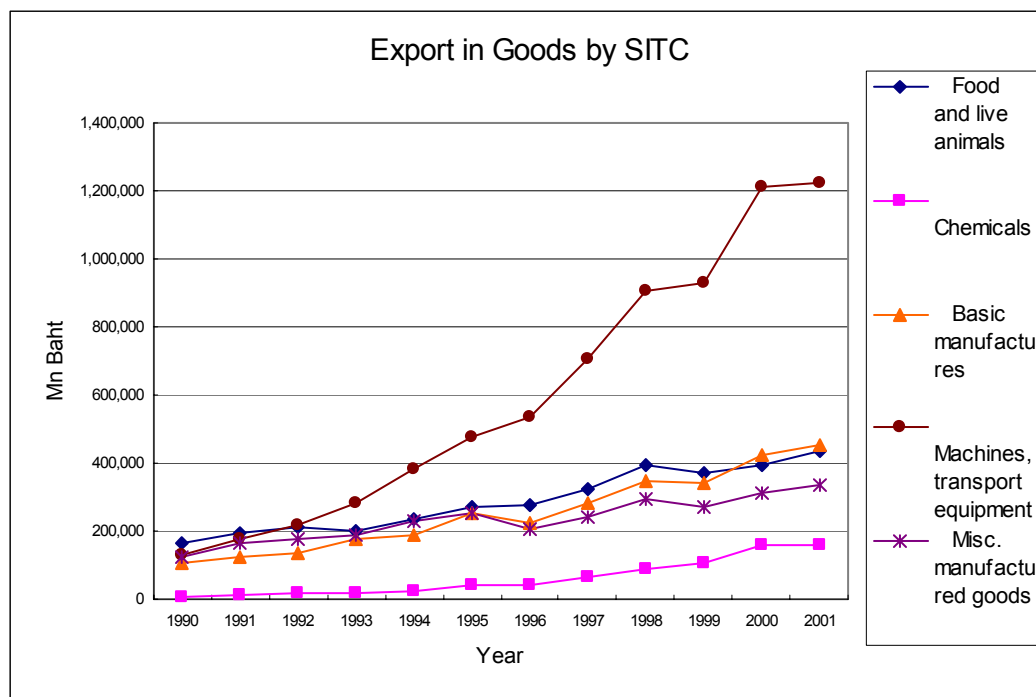
Trade growth has been steadily recovering after the hardship of the crisis. However, the global economic downturn, notable decline in economy in the United States and Japan where approx. 35.0% share of Thai total export counts, affected Thai export performance. The total amount of US dollar base export in 2001 leveled approx. 63 bil. US\$ which is the fall by 6.9% from previous year level. The trade balance has remained surplus but decline by 54.0% and amounted approx. 2.5 bil. US\$. Notable decrease has been observed in the IC export by 21.0% drop. On the contrary to the overall slump trend in export, the automobile parts and frozen poultry export growth has been continuously steady. As for the import side, total amount leveled at approx. 55 bil. US\$ and 2.8% drop from the previous year. The contraction in consumer goods import is drastic, notably durable goods such as electrical appliances, which fell by 24.4%.

Figure I -3-3 Trends on Trade in Goods



Source: IMF, "Balance of Payments Statistics Yearbook", 2002

Figure I -3-4 Trends on Export in Goods by SITC Code Category

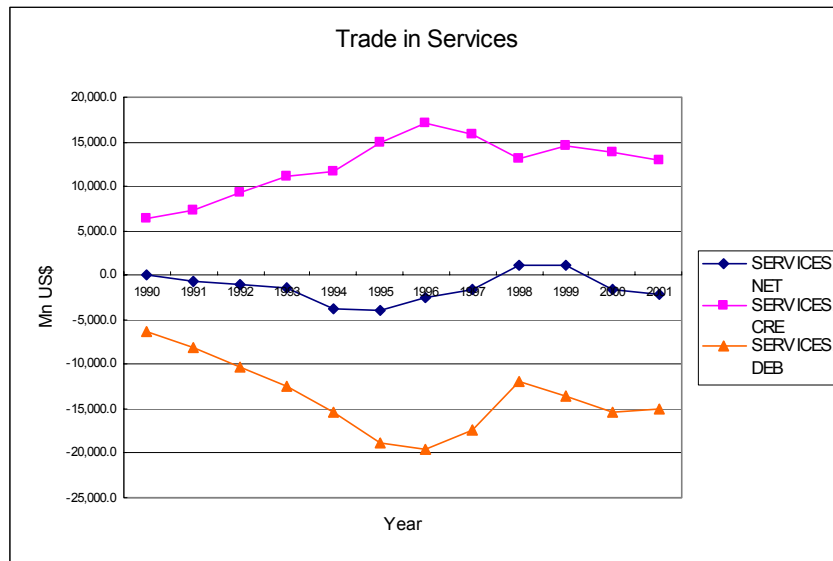


* SITC: Standard International Trade Classification
 Source: ADB, "Key Indicators of Developing Asian and Pacific Countries", 2002

(2) Trade in Services

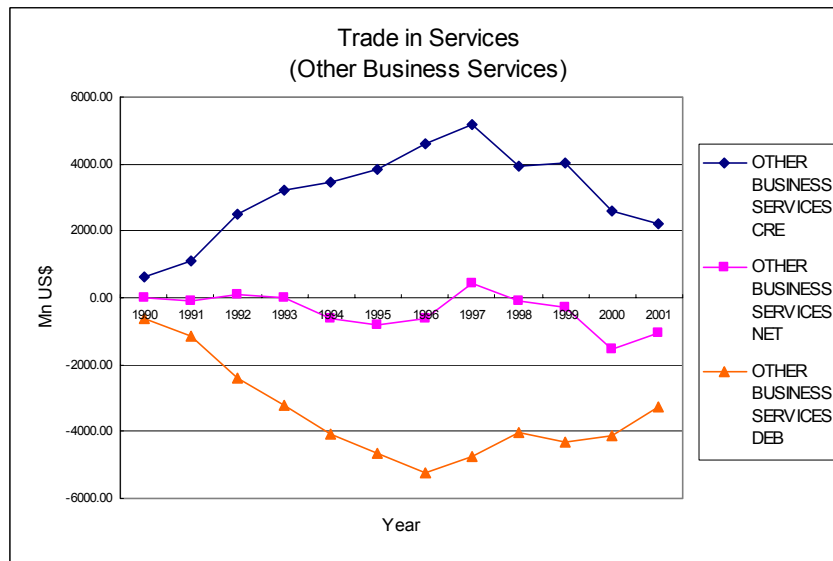
Trade in services peaked in 1996 at approx. 17 bil. US\$ export amount has shown decreasing trends. In 2001, services export amounted approx. 12 bil. US\$ contraction by 7.1% from the previous year. In the overall decreasing trends of services export, the decline of "other business services" which share is approx. 20.0% of total services export decline is notable at contraction by 11.3% in addition to the drop by 6.5% in "tourism" which share is approx. 11.3% of total.

Figure I-3-5 Trends on Trade in Services



Source: IMF, "Balance of Payments Statistics Yearbook", 2002

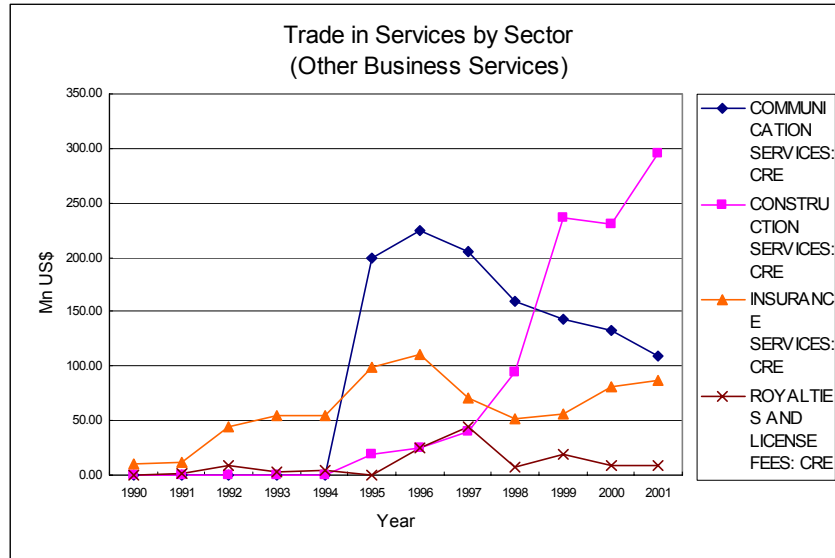
Figure I-3-6 Trends on Trade in Other Business Services



Source: IMF, "Balance of Payments Statistics Yearbook", 2002

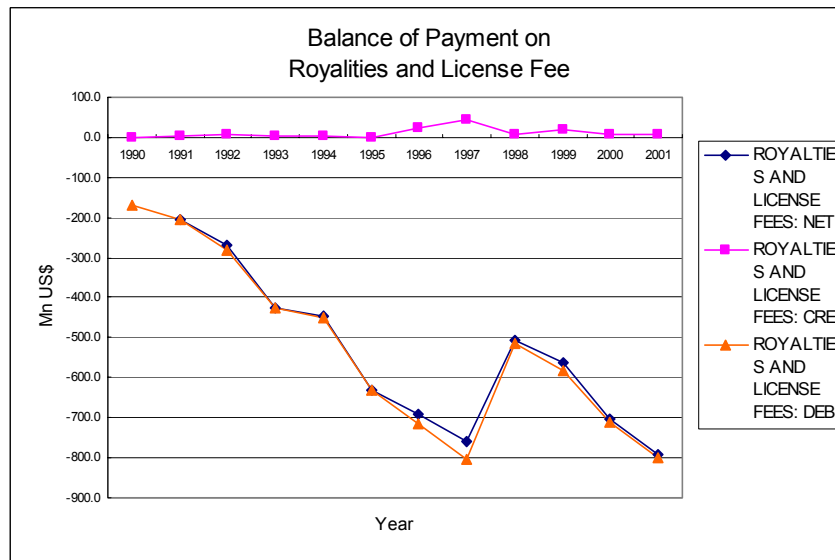
In the other business services category, construction and insurance sector have shown relatively steady growth where drastic decline is observed in communication services sector that used to play the role of an engine for export growth in this category. As for the royalties and license fee credit on intellectual property related trade, it has peaked out in 1998 and shown decreasing trends.

Figure I-3-7 Trends on Export in Other Business Services by Sector



Source: IMF, "Balance of Payments Statistics Yearbook", 2002

Figure I-3-8 Trends on Balance of Payment on Royalties and License Fee



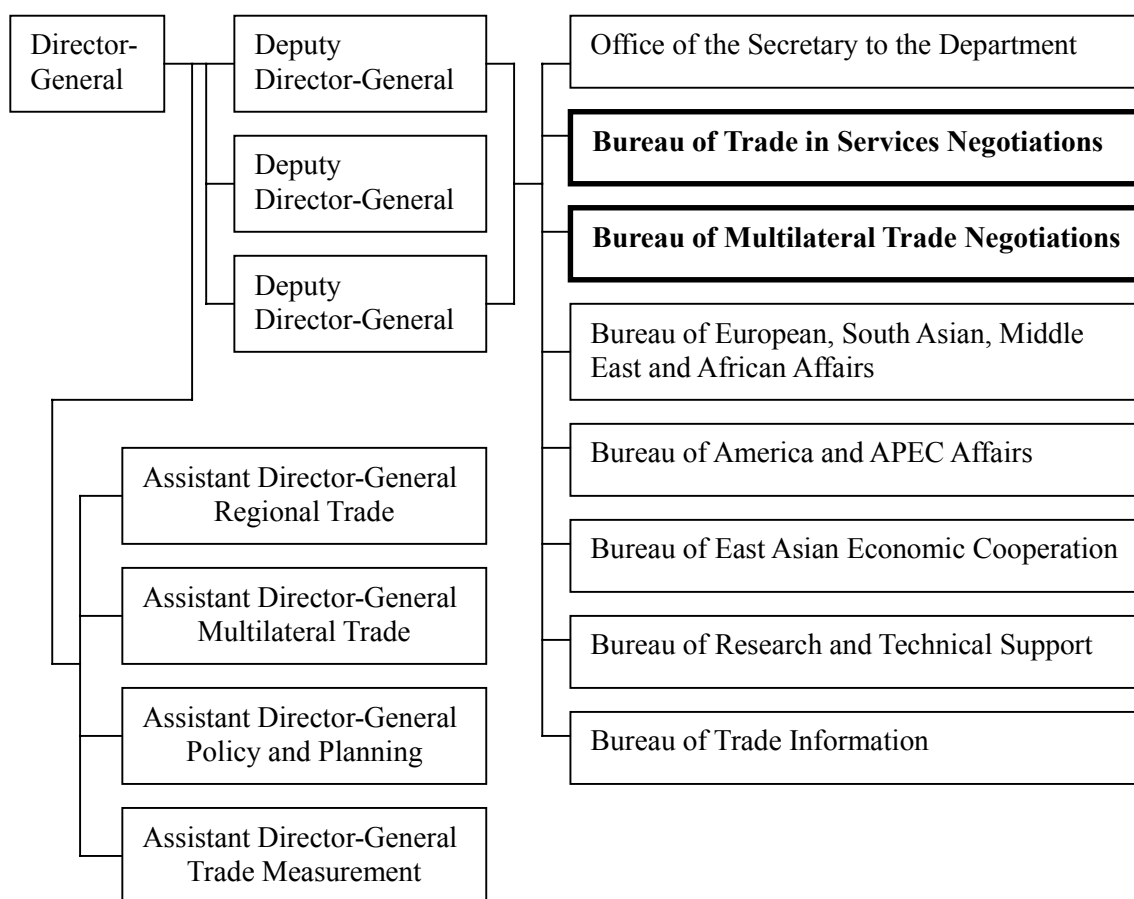
Source: IMF, "Balance of Payments Statistics Yearbook", 2002

3.1.2 WTO related policies

It is the Department of Trade Negotiation (DTN)⁴ at the Ministry of Commerce (MOC) that has the primary responsibility on coordination with other Ministries and governmental agencies in terms of trade negotiations and related activities, such as those in the WTO, as well as formulation and recommendation of trade policies. DTN consists of 8 respective Bureaus according to issues and/or regional scope. WTO related issues are dealt in the Bureau of Multilateral Trade Negotiations and the Bureau of Trade in Services Negotiations.

The Government of Thailand, primarily DTN, is promoting its WTO related trade policies as follows.

Figure I-3-9 Organization of DTN



⁴ DTN has been formed at the organizational change in October 2002. It was previously the Department of Business Economics (DBE). This organizational change established an additional WTO activities related Bureau, Bureau of Trade in Services Negotiations, to deal with specifically trade in services issues.

(1) WTO related Trade Policies⁵

(a) Tariff Reform

The tariff reform initiated in 1990 has converged in 1997 with reduction in number of tariff-rate categories from previous number of 39 to 6 with the average tariff rates being reduced from 30.0% to 17.0%. As a result of the financial reform package in 1999, import duty surcharge and import duties on 639 items were removed. The further restructuring is to simplify the tariff categories into 3.

(b) Improvement on Customs Services

With regard to the simplification on customs services, it has been conducted over documentation on express shipment and introduction of Electronic Data Interchange (EDI). The GATT/WTO customs valuation system has also been implemented. And, basically, all the import licenses have been eliminated since 1995 to promote freer importation.

(c) Improving Domestic Measures reflecting on Provisions of TRIPS, TRIMs, GATS

With regard to Intellectual Property (IP) related laws and regulations, a series of amendment procedure has been completed on domestic laws and regulations to comply with TRIPS such as Patent Act, Trademark Act, and Copyright Act. New laws have also introduced to this end such as Plant Variety Protection Act, Protection of Integrated Circuit Layout Design Act, and Trade Secret Act. As for the law enforcement area, in 1997, the Cabinet approved the establishment of IP specialized division in the police department. The IP specialized court, Intellectual Property and International Trade Court, has also established.

In the area of investment, Board of Investment has phased out local-content requirements since 1993. The scheme has been eliminated at current situation. Liberalization on foreign capital participation has also conducted. The Foreign Business Act (FBA) has been introduced in 2000 and has realized greater market access in this respect. Prior to the FBA, maximum foreign capital ownership rate has been amended from previous rate of 25.0% for banks and 49.0% for securities companies to

⁵ Data referred in this section is based upon WTO official documents.

no limitation on majority share holdings. Legally, the foreign investors could hold majority ownership in banking and other financial business with approval from the Finance Minister on appropriate recommendation from the Bank of Thailand. As for the telecommunication sector, foreign investors could participate in this area in the year 2006 through joint ventures with local enterprises.

(2) Regional Trade Policies

The Government of Thailand has been actively promoted regional trade cooperation scheme under adherence to the WTO principles. Notably, activities in ASEAN, APEC, and ASEM are the major focus in its trade policies for more liberalized international trade. In ASEAN/AFTA scheme, it has realized reduction of average tariff rate to at 9.7% in 1999, which is lower than MFN average tariff rate at over 18.0%. In year 2000, its average AFTA tariff rate has been reduced to 7.0% level.

Among other undertakings, Thailand has been also active to assist regional trade development into Mekong region countries. In the GCS-EC (Greater Mekong Subregional Economic Cooperation) scheme with cooperation of ADB (Asian Development Bank), it is promoting regional development among Cambodia, China (Yunnan Province), Myanmar, Laos, and Viet Nam in terms of exchange in trade related information, elimination of non-tariff trade barriers, facilitation of investment, and establishment of bilateral trade agreements.

With regard to bilateral trade agreements Thailand has already conduct 34 agreements. The Prime Minister Thaksin Administration appears quite positive about promoting further development in bilateral trade scheme. The study group on bilateral base with Japan has already set forth to examine potentials for future bilateral trade agreement with Japan. It is also said that the Thaksin Administration is interested in opening up channel for bilateral agreement with China.

(3) Further Promotion of Trade Policies

Thailand supports and is continuously pursuing for development of free trade and trade liberalization under WTO multilateral trade system. Thus, its trade policies are to conform its principle. In the WTO Trade Policy Review meeting held in December 1999, the Government of Thailand finished up with a following statement;

“Most importantly, the Government remained fully committed to trade liberalization and intended to carry out its commitments in every forum. Policy reforms in other areas were continuing with even greater confidence and determination to maintain an open trade regime so that trade growth would contribute to sustainable

development. It was the Government's policy to allow market forces to determine trade patterns and to ensure non-discriminatory access to markets."

3.2 Strengthening institutional aspects related to implementation of WTO agreements «Component 1»

The ultimate goal of the technical assistance for “Component 1” is to build Thailand’s institutional capacity to fulfill WTO agreements through sharing WTO-related information (WTO information, as well as information related to domestic laws and regulations, etc.) and with other related efforts to strengthen functions within the administrative orientation. The support will be provided for sharing information, in particular, as a core strategy to strengthen institutional capacity. For this purpose, a pilot system for information sharing is to be developed and operated as a means of strengthening the institutional capacity of DTN (Department of Trade Negotiation), which is initially and solely responsible for implementing WTO agreements and coordinating governmental ministries and agencies, in order to gather and organize WTO-related information and information related to domestic legislations, as well as to coordinate other related governmental agencies more efficiently. Recommendations for tackling future challenges will be based on the results of this technical assistance.

3.2.1 Current conditions and issues of WTO-related information management in DTN, Ministry of Commerce

In DTN, the MTN (Bureau of Multilateral Trade Negotiations) mainly takes charge of activities related to WTO issues including coordination tasks among related agencies⁶. Communication between DTN and major related ministries and agencies on WTO-related information, including those from the Mission of Thailand in Geneva, seemed generally smooth on a practical level. Some problems, however, were pointed out even in DTN regarding the understanding of the domestic legal system associated with WTO agreements, as well as inefficiency in communication for the areas that may be covered in the forthcoming negotiation, namely management of past GATT/WTO-related documents including internal documents on negotiations. The urgent need to establish a framework for grasping information in preparation for the negotiations was emphasized.

Based on the above, this technical assistance program focuses on efficient information sharing, a core strategy to strengthen DTN’s institutional capacity. This

⁶ Thailand’s governmental agencies were reorganized in October 2002. DBE (Department of Business Economics) was reorganized as the DTN (Department of Trade Negotiations). SNB (Bureau of Trade in Service Negotiation) in DTN, which is solely responsible for negotiations on trade in the services field, was separated from MTN (Bureau of Multilateral Negotiations) and became independent. This section, Section 3.2, however, describes the situation before reorganization. The above description regarding MTN is applicable to the current SNB.

undertaking focuses on the pilot system to formulate a foundation for further enhancement and integration of the system.

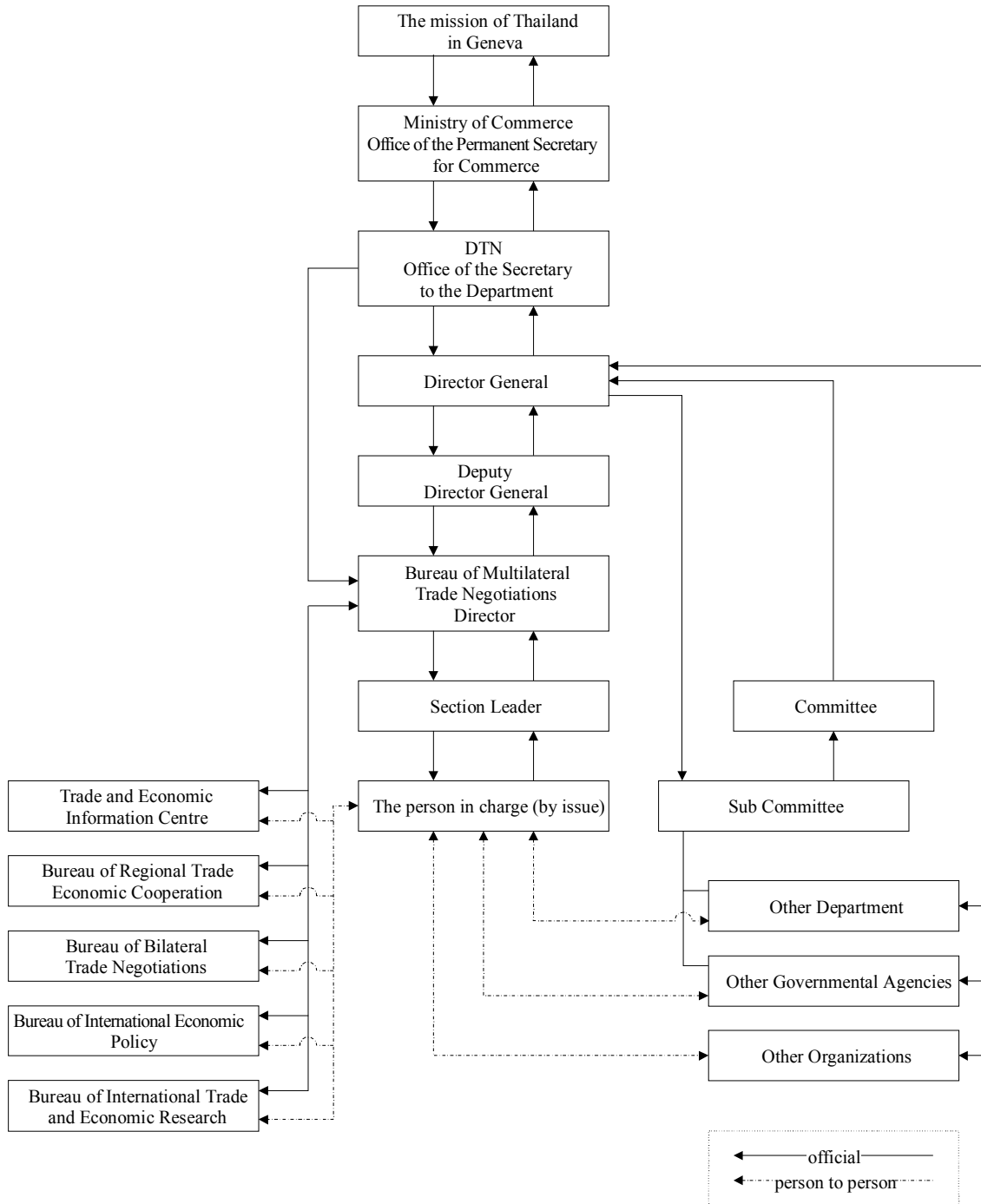
Before designing and developing the system, an interview survey was conducted with MTN personnel in charge to grasp the current flow of WTO-related information and issues on information management. (The interviews were conducted from the end of August to early September 2001, and almost all personnel were interviewed.) The following points were identified through the interviews.

- Current flow of WTO-related information
- Current methods of managing/storing WTO-related information
- Types of current WTO-related information
- Current issues of flow and management of WTO-related information

(1) Current flow of WTO-related information

In DTN, MTN primarily prepares and submits analysis reports in answer to the requests from the Mission of Thailand in Geneva and other organizations. At the same time, MTN receives and gathers WTO-related information from the Mission in Geneva, other bureaus in DTN, other departments in the Ministry of Commerce, other governmental agencies, and private companies, etc. The collected information is often re-organized and analyzed for further re-distribution to those agencies above. Figure I-3-10 is the basic flow of WTO-related information managed by DTN and MTN.

Figure I-3-10 Flow chart for WTO-related information



As seen in Figure I-3-10, there are two ways of communicating WTO-related information; one is formal communication using official letters and/or other relevant forms, and the other is informal communication where person-to-person relationships are the basis of communication with no specific set document forms.

Public employees of the Thai government must strictly follow a document control

procedure. In this procedure, the flow of official communication is defined by the rules. When certain information is shared across organizations, it has to be authorized as an official document with a valid signature. This method is normally used for two-way communication that includes requests and directions, such as official requests for information from other organizations and official responses by the organizations that received the requests. This requirement is also effective for information exchange among bureaus in the DTN.

The official procedure for communicating involves a number of hierarchies to obtain approvals as shown in Figure I-3-10. It requires approximately one to two weeks from submitting the request to obtaining an answer. It sometimes takes almost one week even if the communication is within the department. This time-consuming process has been recognized as a problem to be solved.

Informal communication based on person-to-person relationships is conducted by telephone, e-mail, and verbally. Most commonly, information is confined to general matters only.

(2) Current methods of managing/storing WTO-related information

As clearly shown in the information flow chart above, DTN and MTN share information via official documents with valid signatures. Thus, information is organized, managed, and stored in paper form under individuals' control.

As a result of adopting such personalized methods of controlling and storing data, the following issues have been identified in terms of information sharing among personnel in charge.

- - All WTO-related information is presently filed and managed in paper form. The files are stored in a common library and on each person's desktop. Each person is responsible for managing data regarding his/her own business, but he/she does not know anything about other personnel's data.
- - The files are organized by document category. Generally, each personnel files documents into the category-based files in chronological order. Classified file lists, however, are not created. For this reason, only the responsible personnel knows the storage location of the files and no one can find the necessary documents when the responsible personnel is not available.
- - Many requests for information are received in the bureau for WTO from other bureaus in DTN, other government ministries and agencies, which is time-consuming for the requested personnel.

- - Access to documents is restricted. Each document should be specified as “open to the general public,” “restricted other than among other government agencies,” or “restricted only for within DTN.” In reality, such classifications are not made and confidentiality of documents is not effectively preserved.

(3) Types of current WTO-related information

Interviews with MTN personnel confirmed that the following items are the components for WTO-related information. As explained, such information is not centrally managed, but possessed individually by each personnel in charge. Consequently, multiple personnel could not concurrently share the same information and the storage locations are not clear to others.

(a) Types of documents

- Laws and regulations
- Notifications
- Measures
- Tariff
- Minutes of meetings
- Analysis
- Others

(b) Sources

- MTN
- Other bureaus in DTN
- Other departments in the Ministry of Commerce
- Other Thai governmental agencies
- The Mission of Thailand in Geneva
- Private companies, universities and others

(c) Languages

- English
- Thai

(d) Types of media

- Paper
- Electronic data

(4) Current issues of flow and management of WTO-related information

All WTO-related information, which DTN personnel collected and prepared, is presently organized and stored in paper form. The method of managing information is left to the discretion of the respective person in charge. Thus, all information is personally controlled. In addition, management of lists and procedures where information is stored and how it is classified are not centralized. It is difficult to determine the location and find information controlled by other personnel in charge when he or she is not available. This is very inefficient. It also delays and hinders business operations. At the same time, information that should be shared is not actually shared.

Many requests for providing information are received in the bureau for WTO from other bureaus in DTN, other departments in the Ministry of Commerce, and other governmental agencies, which often require much more time than expected. In addition, information exchange itself currently consumes an enormous amount of time because the approval process requires checks by many personnel in the process. As long as the approval process is conducted on paper media, this situation would not be improved. Furthermore, it is hard to monitor the progress of the approval process.

There are two current problems with the flow and management of WTO-related information: Information is sometimes not shared; although information sharing should be indispensable, and another is that the process of information sharing is inefficient.

Consequently, it is necessary to define access rights for each type of document to allow information sharing according to the access rights.

3.2.2 Outline of Existing System in DTN, Ministry of Commerce

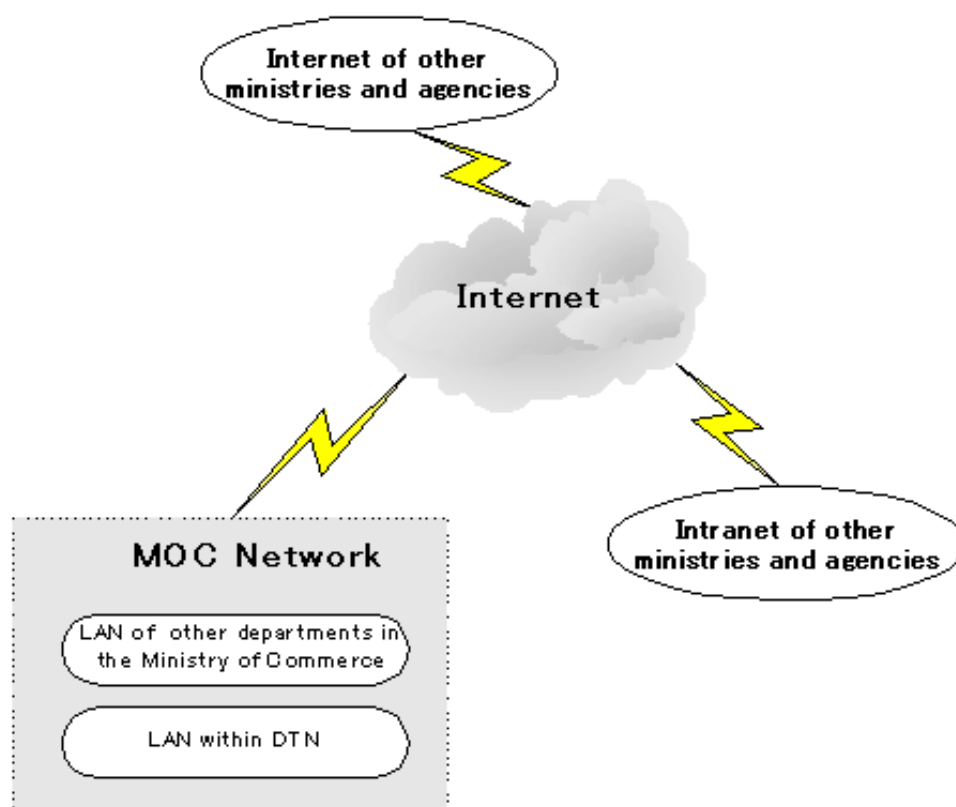
The Ministry of Commerce has already established an intranet within the ministry. The intranet allows access to the outside via the Internet. The ministry is also planning to develop and operate an information sharing system. Aside from specifically for WTO-related information, the DTN realistically is planning a comprehensive information-sharing scheme.

(1) Network system

The Ministry of Commerce has built and operated an intranet (MOC Network). DTN can exchange and share information via the MOC network like other departments. The network allows access to other governmental agencies by e-mail and browsing of a

variety of web sites via the Internet. This network infrastructure, however, has not been utilized for sharing WTO-related information within the agencies of the Thai government.

Figure I-3-11 Existing network system



(2) Information sharing system

In this technical assistance program, an information sharing system will be originated and operated, where MTN personnel are the main users and the information registered by DTN will be shared inside and outside DTN.

In the preparatory discussion process with MTN, however, it was revealed that DTN had already entered into a contract with a domestic company to develop another system recognized as a "Paperless System" which could provide a similar function to the system to be developed under this assistance program. DTN seemed to understand that the purpose and functions of the paperless system were different from those of the information sharing system. After our efforts of interview and information collection, it became clear that those two systems had almost the same functions.

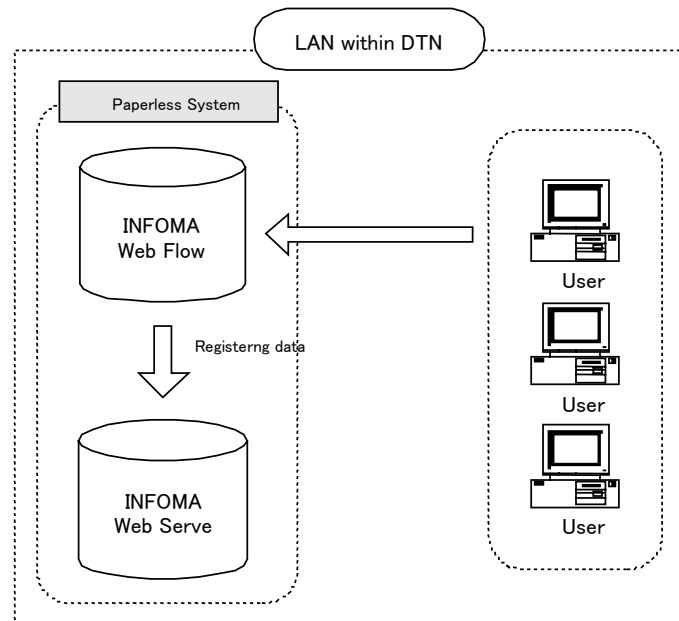
The paperless system consists of two subsystems: INFOMA Web Flow and

INFOMA Web Serve. The INFOMA Web Flow manages the progress of the business operations of DTN personnel. It centralizes and controls such tasks as requests for jobs, checks, and approval of prepared documents and data, which had been processed on paper. INFOMA Web Serve stores completed documents and data, which had gone through the check and approval processes, and makes them available to users for retrieving and browsing by field or source.

INFOMA, however, was not designed and developed for sharing WTO-related information. It limits users in DTN only, does not allow information sharing with organizations outside DTN, and saves documents not in the document unit but in the business operation unit. Thus, functions required for WTO-related information sharing are not included in this system.

Therefore, the WTO-related information sharing system still must be designed and developed as part of the technical assistance program, but it cannot be independent of INFOMA. It needs to be designed and built with linkage to the paperless system.

Figure I-3-12 Existing information sharing system



3.2.3 Need for Technical Assistance

Grounded on the current issues regarding information flow and management methods as pointed out in Section 3.3.2, technical assistance is required for strengthening the institutional aspects related to implementation of WTO agreements as shown below:

(1) Designing WTO-related Information Sharing System

It is necessary to solve the current operational issues in DTN and to design a WTO-related information sharing system in order to strengthen DTN's institutional capacity related to implementation of WTO agreements by realizing WTO-related information sharing and efficient operational flow. The following elements are essential for developing the system:

- - The system must be capable of adapting to future changes in business operations and information flow.
- - Versatility and scalability are required to share information from fields other than WTO with personnel in other governmental agencies.
- - It is necessary to collect, organize, and centralize WTO-related information, which is currently controlled by individual personnel and to classify and clarify the necessary information.
- The system should be compliant with the existing document control procedures.

(2) Building a pilot system

The ideal system would achieve information sharing in all Thai governmental agencies that deal with WTO-related information. In actuality, however, it would be difficult to achieve this stage immediately, considering the user conditions in agencies, the current security level of the Internet, and the network environment in Thai governmental agencies.

For this reason, the current needs are to secure a versatile and scalable WTO-related information sharing system, to achieve some of the most required functions under the current circumstances, and to build a pilot system that can actually operate. Above all, there are significant needs for a pilot system to share WTO-related information currently controlled by DTN with other agencies, as well as sharing the same information within DTN.

(3) Offering technical assistance for system operation and future expansion

To efficiently share WTO-related information and to strengthen the institutional capacity for implementation of WTO agreements, users must fully utilize the system. Technical assistance should be provided in offering sufficient training to MTN personnel and system administrators, who are the main users of the system, so that they can use, operate, maintain, and manage the system.

In addition, technical assistance is needed to improve DTN personnel's abilities to develop and operate the system, so that they can expand the system by themselves in future.

3.3 General Agreements on Trade in Services (GATS) 《Component 2》

3.3.1 Present Situation of the Implementation of GATS and Achievement of the Government of Thailand

(1) Present Effort by Department of Trade Negotiations (DTN)* and other Service-related Governmental Agencies

(a) DTN

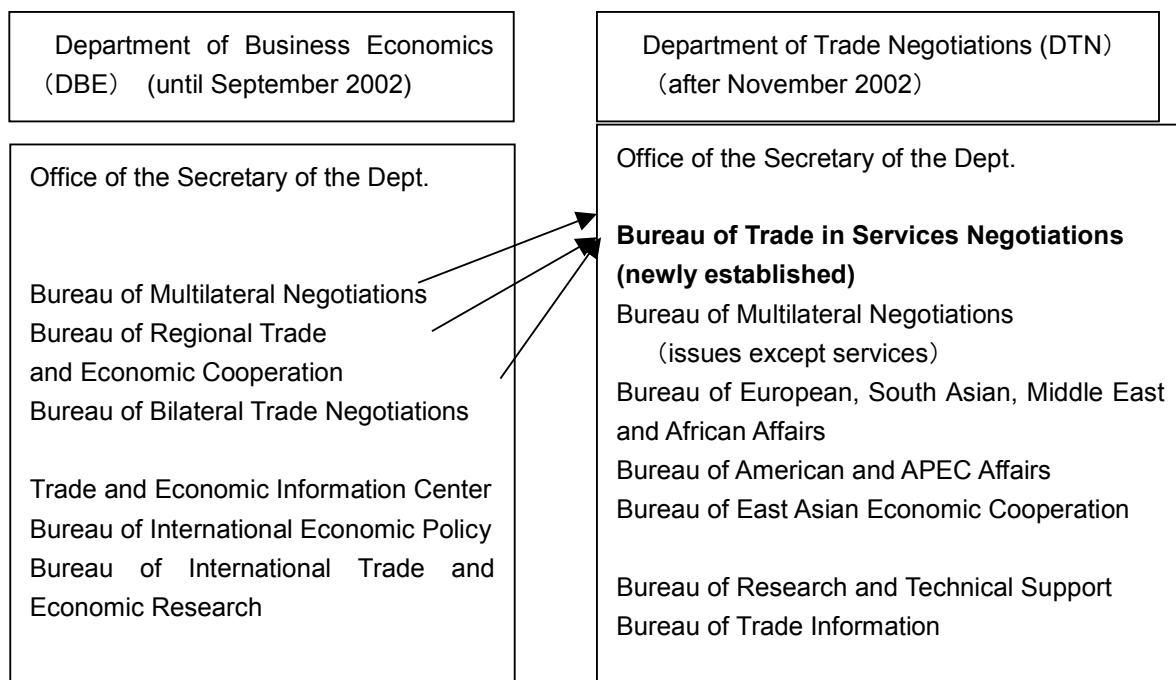
General Agreement of Trade in Services (GATS) is a set of international rules for trade in services, which covers broad range of service sectors, such as telecommunication, financial services, professional services including legal and accountancy services, construction, education, environment, tourism, transportation and distribution. Therefore, quite a few different governmental agencies are supposed to have relations with GATS and trade in service issues.

In Thailand, until the end of September 2002, a few officers in of Multilateral Negotiation Bureau in DBE have been primarily responsible for GATS issues. They have been providing necessary information from Geneva to various related agencies and coordinating positions related to GATS negotiations within the Government. In October 2002, as shown in Figure 3-4-1, Trade in Services Bureau was newly established within Department of Trade Negotiations (DTN, former DBE), to cover not only GATS issues but also service-related issues in ASEAN and APEC, other regional frameworks.

DTN has been organizing “Services Coordination Meeting” for the sake of sharing information of GATS. In addition to daily information provision, before and/or after Council for Trade in Services in WTO, results and current discussion will be updated to the service-related governmental agencies from DTN. DTN have also organized seminars and meetings, as their own effort, inviting sometime WTO experts both in Bangkok and regional areas in Thailand.

(*) Note: Department of Trade Negotiations has succeeded main tasks of Department of Business Economics (DBE) since October 2002. Within the same Department, Bureau of Trade in Services Negotiations is responsible for service-related issues including GATS, while Bureau of Multilateral Negotiations is in charge of all the other WTO issues. In this session, “DBE” is referred as “DTN” except descriptions of certain DBE period.

Figure I-3-13 Service officers pre and post restructuring of Ministry of Commerce



(b) Service-Related Governmental Agencies

The most of service-related Governmental Agencies have three (3) officials in charge of GATS as well as service-related issues in APEC and ASEAN, although the experiences and points of interest differ one agency from another.

Service-related Governmental Agencies can be grouped as follows:

- 1) Fiscal Policy Office (FPO), the Ministry of Finance and Post and Telegraph Department (PTD), the Ministry of Transportation and Communications, who have certain experience in liberalizing negotiations in trade in services of GATS
- 2) Agencies responsible for sector-horizontal issues (e.g. commercial presence and the cross-border movement of natural persons) of GATS, such as Department of Commercial Registration and the Ministry of Industrial Works.
- 3) Agencies in charge of certain service sectors in which the range and extent of commitments in GATS are limited, such as Department of Land Transport and Department of Alternative Energy.

For the group 1) above, there exist certain knowledgeable Deputy Director-General level officials in Post and Telegraph Department and Fiscal Policy

Office, who have experiences through previous negotiations on telecommunication services (concluded in February 1997) and financial services (concluded in December 1997). However, other than those few officials, the capacity is recognized as not sufficient to cover broad sectoral issues in these agencies.

For groups 2) and 3), officials in charge have just started to be fully involved to GATS issues as the progress of negotiations at WTO.

(c) Relation with Service Industry

The negotiations under GATS are inter-governmental, and commitments and related domestic policies, laws/regulations are reviewed by government. However, the outcomes of the negotiations have direct impact to service industry. Thus, adequate inputs from industry are essential for the government.

DTN sometimes gives explanation regarding GATS negotiations to “Joint WTO Committee” established by Thai Federation of Industries, Bankers Association and Thai Chamber of Commerce. However, relation between the government and industry seems that it has some room of development to enable active interactions. Currently, DTN holds seminars or meetings on ad-hoc basis, by inviting industry representatives to understand their views.

In other service-related governmental agencies, Fiscal Policy Office has been organizing “Financial Services Liberalization Team” consists of other financial agencies including Bank of Thailand, Department of Security, Security Exchange Commission as well as associations of security companies, investment companies, insurance companies, etc. At this Team, FPO provides updated information of discussion on financial services liberalization in WTO, APEC and ASEAN to Team members. FPO is making efforts to strengthen their understandings on GATS provisions and negotiations, etc., which is an outstanding activity among SERVICE-related agencies. Post and Telegraph Department also has the strong relationship with telecommunication authorities and private service providers, co-organizing seminars with other donors, etc. On the other hand, though governmental agencies have channels of dialogues/information sharing with industry representatives, respectively, the channels have rarely utilized to enhance the awareness on WTO/GATS related matters.

(2) Thailand's Commitments under GATS and other framework for service liberalization

Through the Uruguay Round and following sectoral negotiations on basic

telecommunication and financial services, the Government of Thailand has made a certain level of commitments, which in turn provide a principle for revision and introduction of the domestic laws/regulations.

Current Schedules of Specific Commitments of Thailand covers sub/sectors shown in the figure I-3-14.

Figure I-3-14 Coverage of Specific Commitments of Thailand

	Number of sub-sectors	Number of Commitment			
		Thailand		Japan	
1 Business services	46	20	43.5%	29	63.0%
2 Communication	24	8	33.3%	16	66.7%
3 Construction and related Engineering services	5	3	60.0%	4	80.0%
4 Distribution services	5	1	20.0%	4	80.0%
5 Education services	5	2	40.0%	4	80.0%
6 Environment services	4	3	75.0%	3	75.0%
7 Financial services	17	13	76.5%	16	94.1%
8 Health services	4	0	0.0%	1	25.0%
9 Tourism and Travel services	4	2	50.0%	3	75.0%
10 Recreation, Cultural, and Sporting services	5	1	20.0%	4	80.0%
11 Transport services	35	11	31.4%	11	31.4%
12 "Other"	1	0	0.0%	0	0.0%
Total	155	64	41.3%	95	61.3%

As seen in figure 1 above, the commitments of Thailand cover almost all service sectors. However, there would be still some room for further liberalization in some areas, especially based upon autonomous liberalization in other international fora, such as the ASEAN Framework Agreement on Services (AFAS).

The ASEAN Framework Agreement on Services (AFAS) was born out of the ASEAN Bangkok Summit in 1995, where a decision was made that ASEAN will launch negotiations in trade in seven service sectors namely, banking, tourism, air transportation, maritime transportation, telecommunications, construction and professional services. It was believed that regional negotiations would solicit bolder commitments from member countries than those made in GATS where the number of parties involved is much greater and the interests much more diverse. The GATS framework was used as the basis for negotiations in AFAS. Member countries are to place requests and offers on liberalizing their respective service sectors.

(3) Current Industry Policies in Major Service Sectors

Among board service sectors, the Government of Thailand seems to put priorities on financial and telecommunication sectors in connection with GATS, among other services sectors.

According to the report by the Government of Thailand submitted to the Trade Policy Review Body of WTO for the latest Trade Policy Review Meeting, the Government states its own policy in service sector as follows.

Thailand welcomes foreign investment in the services sector through joint-ventures with Thai partners at the maximum ownership of up to 49%. In some services activities, foreigners may seek for permission to establish a 100% foreign-owned entity in Thailand. In certain sectors such as accountancy, architecture and engineering, Thailand has adopted standard regulations and licensing requirements in order to guarantee professional quality and integrity.

Since 1997, as part of the efforts to bring the country out of the financial crisis, the government has permitted investment in banking and securities businesses through share-holding in existing commercial banks, both privately- and publicly- owned. The previous maximum foreign ownership of 25% for banks and 49% for securities companies were relaxed. The Minister of Finance, upon recommendation from the Bank of Thailand, is empowered to authorize requests of interested foreign investors who wish to have ownership of more than 50%.

For insurance services, Thailand has continually implemented the principle of progressive liberalization. The first step of the liberalization plan for insurance has been completed with the establishment of 25 additional insurance companies (12 life insurance companies, and 13 non-life insurance companies). The amendment of insurance laws to increase foreign equity participation in insurance companies in Thailand, which is part of a second step of the liberalization plan, is also in progress. The last step will involve the consideration of the possibility of revising insurance laws to grant market access for foreign insurers through commercial presence as full branch.

Regarding telecommunications sector, as part of telecommunications liberalization process, the Master Plan for Telecommunications Development was formulated and approved by the cabinet on 28 March 1995. The incoming

government, which was formed in late 1995, instructed the Ministry of Transport and Communications to review the Master Plan. The reviewed Master Plan was resubmitted to the cabinet for approval and subsequently was approved on 4 November 1997. The main policy elements of the Master Plan for Telecommunications Development are as follows:

1. liberalization;
2. increasing private participation;
3. establishing an independent regulatory body;
4. privatization of Telephone Organization of Thailand (TOT) and Communication Authorities of Thailand (CAT)

The liberalization of telecommunications in Thailand will provide a good opportunity for local and foreign firms to apply for licenses to operate telecommunications services. The foreign companies may participate in telecommunications business in Thailand after the year 2006 through joint ventures with local firms.

(WT/TPR/G/63, 17 November 1999)

(4) Services Economic Situation in Thailand

Since the information from Trade Policy Review is not fully updated, as for Thailand, TPR is obliged once in four years, some service economic data is shown in this part.

Based on the latest date available for five ASEAN countries, service economy of Thailand is expressed as middle position with regard to service ratio in GDP, service export per GDP, service sector productivity, but fifth in employment and real growth in service as shown in the figure I-3-15 below.

Figure I-3-15 Services of ASEAN 5

	Singapore	Malaysia	Thailand	Philippines	Indonesia
Service Sector GDP (%)	67	53	55	46	40.5
Service Export (% of GDP)	28.61	15.22	11.59	6.23	3.38
Service Sector Employment (%)	65.4	48.6	32.4	46.7	40.5
Service Sector Real Growth (%)	8.9	8.8	4.6	7.2	4.4
Service Sector Productivity (GDP US\$/person)	45,289	10,067	6,364	2,681	1,877

Source: Latest date available/ Restructured by TA Team based on Dr. Duenden's material for GATS Workshop in Feb 2002

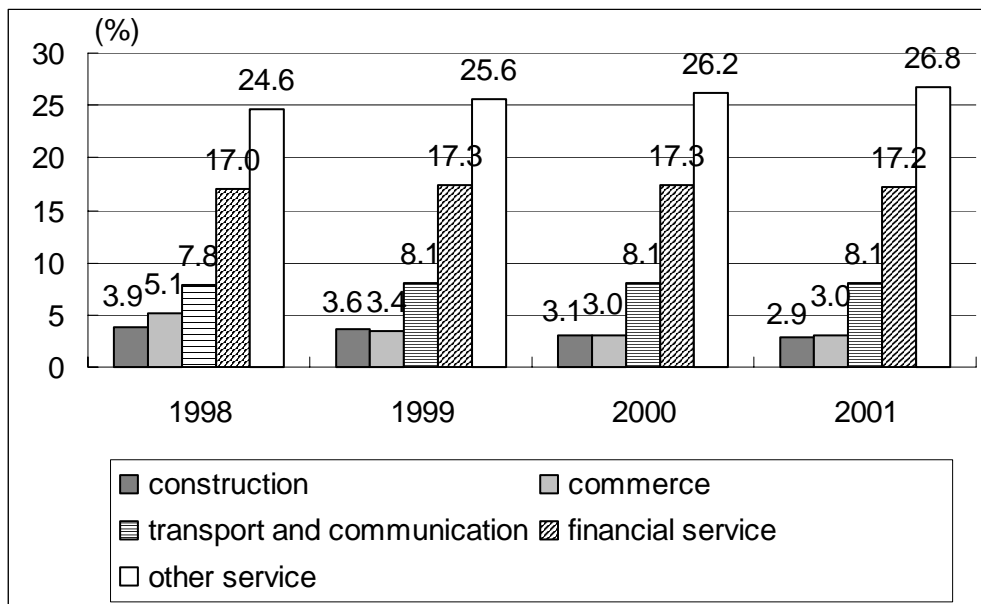
For the comparison, date in 2000 is used.

The total of service GDP is 58.0% in 2001. GDP of financial services is 17.2%, showing stable figures since 1998 as seen in figure I-3-15.

Figure I-3-16 shows comparative figures of the impact of tourism industry among ASEAN 5. In general, tourism service is often mentioned by developing countries that they expect tourism service as traction for the other industry. Despite of the unfortunate even in Bali, Indonesia in October 2002, mid/long-term development of the service sector should be sought.

In general, handling WTO/GATS issues, attention to real economy is sometimes not adequately paid. However, TA Team believes that it is important to grasp the trend and its implication of the service economic data when GATS/service liberalization is under consideration.

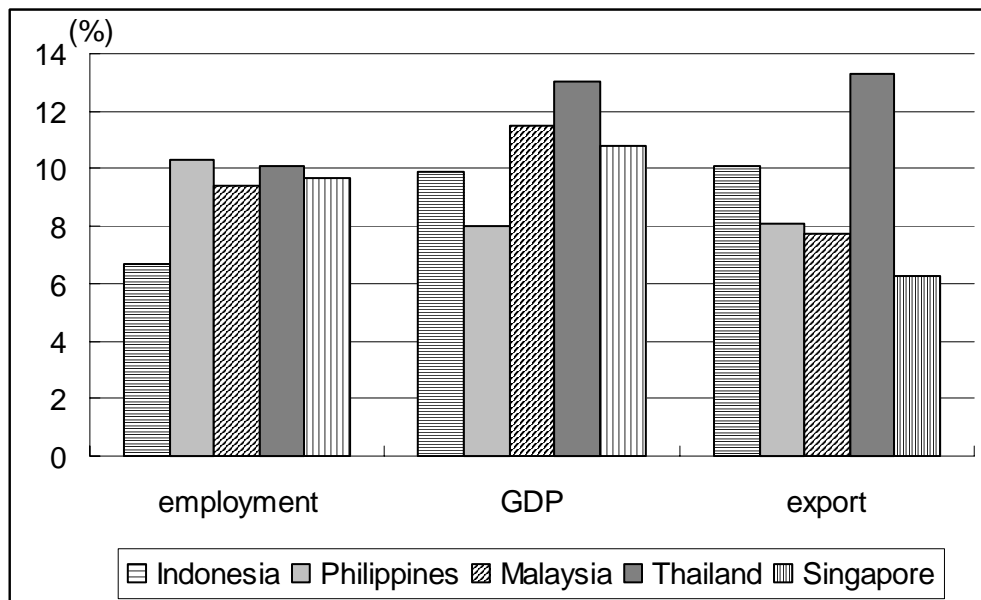
Figure I-3-16 Origin of GDP in Thailand



Source: IMF, Thailand, Selected Issues and Statistical Appendix, 2002

Figure I-3-17 Impact of Tourism Industry of Thailand

(in percentage of National Account/2001)



Note: figures of employment and GDP include both direct and indirect impact on the economy
 Source: World Travel & Tourism Council, Country Reports, 2002

3.3.2 Needs of Capacity Building

(1) GATS – Difficult Agreement to deal with

General Agreement on Trade in Services (GATS) was agreed upon under the desire of WTO members *“to facilitate the increasing participation of developing countries in trade in services and the expansion of their service exports including, inter alia, through the strengthening of their domestic services capacity and its efficiency and competitiveness”* (- from the preamble of GATS).

However, developing members including Thailand face difficulty because:

- 1) the framework of GATS is rather complicated, leaving some flexibility for each member country to decide the commitments of liberalization, and provisions not easy to understand,
- 2) the sectoral coverage of GATS is broad and service sectors differ from one to another,
- 3) the economic and industry policies of each member country are directly related to the GATS liberalization, and
- 4) negotiation on trade in services is currently going on.

Therefore, certain needs exist in members to:

- 1) deepen understanding on GATS disciplines and rules,
- 2) broaden involvement of service-related governmental agencies and industries and facilitate inter-governmental and industry-government coordination and discussion,
- 3) draw a ground picture of economic/industry policies and place the SERVICE-work in it, and
- 4) not only follow the state of play but also make use of GATS negotiation for own economy.

Through the work since the start of this program on capacity building, TA Team found above mentioned difficulties and needs are also relevant to Thailand. In order to deal with these difficulties and needs, economic background, legal frameworks including those of other international and industry/economic policies should be adequately grasped.

(2) Needs of the Government of Thailand for the Capacity Building on GATS

DTN identified its needs that it is necessary to broaden the understanding on GATS within all service-related governmental agencies, at early stage of this program, in order to facilitate the internal coordination when the Government of Thailand deals with negotiations, which naturally came from the complexity and broadness of GATS.

DTN and a few other governmental agencies which have experience from previous negotiation under GATS, such as Fiscal Policy Office or Department of Posts and Telegraph, have certain knowledge and information with regard to the GATS negotiations. However, even those organizations are not fully ready since current negotiation proceeded to new stage, and recognized themselves lacking enough internal experts. Also, divisions/bureaus not directly in charge of GATS and other service-related governmental agencies (e.g. divisions in charge of transportation in Ministry of Transportation and Communications, Ministry of Public Health, etc.), and agencies responsible for horizontal issues of GATS (e.g. Board of Investment, Department of Commercial Registrations) haven't had practical opportunities to deepen the knowledge about GATS so far. Thus, certain level of needs were expressed to enhance knowledge with regard to GATS in general, for the sake of facilitating future coordination and discussion on horizontal issues among service-related governmental agencies.

During this program, and based upon the enhancement of the general understanding on GATS, further needs to improve knowledge in sector specific issues were recognized. Especially, through the questionnaire survey and follow-up consultation of Workshop I, which aimed to enhance the general knowledge on GATS, it was pointed out from Thai side that sectoral/technical knowledge transfer would be necessary as the next step.

In Thailand, as well as all the other WTO members, based upon the level of commitment and situation of domestic market, each service sector faces different challenges. For example, in telecommunication and financial sectors, implementation of current commitment was one of the interested issues. Sectors with partial commitment or no commitment, needs were observed on issues such as strengthen understanding on flexibility of GATS, relation between sectoral policy and liberalization, and current domestic laws/regulations and autonomous liberalization.

3.4 Agreement on Anti-Dumping / Countervailing Duties (AD/CVD) «Component 3»

In 1995, the Minister of Commerce, by virtue of the Export and Import Act, and with the approval of the Cabinet, enacted the Notification of the Ministry of Commerce on the Imposition of Anti-Dumping and Countervailing Duties. Subsequently, a new Notification of the Ministry of Commerce on the Imposition of Anti-Dumping and Countervailing Duties B.E. 2539 ("the new Notification") came into force on 14 September 1996. Several WTO Members have pointed out that the new Notification was silent on many of the specific requirements contained in the Agreements. In response to these, a new Anti-Dumping and Countervailing Act (B.E. 2542) became effective in July 1999, providing the legal basis for anti-dumping and countervailing measures. The new Act is in full compliance with the WTO Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Anti-Dumping Agreement).

3.4.1 Experiences of AD/CVD in Thai Industries

Thai industries have been frequently subject to anti-dumping measures from various countries. Recently, certain industry has also been subject to countervailing duties. Those experiences are summarized by major industries as follows.

(1) The Steel Industry

Steel and steel products, in particular pipe-fitting and steel pipes and tubes, have been subject to anti-dumping measures from various countries including the EU, Canada, the United States and Australia as can be seen in the table below. According to local steel producers, a large part of exported steel products from Thailand is in fact reprocessed foreign products – i.e., hot-rolled steel plates– that faced anti-dumping measures from the United States. Since Thailand provide import duties exemptions to exporters steel products, as a result, steel and steel products from Thailand have been subject to countervailing duties from the US.

**Figure I-3-18 Antidumping duty and countervailing duty
(steel & steel products cases)**

COUNTRY	PRODUCT	%AD	%CVD
EU	Pipe fitting (investigation beginning 3 Feb 1994)	58.90 (4 April 1996) expire review April 2001	-
	Pipe fitting (investigation beginning 3 Feb 1994)	6.3-22.1 (11 August 2000)	-
	Welded Tubes (investigation 29 June 2001)	Initial findings pending	-
Canada	Carbon steel welded pipe (investigation 26 July 1991)	14.20-46.50	-
	Hot-rolled steel plate (Investigation 15 Oct 1999)	32- 57.6	1,860 baht/metric ton
Australia	Galvanize steel pipe (Investigation 27 April 1999)	3-33 (as qualification) (9 November 2000)	-
	Steel shelving kits (Investigation 19 April 2001)	DM 47.8% (Final determination) (26 September 2001)	-
US	Fitting pipe - Butt Weld Preliminary review 1999 SUNSET May 1999	10.68-50.84 10.68-50.84	-
	Steel pipe - investigation 17 March 1985 -First annual review (1988-89) -Second annual review (1992-93) -Third annual review (1994-95) -Fourth annual review (1995-96) -Fifth annual review (1996-97) -Sixth annual review (1997-98) -Seventh annual review (1998-99) (preliminary determination) -Eighth annual review (1999-2000) (preliminary determination) -SUNSET (22 August 2000) Annual review	15.67-15.69 de minimis 38.51 15.67-18.04 7.27-29.89 9.52-15.67 1.92-15.67 9.84-15.67 0.24-15.67 1.92-15.67 15.60-15.69 In the process of investigation	-
	Hot-rolled steel plate (investigation 3 December 2000)	3.86-19.72	2.38

Source: Bureau of Trade Interests and Remedies

(2) The Rubber and Rubber Products Industry

Bicycle tires have been subject to AD measures from Brazil and Argentina as can be seen in the table below. Affected businesses sought legal experts in the area of AD measures only in the case of Brazil. The Ministry of Commerce provided the technical assistance. While legal advice is indeed costly, larger problems faced by the affected businesses are the lack of documentation and accounting information to counter the dumping allegation, and also non-English language burden.

Figure I-3-19 Antidumping duty and countervailing duty
(rubber & rubber products cases)

COUNTRY	PRODUCT	%AD	%CVD
Argentina	Bicycle tires (investigation began 10 Sep. 2001)	No provisional measure imposed (30 April 2002).	-
Brazil	Bicycle tires (investigation began 4 July 1996)	37.59-58.49 (9 Jan 1999)	-

Source: Bureau of Trade Interests and Remedies

(3) The Plastic Industry

Exports of plastic pellets have been subject to AD measures by Australia and South Africa and presently, China and India. The domestic industries have decided to file petition, in the case of Australia, the AD measure had been used to protect local industry rather than to ensure fair trade. It is unlikely that Thai exporters will face countervailing measures since the industry is not a recipient of government subsidies

Figure I-3-20 Antidumping duty and countervailing duty (plastic pellets cases)

COUNTRY	PRODUCT	%AD	%CVD
China	Plastic pellets (Investigation began 9 Feb 2001)	Initial findings pending	-
India	Plastic pellets (Polystyrene) (Investigation 18 March 1999)	GPPS type 5,649 Rupee/metric ton HIPS type 9,236 Rupee/metric ton (8 March 2000)	-

Source: Bureau of Trade Interests and Remedies_

(4) The Processed Food Industry

Canned pineapples have been subject to AD measures from the US since 1994 and more recently, from Australia as can be seen in the table below. Since many producers were affected by these measures, there is a strong unity among them. The Association of Processed Food has also stepped in to sponsor legal costs, file a petition to the WTO Dispute Settlement Understanding, and request for supporting from the government. However, it is the responsibility of the individual producer to collect data and information and to fill out the questionnaire. As a result, each exporter is subject to a different AD rate.

Figure I-3-21 Antidumping duty and countervailing duty (processed food cases)

COUNTRY	PRODUCT	%AD	%CVD
US	Canned pineapple		-
	-Investigation June 1994	1.73-51.16	
	-First annual review (1995-96)	0.30-27.85	
	-Second annual review (1996-97)	0.30-51.16	
	-Third annual review (1997-98)	0.30-51.16	
	-Fourth annual review (1998-99)	0.30-51.16	
	-Fifth annual review (1999-2000)	0.18-24.64	
-SUNSET (July 2000)	1.73-51.16		
Australia	Concentrated pineapple juice and canned pineapple (Investigation 29 January 2001)	Concentrated pineapple juice Grade A: 0.23 US\$/kg Grade B: 0.17 US\$/kg Canned Pineapple Greater than 1 liter : 0.02 US\$/kg Less than 1 liter : 0.78 US\$/kg	-

Source: Bureau of Trade Interests and Remedies

(5) The Footwear and Leather Industry

Footwear products exported to the EU and New Zealand have been subject to dumping allegations since the early nineties as can be seen in the table below. Affected parties challenged and successfully defended the case so that these products are no longer subject to AD measures.

Figure I-3-22 Antidumping duty and countervailing duty
(footwear products cases)

COUNTRY	PRODUCT	%AD	%CVD
EU	Footwear (investigation 22 Feb. 1995) -except Bangkok Rubber, CK shoes, PSR Footwear	The difference between the export price and the established minimum price, 5.7 ECU (1 March 1998)	-
New Zealand	Men's shoes (investigation 17 Jan 1992)	Ended 21 May 1999	
	Men's climbing shoes (investigation 17 Jan 1992)	Ended 30 July 2001	

Source: Bureau of Trade Interests and Remedies

(6) The Electric and Electrical Appliance Industry

Exports of colored television from Thailand have been subject to dumping allegations for quite a long time and have faced AD measures from the EU as can be seen in the table below. Besides the dumping allegations, certain producers also faced problems with respect to the country of the origin of the product since investigation revealed that television picture tubes were imported from Malaysia and Korea.

Figure I-3-23 Antidumping duty and countervailing duty
(electric & electric appliance products cases)

COUNTRY	PRODUCT	%AD	%CVD
EU	Color Television (Investigation 25 Nov 1992)	3.00-29.80 (27 Mar 1995) (SUNSET April 2000)	-

Source: Bureau of Trade Interests and Remedies

3.4.2 Present Situation of AD/CVD Implementing Agencies

Bureau of Trade Interests and Remedies of the Department of Foreign Trade (DFT) within the Ministry of Commerce, is the department mainly responsible for implementing AD and CVD Agreements. The Bureau has about 25 officers, who are in charged of dumping investigation, injury investigation, safeguard, issuing rules and regulations on AD/CVD, and so on. Although some officers have a wealth of knowledge and experience on the subject, they recognize the necessity to acquire more knowledge and share them with other officers.

The Bureau provides advice with respect to the procedural requirements, coordinates activities and set up workshops and training courses for businesses concerning the relevant laws and procedures. However, according to private businesses' experience, the frequent transfer of officers within the Office has rendered the services discontinuous and ineffective.

Besides the DFT, a couple of agencies are related to AD/CVD implementation as follows:

- The Department of Trade Negotiation provides advice and information with regard to WTO rules and procedures as well as assistance in the preparation of document and information in filing the case to WTO Dispute Settlement Body. It also assists in the negotiation and the exchange of information with the trading partners.
- The Department of Internal Trade assists local producers in the event of foreign dumping in the domestic market. However, according to the private sector's viewpoint, the assistance has proved to be too slow to be effective.
- Some institutes under the Ministry of Industry, like Institute of Steel and Iron and Electrical and Electronics Institute, provide guidance in filling out forms and provide necessary information and data and coordinate activities among affected members and between members and government offices. The Institute of Steel and Iron is currently studying countervailing and safeguard measures in order to assist private companies that may face such measures in the future.

3.4.3 Needs for Capacity Building for AD/CVD

The TA Consultant Team conducted 1st field survey in Thailand from August 20 to 31 in 2001, to consult with related organizations on the assistant method and agenda to be covered, based on the Inception Report. At the meeting with the Bureau of Trade Interests and Remedies DFT, it requested that a workshop be held to enhance capacity at working level for the officials involved in these issues, as well as a workshop to increase the understanding of the private sector (industries of iron and steel, chemicals, textiles, electrical and electronic machinery). DFT hoped that priority would be placed on the former in particular, and given the considerable existing capacity of DFT, the workshop would need to focus primarily on practical problem-solving.

On the above needs, this project has aimed to improve understanding on agreements of anti-dumping, subsidies and countervailing duties through workshops on these issues. DFT and TA Consultant Team recognized the goals and approaches of the workshops as follows:

- (a) The workshop for government officials involved with the AD and CVD Agreements (the workshop 1) would use case studies to focus on problem analysis and solution by participants themselves, aiming to boost implementation capacity in regard to the two agreements.
- (b) The identified focal issues to be covered at the workshop 1 are technical aspects in AD/CVD action as described in the Inception Report, rather than the conceptual aspects of the AD/CVD Agreements. Detailed curriculum would be thrashed out on-line base between two counterparts.
- (c) As for the evaluation of the program, major outputs of the workshop would be assessed by questionnaires for the participants. Expected level of outputs would be set considering the difference in level of the know ledges between participants.
- (d) Regarding the workshop 2 for the private sectors (industries), agenda setting would be left to the TA Consultant Team. The DFT officers would participate to the workshop, suggesting that they are interested in Japanese industries' experiences.

On the other hand, through the interviews with some industry during the 1st field survey, some issues to be considered had been pointed out as follows:

- Some industries, like steel, electrical and electronic machinery, have plenty of AD experiences, but, at the same time, there are many companies, which do not

have enough knowledge and money to deal with dumping allegations from other countries.

- Those companies who have rather much experiences of AD investigation do not necessarily need support in technical aspects, but hope to build effective mechanism to initiate (or respond to) trade remedies. They also hope government's initiative to strengthen the discipline for AD/CVD measures in the new WTO round.
- Japanese experiences are informative when they are introduced in an appropriate way.

As an institutional effort by the Thai industries to implement WTO Agreement, including AD/CVD, there is the Joint WTO Committee, which is established by three representative industry organizations in Thailand: Federation of Thai Industry (FTI), the Board of Trade (BOT), and the Thai Bankers Association (TBA). The Joint WTO Committee has six sub-committees by trade-related issues, which includes sub-committee deals with the AD rules. Each sub-committee presents a position paper to the government to make the Thai industries' interests reflected in the negotiations at WTO.

3.5 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) 《Component 4》

3.5.1 Present Situation of the TRIPS Implementation in Thailand

In accordance with the transitional schedule that TRIPS requires for entering signatories, the Government of Thailand has worked to bring domestic laws into conformity with the TRIPS Agreement. The necessary legal measures have been developed for TRIPS compliance, and relative domestic organizational structures are also being set in place for their legitimate enforcement. However, in terms of implementation, reality is still left to allow certain disturbance such as many piracies, counterfeits and other illicit goods distributed on the Thai market in infringement of intellectual property rights (IPR), for which protection requires further improvement. In order to enjoy conformity with the TRIPS Agreement, Thailand's need is not only to develop its legal infrastructure, but extended to pay greater attention to its enforcement on IPR preservation. The following section overviews and highlights the current situation of IP legislation in Thailand in relation to the provision of TRIPS Agreement and some of the issues of concern in each area.

(1) Compliance of Domestic Laws with TRIPS Obligations⁷

Thailand is currently a party to two international agreements in the field of intellectual property: the Berne Convention and the TRIPS Agreement. The current copyright law is consistent with the Berne Convention. The Government of Thailand is at its final stage of revising or drafting all the intellectual property-related laws to comply with the TRIPS Agreement. The following section describes the current status of each law.

(a) The Patent Act

The Patent Act was amended in 1999. The goal of the amendment is to bring the Thai law to fully comply with the TRIPS Agreement. In the Thai IP law system, industrial designs are also protected under the Patent Act. The current Act provides protection period, counted from the filing date of the application, of 20 years for

⁷ This section is based on the report, "Intellectual Property Right Protection in Thailand, January 2002", prepared by Thailand Development Research Institute (TDRI). The report has been prepared particularly for this program purpose on the request from JICA TA Consultant Team.

inventions, 6 years for petty patent and 10 years for industrial designs. Salient features include:

- Subject Matter Coverage: All inventions are protected under the Act except (a) micro organisms which naturally exist and their components, animals and plants, or extracts from animals and plants, (b) scientific or mathematical rules or theories, (c) computer programs and software (d) methods for diagnosing, treating or curing human or animal diseases, (e) an invention for which a patent application is pending in a foreign country for more than 18 months prior to the date of the Thai application, (f) an invention/design which has been disclosed to the public and/or patented or registered elsewhere prior to filing of the Thai application, and (g) an invention which is contrary to public order, morality, health or welfare (Section 9)⁸.
- National Treatment: Nationals of countries that have reciprocal patent agreements with Thailand or are parties to any international patent convention, to which Thailand is also a party, including the TRIPS Agreement, are eligible to apply for a patent in Thailand (Section 6). In practice, however, all documents submitted must be written or translated into Thai. In case of application relating to micro-organism, a copy of a certificate of deposit of the micro-organism with an internationally accepted depository body must also be submitted.
- Restrictions on Compulsory Licensing: After the expiration of three years from the grant of a patent or four years from the date of application, whichever is later, any person may apply to the Director General of the DIP for a license if it appears, at the time when such application is filed, that the patentee unjustifiably fails to exercise his legitimate rights (1) that the patented product has not been produced or the patented process has not been applied in the country, without any legitimate reason; or (2) that no product produced under the patent is sold in any domestic market, or that such a product is sold but at unreasonably high prices or does not meet the public demand, without any legitimate reason. Whether it is an application under (1) or (2), the applicant for a license must show that he has made an effort to obtain a license from the patentee having proposed conditions and remuneration reasonably sufficient under the circumstances but unable to reach an agreement within a reasonable period (Section 46).

⁸ Special provisions for protecting pharmaceutical products in the previous Act were deleted in the amendment since such products are already protected under the general provisions.

- Penalties: Though not mandated by the TRIPS Agreement, violations of patent on a commercial scale constitute criminal offenses under the Act. Violators are liable to punishment by a fine of 400,000 baht or by imprisonment of 2 years, or both (Section 85). However, such punishments are seldom applied in practice since patent violations in Thailand are very rare.

In normal cases, it takes about 3-5 years for an invention patent, 1-2 years for a design patent, and 3-6 months for a petty patent to be registered. This reflects the limited resources the DIP Patent Office is facing. At this moment, applications of invention patents in Thailand are dominated by foreigners. As a result, about 90% of registered patents belong to foreigners.

(b) The Trademark Act

The Trademark Act was revised in 1992 to provide stronger protection for trademark and extend the protection to service, certification, and collective marks. Additional amendments in the year 2000 further extends the legal definition of a mark and brings the Thai law to full compliance with the TRIPS Agreement. Currently, Thailand has not become a party to any international treaty on trademark protection other than the TRIPS Agreement. However, Section 11 and 28 of the Trademark Act was amended to pave a way for future participation. Some salient features in the Act include:

- National Treatment: For a trademark to be registrable, the applicant or his agent shall have an office or address for communication in Thailand (Section 10). In cases where Thailand acceded to an international convention or agreement concerning trademark protection, the trademark application, which is in compliance with the requirement of such international convention or agreement, shall be deemed to be a trademark application under this Act (Section 11).
- Well-known Marks: Trademarks having or consisting a mark, which is identical or confusingly similar to a well-known mark, registered or not, cannot be registered (Section 8).
- Prohibition of Compulsory Licensing: There is no provision in the Act that permits compulsory licensing of trademarks in any situations.
- Requirement of Use: Any interested person may petition to cancel a trademark registration if it is proved that at the time of registration the owner of the trademark had no bona fide intention to use the trademark with the goods for

which it was registered and there was no bona fide use whatsoever of the trademark or that during the three years prior to the petition for cancellation there was no bona fide use of the trademark for the goods, unless the owner can prove that such non-use was due to special circumstances and not to an intention not to use the trademark (Section 63).

- Penalties: Any person who counterfeits a trademark shall be liable to imprisonment not exceeding four years or a fine of not exceeding 400,000 baht or both (Section 108). Any person who imitates a trademark shall be liable to imprisonment not exceeding two years or a fine of not exceeding 200,000 baht or both (Section 109). Any person who imports, distributes, offers for distribution or has in possession for distribution goods bearing a counterfeit trademark under Section 108 or an imitation trademark under Section 109 shall also be liable to the penalties provided in those Sections.

Enforcement remains a big problem for trademark protection in Thailand. Goods of which trademarks are often infringed include clothes, accessories, watches and toys. The U.S. and some European countries also charged that the enforcement process is time consuming and expensive.

Another problem of the Thai trademark system is that cancellations of unused trademarks are generally difficult. Although Section 63 of the Trademark Act allows an interested person to request the Trademark Board a cancellation of the registration of an unused trademark unless the trademark holder can prove that non-use of the trademark was due to exceptional circumstances and not to any intention not to use it, the cancellation in practice is very rare. Some experts criticize that the Board has failed to set standards of what would constitute sufficient condition of “non-use”, “no intent to use”, or “exceptional circumstances”. Also the registrant of a trademark is not required to respond to a cancellation petition of his or her trademark. These difficulties have frustrated some companies that want to register a trademark that is in conflict with an unused trademark.

(c) The Copyright Act

The Thai Copyright Act was revised in 1994 and became effective in March 1995. The revised Act is fully consistent with the TRIPS Agreement and the Berne Convention. Salient features in the Act includes:

- National Treatment: Copyrighted works and performers' right of foreigners are protected under the Act if the creator is of the nationality of a country which is a party to an international convention or agreement on the protection of copyright to which Thailand is also a party (Section 61).
- Period of Protection: Copyright endures for the life of the author and fifty years after the death of the author. In the case of a work of joint authorship, copyright endures for the life of the joint-authors and fifty years as from the death of the last surviving joint-author. In the case of the author being a juristic person, copyright endures for fifty years as from the authorship (Section 19).
- Computer Software and Compilation of Data: Computer software is defined as a 'literary work' and protected under the law (Section 4). Compiled data is also protected as copyrighted work (Section 12).
- Performers' Rights: Performers are entitled to exclusive rights with respect to the broadcasting and reproduction of their performances and the recording of their unrecorded performances (Section 44).
- Rental Rights: Copyright owners are granted exclusive rights with regard to the rental of the original or a copy of a computer program, audio-visual work, sound recording and cinematography (Section 15).
- Penalties: Infringers of copyrighted work are liable to punishment by a fine of 20,000-200,000 baht. In case of infringement with commercial purposes, the offender shall be inflicted with imprisonment for a term from six months up to four years or a fine of 100,000-800,000 baht or both (Section 69).
- Exception of Infringement: An act against a copyright work, which does not conflict with a normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate right of the owner of copyright, is not deemed an infringement of copyright (Section 32)⁹.

⁹ The exception includes (1) research or study of the work which is not for profit, (2) use for personal benefit or for self benefit together with the benefit of other family members or close relatives, (3) comment, criticism or introduction of the work with an acknowledgment of the ownership of copyright in such work, (4) news reporting through mass media with an acknowledgment of the ownership of copyright in such work, (5) reproduction, adaptation, exhibition or display for the benefit of judicial proceedings or administrative proceedings by authorized officials or reporting such proceedings, (6) reproduction, adaptation, exhibition or display by an instructor for the benefit of instruction provided

Problems of copyright protection in Thailand remain in the process of law interpretation and enforcement. For example, the U.S. Government criticized that the Thai copyright law is still ambiguous regarding de-compilation of computer program, and regulations for enforcement procedures leave loopholes that hinder effective law enforcement. Moreover, since offenses under the Copyright Act are compoundable and often result in withdrawal of cases by right holders, police tend to treat such cases with low priority. In addition, police cannot initiate the investigation until receiving complaints from right holders even though violations are detected.

Another problem arises in the area of fair use. As discussed above, an act against a copyright work that does not conflict with a normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate right of the owner of copyright is not deemed an infringement of copyright. General exception includes use of copyrighted works in education and research. In a recent case, the Supreme Court decided that the reproduction of textbooks by a photocopying shop was exempted from copyright infringement if the shop could demonstrate that the reproduction was under a hire-of-work arrangement. This opens a loophole for photocopy shops to exploit the copyrighted textbooks and has frustrated many foreign publishing companies.

Other controversial issue involves the criminal procedure in suing copyright violators. In landmark case in the year 2000, the Supreme Court overturned a decision of the IPIT Court and dismissed criminal charges against a Thai computer company for illegal sale of unlicensed Microsoft software. The Supreme Court ruled that the plaintiff's method of securing evidence of infringement by the defendants constituted an entrapment as the plaintiff sent its staff to purchase a computer pre-loaded with unlicensed software just for the purpose of prosecuting the defendants. The Court reasoned that the plaintiff could not be regarded as an injured party and was therefore not eligible to file charges against the defendants under the Thai Criminal Procedure Code.

In addition to the Copyright Act, a Compact Disk Plant Control Bill, designed to enhance the capabilities of the police to suppress production of illicit compact disks, is currently under consideration in the parliament. In the drafting process, similar laws of Hong Kong and Malaysia are used as guidelines. The Bill is expected to impose high fines and imprisonment for violations. Under the Bill, CD manufacturers are required to:

that the act is not for profit, (7) reproduction, adaptation in part of a work or abridgement or making a summary by an instructor or an educational institution so as to distribute or sell to students in a class or in an educational institution provided that the act is not for profit and (8) use of the work as part of questions and answers in an examination

1. Obtain a license from the Director-General of the DIP prior to manufacturing of CD-related products.
2. Obtain permission to import necessary machinery from the Director-General of the DIP.
3. Obtain prior permission from the Director-General of the DIP for the removal of machinery from the location permitted in the license. In the case of sale, transfer or disposal of the machinery, the manufacturer is also required to report to the DIP.
4. Display the serial numbers of CDs on the die and on the CDs manufactured in the place of business.
5. Report the quantity of imported raw materials used and the quantity of CDs manufactured to the DIP.

(d) The Plant Varieties Protection Act

The Plant Varieties Protection Act was legislated in late 1999. The law is supervised by the Ministry of Agriculture and Cooperatives. Most other IP laws are supervised by the DIP. Four types of plant varieties are protected by the Act: new plant varieties, local domestic plant varieties, general domestic plant varieties and wild plant varieties. Salient features in the law include:

- National Treatment: A person applying for registration for protection of a new plant variety must be of Thai nationality or being a juristic person having a headquarter in Thailand, be of the nationality of a country allowing Thai nationals or juristic persons having headquarters in Thailand to apply for protection in that country, be of the nationality of a country which is a party to an international convention or agreement on the protection of plant varieties to which Thailand is also a party, or have a domicile or carrying out real and effective business in Thailand or in a country which is a party to an international convention or agreement on the protection of plant varieties to which Thailand is also a party (Section 15). It should be noted, however, that a person entitled to apply for protection of domestic plant varieties are limited to local communities, local governmental organizations, farmer groups or cooperatives (Section 45).
- Period of Protection: Periods of protection are 12 years for plants capable of giving fruits after the cultivation within the period of not over two years, such as a perennial plant, 17 years for plants capable of giving fruits after the cultivation within the period of over two years, and 27 years for plants that are of tree-based

utilization and capable of giving fruits after the cultivation within the period of over two years (Section 31).

- Plant Varieties Protection Fund: The Fund will be set up and managed by the Ministry of Agriculture and Cooperatives to assist activities related to plant variety conservation, research and development. Incomes of the Fund are a combination of revenue from the registration of plant varieties, subsidies from the government, donation and income accruing from profit-sharing agreements (Section 54-60).

(e) The Protection of Integrated Circuit Layout Design Act

The Protection of Integrated Circuit Layout Design Act came into force in August 2000. Subject matters of the protection are layout designs (topographies) of integrated circuits, which are defined as patterns, diagrams or images that display the compositions of elements into an integrated circuit. The definition excludes the layout of a printed circuit board (PCB) as subject matters protected by the Act. A layout design that can be protected must be an original work. Upon registration, the layout shall be protected for 10 years, counting from the date of filing the application or the date of its first commercial exploitation, whichever first occurs, provided that the term will not exceed 15 years after its complete creation. Other salient features of the Act include:

- National treatment: The Act requires the applicant for protection to be a Thai national or juristic person whose principal office is in Thailand, or a national of a country party to an international convention on the protection of integrated circuits to which Thailand belongs, or who is domiciled in or has an effective establishment for circuit design creation or production in Thailand or in a country party to an international convention (Section 13).
- Exception of Infringement: The Act provides certain exceptions to the acts amounting to infringement of the rights of the right holders. These include the act performed for the sole purpose of evaluation, analysis, research and teaching, the act of reverse engineering for the purpose of achieving a new layout design of an original feature, the act performed by a third-party for non-commercial purposes, the act of reselling a protected IC purchased from the right holder (Section 23).
- Restrictions of Compulsory Licensing: The Act provides two cases where compulsory licensing is possible. The first case occurs when the conduct of the right holder amounts to an anti-competitive practice (Section 32). The second

case is when necessity arises for exercising the rights of the right holder for public interest or in the state of war or national defense (Section 34-35).

- Penalties: Violators are liable to a fine of 50,000-500,000 baht in case of illegal reproduction of IC designs (Section 48) and 20,000-200,000 baht in case of illegal import, sell or distribution of IC designs (Section 49).

(f) The Protection of Trade Secret Act

According to a recent draft bill on the Protection of Trade Secret, which has been approved by the House of Senate, trade secret is defined as information (a) that has commercial value due to its confidentiality, (b) that is not generally known by or made available to the public which deals with such matters regularly and (c) of which lawful controllers have taken appropriate measures to maintain its secrecy. Such information may be in the forms of formulae, patterns, collected or assembled works, programs, means, techniques, processes, test results or data that are required to be submitted to governmental agencies for approval.

The controller of trade secret can apply to the IPIT Court to order a person to stop or refrain from trade secret infringement, prohibit a person from committing trade secret infringement (Section 8). The controller can also request the Court to order the destruction or confiscation of instruments and tools used in the infringement. Other salient features of the Act include:

- Exceptions to Infringement: The following actions are exceptions to the act of infringement of trade secrets: (a) the use or disclosure of trade secrets by a person who obtained such secrets through a juristic act without knowing that the trade secrets acquired from the other party could constitute an infringement of trade secrets against other persons, (b) the use or disclosure of trade secrets by governmental agencies in charge of such trade secrets for public health or safety, or for other public interest purposes provided that due measures have been taken to protect such secrets, (c) independent discovery and (d) reverse engineering (Section 7).
- Reversal of Burden of Proof: In a civil case related to the infringement of the rights of a trade secret controller, where the subject matters of such secrets is a process for producing a product, if the controller can prove that the defendant's product is identical or similar to the product produced by the process, it shall be presumed that the defendant has used the process under the trade secrets unless he or she can prove otherwise (Section 12).

- Penalties: Any person who intentionally disclosed other persons' trade secrets to destroy the confidentiality of such secrets are subject to an imprisonment of up to one year or a fine up to 20,000 baht, or both (Section 33). Any person in charge of protecting trade secrets who disclosed or exploit such secrets is subject to an imprisonment of 5-10 years or a fine of 1-2 million baht, or both (Section 34). Any person who disclosed any facts relating to business of other persons, wherein such facts are not normally disclosed and were acquired through an execution under this Act is subject to an imprisonment of 5-7 years or a fine of 500,000-1 million baht, or both (Section 35).

(g) The Protection of Geographic Indications Act

At present, geographic indications are not protected as intellectual property under the Thai laws, even though they are widely used as in the case of Thai rice or Thai silk. Currently, geographic indications are indirectly protected under provisions of some laws, e.g., the Penal Code (Section 271), the Trademark Act (Section 8 (12)) and the Consumer Protection Act (Section 22). The protections under these laws are rather weak and do not meet the standards set by the TRIPS Agreement. The Thai Government has recently finalized a draft law on geographic indications. The objectives of the law are to provide necessary protection for geographic indications to comply with the TRIPS Agreement.

Once enacted, these laws bring about the Thai intellectual property regime to be fully consistent with the TRIPS Agreement. Moreover, Thailand has adopted a law to protect traditional knowledge in the field of medicine. The Traditional Medicine Act 1999, which falls within the jurisdiction of the Ministry of Public Health, lays down conditions on access to medicinal genetic resources and Thai traditional knowledge.

(2) TRIPS-related Agencies in Thailand

(a) The Department of Intellectual Property, Ministry of Commerce

The Department of Intellectual Property (DIP) is the main governmental agency in charge of protecting intellectual property rights. Currently, the DIP has about 160 officials and 45 permanent workers. Its budget for the year 2001 is about 100 million baht, and its revenue for the year 2001 is about 231 million baht. Missions of the DIP are:

- Registering patents, petty patents, trademarks, service marks, certification marks, collective marks and licensing intellectual property rights.
- Developing effective systems and means to protect intellectual property.
- Promoting effective use of intellectual property and technology information for education, research and development
- Studying, analyzing and recommending policies on intellectual property to the Government of Thailand.

In practice, the DIP is involved in drafting and revising IP-related legislation, coordinating the suppression of IP violations, disseminating information related to intellectual property, providing a focal point for international cooperation and organizing workshops and training courses:

- Coordination of suppression of IP infringement: the DIP has entered into coordination with the police and representatives of copyright holders for more effective and continual suppression of IP infringement. In particular, a mobile suppression task force is established for approaching places of production, storage and wholesale of pirated goods. The attempt has resulted in an increase in the number of raids on IP infringement.
- Information dissemination: the DIP regularly promotes a better understanding of IP through the use of mass media, e.g. radio and television broadcasting, spot advertisements, documentaries, newspapers, magazines and other printed materials. Recently, a web site (www.ipthailand.org) was added as another medium for information dissemination.
- International cooperation: the DIP has entered into cooperation with various countries in the area of IP protection. Important international cooperation in the year 2000 includes the cooperation between Thailand and the ASEAN countries, the bilateral meeting between Thailand and Japan, the bilateral meeting between Thailand and Australia, the bilateral meeting between Thailand

and the EU, etc.

- Education and capacity building: the DIP also has a program to educate school children and the general public. It is cooperating with the Ministry of Education in providing textbooks on the subjects of IP to primary and secondary school students as supplementary reading. The aims are to expose the students to the idea of intellectual property and raise their awareness to the subjects. During October 2000-September 2001, for example, the Department has organized twelve basic training sessions in the provincial areas throughout the country, with approximately 150 persons participating in each session. Target audiences are schoolteachers, students and local business people. It has also published two comic books to explain the importance of intellectual property to children.

(b) The Intellectual Property and International Trade Court

The Intellectual Property and International Trade Court (IPIT Court) is a court specializing in adjudicating intellectual property and international trade cases. The court is established by the Act for the Establishment of and Procedure for Intellectual Property and International Trade Court 1996 to ensure fair, speedy and efficient proceedings. It has power to adjudicate both civil and criminal cases regarding intellectual property and civil cases regarding international trade. The Court currently has 41 judges and 118 associate judges, who are in charge of IP and IT cases. In the budget year 2001, the court received budget of about 35.6 million baht from the government.

Criminal cases concerning intellectual property legislation include offenses against trademark, copyright, and patent infringement under the Trademark, the Copyright and the Patent Acts, and offenses relating to trade marks and trade names as stipulated in Sections 271-275 of the Penal Code. Civil cases relating intellectual property include cases regarding trademark, copyright and patent, cases arising from agreement on technology transfer or licensing agreement, cases regarding disputes over layout-designs of integrated-circuits, scientific discoveries, trade names, geographic indications, trade secrets and plant varieties protection.

In the year 2000 alone, more than two thousand criminal actions have been brought before the IPIT Court. Most of the cases are related to violations under the Trademark and the Copyright Acts. The number of civil cases brought before the court during the same time period is considerably smaller. In total, 158 civil cases were filed with the court, most of which involve alleged violations of the Trademark Act.

As civil actions tend to be more lengthy and time consuming than criminal actions, right holders usually choose to file criminal complaints. When the defendants have sizable assets, a civil action may be a good option to deter them from further infringement. Otherwise, the right holders usually seek legal redress through a criminal action.

Figure I-3-24 Criminal Cases Handled by the Central IPIT Court
(January 1- December 31, 2000)

	Left over from 1999	Cases filed	Total	Cases disposed	Forward to 2001
1. Offences under Sections 271– 275 of the Penal Code	14	57	71	21	50
2. The Trademark Act	18	1,285	1,303	1,297	6
- Counterfeiting (Section 108)	0	30	30	30	0
- Imitating (Section 109)	1	10	11	11	0
- Importing, selling, offering for sale of goods under Sections 108 and 109	17	1,245	1,262	1,256	6
- Giving or offering of service under Sections 108, 109	0	0	0	0	0
3. The Copyright Act	123	797	920	794	126
- Copyright infringement (Section 27)	0	0	0	0	0
- Infringement of audiovisual, sound and cinematographic work (Section 28 and 29)	1	0	1	0	1
- Infringement of computer program (Section 30)	5	0	5	0	5
- Selling, offering for sale of work infringing the copyright (Section 31)	117	797	914	794	120
- Computer program	0	0	34	0	0
- Other forms of literary work	0	0	7	0	0
- Cinematographic work	0	0	276	0	0
- Sound recording	0	0	183	0	0
- Art work	0	0	50	0	0
- Musical work	0	0	247	0	0
- Infringement of performer's rights	0	0	0	0	0
4. The Patent Act	4	2	6	5	1
Total cases	159	2,141	2,300	2,117	183

Source: IPIT Court

Figure I-3-25 Civil Cases Handled by the Central IPIT Court
(January 1- December 31, 2000)

	Left over from 1999	Cases filed	Amount in dispute (baht)	Total	Cases disposed	Forward to 2001
1. Trademark infringement	34	40	1,156,669,055	74	35	39
2. Appeals against decisions of the Trademark Board	3	13	-	16	5	11
3. Cancellation of trademark registration	0	9	-	9	3	6
4. Copyright infringement	16	38	3,282,670	54	25	29
5. Appeals against decisions of the Patent Board	1	1	-	2	1	1
6. Patent infringement	2	1	-	3	2	1
Total	56	102	1,159,951,726	158	71	87

Source: IPIT Court

The court's ability to process such a high volume of cases can be attributed to its modernized rules, which promote judicial efficiency and speedy trials. Unlike other courts in Thailand, the IPIT Court permits the use of videoconference for cross-examination of witnesses outside the court, prohibits the unnecessary postponement of hearing dates, and routes all appeals directly to the Supreme Court. The court also has the authority to prevent the destruction of critical evidence via an Anton Piller-type order. While the IPIT Court boasts a high level of success, it still faces a number of challenges. Most importantly, judges need to be updated themselves with new IP laws and new technological developments that have implications to IP.

(c) The Royal Thai Police

The Royal Thai Police set up under the Economic Crime Investigation Division a section that specializes in intellectual property protection. The section, called Section 3, works closely with the DIP to suppress violations of intellectual property rights. There are currently 87 police officers in the section. There are two subsections the sections that specialize in intellectual property protection, Subsection 1 and Subsection 2, which are responsible for criminal cases related to copyright and trademarks/patents, respectively.

The police also play an important role in coordinating the suppression of

intellectual property rights under the Joint Committee on the Suppression of Intellectual Property Rights Infringement. The Committee is chaired by the Deputy Director General of the Police Department and consists of the representatives from the Department of Economic Affairs, Ministry of Foreign Affairs and the DIP. Activities of the Committee include information gathering, continuous monitoring and assessment of infringements, conducting raids and arrests and public relation.

Table below shows statistics on suppression against intellectual property violation. With limited human resources, however, the unit was sometimes unable to handle IP cases properly. For example, public prosecutors often complain that police investigators have concluded many cases without necessary evidences. As a result, a large portion of cases face long delay or violators are not prosecuted.

Figure I-3-26 Number of Suppression Activities against Intellectual Property Rights Violation

Year	Copyright		Trademark		Patent	
	Arrests	Materials Seized (Pieces)	Arrests	Materials Seized (Pieces)	Arrests	Materials Seized (Pieces)
1996	330	99,646	476	61,694	2	315
1997	637	264,681	1,032	408,700	1	241
1998	742	414,265	813	506,600	2	142,181
1999	661	274,252	839	876,795	7	5,166
2000	1,558	1,858,839	1,317	1,733,796	4	28,272

Source: The Economic Crime Investigation Division, Royal Thai Police Department

(d) The Office of the Attorney General

After the IPIT Court was set up, the Office of the Attorney General also set up a counterpart department, called the Department of Intellectual Property and International Trade Litigation, to handle criminal and civil cases related to intellectual property and international trade. Public prosecutors who are specially trained in the area of IP are assigned to the Department to ensure the efficient and fair prosecution.

Since its inception, the Department has successfully handled many cases. In the year 1999 alone, it completed nearly 2,400 cases. However, it still faces a lot of problems. Most importantly, the Department is understaffed and finds it increasingly difficult to keep up with the high volume of cases. This is particularly problematic since most cases are related to violations of trademark and copyright that involve a large number of small vendors.

(e) Thai Customs Department

Major responsibilities of the Customs Department are:

- Collecting revenue and facilitating business transactions through enforcement of tax laws and other related laws.
- Prevention, suppression and control of smuggling and IPR infringement through monitoring and investigation of illegal activities at the border.
- Promotion of export through various tax measures such as tax reimbursement for raw materials, tax exemption, and privileges for export processing zones.

Since smuggling-related work is a big burden for the Thai Customs, Customs officers can spend less time for trademark infringement and copyright piracy cases at this moment. In order to implement border measures given in the TRIPS Agreement appropriately, the expected roles and responsibilities of the Customs Department are increasing.

(f) Ministry of Science, Technology and Environment

Ministry of Science, Technology and Environment (MOSTE) has Patent Information Center and provides on-line patent information services to the public. The number of access to the information database via Internet is about 50,000 annually. MOSTE regularly offers training programs for utilization of patent information mostly for college students and researchers specialized in chemistry, applied science, industry, and so on.

(g) Universities

In recent years, some public universities have set up intellectual property offices within the campus. These offices are usually responsible for filing patents on behalf of university staff and the general public, providing information on intellectual property laws and court rulings, providing technology licensing services and organizing training sessions on IP-related issues. Some IP offices, i.e., Chulalongkorn University Intellectual Property Institute, also provide consulting services to governmental agencies and private sectors in many areas, not limited to intellectual property right protection.

During the past three years, the Ministry of University Affairs planned to

introduce basic courses on intellectual property into curricula of public and private universities. However, due to the frequent changes of personnel in charge and the lack of budget, the programs have not been implemented. Still many universities offer courses on intellectual property on their own initiatives. Most courses are offered as selective subjects in graduate law schools. Topics covered include legal principles of intellectual properties and international laws on intellectual property. A few courses are also offered in commerce and accounting schools, while special 3-hour lectures are provided to students in engineering schools.

(h) Private Sectors

Many organizations in the private sectors, especially trade associations of right holders, also involve in protecting intellectual property rights. Such organizations include the Business Software Alliance (business software), the Motion Picture Association (movies), the International Federation of the Phonographic Industry (music), etc. Most of their activities focus on policy advocacy and law enforcement.

(3) On-going Capacity Building Activities by the DIP

The DIP constantly organizes seminars and training courses on intellectual property protection. Seminars are aimed at introducing the participants to new issues and developments, while training courses are aimed at educating business, lawyers and IP practitioners to protect and exploit their intellectual properties more effectively.

IP Promotion and Development Division of the DIP is primarily in charge of IPR-related information dissemination activities. The Division organizes seminars once to twice a month in big cities in Thailand through coordination with regional commercial offices under the Ministry of Commerce. Regional governmental staff, professors, students, private sector personnel are main participants. Standardized training curriculum and materials have not existed, and substance and quality of the seminars considerably depend on the trainers' personal experiences and capability. Other than the IP Promotion Division, Patent Division provides training courses for patent attorneys, and Coordinating Center for Suppression of IPR Violation under the DIP delivers training courses to police, judges and prosecutors.

Figure I-3-27 Examples of Training Courses Organized by the DIP

Date/Location	Title	Content	Target Group
February 2001 (Bangkok)	WICE IP Conference	New Economy and IP and Practical Tips on the utilization of IP	
September 2000 (Chiangmai)	Application Drafting Techniques (training course)	claim drafting, patent classification and search, opposition, appeal and litigation	Limited to those who had taken the basic or intermediate courses.
July 2000 (Bangkok)	Patent Attorney (training course)	patent law and practices, DIP's new regulation	Anyone who wants to be registered as a patent agent.
July 2000 (Chiangmai)	Application Drafting Techniques (intermediate level training course)	claim drafting, patent classification and search, opposition, patentable invention	Limited to those who had taken the basic course.
November 2000 (Sukhothai)	Intra-Regional Conference on Folklore & Related Issues	discussion to formulate intra-regional position on folklore & related issues	Invitation only
September 2000 (Chiang Rai)	WIPO-USPTO Symposium on Enforcement	exchange of views on enforcement	Invitation only
August 2000 (Phuket)	Seminar on IP Curriculum	discussion on IP Curriculum for ASEAN Countries	Invitation only
August 2000 (Laos & Udorn Thanee)	14th WGIPC & 8th Experts Groups on Trademarks and Patents	Action Plan and the ASEAN Trademark system & ASEAN Patent system	Representatives of ASEAN countries
August 2000 (Chiang Mai)	Symposium on E-Commerce and IP	exchange of views on the role of IP on e-commerce	Representatives of ASEAN countries (invitation only).
November 2000 (Bangkok)	Geographical Indications as Strategic Tools for Business and Rural Development	Geographical Indication Law focusing on the French experiences.	Invitation only (expecting 200-250 participants).

Source: DIP

3.6 Agreement on Technical Barriers to Trade (TBT Agreement) 《Component 5》

3.6.1. Activities of the Thai Government under the TBT Agreement

In Thailand, Thai Industrial Standards Institute (TISI) is a national standardizing body established under Ministry of Industry (MOI) and member of ISO and IEC. TISI is a secretariat of national committee for ISO, IEC and TBT. To implement the TBT Agreement, TISI has been improving transparency in developing national standards and development procedures of technical regulations, legislated by other ministries and agencies in Thailand. TISI has also been making efforts to align Thai national standards with international standards, and pursuing mutual recognition agreement (MRA) in various areas.

(1) Increasing Transparency

TISI has increased its level of transparency in the field of standards and conformance requirements by:

- Setting up a web site to provide information on standard and conformance in Thailand at TISI's web site (www.tisi.go.th)
- Developing a bibliographic database of national standards and technical regulations
- Developing a directory of certified products/companies
- Developing a directory of accredited testing/calibration laboratories
- Developing a directory and scope of accredited quality system certification bodies
- Participating in the development of database on Food Labeling Laws and Regulations
- Participating in Food/Drug Interface Project Phases I of APEC.

To improve transparency, the TBT Agreement also requires member countries to notify draft technical regulations to the WTO Secretariat whenever a relevant international standard or guide or recommendation does not exist, or the technical content of a proposed technical regulation or conformity assessment procedure is not in accordance with the technical content of relevant international standards or guides or recommendations.

The Thai Government (TISI) has regularly notified the WTO Secretariat of its

technical regulations and conformity assessment procedures that do not conform to the technical content of relevant international standards, guides and recommendations since 1995. Figure I-3-28 shows the number of such notifications. The number has increased sharply in the year 2001 from the previous years. A large number of notifications in recent years are related to food and medicine safety regulation issued by the Ministry of Public Health. For more information related to the notifications, please refer to TISI's web site.

Figure I-3-28 The Number of Notifications to the WTO Secretariat

Year	The Number of Notifications
1995	7
1996	13
1997	22
1998	35
1999	24
2000	9
2001	75
2002	21

Source: TISI

(2) Harmonization of International Standards

The Government of Thailand has been making efforts on aligning its national standards with international standards. From the individual action plan (IAP) in the APEC forum (www.apec.iap.org), about 14% (298) of the total national standards have been aligned with relevant international standards in the year 2001. The country also aims at aligning its national standards with international standards in priority areas agreed by the APEC Sub-committee on standards and conformance (SCSC). In particular, as of 2000, two national standards have been aligned with international standards in the area of electrical and electronic, fourteen standards in IEC 60335s and one in Standards and Guides (Quality Management).

The TBT Agreement also encourages member countries to participate in the works of international bodies for the preparation of standards. The Government of Thailand has been actively participating in a number of international standard bodies. In particular, TISI, the main governmental agency in the area of standard, is a member of ISO and IEC. The institute currently holds 65 participating membership (P-membership), 142 observer memberships (O-membership) in ISO/TCs/SCs and 30 P-memberships and 53 O-membership of IEC/TCs/SCs.

In addition, Thailand also participates in two APEC plurilateral information exchange arrangements: the APEC Arrangement for the Exchange of Information on Toy Safety and the APEC Arrangement for the Exchange of Information on Food Recalls.

The country is a member of the Asia Pacific Metrology Program (APMP), the Asia Pacific Laboratory Accreditation Cooperation (APLAC), the Asia Pacific Legal Metrology Forum (APLMF), the Pacific Accreditation Cooperation (PAC) and the Pacific Area Standards Congress (PASC), the Treaty of OIML, the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF).

Thailand is also participating in the ASEAN Cooperation on Standards and Conformity Assessment through the ASEAN Consultative Committee for Standards and Quality (ACCSQ). The Committee aims at harmonizing product standards through alignment with international standards for products in priority sectors by the year 2000 and for regulated products by the year 2005 and implementing the ASEAN Framework Agreement on MRAs by developing sectorized MRAs in priority sectors beginning in 1999. It also puts efforts on enhancing technical infrastructure based on international procedures and guides and on strengthening information networking on technical standards with the aim of meeting the requirement of the TBT and SPS Agreements. Standards harmonization in ACCSQ started with 20 priority product groups, which include air-conditioners, refrigerators, radios, telephones, televisions, printed circuits, monitors and generators, etc.

(3) Mutual Recognition of Conformity Assessment Procedures

Article 6.3 of the TBT strongly encourages member countries to enter into negotiation with other members for the mutual acceptance of conformity assessment results. In this regard, Thailand is currently involved in a number of mutual recognition arrangements (MRAs), mainly with other APEC members. Examples of such arrangements are:

- The APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment (APEC Electrical MRA) - Part I
- The APEC Mutual Recognition Arrangement on Conformity Assessment of Foods and Food Products (APEC Food MRA);
- The APEC Mutual Recognition Arrangement on Conformity Assessment of Telecommunications Equipment (APEC Tel MRA)

In addition, Thailand and Australia have concluded a bilateral MRA on automotive products. In the ACCSQ, MRA activities focus on five sectors: cosmetics, pharmaceuticals, electrical and electronic equipment, telecommunication equipment and prepared foodstuff. A working group is formed in each sector. A concept paper is being prepared on possible MRAs with other countries such as CER (Closer Economic Relations).

Concerning the participation in recognition arrangement of conformity assessment in voluntary sectors, Thailand is a signatory in the Pacific Accreditation Cooperation (PAC) multilateral mutual recognition arrangement in the area of quality management systems, the IAF Multilateral Recognition Arrangement pertaining to quality management systems and the APLMF MOU.

Thailand also plans to enter into the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement and the Pacific Accreditation Cooperation (PAC) Mutual Recognition Arrangement pertaining to environment management systems.

In July 2002, TISI revised the criteria for product certification, which promotes mutual acceptance of conformity assessment results. The revised criteria are available on the web at www.tisi.go.th.

3-6-2 Activities of TISI

The Thai Industrial Standards Institute (TISI) is responsible for the administration of the country's standardization with the objectives of ensuring fair trade practice and elimination of trade barriers. The institute was established under the Ministry of Industry by the Industrial Product Standards Act 1968. According to the Act, the governing body for TISI is the Industrial Product Standards Council. The Council is responsible for policy making, setting the priority of standards to be prepared, recommending qualified persons for the Minister to appoint to technical committees, arbitrating and awarding licenses under its certification scheme.

TISI's main tasks include the formulation of Thai industrial standards, product certification and product registration, laboratory accreditation, and standards information services. It also supervises the implementation of WTO TBT/SPS agreements, participates in international standards activities, and acts as the national enquiry point to answer all the enquiries from other member countries and interested parties. Figure I-3-29 shows the process of TBT notifications handled by the TISI.

A TBT subcommittee has been set up under TISI in 2001. The subcommittee is chaired by the Secretary General of TISI and consists of 20 other members from public

sector and 2 from the private sectors. Members of the subcommittee include representatives from the Ministry of Industry, Ministry of Commerce, Ministry of Agriculture, Ministry of Public Health, the Federation of Industry of Thailand, the Thai Chamber of Commerce, etc. The subcommittee is regularly convened every two months or when there are urgent issues to be considered.

Figure I-3-29 TISI's Procedures for submitting TBT Notifications

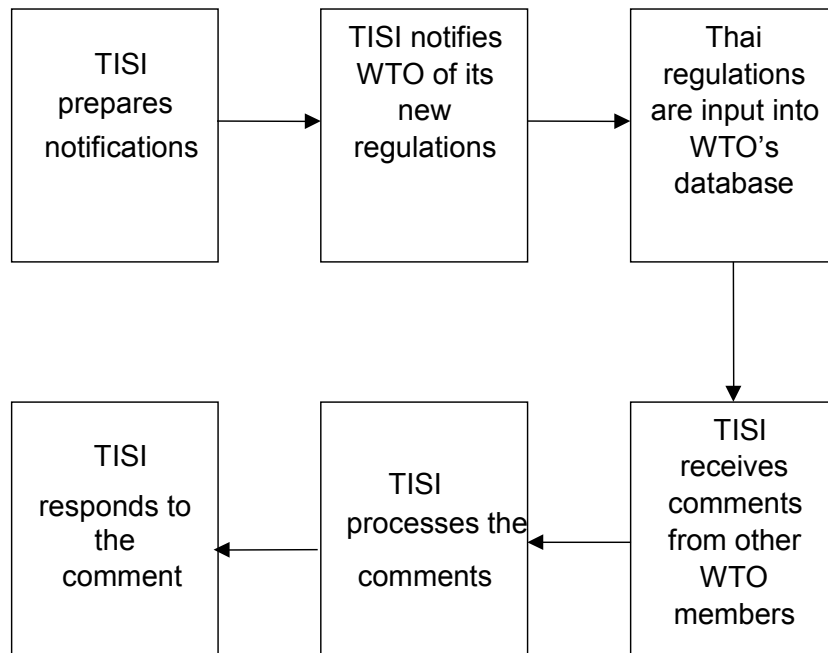
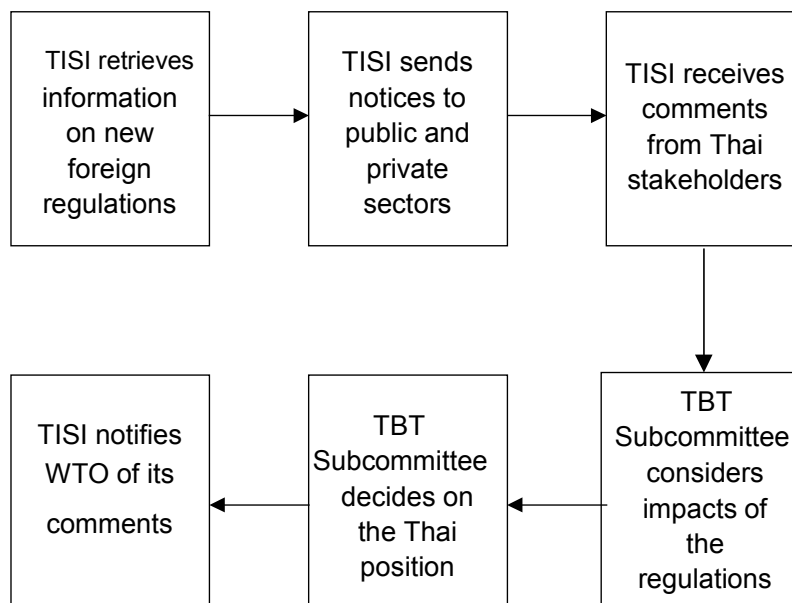


Figure I-3-30 TISI's Procedures for Handling TBT Notifications



3-6-3 Capacity-building Activities in Thailand

Thailand has received various kinds of capacity-building activities through seminars/workshops sponsored by international organizations or bilateral donors. Fig. I-3-31 indicates the assistance activities, which Thailand has ever received.

Figure I-3-31 TBT-related Capacity-building Activities in Thailand

Date	Topics
10-11 October 2000	ISO/WTO/TISI Seminar on Conformity Assessment and its Role in International Trade,
12-13 February 2002	JICA/TISI Workshop for Capacity Building on WTO/TBT Agreement
14-15 February 2002	ISO/WTO/JISC Workshop on Enhancing the Participation of Developing Countries and economies in transition in international standardization
29-31 May 2002	APEC Symposium on Notification Procedures under the WTO's Agreements on Technical Barriers to Trade and Sanitary and Phytosanitary Measures (sponsored by New Zealand)
27-28 August 2002	2 nd JICA/TISI Workshop for Capacity Building on the WTO/TBT Agreement

Source: WTO document G/TBT/W/186, pp54-55

3-6-4 Priority Issues for Thailand

In this section, the paper will suggest two issues that are of high priority for Thailand in the area of technical regulations: the issue of technical measures faced by Thai exported products and the EU's proposed environmental directives.

(1) Technical Measures Faced by Thai Exported Products

The TBT Agreement has become a topic in the industrial circles when various kinds of Thai products face difficulties to be importing in many countries due to technical measures, ranging from product labeling, translation of user manual into local languages and electromagnetic interference. Although the number of product items facing such regulations are still smaller than those of sanitary and phytosanitary standards, certain sectors e.g., electrical and electronic industries, are heavily affected by such technical regulations. Table 2 shows some examples of technical regulations faced by Thai exported products.

(2) The Proposed EU Directives

Recently, the European Union proposed the Directive on Waste Electrical and Electronic Equipment (WEEE) and the Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment . It is believed that the two Directives will significantly put Thai electrical and electronic equipment producers at a disadvantageous position in the EU market. The Working Groups have recently been formed in the Thai Government and private sectors with active participation from the Electrical and Electronic Institute and the Federation of Thai Industries (FTI). In addition, consulting service to deal with this issue is being sought. Preliminary proposals of the working groups include identifying products and groups of manufacturers that are likely to be affected by the directives, conducting a feasibility study of creating a waste treatment plant for WEEE in Thailand, assessing the costs and benefits of legislating similar laws in the country, implementing education programs to raise awareness of Thai manufacturers and seeking possible technical assistance from developed countries.

Figure I-3-32 Technical Barriers Faced by Thai Export Products

Product	Country	Kinds of barriers faced
Canned or processed seafood	Egypt	• Require Arabic labeling and that Nitrogen test in Thailand is unreliable
Frozen chicken	Brunei	• Require reliable Halal mark and inspection of factories producing Halal food products
Textile	Germany	• Require eco-labeling
Men's T-shirts	Spain	• Require eco-labeling
Electrical and Electronic Appliances	USA	• Require tests for electronic magnetic compatibility (EMC)
	South Korea	• Require tests for safety by Korean institutes
	Indonesia	• Require user manuals in Indonesian language for consumer electronics
Small-sized air conditioner	Hungary	• Require tests by Testing and Quality Central Ltd. • Require two-year guarantee • Require manuals in Hungarian language
Medicine	Vietnam	• Require Vietnamese translation for medical registration
Jewelry	USA	• Require labels for fitness and value under the National Stamping Act
Toy	EU	• Require warning label for toys for children under three years old under Directive 76/769/EEC
	USA	• Require tests for electronic magnetic compatibility to prevent interference with radio reception

Source: Economic Research Center, Chulalongkorn University

II. Capacity Building Activity

1. Overview of the Assisting Programs

II. Capacity Building Activity

1. Overview of the Assisting Programs

This project, deferring from transient training program or equipment & material offering in general, has achieved substantial technology transfer at every stage of its tasks, both at the stage of program formulation process and at the post-program in addition to the actual conduct stage of visible programs.

In this chapter, major reporting was elaborated onto visible program conducted areas. However, it shall be noted that the sections reported as consensus building on objectives and/or agendas of programs are the actual achievement from the program formulation process. The consensus building with counterparts has been achieved through numerous discussions and resulted from various institutional coordination. Along this effort taking process, extensive technical transfer and tasks to contribute institutional strengthening have already been deployed substantially – which shall meet the overall assisting objective of this project as a whole.

The initial directions and framework of programs were outlined at the time of S/W mission; however, the actual programs at the conduct stage has been extensively substantiated and customized through program formulation stage with identification of counterparts' actual needs for capacity building. With regard to recruitment of lecturers, also, it has been effective to enhance the level of customization that the most appropriate personnel have been recruited to match their needs from the wide range of human resources from JICA WTO Advisory Committee, Japanese experts from academics, industries and government, WTO Secretariat related experts, and experts from the third countries.

As for the further capacity building activities at the post-program stage, they are elaborated in the following chapter in the form as recommendations. Those recommendations have been projected through the same tasks as at the program formulation process from the viewpoint of effective utilization of experiences and achievement from this project for the further continuous and sustainable capacity building activities on their self-reliant effort.

Thus, in addition to the achievement of actual assisting programs, as mentioned in the previous introduction chapter, this project has put its major effort to provide the opportunities for further continuous and sustainable capacity building activities after the project in the form of transferring the operational “system”, which has been constructed

under the consistency of tasks at all the stage of programs. The following Figure II-1-1, and Figure II-1-2 are overview of programs and a list of resource personnel engaged with them.

Japanese Government Expert	11
Japanese Academics	3
Japanese Private Sector Expert	13
Third Country Expert	2
Thai Expert	19
Total	48

Figure II-1-1 Overview of the Capacity Building Program

Component	Counterpart	Program Conducted	Evaluation and Recommendations
General Coordination	Department of Trade Negotiation (DTN), Ministry of Commerce	2001.8: Inception Mission 2002.3: Interim Report 02.11.11: Concluding the Program by holding the Wrap-up Seminar 02.12: Final Report	Recommendations are to be drafted from the result of operation after the start-up.
Institution Building	Department of Trade Negotiation (DTN)	2002.6: Installation of "Alpha" Version System 02.9: Installation of "Beta" Version System 02.10: Training for WTO and System Management divisions of DTN 02.10: Final Version System 02.11: Final Training and operation start-up 02.12: Revision of management flow	
General Agreements of Trade in Services (GATS)	DTN Fiscal Policy Office, Ministry of Finance (financial sector) Ministry of Communication (telecommunication sector) Other relevant Government Offices	2002.2: Two-day Workshop on GATS in general Lecturers: Japanese METI, MOFA, and ex-WTO Director. Organized by DTN(DBE) 02.8: Sector-wise Workshops for finance, Telecommunication, tourism and accounting Lecturer: ex-WTO Director Participants: MOF, MOC, TOT, DTN and private sector associations	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
Anti-Dumping (AD) / Countervailing Duties (CVD)	Department of Foreign Trade (DFT), Ministry of Commerce	2002.2: Three-day workshop for basics and procedures on AD/CVD Lecturers: Japanese METI, Japanese academics and European lawyers; Participants: staff of DFT 02. 8: Two-day workshop regarding Government-private cooperation Lecturers: Japanese METI and private sector experts Participants: DTN, DFT and Industrial Associations	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
Trade-related Aspects of Intellectual Property (TRIPS)	Department of Intellectual Property (DIP)	2002.3: Joint meeting of the experts' drafting teams at both Thai and Japan for compilation of textbooks for TRIPS. The six areas with seven items are to be covered by the text book developed 02.9: First draft in English 02.10: Trainers training for Patent, Trademark, Border Control, TLO, IP Management and Trade Secret 02.11: Printing the textbooks	From the results of the trainers' trainings, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.

Component	Counterpart	Program Conducted	Evaluation and Recommendations
Technical Barriers to Trade (TBT)	Thai Industrial Standards Institute (TISI)	2002.2: Two-day workshop for TBT and International Standards Lecturers: Japanese METI and private sector experts Participants: TISI 02.8: Two-day workshop for skills in international standardization and negotiation Lecturer: Japanese METI Participants: TISI and Industrial Associations	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
Negotiation Skills	DTN	To be covered by each component workshops, especially for GATS and TBT	Reflected for component-wise recommendations

Figure II-1-2 Component and Programs

Individual Components	Programs	Targeted Objectives
Institutional Capacity Building <Component 1>	System Development for WTO related Information Sharing	Distinguished from simple technical system development, the program shall take major focus on a comprehensive, from up to down, steam process through collaborative work with the counterpart as the task which shall contribute to strengthening institutional capacity centered on information sharing. At the system introducing stage, the institutional strengthening shall be emphasized by enhancement of utilization.
Capacity Building for TRIPS <Component 4>	Development on Training Materials and Curriculums, and Conduct of Trainers' Trainings	By sharing the know-how of development process, the program aims to provide the trigger and fundamental operational structure for further continuous and self-reliant activities even after the Project. Through the trainers' training to cultivate prospective trainers, it shall also put major focus on formulation of common perspectives on subjects of training so that training method could be standardized, contributing to further opportunities for human resource development through utilization of achievement from the program.
Capacity Building for GATS <Component 2>	Conduct of Workshops	Deferring from the plain transient training program in general, from the preparatory stage, the program shall aims to transfer technical know-how to design and operate capacity building activities as well as to enhance knowledge on the significance of Agreements to contribute to the continuous and self-reliant human resource development and institutional strengthening even at the post-program stage.
Capacity Building for AD/CVD <Component 3>		
Capacity Building for TBT <Component 5>		

2. Activities in Thailand

2. Activities in Thailand

2.1 Strengthening institutional aspects related to implementation of WTO agreements «Component 1»

2.1.1 Establishment of details concerning technical assistant activities

Bearing in mind the technical assistance needs specified in I.3.2.3, priorities have been clarified through mutual consultation with the Government of Thailand, and the details of technical assistance activities have been determined, including development of the pilot system for the sharing of WTO-related information. There are three stages of technical assistance activities:

- Design of the WTO-related information sharing system
- Pilot system development
- System operation and technical assistance for future system expansion at the Department of Trade Negotiations (DTN)

Furthermore, during the above respective stages, a system shall be prepared where discussions can be held with DTN counterparts at any time, and technical assistance activities shall be carried out taking into consideration not only the activity itself, but also methods for system design and system development techniques from the viewpoint of technology transfer leading to technical assistance.

2.1.2 Design of the WTO-related information sharing system

The WTO-related information sharing system was designed bearing in mind the present situation and issues concerning DTN management of WTO-related information that have become clear in I.3.2, and also bearing in mind the outline of the existing DTN system.

(1) System concept

The system concept was the first part of the WTO-related information system design to be developed.

(a) Overall system structure concept

The WTO-related information system shall enable sharing of WTO-related information by positioning it as a shared system to strengthen the Thai government institutional structure concerning implementation of WTO agreements by registering with the system WTO-related documents and document attribute information that is usually handled in paper form with appended signatures, and by incorporating the following functions that enable the search and viewing of this documents and information:

- Search function for documents, document attribute information and document in question, access authority registration, and edit functions.
- Search and view function for documents and document attributes by authorized users.

For a pilot system to be actually developed, users shall be restricted by each function, and the system shall have the sharing of WTO-related information within the DTN as a primary objective due to the reasons stated below: (However, the system shall be designed to allow future system expansion.)

- Information sharing related to the WTO's execution of its duties within the DTN is inadequate.
- Distribution of highly confidential information on the current Internet involves the risk of information leaks. (As described in "I.3.2.2 Outline of the existing system at DTN," there is no intranet established linking Government of Thailand institutions, and an intranet environment has been established only within the Ministry of Commerce with the DTN at its center.)

System users are broadly divided into the following three types, and functions that can be utilized by non-DTN users shall be limited.

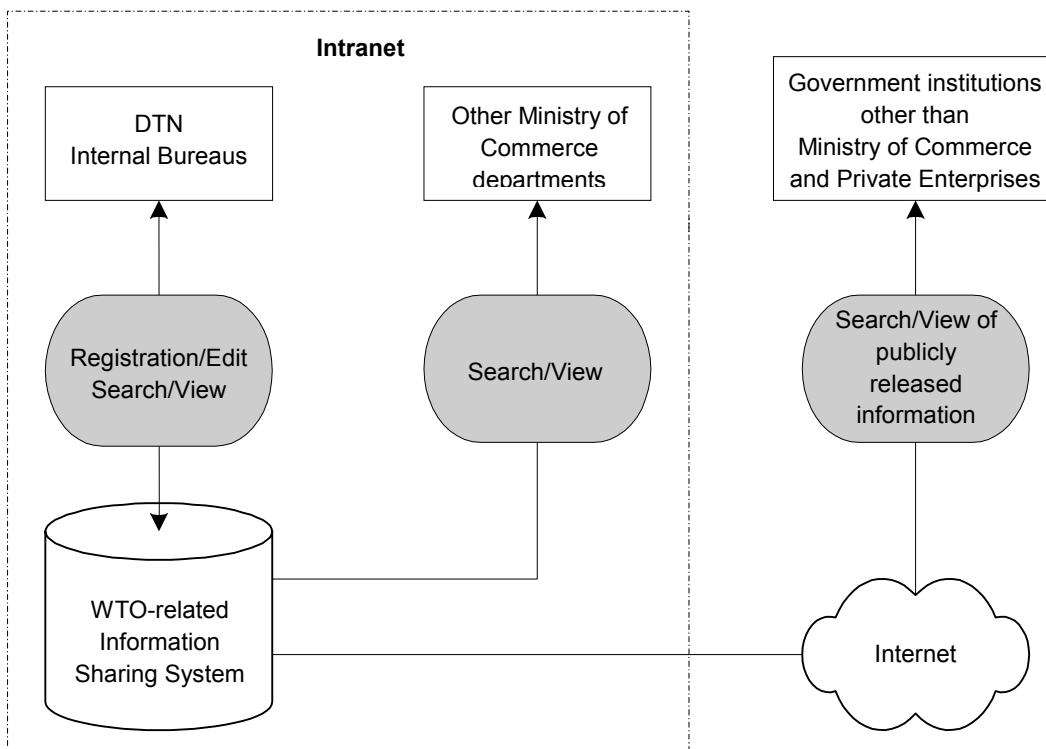
➤ Users within the DTN

- Search function for documents, document attribute information and document in question, access authority registration, and edit functions.
- Search and view function for documents and document attributes by authorized users.

- Users from other Ministry of Commerce departments
 - Search and view function for documents and document attributes by authorized users.

- Users from other government institutions and private enterprises
 - Search and view function for publicly released documents and document attributes.

Figure II-2-1 Overall structural concept of the WTO-related information sharing system



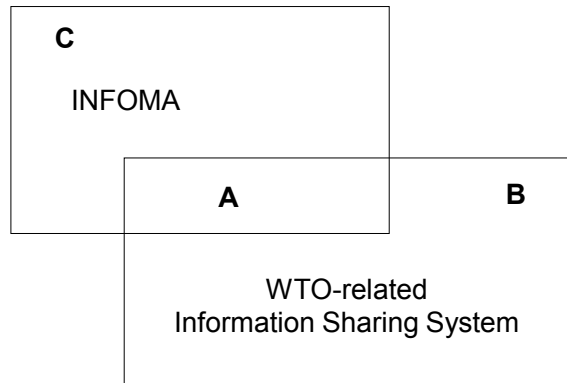
(b) Coordination with existing systems

In addition to the WTO-related information sharing system, DTN shares internal DTN information, and a decision has been made to introduce a paperless system (INFOMA) with targeted full-scale operation commencing in September 2002. Since it is inefficient to maintain and administrate multiple systems with similar functions within DTN, it has been decided that the WTO-related information sharing system shall be designed, on the assumption that the INFOMA will be in operation, avoiding the inefficiency resulting from the coexistence of both systems, so that the system will incorporate the functions required to share WTO-related information. Based on such a background, the design and development of the WTO-related information sharing system shall meet the following criteria:

- The system shall be designed and developed so that INFOMA and the WTO-related information sharing system are linked as closely as possible.
- For functions inadequately provided by INFOMA, the system shall be designed and developed as an additional system.
- To achieve the functions required for the WTO-related information sharing system, the system shall be achieved through INFOMA customization with regard to the functions that are better suited for INFOMA customization. That is, to achieve the functions required for WTO-related information sharing, technical assistance shall be provided so that the system can contribute to strengthening the institutional structure concerning implementation of WTO agreements, by making INFOMA and the WTO-related information sharing system the intended area for technical assistance.
- The system shall be designed and developed so that, in cases where INFOMA cannot be operated normally as the result of failure, normal operations can be carried on with the WTO-related information sharing system alone. Government institutions where INFOMA is not introduced benefit from this when they utilize all the functions of the WTO-related information sharing system.
- Technical assistance shall be provided so that the system can contribute to the strengthening of the institutional aspects regarding implementation of WTO agreements by making the INFOMA functions that are required for WTO-related information sharing the intended area for technical assistance, in addition to the newly designed/developed systems.

The INFOMA and WTO-related information sharing system flow chart is shown in Figure II-2-2.

Figure II-2-2 INFOMA and WTO-related information sharing system flow chart



- A + B : Functions required for WTO-related information sharing at DTN.
- A : Required WTO-related information sharing functions provided by INFOMA
- B : Functions to be additionally developed. (Functions required for WTO-related information sharing that are not provided by INFOMA.)
- C : Functions that are provided by INFOMA, but are not utilized for WTO-related information sharing.

(2) System design

The WTO-related information system was designed, taking the above system concept (1) into account, after due consideration with the DTN counterpart. The design and development of the WTO-related information sharing system were carried out under the name “WTO-ISS” and will hereafter be called WTO-ISS. An outline of the WTO-ISS design follows.

(a) Data linkage between INFOMA and WTO-ISS

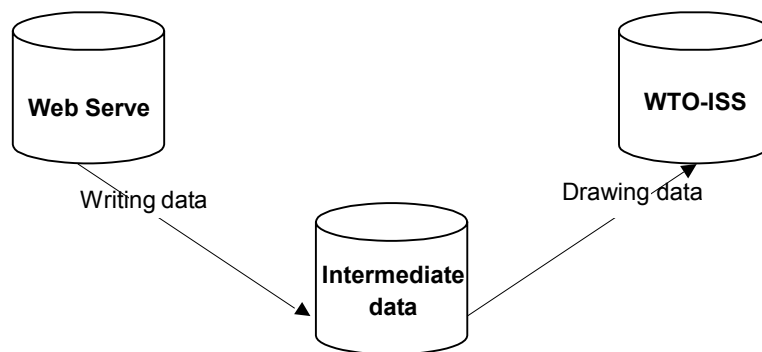
Since INFOMA is a system that imposes usage obligations on all DTN bureaus, it is assumed that when INFOMA is in operation all documents sent to and from DTN are registered with INFOMA. However, the INFOMA system was not designed for use outside DTN.

To eliminate the inefficiency of registering the same document with two different systems respectively, WTO-ISS shall utilize documents and document attribute information registered with INFOMA, and a user form within and outside DTN for searching/viewing information with the use of WTO-ISS shall be set as a base.

For that purpose, a function shall be established to automatically transfer data from the INFOMA Web Serve to WTO-ISS. In concrete terms, an intermediate database shall be provided between the Web Serve and WTO-ISS, and each system shall be realized by executing the following with the intermediate database. (Refer to Fig. II-2-3.)

- Web Serve: Write data in the intermediate database.
- WTO-ISS: Retrieve data from the intermediate database, and delete the intermediate data.
- Data transfer shall be carried out once a day through batch processing.
- In addition to batch processing, manual data transfer shall be possible.
- In consideration of future expandability and flexibility, the intermediate database format shall be XML.

Figure II-2-3 INFOMA and WTO-ISS flow chart



(b) User account linkage between INFOMA and WTO-ISS

Since it is complicated for users within the DTN to separate the use of different accounts for INFOMA and WTO-ISS, user accounts for both systems shall be linked in accordance with the following criteria:

- User ID and password for both systems shall be the same. (They shall be kept synchronized through once-a-day batch processing.)
- User account information other than user ID and password shall be linked.
- An intermediate database (XML) shall be established and linked in the same manner as data linkage.
- In addition to batch processing, account information transfer through a manual operation shall be enabled.

(c) Customization of subjects for INFOMA administration

Where one task includes multiple numbers of documents, detailed attribute information for each document is not registered, as with INFOMA, both Web Flow and Web Serve will consider the task one administrative unit. However, it is necessary to carry out a search by document for sharing of WTO-related information concerning implementation of WTO agreements. In particular, there will be issues in cases where WTO-related documents are partially included in tasks for bureaus other than MTN and SNB. For this reason, customization will enable registration by document when transferring data from Web Flow to Web Serve.

(d) File formats for documents to be registered and automatic file conversion

Among the WTO-related documents subject to system registration, those prepared outside DTN are sent in paper form and, in principle, such documents are scanned and registered as TIFF image files. There are two types of documents prepared within DTN; files created with Microsoft Office and TIFF image files of scanned documents with appended signatures. Since each document type serves a different purpose (Microsoft Office files are for reuse and TIFF image files serve as copies of official documents.), both file types shall be redundantly registered as an identical document.

Furthermore, a function shall be provided to automatically convert Microsoft Office and TIFF files into PDF format, as PDF is the de facto standard for posting

documents on the Internet.

(e) Automatic OCR function

To improve the user friendliness of WTO-related information, which is scanned from paper material and is subject to a full text search, a function shall be provided to automatically convert files to text using OCR, covering only English documents that can meet the orthographic rate required for practical use in carrying out a full text search.

(f) Registration function by language

WTO-ISS, which involves posting on the Internet, is required to distinguish whether the description language of the WTO-related documents is in Thai or English for users who do not understand Thai. Customization of the Web Serve shall be carried out, as the Web Serve does not have a registration function by language due to the assumption that users are within DTN.

(g) Document retention period registration function

To utilize WTO-ISS, unnecessary documents must be deleted. For this reason, each WTO-ISS and Web Serve document shall have a retention period registration function.

- A retention period is set when a document is registered.
- Overdue documents shall be removed to external media or shall be given an altered retention period after confirmation.

(h) WTO-ISS search items

Based on the needs of officials at DTN concerned with the WTO, the WTO-ISS is required to permit searches by the following document attribute information, and a search function by the following items shall be provided. The Web Serve shall be customized for items that are not subject to Web Serve registration.

- Classification code
- Document preparation organization code
- Keyword

- Language code
- Date (date of issue, system registration date)
- Administrative ID (paper document ID)
- Title
- DTN Bureau/Section in charge
- Full text search

(i) WTO-ISS display items

Based on the needs of officials at DTN concerned with the WTO, the WTO-ISS is required to display the following items as well as the search items above. A search function by the following items shall be provided. The Web Serve shall be customized for items that are not subject to Web Serve registration.

- Document data
- Number of pages
- Number of versions (link to old version)
- Retention period
- Access level
- Open or closed to public
- Related documents
- Document in a different language (the same document)
- Related website URLs

For display of the document list as a search result, the following items shall be displayed based on the needs of officials at DTN concerned with the WTO.

- Title
- Date (date of issue, system registration date)
- Document preparation organization
- Link to file (files if multiple file formats are available)
- Language
- Link to old version

(j) WTO-ISS menu languages

The WTO-ISS, which also posts on the Internet, shall employ the following two languages for menus.

- English
- Thai

(k) Viewing authority setting

In regard to the viewing authority setting for WTO-related documents, the following groups are required in consideration of the current viewing authority for paper materials within DTN, disclosure to other departments of the Ministry of Commerce, and posting on the Internet. The system shall enable detailed viewing of the authority setting. Also, for viewing authority within the DTN, setting information shall be automatically transferred from the Web Serve so that all officials at the Ministry of Commerce can have authority. Regarding the setting for public release information, a function shall be provided so that the setting can be done with the WTO-ISS as specified in the "(l) Public release function."

- Director-General and Deputy Director-General of DTN
- Head of each DTN bureau
- Officials responsible for each DTN bureau
- All DTN officials
- All officials at MOC
- Public release

(l) Public release function

Settings for the entire MOC and public release shall be handled from the WTO-ISS by the representative groups above and functions that enable easy settings for the entire MOC and public release shall be provided in the WTO-ISS.

(m) Registration, update and deletion authority

The Web Serve system allows only responsible personnel to register, update, and delete documents. The WTO-ISS shall automatically transfer such information and set

up a group that consists of officials to whom authority is delegated from personnel responsible for documents and from the bureau head, and with the officials with whom responsible personnel perform activities on a daily basis, allowing only users who belong to such group to register, update, and delete documents. In addition, said group shall have viewing authority regardless of the setting stated in (k) above. By having such settings, where the responsible official is absent, the system will allow other officials to register, update, and delete documents.

(n) Version management function

The WTO-related document version management function is only required for documents prepared within DTN. Web Serve shall be customized for version registration, and a function for transferring version management information to the WTO-ISS shall be provided.

(o) Stand-alone function

In consideration of security, the WTO-ISS is designed to prevent highly confidential documents from being searched and viewed via the Internet. However, in order for DTN officials to view WTO-related information during business trips, a stand-alone function shall be provided, which enables downloading of WTO-related information that is registered with the WTO-ISS to notebook computers and permits search/view functions that can be run on a stand-alone computer.

(p) System administrator functions

To reduce the management load of the WTO-ISS system administrator, user management functions (management of user accounts), group management functions (management of group for authority settings), category management functions (management of WTO-related information classification categories), document-migration functions (a function to migrate documents with elapsed retention periods), and log record/management functions (recording system usage and viewing of such records, as well as a counting function) shall be provided.

(q) Expected volume of documents

Based on the volume of WTO-related documents within DTN, the expected volume of documents to be registered for the WTO-ISS pilot system is as follows:

- Initial registration: Approximately 100,000 pages
- Additional registration: Approximately 30,000 pages per year
- Additionally registered document retention period: Five years on average
- Total number of pages expected: 250,000 pages (100,000 + 30,000 x 5)
- Total number of expected documents: 25,000 documents (on the assumption that one document contains 5 pages)

The system shall be designed to allow a wide margin in the expected volume of documents described above.

(r) The presumed number of users

Based upon the daily routine for implementation of WTO agreements within DTN, the main users of WTO-ISS pilot system are presumed to be persons in charge within MTN and SNB and sub users within DTN and other bureaus. The presumed number of users is as follows:

- Daily use: approximately 30 people in MTN and SNB
- Occasional use: approximately 70 people in DTN and other bureaus + approx. 300 people in MOC and other departments

User accounts will be assigned to all Web Serve users in DTN and, after the system starts operating, to the relevant staff in MOC and other departments.

(s) Server environment

To ensure security, the intranet web server and Internet web server are run on different hardware. With two more machines for the database server and the PDF-file creating server to reduce server load, there are four servers altogether.

- Intranet web server
- Internet web server

- Database server
- PDF-file creating server

To prevent computer virus attacks, a virus protection function will be constructed for these servers.

(t) Network environment

WTO-ISS system is designed on the presumption that the existing LANs in MOC and DTN are in use.

- MOC is in a LAN environment.
- LAN in DTN is capable of 100 Mbps.
- A firewall will be built in MOC's LAN.

(u) Client PCs

Before the introduction of this technical assistance, more than one person was sharing each PC. This was the case even in MTN, which was (including current SNB) the main user of WTO-ISS and responsible for coordinating between relevant governmental bodies and other tasks regarding WTO agreements. To improve the efficiency of WTO agreement implementation through the WTO-ISS system, the MTN and SNB staff members would need their own PCs. Staff members regularly have to register, update, search, and view WTO-related information to use WTO-ISS. For this reason, a total of 20 PCs have now been introduced.

(v) Scanner

To efficiently digitalize WTO-related paper documents, two high-speed, auto-feeding scanners have been introduced to DTN. These are installed in the documentation sections of the Office of the Secretary to the Department and MTN/SNB, where most WTO-related documents are received and sent.

(w) Digitization of the existing WTO-related documents

The existing paper documents that are currently stored within DTN have been digitized so that they can be readily searched at the start of system operation. Each

document's attributes, necessary for system registration, have been extracted and registered in the paperless system and WTO-ISS. There are approximately 100 thousand pages of registered documents (approximately 8,000 documents).

2.1.3 Development of a pilot system

A WTO pilot system has been developed and built according to the system design explained in “II. 2.1.2 Design of WTO-related information sharing system ” To make WTO-ISS a system that reinforces DTN functions and to technically assist the development of the system, two versions have been developed; an alpha version, a prototype which covers all user screens but does not operate as a system, and a beta version, a system which covers all standard features and works under the actual DTN network environment, prior to the final version. Opinions and requests from both the staff members and their DTN counterparts were discussed and taken into account at each stage of the development and building of the pilot system alpha version, beta version, and final version.

The actual system design and building were commissioned to FUJITSU SYSTEMS BUSINESS THAILAND Ltd., who have ample experience in document administration systems and Excel Link Co., Ltd., a paperless system developing company.

- WTO-ISS alpha version introduction: the 28th of June 2002
- WTO-ISS beta version introduction: the 6th of September 2002
- WTO-ISS final version introduction: the 4th of November 2002

(1) Introduction of WTO-ISS alpha version

The WTO-ISS alpha version (a prototype which covers all user screens but does not operate as a system) was developed according to the system design and introduced to DTN on the 28 June 2002. The features and design of WTO-ISS were widely explained to the actual system users and administrators on the same day using the alpha version user’s manual and administrator’s manual. Opinions about and specific development requests for a concrete prototype were made and addressed.

(2) Introduction of WTO-ISS beta version

Taking into account DTN’s opinions and development requests regarding the WTO-ISS alpha version from DTN, the WTO-ISS alpha version was developed into the WTO-ISS beta version (a system which covers all standard features and works under the actual DTN network environment). This was introduced to DBE on the 6 September 2002. The features and operations of the beta version were widely explained to the actual system users and administrators on the 6th and 9th of September 2002. Further opinions

about and specific development requests for the actual operational system were made and addressed.

(3) Introduction of WTO-ISS final version

Taking the opinions of and requests for the WTO-ISS beta version from DTN into account, the WTO-ISS beta version was developed into the final version of WTO-ISS (the official operational system). This has been introduced to DTN since the 4th of November 2002. On the day of introduction, the system administration was explained to the WTO-ISS members of the DTN System Administration section, to whom the system administration operation was duly transferred.

(4) Digitization of the existing WTO-related documents

The existing WTO-related paper documents presently stored within DTN have been digitized, and the document attributes necessary for system registration have been extracted to make WTO-related information available for sharing from the start of WTO-ISS operation. DTN took the initiative to implement this task whilst the TA consultant team maintained its role in providing advice. The following factors must be considered:

- It is necessary to organize existing WTO-related documents within DTN mainly to determine the classification categories of WTO-related information.
- By centralizing all information administrated by each MTN and SNB member in a cross-referenced manner, it is hoped that the members of MTN and SNB will be more conscious about sharing their information.
- The members will be more prepared for introduction of a WTO-related information sharing system by taking the initiative in completing this task in MTN and SNB office space.

Accordingly, the existing WTO-related documents have been digitized and registered in Web Serve and WTO-ISS since the introduction of the WTO-ISS final version. There are approximately 100 thousand pages of registered documents. (Approximately 8,000 documents)

(5) Technical assistant in the development phase

Throughout the development and construction of the pilot system, technical assistance was provided so that it could be utilized for system development and administration. This was done by holding many meetings with DTN counterparts where the operational features and methods of the WTO-ISS system were discussed.

2.1.4 Technical assistant for the management and future expansion of the WTO-ISS system in the Department of Trade Negotiation, MOC

Actions taken for the management and future expansion of WTO-ISS, designed and developed as specified in II. 2.1.2 and II. 2.1.3, are as follows:

(1) Official operation start

Training was given to the users and system administrators within DTN after the WTO-ISS final version was introduced on the 4th of November 2002. Both WTO-ISS and Web Serve started their official operations on the 8th of November. Because Web Serve's operation was originally scheduled to start in September but then delayed, it was decided that MTN and SNB would start official operations of both systems in advance of other bureaus.

An official opening ceremony for WTO-ISS and Web Serve was held for staff members from MSN and SNB to commemorate the start of the official operation of WTO-ISS and Web Serve. The DTN Department Director-General, representatives from Japan International Cooperation Agency Thai office, TA consultant team, staff members from MTN, SNB (main users) and the Trade Economics Information Center (system management), representatives from FUJITSU SYSTEMS BUSINESS THAILAND (WTO-ISS development), and representatives from Excel Link Co., Ltd. (paperless system development) were present.

(2) Management flow

As described in II. 1.1.2 and II. 2.1.3, WTO-ISS was designed and developed to operate in line with the paperless system, which is operating independently. The paperless system is composed of Web Flow, which manages the operations flow, and Web Serve, which manages operational documents. The following is the management flow chart for registration and search with the paperless system and WTO-ISS.

(a) Registration flow

As already described in “II. 2.1.2 Design of WTO-related information sharing system,” all bureaus in DTN are obliged to use the paperless system. Every document, either sent to DTN from the outside or sent out from DTN to the outside, will be registered in the paperless system. The blue book registers in the Office of the Secretary to the Department will scan documents going through the Office of the Secretary to the Department and register the minimum information as operational information, which includes the document data, title, sender, address and date (signed and attached documents). On this basis, document registration with WTO-ISS is achieved by sharing data between the paperless system and WTO-ISS. This allows the full utilization of all the information registered in the paperless system.

For DTN internal documents, the registration flow is different from the one for external documents because the system can register document files created in Microsoft Office. Each registration flow for internal and external documents is as follows:

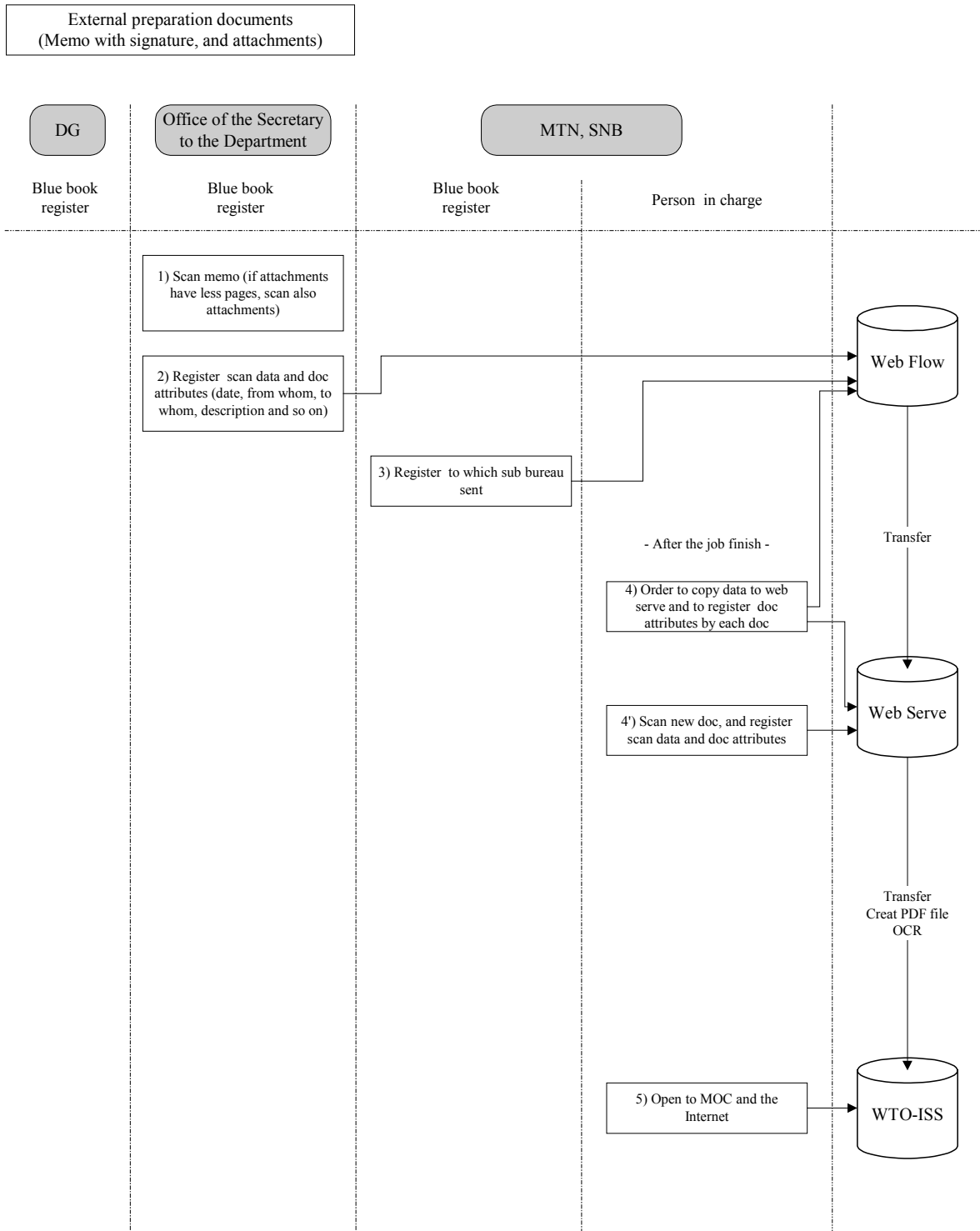
(i) Registration flow for external documents

External WTO-related information documents will be, in principle, registered in WTO-ISS according to the following management flow:

- External documents are normally sent across to the blue book registers either of the Office of the Secretary to the Department or of MTN/SNB.
- Respective blue book registers scan the documents for received document administration and register them with Web Flow (the paperless system) together with basic document information.
- This information will be transferred to Web Serve after the day's operation. The staff will register the document's attributes for each signed and attached document.
- WTO-related information from all information registered in Web Serve will be automatically transferred to WTO-ISS.
- The staff will make the documents open both to MOC and to the public. (The paperless system hands over the configuration for DTN internal searching and viewing, but not the configuration for external searching and viewing. Since the paperless system does not take external searching and viewing into account, WTO-ISS has to be configured to enable external public use.)

WTO-ISS has a feature to register documents directly. If DTN decides to stop using the paperless system due to a policy change, the flow has to be altered in the way documents are registered directly into WTO-ISS.

Figure II-2-4 Registration flow chart for DTN external documents



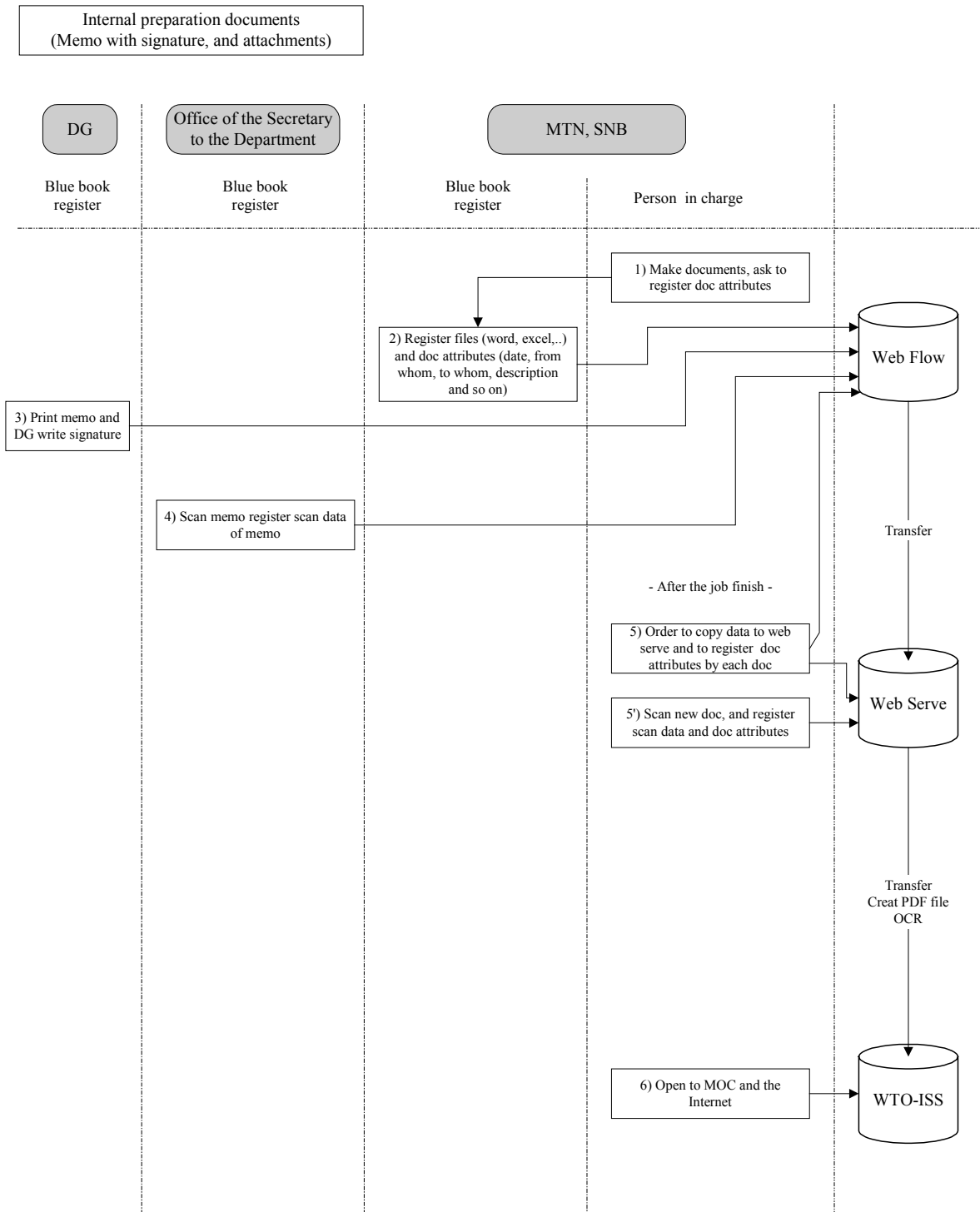
(ii) Registration flow for internal documents

WTO-related information documents created within DTN will be, in principle, registered in WTO-ISS according to the following management flow:

- MTN/SNB staffs create documents. The blue book registers within the bureau register them in Web Flow (the paperless system) as operational information, together with basic document information.
- Documents registered in Web Flow will be official documents signed by the Department Director-General as needed.
- The blue book registers in the Office of the Secretary to the Department scan the official documents and register them in Web Flow as operational information, together with basic document information.
- This information will be transferred to Web Serve after the day's operation. The staff will register the document's attributes for each signed and attached document.
- WTO-related information from all information registered in Web Serve will be automatically transferred to WTO-ISS.
- The staff will make the documents open both to MOC and to the public. (The paperless system hands over the configuration for DTN internal searching and viewing, but not the configuration for external searching and viewing. Since the paperless system does not take external searching and viewing into account, WTO-ISS has to be configured to enable external public use.)

WTO-ISS has a feature to register documents directly. If DTN decides to stop using the paperless system due to a policy change, the flow has to be altered in the way documents are registered directly into WTO-ISS.

Figure II-2-5 Registration flow chart for DTN internal documents



(b) Searching and reviewing flow

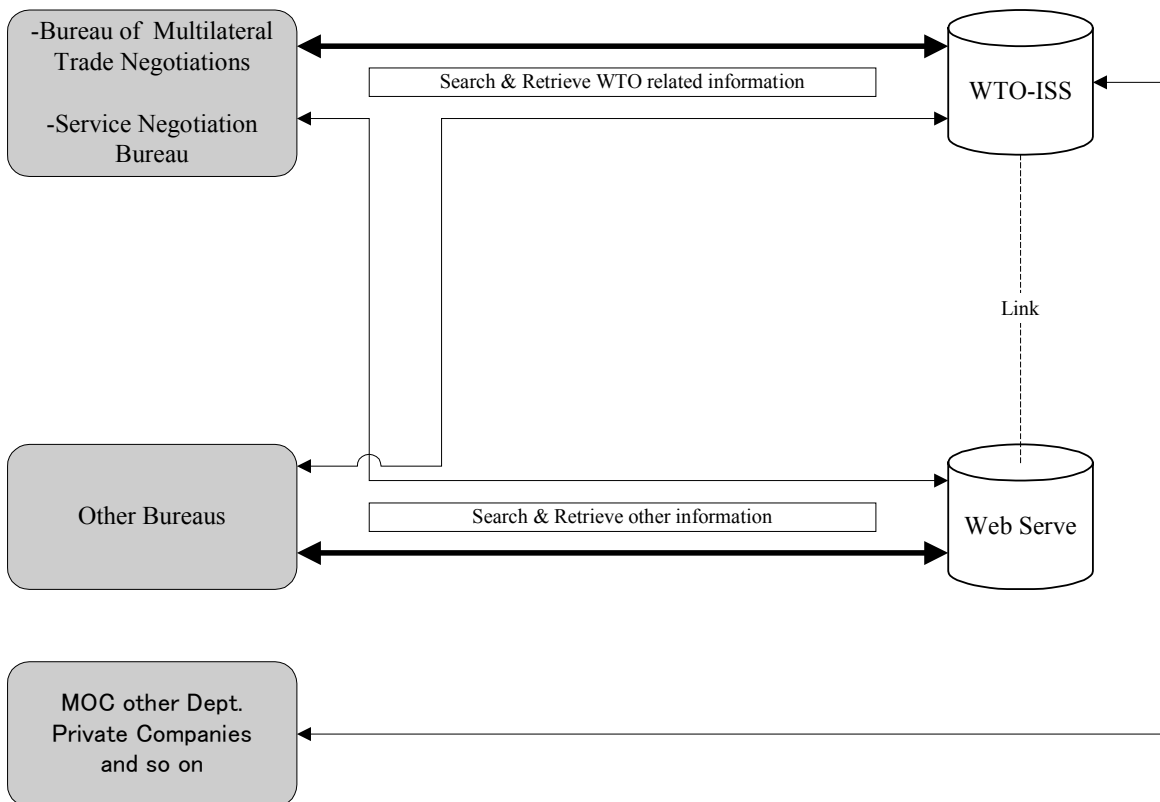
As WTO-ISS is a more powerful system compared with the paperless system, users within DTN principally use WTO-ISS to search WTO-related information. The paperless system is used to search non-WTO information.

Therefore, MTN and SNB, which are in charge of operations for WTO agreement implement, usually use WTO-ISS to search and view WTO-related information whilst they use Web Serve to search other information. On the other hand, other bureaus in DTN mainly use Web Serve for routine operations and use WTO-ISS for occasional searches for WTO-related information.

If departments other than DTN in MOC, other governmental organizations, and private companies wish to search WTO-related information, they will use WTO-ISS as well.

By setting the authorization to search and view each document, a person in charge of WTO-related documents can easily and appropriately share his/her information with others.

Figure II-2-6 Searching and Viewing image



(3) The preparation, distribution of the manual

Manuals for administrators and manuals for users were made and provided for MTN and SNB. Furthermore, the on-line manuals of the same contents were made and installed to be read through DTN's LAN. These were to ensure that the WTO-related information system, developed and constructed by this technical assistance, would be used, managed, maintained and administrated in a manner that will strengthen the organization and ensure WTO agreement implementation. And, these manuals were used in training courses (the following (4) reference) as well.

(4) Training courses

Training courses were provided in system administration, management, maintenance, and administration. This was to ensure that the WTO-related information system, developed and constructed by this technical assistance, would be used, managed, maintained and administrated in a manner that will strengthen the organization and ensure WTO agreement implementation.

One of the objectives of the training course in system administration was to enable DTN to hold its own training in the future.

The schedules and subjects of the courses were as follows:

(a) System administration training course

After introducing the WTO-ISS beta version, a training course for system administration regarding the operation of system administration functions was provided under the following schedule:

Figure II-2-7 System administration training course
(After WTO-ISS beta version introduction)

Date		10 th , 11 th , 12 th of September 2002
Time		9:30-16:30
Subjects	Day 1 10 September	- How to search documents - How to register documents
	Day 2 11 September	- How to register users - How to delete/filter documents - How to backup data, how to restore
	Day 3 12 September	- Stand-alone features - How to deal with problems
Instructors		- Mr. Taweechai (FUJITSU SYSTEMS BUSINESS THAILAND) - Ms. Kasama (MSI) - Mr. Prakorn (MSI)
Participants	Day 1 10 September	- 7 participants
	Day 2 11 September	- 7 participants
	Day 3 12 September	- 6 participants

After introducing the final version of WTO-ISS, a training course for system administration on managing the systems was provided under the following schedule:

Figure II-2-8 System administration training course
(After WTO-ISS final version introduction)

Date		5 th of November 2002
Time		9:30-12:00
Subjects		- How to manage the systems (both WTO-ISS and Web Serve) - Differences from the WTO-ISS beta version
Instructors		- Ms. Suranut (MSI) - Mr. Taweechai (FUJITSU SYSTEMS BUSINESS THAILAND) - Mr. Thaweesak (Excel Link)
Participants		- 5 participants

After introducing the final version of WTO-ISS, a training course for system administration regarding system design was provided under the following schedule:

Figure II-2-9 System design training course
(After WTO-ISS final version introduction)

Date	26 th of December 2002
Time	13:30-16:00
Subjects	- The structure and content of the system specifications - The points of concern regarding system expansion
Instructors	- Ms. Suranut (MSI) - Mr. Taweechai (FUJITSU SYSTEMS BUSINESS THAILAND) - Mr. Thaweesak (Excel Link)
Participants	- 8 participants

(b) User training course

After introducing the WTO-ISS beta version, a training course for users was provided under the following schedule:

Figure II-2-10 User training course (After WTO-ISS beta version introduction)

Date	13 th , 17 th , 18 th , 20 th , 25 th of September 2002	
Time	9:30-12:00	
Subjects	- How to search documents - How to register documents (Two sessions for one course)	
Instructors	- Ms. Kasama (MSI) - Mr. Thaweesak (Excel Link)	
Participants	Day 1 13 September	- 6 participants
	Day 2 17 September	- 4 participants
	Day 3 18 September	- 1 participant
	Day 4 20 September	- 2 participants
	Day 5 25 September	- 9 participants

After introducing WTO-ISS final version, a training course for users was provided under the following schedule:

Figure II-2-11 User training course (After WTO-ISS final version introduction)

Date	7 th of November, 2002
Time	9:30-12:00, 13:30-16:00
Subjects	- How to register documents with Web Serve - How to search documents with WTO-ISS (Held twice, both times same subjects covered)
Instructors	- Ms. Suranut (MSI) - Mr. Taweechai (FUJITSU SYSTEMS BUSINESS THAILAND) - Mr. Thaweesak (Excel Link)
Participants	- 10 participants

(5) Full-time system support

To promote the use of WTO-ISS and ensure appropriate management, maintenance, and administration within DTN, technical assistance is available to answer questions from users and system administrators, and to support overall system management. This was available between 9:00-16:30 for the following period.

- 6th of September 2002 – 18th of October 2002
- 4th of November 2002 – 30th of December 2002

After these periods, system support will be available until the end of 2003 and the support staff will visit DTN twice a week. It will cover support for the moving of DTN scheduled in 2003.

(6) Direction of the system expansion

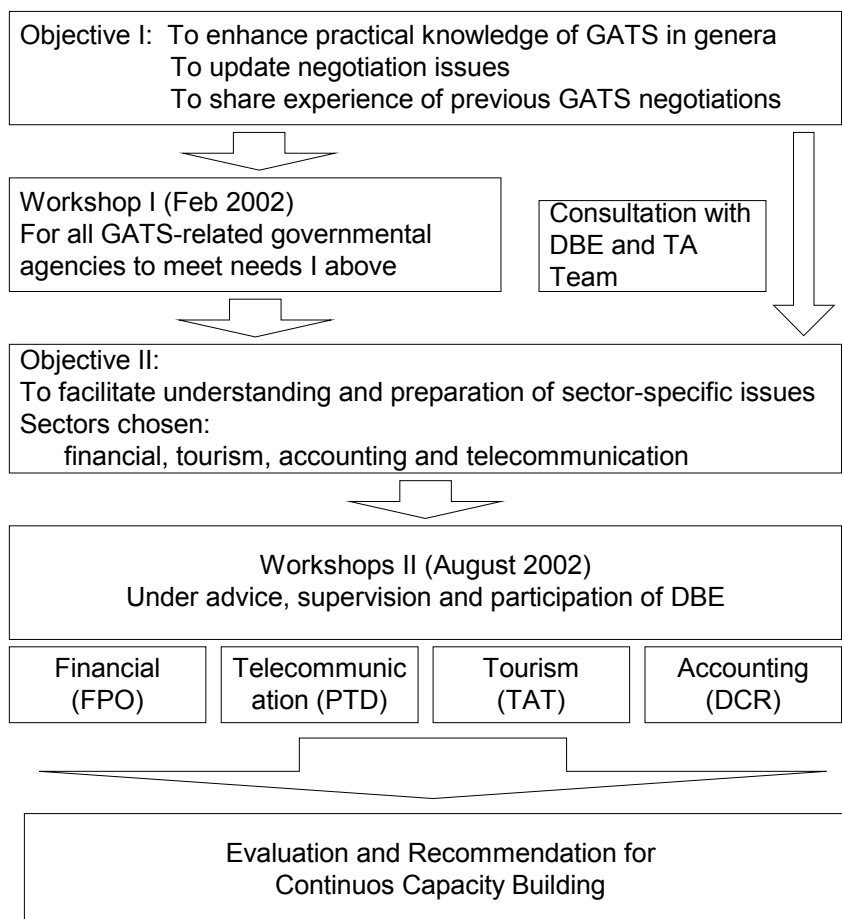
Through the support activities, including the training courses we have implemented, the foundation was established on which DTN will maintain, manage, and expand the system independently. It is believed that DTN will be able to independently expand the system in accordance with changes in circumstances such as the network environment. The specific future direction of system expansion is described in “III. Evaluation and Recommendations 2. Evaluation and Recommendations for each component 2.1 Strengthening Institutional Aspects Related to Implementation of WTO Agreements «Component 1» .”

2.2 Capacity Building for GATS 《Component 2》

2.2.1 Structuring Activities of the Program

The activities of the GATS Component of this program were identified through discussion with DBE* based upon Thai Government’s needs described in I.3.3.2 Noting the “progressive nature” of this program, not all the activities were decided from the beginning. After the completion of Work Plan I, central activity of which was the workshop I held in February 2002, the activities of remaining program term was decided based upon the outcome of the activity and thorough consultation with DBE and other major counterpart governmental organizations.

Figure II-2-12 Structuring Activities of the Program



(*) Note: In this session, the Department is referred as “DBE”, following the name as of the date of events.

2.2.2 Workshop 1

(1) Planning of Workshop 1

As for the Workshop I, based upon the primarily needs of DBE, the main purpose was set as follows:

Main Purpose of the Workshop I

To enhance the awareness, understanding and practical knowledge of the officials of all GATS-related governmental agencies in order to facilitate further inter-governmental coordination led by DBE

To achieve the purpose above, experienced government officials and academics both in Thailand and Japan, as well as ex-Director of Trade in Services Division of WTO were invited to make lectures, to complement own efforts of information sharing activities through meetings, daily works and seminars initiated by DBE.

In order to make full use of the Workshop, following issues were taken into account to set the agenda:

- To take up issues which DBE cannot cover by themselves (e.g. advice by ex-WTO official, sharing experience by Japanese government official, explanation on the importance of GATS by Japanese scholar)
- To promote sharing experience and institutional memories within The Government of Thailand
- To enhance the practical knowledge of the service related officials in order to facilitate DBE's further coordination tasks (e.g. state of play of the negotiations, how to understand Schedule of Specific Commitments, what is "request and offer" negotiations, etc.)
- To stress the importance of participants mandate of designing strategy of liberalization and industry policy, using economic statistics
- To provide important WTO documents in hardcopy and explain the use of them

The workshop I was decided to be held from February 20 to 22, 2002, at the Royal Meridien Hotel in Bangkok. As the results of a series of consultation with the DBE and lecturers, taking to the purpose, mentioned above, and points into account, program agenda was set as follows:

[1st Day - 20, February] 09:00 – 16:30

Session GATS - growing importance of trade in services and its rules

“ GATS as a noticeboard: Importance of GATS in Developing Countries from the Viewpoint of Rulemaking” --- by Prof. Akira Kotera, Tokyo University

Current situation, development and importance of trade in services on Thai economy/industry

--- by Dr. Deunden Nikomborirak, TDRI

Seven-year-development of GATS --- by Mr. David Hartridge, former officer of WTO

(Advisor to DG and Director of Trade in Services Division)

Session Basic obligation/right and structure of GATS

--- by Mr. Naoki Hikota, Assistant Director, Service Trade Division, First International Organization Division (in charge of WTO) of Ministry of Foreign Affairs (MOFA)

Session 3 Previous negotiation of sectoral liberalization under the GATS: A panel on Negotiation on Basic Telecommunications

Panelists: Mr. Takanori Ando, Assistant Director, International Economic Affairs Division, International Affairs Department, Ministry of Public Management, Home Affairs, Post and Telecommunications

Ms. Chirapa Chitraswang, Deputy Director, Post of Telegraph Department

Mr. David Hartridge

Ms. Maki Kunimatsu, TA Consultant (panel moderator)

[2nd Day - 21, February] 09:30 – 17:00

Session 4 Schedule of specific commitment (1)

Introduction for Scheduling: Thai and Japanese Schedules --- by Mr. Masaki Oda, TA Consultant

Basic elements of Schedules based on Scheduling Guideline --- by Mr. Hartridge

Session 5 Schedule of specific commitment (2)

horizontal commitments

Domestic laws/regulations and their implications to actual commitments (Thailand and Japan)

--- Mr. Hikota, MOFA

--- Mr. Pasit Poomchusri, Assistant Director General, DBE

sectoral commitments

improvement of commitments through sectoral negotiations basic telecommunications and financial services (Thailand and Japan)

(telecom) --- Mr. Ando, Ministry of Public Management, Home Affairs, Post and Telecommunications

--- Ms. Chhirapa, Post and Telegraph Department

(financial) --- Mr. Pongpanu Svetarundra, Senior Expert for Finance, FPO

---Ms. Kunimatsu, TA Consultant Team

current commitments of major sectors (Thailand and China)

--- Mr. Hikota, MOFA

--- Ms. Pimchanok Vonkhorporn,

Counsellor, Permanent Mission of Thailand to the WTO

working session, using Schedules of virtual and/or third countries

---by Mr. Hartridge

[3rd Day - 22, February] 09:30 – 12:00

Session 6 Update of GATS negotiations and discussions

Overview of current GATS negotiations and discussions --- by Mr. Hartridge

Views on current GATS negotiations and discussions
(e.g. emergency safeguard) ---by Ms. Pimchanok

Horizontal discussions in GATS negotiations (autonomous liberalization, Article II Exemptions (MFN Exemptions), pro-competitive regulation, etc.) and Sectoral discussions in GATS negotiations (overview of proposals from member countries)
---by Mr. Shintaro Watanabe, Deputy Director, Service Trade, Multilateral Trade System Department, Ministry of Economy, Trade and Industry

(2) Practice and main discussions during Workshop 1

During the period, totally 106 persons had attended the workshop.

From DBE, a major counterpart agency, 10 persons has participated including Ms. Boontipa, Director General to open the workshop, Mr. Pasit, Assistant to DG and Senior Expert as one of the speakers, Ms. Wibbonlasana, Director of the Bureau of Multilateral Negotiations to close the workshop. Also Ms. Pimchanok, Counsellor, Permanent Mission of Thailand to the WTO has participated to moderate the workshop.

From telecommunication sector, Ms. Chirapa, Deputy Director General of PTD, as one of the speakers, and officials from CAT and TOT participated. With regard to financial sector, more than 10 participants from FPO including Mr. Pongpan, as a speaker, Central Bank, Department of Insurance and SEC attended.

From other agencies, those who are in charge of horizontal issues such as officials from Ministry of Commercial Registration, Prime Minister's Office, Ministry of Works and Social Welfare, as well as officials from sectoral agencies such as transportation, education, health, environment attended.

The workshop was practiced as follows:

The 1st day (Feb. 18)

Session 1: GATS - growing importance of trade in services and its rules

Following the opening remarks from both Thai and Japanese side, Mr. Kotera, Professor in international laws at Tokyo University lectured characters of GATS and encouraged participants to fully make use of the GATS for the sake of national economy. Dr. Deunden from TDRI make a though presentation on Thailand's service economy and the importance of service sectors from economic viewpoint. Mr. Hartridge, former Advisor to DG and Director of Trade in Services Division of WTO presented development of the GATS since entry into force. Questions and comments from the floor, e.g. how to deal with the inconsistency of domestic regulations, were posed.

Session 2: Basic obligation/right and structure of GAT

Mr. Hikota, Assistant Director of Service Trade Division in MOFA gave a thorough explanation to give the basic obligation/rights and structure of GATS for the sake of providing the baseline of the whole workshop.

Session 3: Previous negotiation of sectorized liberalization under the GATS: A panel on Negotiation on Basic Telecommunications

Panelist, following the brief explanation of the aim of the panel by Ms. Kunimatsu, TA Consultant, shared experiences of the BT Negotiations successfully concluded in 1997 through the presentation and discussion. Mr. Ando from Ministry of Public Management, Home Affairs, Post and Telecommunications presented history and major discussion of the BT Negotiation. Ms. Chirapa, Deputy Director of PTD shared her experience as a negotiator and coordinator from the Government of Thailand. Mr. Hartridge mainly discussed the process and implications of the “Reference Paper”.

The 2nd day (Feb. 21)

Session 4: Schedule of specific commitment (1)

Mr. Oda, TA Consultant gave an overview and basic elements of schedules of specific commitment of GATS with suggestion for utilization to the Government of Thailand. Mr. Hartridge lectured scheduling issues based upon important provisions of GATS and using several examples of the schedule of specific commitments of a few member countries. Questions from the floor followed on not only the scheduling itself but also background of commitments such as competitiveness of the service sectors.

Session 5: Schedule of specific commitment (2)

Horizontal commitments as well as major sectors’ commitments were presented with their backgrounds, which are domestic laws/regulations in this session.

Mr. Hikotra of MOFA and Mr. Pasit from DBE introduced Japanese and Thai laws/regulations and horizontal commitments, respectively.

Mr. Ando and Ms. Chirapa, Mr. Pongpanu from FPO and Ms. Kunimatsu discussed on improvement of commitments through BT negotiation and financial services negotiation in case of Thailand and Japan.

Mr. Hikota from MOFA introduced China’s commitment, and Ms. Pimchanok, Counsellor of Permanent Mission of Thailand to the WTO made presentation on sectorized commitment of Thailand.

Following the series of presentations on horizontal and sectorized commitments, Mr.

Hartridge went through the “Self Assessment Test on GATS” with the participants.

The 3rd day (Feb. 22)

Session 6: Update of GATS negotiations and discussions

Following the overview of the current negotiations on services by Mr. Hartridge, Mr. Watanabe from METI explained on horizontal issues including autonomous liberalization and sectoral discussions focusing on the sectors covered by the participants. Ms. Pimchanok from Thai Mission shared relation between negotiations on services and other agendas, updated current work in Geneva, and encouraged participants to proceed preparations for the negotiations, such as considerations for request to other members, promoting consultation with industry. Active questions and discussions followed with regard to the direction of sectoral negotiations and ways to prepare for the negotiations, etc., between lecturers and participants.

(3) Outcome of the Workshop 1 for further activities

Judging from the questionnaire survey, which 36 participants answered, the workshop I has produced fair results, e.g. 90% answered expectation was met. Particularly officials from telecommunication sector answered that the lectures on the previous negotiations were useful, since telecommunication issues were taken up in several occasions during the Workshop. However, given the difference of interests and concerns among agency, participants expect technical and sector-specific discussions for next workshop.

2.2.3 Workshops 2

(1) Planning of Workshop 2

In order to meet the specific needs within a few sectors, and make the workshop II more practical and interactive, it was decided that sector-based workshops should be held. DBE has consultations both internally and with other GATS-related governmental agencies and chose following four sectors, identifying co-organizer agencies:

Financial services – Fiscal Policy Office (FPO)

Telecommunication services – Posts and Telegraph Department (PTO)

Tourism services – Tourism Authority of Thailand (TAT)

Accounting Services – Department of Commercial Registration (DCR), Ministry of Commerce

Officials in charge in these four sectors had been feeling strong needs for the capacity building workshops by external human resources. However they were facing different issues and challenges, respectively. Figure II-2-11 is a sum-up of their interests, which four co-organizers identified.

Taking into account of the sensitivity of the issues, since GATS negotiation is currently at the stage of the initial offers, DBE and TA Team identified that Mr. David Hartridge, ex-WTO senior official, who also took important part of the Workshop I, should be the most appropriate resource for the Workshops II.

(a) Financial services

Fiscal Policy Office (FPO) had been organizing “Financial Services Liberalization Team” consists of Bank of Thailand (central bank), Department of Security, Security Exchange Commission and major financial associations such as The Thai Banker's association, Association of Finance Companies, Association of Securities Companies, Association of Investment Management Companies, The General Insurance Association, Thai Life Assurance Association. The team has initiated to coordinate Thailand's position toward GATS Financial Services Negotiations (1996 – 1997). Since then, FPO has making efforts to provide information and basic knowledge to the member agencies/associations through the meetings of the team. Current concern of FPO is

how to deal with the on-going negotiations, especially to the initial requests submitted to them.

They have identified their major questions as follows:

- Classification of financial services
- E-commerce and cross-border transaction; relations between mode 1 and mode 2
- Limitation on the numbers of shareholdings and foreign persons, which is relevant to Thailand's laws and regulations
- How to prepare further requests after full liberalization of the previous negotiations
- How to make the new round of negotiation benefit for the developing countries including Thailand

Based upon FPO's well-prepared questions, Mr. Hartridge and TA Team had full consultation and decided to stress the "rights" of WTO members to decide their own liberalization. In order to facilitate further activities of the "Financial Team", FPO and TA Team decided to ask all the members of the team to participate in the Workshop on Financial Services.

(b) Tourism services

Tourism Authority Thailand (TAT) has three officials in charge of tourism services in WTO/GATS as well as ASEAN and APEC. They would like to utilize the occasion to promote interests and understanding of officials and tourism industry representative. They had clear intention, therefore, to discuss about not legal/technical issues but practical issues and impact of the GATS negotiations/liberalization to the tourism industry.

A few days before the Workshop on Tourism Services, TAT organized their own meeting within their Authority, having participation of the high-officials, and asking cooperation of DBE to prepare for the Workshop. TA Team provided documents for the Workshop in time for their own meeting.

(c) Telecommunication services

Posts and Telegraph Department (PTD) set the purpose for the Workshop on Telecommunication to broadly share the current situation of GATS negotiation to the officials and business representatives. PTD and TA Team also asked Ms. Chirapa, DDG of PTD, one of the most experienced senior officials who also participated in the Workshop I as a speaker to be present for the Workshop II in order to promote information/experience sharing by the internal resource.

As USAID has hosted a seminar on GAT/Telecommunication in May 2001, covering rather basic issues, PTD and TA Team tried to avoid unnecessary duplication of the contents when setting the agenda of the Workshop on Telecommunications.

(d) Accounting services

Department of Commercial Registration (DCR) has some experience of the information provision, namely, translating into Thai language and distributing to the interested parties “the Decision on the Disciplines of the Domestic Regulation on the Accountancy Services” by Council for Trade in Services (1997). However, they observed that for the on-going negotiation, awareness and interest should be heightened within related governmental agencies and business representatives. DCR and TA Team decided to focus following issues:

- To enhance understanding on previous achievement of WTO in accountancy sector
- To discuss about the role of regulatory bodies for the liberalization in assonance sector
- To share the information of on-going negotiations in accountancy sector

DCR decided to invite officials from DBE, Revenue Department, Institute of Certified Accountants and Auditors of Thailand (ICAT), Bank of Thailand, Securities Exchange Commission, and representatives from education institution and auditing companies.

**Figure II-2-13 Identified Degree of Interests and Needs
(L- Low, M- Medium, H-High)**

	Issues (Do you wish the issues to be dealt with during the Workshop?)	Financial	Tourism	Telecommunication	Accounting
	General Issue/ Commitments				
1)	What is WTO	L	L (covered)	L	L
2)	Relation between WTO and other international/ regional trade framework	M (FTAs)	M	L	L
3)	What is GATS	L	L (will be covered)	L	L
4)	Major provisions of GATS (Scope and Definition, MFN, transparency, market access, and national treatment, etc.)	L	L (covered)	L	L
5)	GATS rules (safeguard, government procurement, subsidies)	L	L	L	L
6)	How to understand Schedules of Specific Commitments	L	M	L	H (expected that DBE should cover at different occasion)
7)	Current commitment of Thailand ---> overview of all sectors/ focused sector	L	L (will be covered on 20 th)	L	M
8)	Current commitment in other country ---> overview of all sectors/ focused sector? ---> particular interested countries?	L (info should be provided in other occasion)	H (interested in EU particularly + US, Japan, ASEAN)	M	M
	Accomplishments of GATS so far				
9)	Key issues in previous negotiations in telecommunication and financial service sectors	L	L	H	L
10)	Accomplishments in accounting sector under GATS (Disciplines on Domestic Regulation)	L	L	L	H
	Current Negotiation				
11)	Basis of current negotiation in services (Guideline and Procedures for the Negotiation)	L (Already covered in other occasion)	H	H	H
12)	Update of the negotiation in services (state of play) --- > particular sector/issue	L	H	H	H
13)	Relation between services negotiations and other agenda (market access of the products, agriculture, etc.)	M-L	H	H	M
14)	Relation between particular services sector (e.g. financial) and other sectors	L	H	H (e-commerce)	M
15)	Interests of other members	L	M	H	L
16)	suggestions on domestic regulations/ revision of Schedules	L	H	L	L
17)	Lesson from other members commitment/regulations	L	H	H (NTC is not established yet!)	H
	Impact/ influence to the market/ business				
18)	how to utilize negotiations/liberalization to strengthen the competitiveness	H (FPO feels that developing countries should get more benefit from GATS)	Very H	H	H
19)	Other Issues		Interested in: he relation between GATS and business Experiences of other countries.	Interested in: Cluster Approach Tactics of nego. Evaluation of success of nego	

(2) Practice of the Workshops

Practice of four Workshops are summarized as follows:

Figure II-2-14 Summary of the Practice of Workshops 2

Workshops	Financial Services	Tourism Services	Telecommunication Services	Accounting Services
Date: August 2002	13:30 – 16:30, Wednesday, 21	9:00 – 12:00 Thursday, 22	13:30 – 16:30 Thursday, 22	9:00 – 12:00 Friday, 23
venue	at Stateroom III, 8th floor, Grand Pacific Hotel			
Co-organizer	FPO	TAT	PTD	DCR
lecturer	Mr. David Hartridge, Senior Director of White Case International / former Advisor to Director-General and Director of Trade in Services Division of WTO			
Participants	officials from FPO, Bank of Thailand (BOT), Department of Insurance and The Office of Securities Control (SEC) Representative of private sector including The Thai Banker's association, Association of Finance Companies, Association of Securities Companies	TAT officials and representatives from 20 Associations including Thailand Tourism Society (TTS), Thai Hotel Association (THA), Association of Thai Travel Agent (ATTA), The Association of Thai Tour Operators (ATTO)	PTD and related agencies such as TOT, NECTEC, Ministry of Transport, Telecommunication	DCR, DBE, Revenue Department, Institute of Certified Accountants and Auditors of Thailand (ICAT), Bank of Thailand, Securities Exchange Commission, education institution and auditing companies
Presentation from co-organizer		Mr. Auggaphol Brickshawana, Director of Planning Department	Ms. Chirapa Chitraswang, Depute Director	Ms. Orakit Singkalavanich, Director General,

2.3 Capacity Building for AD/CVD 《Component 3》

In the component 3, two kinds of workshops were held. One was to improve the capacity of government officers, and the other one was to improve the capacity of Thai public-private cooperation system to cope with AD/CVD measures.

2.3.1 Program and contents of the Workshop 1

(1) Objective of the Workshop 1

The workshop 1 had aimed at improving government officials' capacity to implement AD/CVD agreements, mainly focusing on the technical aspects of AD/ CVD practices: namely, determination of like products, calculation of dumping margin, injury evaluation, demonstration of causality, and calculation of subsidy. To this aim, exercises and case studies were planned to be introduced. Adding to these technical aspects, 'sharing experiences' between Thai and Japan was also aimed through discussion about the problems in AD rule, Japan's experiences, dispute settlement cases dealt with AD issues, and Thai experiences of AD investigation.

(2) Contents of the Workshop 1

The workshop 1 was held from February 18 to 20, 2002, at the Royal Meridien Hotel in Bangkok. As the results of a series of consultation with the lecturers, DFT the government of Japan, the program agenda was set as shown in the next section.

During the period, totally 42 persons had attended the workshop. 36 persons has participated from the Ministry of Commerce (DFT, DTN, Department of Customs, Department of Internal Trade), 3 persons are from Office of Industrial Economics, Ministry of Industry, 1 person from National Institute of Development Administration (NIDA), and 2 persons from TDRI.

The workshop was practiced as follows:

The 1st day (Feb. 18)

➤ Session 1: Notable issues on AD/CVD

In the "Elements of dispute settlement at the WTO", Professor Mitsuo Matsushita, former member of the Appellate Body of WTO, has lectured on principle problems with implementing AD agreement. Mr. Syuji Miyazaki, Director of Multilateral Trade System Department, Trade Policy Bureau, METI, has taken over the lecture titled

“Anti-Dumping issues to be addressed”, presenting recent trends of AD initiation and Japan’s attitude toward strengthening the discipline for AD. After their presentation, obtaining the participation of Mr. Marco Bronckers and Ms. Natalie McNelis, lawyers at Brussels based law firm “Sttibe”, issues like interpretation of the article 28 of the Doha Declaration and relation between AD agreement and competition policies were actively discussed among the lecturers.

➤ Session 2: Practices of AD action (1)

Mr. Bronckers and Ms. McNelis lectured on the practices of AD action – concept of anti-dumping, procedure, determination of the like products, calculation of dumping margin, determination of injury, and causality – introducing dialogues with the participants, who had asked about the method and procedure of injury determination. Over the question about the interpretation of the agreement, which Professor Matsushita raised, discussion was made between the lawyers and professor.

The 2nd day (Feb. 19)

➤ Session 3: Defensive action against AD measures and practices of DS (1)

After the explanation of the outline of “Japan’s challenge against the US’s AD measures on hot-rolled steel products” by Mr. Miyazaki, question and discussion were made between Professor Matsushita and Ms. McNelis about the ‘facts available’ in dispute settlement and effectiveness of the recommendations by the Appellate Body. Next, under the title “List and highlights of the Disputes on the Antidumping Agreement”, Professor Matsushita explained mainly about the ‘zeroing’ issue in calculation of dumping margins, touching upon the EU bed linen case. With regard to this case, participants raised questions about determination of injury and reaction to the recommendation by the Appellate Body.

➤ Session 4: Defensive action against AD measures and practices of DS (2)

Mr. Sutirak Issadisai, director of Bureau of Trade Interests and Remedies, DFT, has presented several cases under the title “Thai experience of AD investigations”. Taking each case, possibilities to appeal to dispute settlement body were considered and discussed by lecturers, focusing on possibilities of retroactive appeal of the cases took place under the GATT regime, setting normal value, determination of like products, and so on. The discussion was continued, obtaining the opinions from the participants, over the original time frame. After the coffee break, Mr. Miyazaki and Professor Matsushita explained “Rules and procedures of dispute settlement under DSU”. Mr. Bronckers, Ms. McNelis and other participants pointed out the difficulties for developing countries to follow the dispute settlement procedure, problems in implementation of the recommendation, and so on.

The 3rd day (Feb. 20)

➤ Session 5: Practices of CVD action (1)

Taking over the 'Session 2' on the 1st day, Mr. Bronckers and Ms. McNelis lectured on practices of AD measure – “what is dumping?” calculation of normal value, calculation of dumping margin – with some exercises.

➤ Session 6: Practices of AD/ CVD action (2)

As the sequel to the previous session, lecture on CVD action – categories of countervailable subsidy, CVD calculation – and duties/undertakings were made utilizing various exercises. In the end of the session, issues of public interest and lesser duty rule, which are not stipulated in the WTO agreements, issue of standard of review, and interface with competition law were referred, then opinions and information were exchanged between lecturers and participants.

(3) Workshop Program

[1st Day– Monday 18, February (morning and afternoon)] 9:10 - 17:30

Session 1 Notable Issues on AD/ CVD Measures

- Elements of dispute settlement at the WTO

Prof. Mitsuo Matsushita, former member of the Appellate Body, WTO

- Anti-Dumping issues to be addressed

Mr. Syuji Miyazaki, Director (Tariffs, AD & SCM), Multilateral Trade System Department,
Trade Policy Bureau, METI

- 1. Recent issues in AD measures

- 2. Agenda for the AD negotiation and Japan's attitude

- Q & A / Discussion

Session 2 Practices of AD Action (1)

Mr. Marco Bronckers and Ms. Natalie McNelis, Stibbe

- Procedure of investigation / Like product / Calculation of dumping margins
(including Q & A / Discussion)

- Injury / Causality (including Q & A / Discussion)

[2nd Day – Tuesday 19, February (morning and afternoon)] 9:30 - 17: 30

Session 3 Defensive Action Against AD Measures and Practices of DS (1)

- Japan's challenge against the US's AD measures on hot-rolled steel products
Mr. Syuji Miyazaki, Director (Tariffs, AD & SCM), Multilateral Trade System Department,
Trade Policy Bureau, METI
- List and highlights of the Disputes on the Antidumping Agreement
Prof. Mitsuo Matsushita, former member of the Appellate Body, WTO
- Q & A / Discussion

Session 4 Defensive Action against AD measures and Practices of DS (2)

- Thai experience of AD investigations
Mr. Sutirak Issadisai, Director, Bureau of Trade Interests and Remedies, DFT
- Q & A / Discussion
- Rules and procedures of dispute settlement under DSU
Mr. Syuji Miyazaki and Prof. Mitsuo Matsushita
- Q & A / Discussion

[3rd Day– Wednesday 20, February (morning and afternoon)]

Session 5 Practices of CVD Action (1)

Mr. Marco Bronckers and Ms. Natalie McNelis, Stibbe

- Evaluation of different subsidies / Calculation of a subsidy / Imposition of duties and undertakings etc. (including Q & A, coffee service)

Session 6 Practices of AD/ CVD Action (2)

Mr. Marco Bronckers and Ms. Natalie McNelis, Stibbe

- Case study on AD/ CVD (including Q & A / Discussion)
- Case study on AD/ CVD (continued) (including Q & A / Discussion)

2.3.2 Program and contents of the Workshop 2

(1) Objective of the Workshop 2

While the DFT and other related the government agencies are providing information on the agreements and the government attitude towards the Doha Round to the private sector, as previously noted, they do not seem to fully satisfy the needs and interests of the private sector. Based on this perception, the workshop 2 had aimed at improving the government officials' leadership and capacity to respond to the private sector's requests, at the same time, promoting the 'dialogue' between public and private sectors to build better cooperation system to deal with AD/CVD measures. To these aims, the workshop had tried to improve understanding by both of the Thai public and private sectors on their positions and roles in the cooperation system, through introducing experiences and efforts by the Japanese industries and government, as well as the discussion among the participants.

(2) Contents of the Workshop 2

The workshop 2 was held from August 20 to 21, 2002, at the United Nations Conference Center in Bangkok. As the results of a series of consultation with the lecturers, DFT and the government of Japan, the program agenda was set as shown in the next section.

During the period, totally 40 persons had attended the workshop. They are from DFT, DTN, DIT(Department of Internal Trade), OIE(Office of Industrial Economics), Customs Department, NIDA, FTI(Federation of Thai Industries), and private law firms.

The workshop was practiced as follows:

The 1st day (Aug. 20)

➤ Session 1: Efforts by the Private Sector to Tackle Trade Remedies

Mr. Ken Matsumoto, Executive Advisor for the Fair Trade Center of Japan, and Mr. Apisith John Sutham, Counsel, Price WaterhouseCoopers Legal & Tax Consultants Ltd. respectively presented outline of efforts by each country's industries to tackle trade remedies. Mr. Matsumoto stressed the role of the Fair Trade Center as the tangible outcome of public-private cooperation, and Mr. Sutham concluded his presentation with importance of public-private cooperation and promotion of local bar with legal counsel. Questions and comments were made by the participants on the background of the

establishment of the Fair Trade Center of Japan, language problems on questionnaire for AD investigation, difference on the AD initiations between EU and US, and so on.

➤ Session 2: Japan's Experiences of Dealing with AD allegation

Mr. Soichiro Sakuma and Mr. Takeatsu Kikuchi, who are prominent experts of steel and electric industry, introduced Japanese major industries' experiences of dealing with AD allegation. Mr. Sakuma focused on the structural factors of steel anti-dumping cases and lessons to be learned from the antidumping as 'the product of misunderstandings', and Mr. Kikuchi chronologically introduced each AD case which Mitsubishi Electric Corporation has experienced, then stepped into crucial aspects and disputed points of AD cases. Many questions were made to both speakers, such as: how to cooperate with the government, problems on political solutions, problems peculiar to steel industry (to Mr. Sakuma), merits and demerits of price undertakings and suspension agreements, rules of origin (to Mr. Kikuchi).

The 2nd day (Aug. 21)

➤ Session 3: Agenda for the AD in the Doha Round

Mr. Keiichi Iwase, Deputy Director of the Ministry of Economy, Trade and Industry of Japan, explained Japan's attitude toward the AD negotiations in Doha Developing Agenda. Questions and comments were made by the participants and other speakers on the member countries consisting of 'AD friends', relation between proposal by the 'AD friends' for improvement of rules concerning the provisions of the AD Agreement and the decisions by DSB, possibilities of introducing numerical standards, perspectives for the future AD negotiations, and so on.

➤ Session 4: Panel Discussion: Towards the Strengthening of AD Discipline and Better Implementation

In this session, representatives of Thai industries - electric & electrical appliances, textile & garment, petrochemical, processed food, and iron & steel -, Thai legal experts, and Japanese speakers made panel discussion. After the presentation by each Thai panelist on their problems in dealing with AD measures, all the panelists and government officers actively discussed mainly about the possibilities and problems of public-private cooperation in Thailand. While Thai panelists mainly pointed out the lack of DFT's active support to alleged companies, lack of private sector's awareness and knowledge on AD investigation, and lack of collaboration and exchange of information among Thai companies, Japanese panelists suggested that public-private cooperation in Japan to deal with AD measures has been established for at most these two decades, so that it would be possible in Thailand.

(3) Workshop Program

[1st Day– Tuesday 20, August (morning and afternoon)] 9:30 - 17:00

Session 1 Efforts by the Private Sector to Tackle Trade Remedies

- Efforts by the Japanese industries
Mr. Ken Matsumoto, Executive Advisor for the Fair Trade Center, Japan
- Efforts by the Thai industries
Mr. Apisith John Sutham, Counsel, Price Waterhousecoopers Legal & Tax Consultants Ltd.

Session 2 Japan's Experiences of Dealing with AD allegation

- Steel industry (including Q & A / Discussion)
Mr. Soichiro Sakuma, Head of Legal Department, Nippon Steel Corporation
- Electric industry (including Q & A / Discussion)
Mr. Takeatsu Kikuchi, Manager, External Relations, Global Strategic Marketing & Operations Department, Mitsubishi Electric Corporation

[2nd Day – Wednesday 21, August (morning and afternoon)]

Session 3 Agenda for the AD in the Doha Round

- Anti-dumping negotiations in the Doha Developing Agenda (including Q & A / Discussion)
Mr. Keiichi Iwase, Deputy Director (AD/CVD), Multilateral Trade System Department, Ministry of Economy, Trade and Industry, Japan

Session 4

- Panel Discussion: Towards the Strengthening of AD Discipline and Better Implementation
- Thai's experiences of dealing with AD allegation / Strengthening of AD discipline / AD investigation and business practice
- Public-private partnership in AD practice / Capacity building for developing countries / etc.
- Panelists
 - Thai: Mr. Sapon Wichitrakorn (Chairman of Thai Synthetic Fiber Manufacturer's Association), Ms. Anurat Tiatmtan (Chairman of Thai Processed Food Association), Mr. Prasit Chansitthichok (Thai Petrochemical Industry Pcl.), Dr. Katiya Greigarn (Vice Chairman, FTI Electrical, Electronic & Allied-Industry Club), Mr. Korrakod Padungjit (Sahaviriya Steel Group Co., Ltd.), Mr. Pornprom Karnchanachari (Partner Director, Legal Advisory Council Ltd.), Ms. Sutaruk Praipruksaluk (Legal Consultant, Baker & McKenzie Co., Ltd.)
 - Japan: Mr. Matsumoto, Mr. Kikuchi, Mr. Sakuma, Mr. Iwase
- Moderator
 - Thai: Dr. Katiya Greigarn, Vice Chairman, FTI Electrical, Electronic & Allied-Industry Club
 - Japan: Mr. Hidekazu Tanaka, TA Consultant Team, UFJ Institute

2.4 Capacity Building for TRIPS «Component 4»

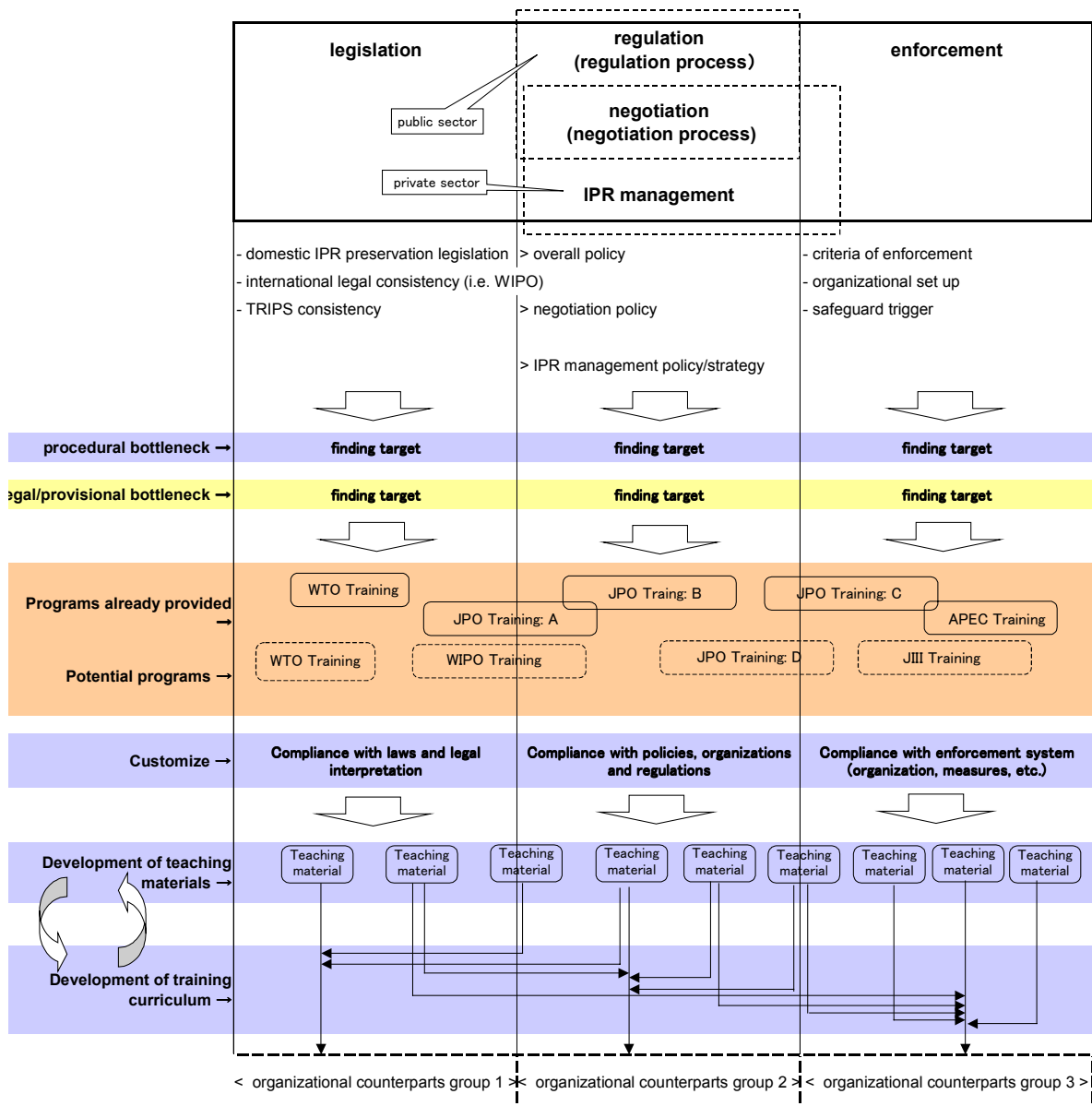
Within the government, the Department of Intellectual Property (DIP) within the Ministry of Commerce is primarily in charge of issues related to intellectual property rights as a whole, however many other agencies and organizations are also involved, including the customs authorities, police, prosecutors and courts which are responsible for cracking down on illicit goods. The knowledge on IPR laws and regulations, as well as TRIPS, should be thoroughly shared among all these related entities. A deeper understanding of IPR on the part of industry and the general public will also be vital in ensuring the proper observance of IPR-related laws in Thailand. More human resources will need to be secured to operate IPR protection systems in both the public and private sectors, and their capacity boosted. The Thai government is also aware of the need for ongoing human resources development toward stronger IPR enforcement. The Capacity Building program for this component was designed to develop a core part of IP training courses to meet these requirements.

2.4.1 Overview of the Program

In this component, based on overall survey to confirm the current state of domestic IP legislation and TRIPS implementation identifying issues of concern, training materials were developed to boost the understanding and enforcement capacity of related personnel in the selected areas of assistance. A series of “trainers’ training” was also implemented using the materials developed. This effort was made to set in place the necessary foundations to enable Thailand to engage in sustainable human resource development activities in this area.

In particular, training materials which have already been developed by the Japan Patent Office and other domestic and international sources were used as effectively as possible in the process of training material development, customizing and amending existing materials as necessary to suit Thailand’s circumstances, as well as developing original materials. Specific consideration shall be given to the development of training materials that can be used in modules. The combination of material unit will allow flexibility in curriculum (room for further development and extension) according to the training needs, “a cafeteria style curriculum.” (See the diagram below.)

Figure II-2-15 Conceptual Framework of Development of Training Materials



(1) Outline of the Program

The Program was composed of the following 5 stages:

1. Surveys to understand the current status of TRIPS implementation in Thailand. (Difficulties and prioritized issues for assistance are identified.)
2. Development of training curriculum and materials for enhancing awareness, knowledge, and practical skills regarding IPR and the TRIPS Agreement. (The materials were produced by a collaborative working team, consisting of

the Thai and the Japanese experts.)

3. Translation of the materials into Thai language.
4. Transfer of knowledge and know-how to conduct training courses to the IPR experts in Thailand in the DIP, other governmental agencies, universities, private sector and so on.
(“Trainers’ training” was implemented using the training materials developed, and efforts made to set in place the necessary foundations to enable Thailand to engage in sustainable human resource development activities in this area.)
5. Follow-up to the trainers’ training. (Responses are made to trainee queries and questions using fax and e-mail for a fixed period of time after completion of the course, with the purpose to ensure that trainees have absorbed the knowledge imparted by the course and to further clarify the issues at hand.)

(2) Specific Characteristics of the Program

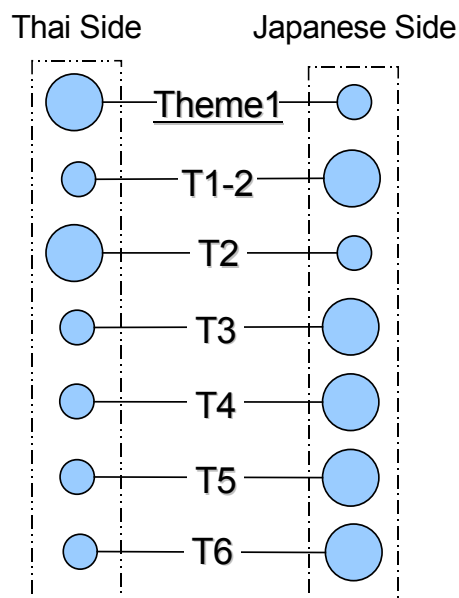
As observed, the similar type of assisting programs from other organizations has already introduced for various occasions, such as training materials developed/provided by Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) and Japan Patent Office (JPO), symposiums and seminars organized by DIP and other organizations. However, in most cases, it is not always extended to further sustainable effort to provide continuous training activities and/or to utilize the information. It is often remained one spot impact.

In terms of training courses and materials, it is considered that this tendency is caused by several factors. For example, 1) the materials are not exactly fitted to Thai situation due to certain training materials are developed on the base of the situation in foreign countries and just translated into Thai language, 2) know-how of development process is not efficiently shared with Thai authorities so that relevant customization or updating effort is not taken smoothly, 3) systematic compilation and utilization process is not adequately provided in the authority concerned as well as limitation of human resources and infrastructures, and so on.

In order to resolve some of those factors, this Program took special importance on collaborative work process between Thai and Japanese experts in developing training materials. Involvement of Thai authority, DIP, was also encouraged to this end. Each training material and theme subject was developed and examined from both Thai and Japanese prospect to best fitted to the Thai circumstance. The related know-how was shared with Thai authority in this process. Further plans for training courses and material development were also considered accordingly. The coverage of materials in

this Program, thus, was not designed to be comprehensive. It was aimed to formulate a core compilation of training materials to work with for further development.

Figure II-2-16 Conceptual Framework for Collaborative Work



2.4.2 Development of Training Materials

(1) Identification of Subject Issues of Priority for Training Materials

At the initial stage, in August 2001, a series of interviews was conducted with the all related divisions in DIP to identify subject issues of priority to be taken up onto training materials. The following 13 subject issues were identified from 6 divisions.

Requested Subject Issues for Training Materials

- 1) uniformed guideline-like training for patent application procedures and patent drafting (Patent Division)
- 2) IPR management in private companies (Patent Division)
- 3) strengthening practical and procedural knowledge and techniques of patent attorneys, practice lawyers, and relevant experts in IP laws (Patent Division)
- 4) IPR management in educational institutions (IP Promotion and Development Division)
- 5) IPR database search training for college students (IP Promotion and Development Division)
- 6) procedure from filing to registration of trademark application (Trademarks Division)
- 7) trademark disputes and their handlings (Trademarks Division)

- 8) enforcement at the border control (customs) (Copyright Office)
- 9) basic training course on trade secret law (Legal Affairs and Appeal Division, Copyright Office)
- 10) basic training course on Geographical Indications (Legal Affairs and Appeal Division)
- 11) basic training course on Layout-Design of Integrated Circuit Act (Legal Affairs and Appeal Division)
- 12) sharing Japanese experience in IP utilization (ex. success cases and difficulties) (Division horizontal issue)
- 13) strengthen participants' training skills (participants to the trainers' training)

TA Consultant Team examined them and discussed with relevant authorities in terms of the most efficient and appropriate approach for developing the training materials. In order to meet utmost effect out from various conditions, such as time and resource constrains, it has come to preliminary conclusion to adjust the requested 13 subjects into 7, which are indicated as follows. The adjusted subjects are basically corresponded to 10 out of the requested 13 subjects (see following chart). As for the requested subject #13, strengthen participants' training skills (participants to the trainers' training), it is considered that actual effect would be delivered on the course of this program itself and incorporated with the trainers' training program.

Adjusted Theme Subjects for Training Materials

- (1) Patent Application procedures
- (2) Patent Practices for Individual Inventors and Small & Medium-sized Enterprises
- (3) Trademark Practices
- (4) IPR Management in Private Sector
- (5) IPR Regulatory Enforcement at Border Control
- (6) IPR Management and Utilization of Information in Educational Organizations
- (7) Basics on Trade Secret Act

The specific remarks were presented in the identification process as follows and taken appropriate consideration in the context of each material.

- 1) Information and training for procedural details is essential to increase efficiency in examination process in patent and trademark application.
- 2) IP promotion and education to the next generation is important to formulate concrete foundation of IP protection in the long run.
- 3) Efficient dissemination of information on latest development of IP related legislations and their concepts should be considered.

Figure II-2-17 Adjusted Theme Subjects for Training Materials

	Subjects for Teaching Materials		Requested Theme Subjects for Teaching Materials by DIP	Related Division in DIP	Final Trainee Target
1		Patent Application Procedures	uniformed guideline-like training for patent application procedures and patent drafting	Patent Division	Private Companies (Industries), Applicants
2	Patent Practices	Patent Practices for Individual Inventors and Small & Medium-sized Enterprises	strengthening practical and procedural knowledge and techniques of patent attorneys, practice lawyers, and relevant experts in IP laws	Patent Division	Private Companies (Industries), Applicants
3	Trademarks Practices		procedure from filing to registration of trademark application	Trademarks Division	Private Companies (Industries), General Public
			trademark disputes and their handlings	Trademarks Division	
4	IPR Management in Private Sectors		IPR management in private companies	Patent Division	Private Companies (Industries)
			sharing Japanese experience in IP utilization (ex. success cases and difficulties)	Division horizontal issue	
5	IPR Regulatory Enforcement at Border Control		enforcement at the border control (customs)	Copyright Office	Personnels on the Border Control
6	IPR Management and Utilization of Information in Educational Organizations		IPR management in educational institutions	IP Promotion and Development Division	Academists, Personnels in Universities
			《IPR database search training for college students》	IP Promotion and Development Division	
7	Basics on Trade Secret Act		basic training course on trade secret law	Legal Affairs and Appeal Division, Copyright Office	Private Companies (Industries)

(2) Material Development Process

Drafting experts were selected, as follows, in accordance with specific requirements. As the experts needed to communicate with each other between Thai and Japanese counterparts, they had to use common language on the process. English language was adopted for this purpose; thus, this required experts in both sides English communicating capability. The teaching ability was another requirement as well as expertise in IP issues, so that efficient training could be provided on the material

developed by the actual authors. It was a challenging task to select and appoint the appropriate experts; however, TA Consultant Team saw it most important to prepare substantial training materials. Furthermore, this task provided a reliable foundation for network of resource personnel as for sustainable training activities. It is noted that extensive cooperation provided from DIP has realized involvement of two high level officials to this task.

Figure II-2-18 List of Assigned Thai and Japanese Experts

	Subjects for Teaching Materials		Experts for teaching material development	
			Japan	Thailand
1	Patent Practices	Patent Application Procedures	Mr. Koji Nishimori, Patent Attorney, Partner, AOI International Patent Firm	Mr. Yanyong Phuagrach, Director General, DIP
2		Patent Practices for Individual Inventors and Small & Medium-sized Enterprises		
3	Trademarks Practices		Mr. Masahiko Fujita, Partner, Kohhara and Fujita	Mr. Boonma Tejavanija, Mr. Rutorn Nopakun, Attorney at Law, Domnern, Songiat & Boonma
4	IPR Management in Private Sectors		Dr. Koh Kunieda, Lecturer, Graduate School of Tokyo Institute of Technology	Mr. Narin Vipada, Research & Development Manager, Srithai Superware Public Company Limited
5	IPR Regulatory Enforcement at Border Control		Mr. Nobuyuki Matsubara, Patent Attorney, Matsubara, Muraki & Associates	Ms. Rashneewan Rwirath, Mr. Prapun Pismayarom, Customs Department
6	IPR Management and Utilization of Information in Educational Organizations		Mr. Fumio Hirose, Patent Examiner, Japan Patent Office	Prof. Prasit Prapinmongkolkarn, President, Chulalongkorn University, Intellectual Property Institute
7	Basics on Trade Secret Act		Mr. Kenichi Kumagai, Associate Professor, Kyushu University Graduate School of Law	Mr. Santi Rattanasuwan, Former Deputy Director Genral, DIP

With regard to the collaborative working process, Thai and Japanese experts confirmed the following points at the joint meeting held in Bangkok in March 2002.

1) Basic Idea

Throughout the course of task undertaken in JICA WTO Capacity Building Program, specific consideration was taken, inter alia between DIP and TA Consultants Team, to formulate (improve/strengthen) an efficient and systematic process orientation on development of training materials to provide continuous and sustainable training

courses on IP promotion.

2) Approach to Training Material Development

Although actual process differed from subject to subject, a basic concept taken for training material development was as follows:

1. To accelerate the procedure, the Japanese experts side took an initiative in producing the 1st draft mainly based on the Japanese experiences and international trend and exercises.
2. The Thai experts make modifications and put additions based on the actual Thai situation. Case studies in Thailand are also added to make the materials fitted to the Thai environment.

3) Training Material Development Process

In order to transfer a sustainable human resource development framework to the DIP, a whole process for training material development activities is shared between the DIP and TA Team. A three-track approach described below is adopted to accumulate and compile information and know-how to produce materials in the Program:

1. Direct dialogue between/among experts who are responsible for writing materials
Experts from the both sides consider relevancy of contents and target audience and substantiate materials in order to make it appropriate to the Thai circumstances.
2. Support for supplemental information gathering by a coordinating agencies (TA Team)
Coordinating agencies assist experts to obtain sufficient information to produce materials
3. Dialogue between/among the DIP and a coordinating agency (TA Team)
Information and know-how concerning process management is shared with and accumulated in the DIP. Potential subjects to be covered in the future materials are identified and analyzed.

4) Output Image of Training Materials

In order to have effective and sufficient knowledge transfer to the future trainers in Thailand, it is confirmed that following two materials will be developed for each subject.

1. Textbooks (materials for participants of training sessions)
These are distributed to all the participants of training sessions.
2. Trainer's Guide and/or Reference Material (materials for trainers)
The Guide includes guidance for trainers and case studies, and is used as a reference of trainers when conducting training. This is not disseminated widely in classes.

2.4.3 Practice of Trainers' Training

(1) Program and contents of trainers' training

(a) Program of the trainers' training

In order to transfer both knowledge about the subject concerned and know-how to conduct training, one full day was spent for each subject matter. Therefore, seven whole-day training sessions were held on Oct. 3, 4, 8, 9, 21, 22, and 24, 2002 at the DIP conference room. About 20 to 40 people from the DIP, other related agencies, universities, and private sector participated in the sessions, and participants were selected by the initiative of the DIP depending on the subject matters by considering if they could be prospective trainers for future training courses in Thailand to the public, private sector, etc. Main purposes of the trainers' training were set as follows and shared with lecturers:

1. To transfer knowledge on the subject concerned.
2. To transfer know-how to conduct training courses.
3. To provide opportunities for learners to conduct model training courses.

Figure II-2-19 Agenda of Each Training Session

Agenda	
09:00-09:10	Introduction to the Trainer's Training JICA WTO TA Team - Introduction of lecturers - Purpose of the Trainer's Training - Schedule of the training
09:10-10:30	Session 1: Model Lecture 1 Thai lecturer Japanese lecturer
10:30-10:45	Coffee Break
10:45-12:00	Session 2: Model Lecture 2 (Continued from the session before coffee break)
12:00-13:30	Lunch
13:30-15:00	Session 3: Practical Exercise 1 Thai lecturer Japanese lecture - Group and Class Discussion - Group Work - Simulated Lectures by Participants - Questions and Answers
15:00-15:15	Coffee Break
15:15-16:45	Session 4: Practical Exercise 2 (Continued from the session before coffee break)
16:45-17:00	Evaluation

Each training session was conducted based on the above agenda. Schedule and lecturers of the trainers' training session was as follows:

Figure II-2-20 Schedule and Lecturers of Trainer's Training

Date	Subject	Thai and Japanese Lecturers
Oct. 3, 2002	Patent Practices for Individual Inventors and Small & Medium-sized Enterprises	Mr. Surat Tasanawijitwong Mr. Koji Nishimori
Oct. 4	Patent Application procedures	Mr. Surat Tasanawijitwong Mr. Koji Nishimori
Oct. 8	IPR Regulatory Enforcement at the Border Control	Ms. Rashneewan Rwirath Mr. Prapun Pitsamayarom Mr. Nobuyuki Matsubara
Oct. 9	IPR Management in Private Sector	Mr. Narin Vipada Mr. Koh Kunieda
Oct.21	Trademarks Practices	Mr. Boonma Tejavanija Mr. Ruton Nopakun Mr. Masahiko Fujita
Oct. 22	IPR Management and Utilization of Information in Educational Organizations	Prof. Prasit Prapinmongkolkarn Mr. Fumio Hirose
Oct. 24	Basics on Trade Secret Act	Mr. Santi Rattanasuwan Prof. Kenichi Kumagai

(b) Contents of the trainers' training

During the period, totally 215 people had attended the trainers' training. 56 persons had participated from the DIP, 8 people from MOSTE, 35 people from universities, 4 people from Customs Department, 60 people from private sector, and so on. The workshop was practiced as follows:

October 3: Patent Practices for Individual Inventors and Small & Medium-sized Enterprises

Mr. Koji Nishimori made a lecture on patent practice for individual inventors and small & medium-sized enterprises, specifically focusing on the importance of invention for Thai industry. Mr. Surat Tasanawijitwong, Director of Patent Division, DIP, participated as a lecturer from the Thai side and provided opinions and suggestions from the viewpoint of Thailand. Mr. Nishimori explained how individual inventors made great success by showing examples of some Japanese inventors. Then, he lectured how people can come up with patentable inventions, how they can protect new products, and who inventors can consult with when developing inventions, and so on. Mr. Nishimori also put emphasis on the transfer of training skills, and used various training tools, such as white board, OHP, and PowerPoint to make participants understand the pro and cons of each tool.

October 4: Patent Application Procedure

Mr. Nishimori and Mr. Surat were lecturers again, and more participatory and practical approaches were applied on this day. In the morning, a class was divided into 3 groups, and each group discussed patent application procedure and made a flow chart. After the group work, representatives of each group made a presentation and shared their opinions, which were informative because people from different organizations and having different perspective shared their views and experiences openly. In the afternoon session, each participant gave a model lectures about various steps of patent application procedure in front of the class by using various training tools shown by lecturers previous day.

October 8: IPR Regulatory Enforcement at the Border Control

Mr. Nobuyuki Matsubara introduced TRIPS Agreement and counterfeiting and piracy goods problems, customs procedures under the TRIPS Agreement, and legal and operational aspects of border control in Japan. Then, Ms. Rashneewan Rwirath and Mr. Prapun Pitsamayarom made a comprehensive presentation about border control measures in Thailand and difficulties they are facing by showing various case studies. They mentioned the Customs Department would require further human resource development and better access to IP-related information in order to have improved border control. They also stressed the importance of inter-agency coordination among IP-related agencies such as DIP, Customs Department, Court, and Police through measures such as information sharing and collaborative investigations. Lecturers conveyed a strong message about the importance to respect for intellectual properties, and intensive information exchange was done among lecturers and participants.

October 9: IPR Management in Private Sector

Dr. Koh Kunieda lectured on IP management in private sector focusing on patent right, and explained importance of patent search and analysis, drafting and utilization of patent map, and planning of patent strategy. Mr. Narin Vipada then made a presentation about the importance of IP from the perspective of industrial design. Recognition about IP management and patent strategy is not widely shared in Thai society yet, however lecturers stressed that this would be a crucial issue in the near future in Thailand when developing its technology rapidly. Lecturers therefore emphasized the importance to consider this issue and be prepared in advance. They emphasized IP strategy could be a useful tool for management people in drafting

over-all business strategies by showing various examples and exchanged opinions with the floor.

October 21: Trademarks Practices

Mr. Boonma Tejavaniya, Mr. Ruton Nopakun, and Mr. Masahiko Fujita made a presentation about major difficulties in trademark practice in Thailand, such as definition of marks, concept of distinctiveness, and interpretation of well-known marks. Lecturers clarified existing difficulties through comparison between Thai and Japanese and other countries' practices by showing various examples and case studies. Lecturers introduced importance of trademarks from the perspective of business operation and emphasized the necessity for enterprises to make continuous efforts to protect their trademarks. Many questions were raised from the participants on these matters. Lecturers made a demonstration about trademark search by access to JPO and United States Patent and Trademark Office (USPTO) site.

October 22: IPR Management and Utilization of Information in Educational Organizations

This theme was explained by two aspects; (1) utilization of patent information, and (2) technology licensing and negotiation at research and educational institutions. Mr. Fumio Hirose made a demonstration of patent search through access to JPO, Europe Patent Office (EPO), and USPTO website. Prof. Prasit Prapinmongkolkarn lectured on significance and role of technology transfer, current status of technology transfer in Thailand, strategies and approach for technology transfer, and licensing and negotiation techniques. In the afternoon session, Prof. Prasit introduced group work. He selected two technologies and divided a class into four small groups. Each group was assigned either as licensor or licensee of technology licensing negotiation, and group discussion was conducted actively.

October 24: Basics on Trade Secret Act

Trade Secret Act was introduced in Thailand in July 2002, and this concept is still new to most of the Thai people. Therefore, Mr. Santi Rattanasuwan and Prof. Kenichi Kumagai focused on clear understanding about basic concept of trade secret. Prof. Kumagai explained importance of trade secret, protection under TRIPS Agreement, and its protection in Japan. Then, Mr. Santi lectured on trade secret in Thailand, especially recently introduced Trade Secret Act. Lecturers included 12 case studies in the training materials to facilitate participants' understanding about this issue, and lecturers

explained each case by pointing out major concerns and issues when studying trade secret problems.

2.5 Capacity Building for TBT «Component 5»

2.5.1 Introduction: Needs for Capacity Building for TBT

The Agreement on Technical Barriers to Trade (TBT) is aimed at avoiding unnecessary obstacles to trade by abusing technical standards. Basic principles of the Agreement include non-discrimination and national treatment, transparency, harmonization of standards and mutual recognition of conformity assessment procedures. The Agreement also encourages member countries to set up their national enquiry points to answer all the enquiries from other member countries and interested parties.

After the negotiation of the Uruguay Round, TBT Agreement is an integral part of WTO Agreement. Article 15.4 of TBT Agreement prescribes that the state of TBT Agreement operation and implementation shall be reviewed every three years as of the entry into force of WTO Agreement. The second triennial review was accordingly undertaken in 2000, directing that technical assistance be given to developing countries and calling for a survey of the technical assistance needs of developing countries. However, in the case of many developing countries, consideration of whether their technical regulations, standards and conformity assessment procedures are TBT-compliant has only been undertaken in response to indication of problems by other countries, with little incentive to launch their own institutional adjustments.

Factors causing developing countries problems in implementing TBT Agreement include a lack of administrative capacity in terms of developing standards and establishing conformity assessment systems, and also shortfalls of personnel. Because few domestic companies in developing countries have the ability to develop standards, public institutions have a major role to play for standardization; however, developing country governments suffer from a shortage of human resources with the necessary technical ability to develop standards. Setting standards and formulating conformity assessment systems also requires a wide range of personnel, including policy-makers, engineers and inspectors, while in developing countries, these human resources are in short supply, on top of which the personnel appointed to these duties do not meet a sufficiently high technical level.

2.5.2 Overview of the Program

The TA Consultant Team conducted 1st field survey in Thailand from August 20 to 31 in 2001, to consult with related organizations on the assistant method and agenda to be covered, based on the Inception Report. At the meeting with TISI, it was agreed that a workshop be held to enhance capacity at working level for the governmental agencies and private sectors involved in these issues. The meeting also agreed that priority would be placed on the sharing experiences in international standardizing activities especially in ISO and IEC, as well as current topics in the TBT Committee.

Following the agreement, consulting with TISI and other agencies with jurisdiction approached capacity building for TBT Agreement over domestic technical regulations and standards. The first step in implementing the program was to conduct an organizational diagnosis of Thailand's TBT-related agencies. A wide range of areas were considered, including general understanding of the TBT Agreement, allocation of human resources, the current state of domestic systems required to be TBT-consistent, the standards development and review process, and domestic mechanisms with regard to compliance with international standards. Key issues to be involved in the program have been selected accordingly.

Once key issues have been identified through the above organizational diagnosis, the TA Consultant Team has agreed with TISI to conduct two workshops within the program period. These workshops were held for government officials from TBT-related ministries and private-sector personnel from companies or industrial groups who handle standards or testing and certification. The workshops aimed at intensive knowledge-boosting in a short period of time, and linked to training which could be put into practice in the course of ordinary work.

2.5.3 Result of the Workshop 1

(1) Contents of the Workshop 1

41 participants, representing 20 governmental agencies and private organizations in Thailand attended the Workshop. Speakers were from METI/JISC, Japan, and TISI, Thailand.

The Workshop started with the opening remarks from Mr. Cherdpong Siriwit, Secretary-General of TISI, Thailand, Mr. Masaru Morimoto, Resident Representative,

JICA Thailand Office, and Mr. Toru Yamaguchi, Director, METI, Japan.

This 2-day Workshop consisted of 6 lectures on the WTO/TBT Agreement, International Standardization and Mutual Recognition Agreements (MRA), as well as a lively panel discussion focusing on possible cooperation between Japan and Thailand in the area of international standardization.

The 1st day (Feb. 12)

➤ Japanese Standardization Policy

Mr. Yamauchi lectured on how Japanese international and domestic standardization policy evolved in the past years, in particular as a response to the ratification of the WTO/TBT Agreement. He described how JISC, Japanese national standardization body, taking into account of the growing importance of international standards, is reforming its structure to respond to evolving market and social needs on standardization, with broad participation from related interested parties such as industries, consumers and regulators, which is likely to be common issues for national standardization bodies. He also emphasized the importance of strong cooperation among the Asian countries, to reflect their market and social needs into the ISO/IEC standardization activities.

➤ Current Topics in ISO

Mr. Aoki lectured on the role of international standardization and ISO, in particular on current issues that ISO is addressing as a response to changing environment in the age of globalization. He emphasized ISO's efforts to respond to increased market and social needs on international standardization, such as further inclusion of industries, customers, regulators and developing countries in the process of international standardization, as described in the recent ISO Strategy.

➤ Current Topics in IEC

Mr. Yumoto lectured on the role of IEC, how it is functioning, and its recent topics. He, in particular, mentioned on issues such as (i) implementation of Master plan, which is the IEC Strategy that emphasizes need for efficiency and market relevance of IEC standards, (ii) expansion of IEC family (i.e. inclusion of new members) and operation of Asia-Pacific Regional Center (APRC), (iii) relationship with SDOs (Standards Development Organizations), such as IEEE. Lastly, Mr. Yumoto encouraged Thailand's further participation in IEC activities, as a leading nation in ASEAN.

The 2nd day (Feb. 13)

➤ The Obligations under the WTO/TBT Agreement and Japanese Experience in the Implementation

Mr. Nishiwaki explained on the obligations under the TBT Agreement, Japanese experience in the implementation, as well as the recent discussions in the TBT Agreement, including the results of the Second Triennial Review. He emphasized how the TBT Agreement as a whole encourages the direction towards effective and organized national standards and conformity assessment systems, which have strong linkages with technical regulations, and broad participation by interested parties such as industries, regulators and consumers.

➤ Standardization and Implementation of the TBT Agreement in Thailand

Mr. Supachai lectured on standards and conformity assessment procedures in Thailand, how it operates and how it is involved in international and regional systems. He also proposed how Thailand and Japan can cooperate in the area of international standardization, particularly in the development of international standards.

➤ MRA – Japanese Experience of Negotiation and Implementation

Mr. Matsumoto lectured on mutual recognition agreements (MRAs), in particular on pre-requisites for MRAs by explaining examples such as Japan-EU MRA. He emphasized the need for deep mutual understanding of each other regulatory systems, as well as through examination of costs and benefits of MRA, in particular of need for strong and continuous support from industries other related parties, citing the current discussions in the WTO/ TBT Committee on reviewing MRA policies from the aspects of costs and benefits.

➤ Panel Discussions (Cooperation between Thailand and Japan in the International Standardization)

Chaired by Mr. Supachai Tepatanapong, Director of TISI, panelists and participants had lively discussions on possible cooperation between Thailand and Japan in the area of international standardization. Some panelist proposed of further cooperation between Thailand and Japan at TC/SC level, some participant emphasized the importance of information exchanges at all level, some panelist expressed his high expectation toward Thailand to take an initiative role among ASEAN countries in international standardization, considering its level of industrialization.

(2) Outcome of the Workshop 1

The TA Consultant Team conducted questionnaire survey to the participants of the workshop to evaluate its outcome. According to the results of the analysis,

participants have been generally satisfied with the contents of the workshop, and have had incentive to transfer the information acquired through workshop to their colleagues.

For the second workshop, participants requested to include the following topics:

- Negotiation technique and practice course.
- Case study in each field, after sharing experiences.
- Simulation/ exercise of TBT negotiating process
- The negotiation experience on international standard
- Japanese experience for food regulator on TBT and the comment from the member countries.

For more detail, please see the appendix.

(3) Program for the Workshop 1

[1 st Day Tuesday, 12 February]	
International Environment Surrounding TBT Agreement (morning and afternoon)	
<u>Session 1</u> Japanese Standardization Policy	
	<ul style="list-style-type: none">• Speaker: Mr. Toru Yamauchi (Director, Industrial Standards Research Office, METI)• Q&A Session
<u>Session 2)</u>	
- Current Topics in ISO	
	Mr. Akira Aoki (Board Member of JISC, Immediate Past Vice-President of ISO)
	<ul style="list-style-type: none">• Q&A Session
14:30 – 14:50	<i>Coffee Break</i>
14:50 – 16:20	Current Topics in IEC
	<ul style="list-style-type: none">• Speaker: Mr. Nobuo Yumoto (Member of IEC Council Board, Corporate Advisor of Sumitomo Electric Industries, Ltd.)
Q&A Session	

[2nd Day Wednesday, 13 February]

Exchange of Experiences for the TBT Agreement (morning and afternoon)

Session 3

- Current Topics at the TBT Committee (Second Triennial Review of the Operation and Implementation of the TBT Agreement) and Japanese Experience on How to Deal with the TBT Notification

Mr. Osamu Nishiwaki (Deputy Director for International Affairs, Technical Regulations, Standards and Conformity Assessment Policy Unit, METI)

- Q&A Session

- Standardization and Implementation of the TBT Agreement in Thailand

Mr. Supachai Tepatanapong, Director, International Relations Division (TISI)

- Q&A Session

Session 4

- MRA - Japanese Experience of Negotiation and Implementation

Mr. Mitsuo Matsumoto (Deputy Director, Senior Specialist, Conformity Assessment Division, Industrial Science and Technology Policy and Environment Bureau, METI)

- Q&A Session

- Panel Discussion (Cooperation between Thailand and Japan in the International Standardization)

Chair: Mr. Supachai Tepatanapong, Director, International Relations Division (TISI)

Panelists: Thailand: -Mr. Chalit Homhual (Director, Standards Bureau 1, TISI)

- Mr. Virat Aja-apisit (Expert, Standards Bureau 2, TISI)

Japan: - Mr. Akira Aoki (Board Member of JISC - Immediate Past Vice- President of ISO)

- Mr. Nobuo Yumoto (Member of IEC Council Board, Corporate Advisor of Sumitomo Electric Industries Ltd.)

- Mr. Toru Yamauchi (Director, Industrial Standards Research Office, METI)

- Mr. Osamu Nishiwaki (Deputy Director for International Affairs, Technical Regulations, Standards and Conformity Assessment Policy Unit, METI)

2.5.4 Result of the Workshop 2

Judging from the questionnaire survey and comments by speakers and participants during the Workshop 1, TA Consultant Team explored the possibility of enhancing strategic cooperation between Thailand and Japan, in the area of international standardization, particularly in participation in the development of international standards, such as ISO and IEC.

Considering above factors, objective, target and major issues for the Workshop 2 were envisaged as follows:

- Objective: Exchanging experiences in the involvement in the international

standardization activities and improvement of negotiation skills at the TBT Committee/international standardization bodies.

➤ Target (participants of the workshop): Representative of the agencies and private sectors (to make workshop more practical one, participants were selected from the participants of the Workshop 1.)

➤ Major issues:

- Standardizing activities in major international standardizing bodies/ major countries
- Negotiation strategies for standard setting process in the international standardizing bodies

(1) Contents of the Workshop 2

31 participants, representing 15 governmental agencies and private organizations in Thailand attended the Workshop. Speakers were from METI/JISC, Japan, and TISI, Thailand.

The Workshop started with the opening remarks from Mr. Surasak Asavadorndeja, Deputy Secretary-General of TISI, Thailand, and Mr. Hideo Miyamoto, Deputy Resident Representative, JICA Thailand Office.

This 2-day Workshop consisted of 7 presentations on the international standardizing activities and Japanese experiences, such as rubber in ISO and home electronic appliances in IEC, Japanese standardization policy in consumer protection area, how to deal with European standards, negotiation strategy in ISO, in the area of motorcycle and plastic pipes. Also Thai representative made a presentation about current problems with which The Government/Industries of Thailand have faced.

The 1st day (August 27)

➤ International Standardization in ISO

Mr. Okuyama, from Bridgestone Corporation, gave the lecture over corresponding situation of international standardization mainly about tire sector in Japan. He addressed it is difficult for increase interest for progressing international standardization but emphasized that the importance is to introduce economical effects quantitatively as much as possible.

➤ International Standardization in IEC

Mr. Shibata introduced the activities of JEMA (Japan Electrical Manufacturers' Association), which is one of the industrial associations regarding electric appliances in

Japan. He explained corresponding situation for international standardization of home electric appliances in Japan. and gave the lecture over situation of domestic/international level of international normalization with explaining the importance of harmonization of national standards with international standards in home electric appliances sector. He also indicated the importance of participating IEC as domestic level and the importance of practicing Secretariat Work and Convenor over TC of IEC as international level.

➤ Understanding of Japanese International Standardizing Activities

Mr. Yano, from METI, indicated the importance of standards over the consumer protection policy, which has been enhancing its importance in Japan, and also introduced Consumer Policy Committee; COPOLCO of ISO. He also explained that it is important for Thailand to be the host country for COPOLCO meeting in 2003 with introducing the experience that Japan was the host country for the meeting in 2000.

➤ Understanding of EU's International Standardizing Activities

Mr. Yano introduced the trend over standardization policy of EU, which has great influence for the work of international standardizing activities. Especially, he indicated the importance of planning strategies over standardization policy with explaining the trend of standardizing bodies in major European countries and the cooperation between the regional standardizing bodies of EU, such as CEN, CENELEC and Japan

The 2nd day (August 28)

➤ Negotiation Strategies in ISO (1) : Motorcycle Sector

Mr. Kato, from Honda R&D Co., introduced the argument of ISO/TC22/SC22, whose chairperson is Mr. Kato himself, and gave the lecture of negotiation strategies of SC. He first explained the practice of SC over ISO/TC22/SC22, which is sub-part of TC22, and the relationship with practice of standardizing activities over JSAE with introducing the practice of TC22 sector. About the international standardization negotiation, he introduced the importance of the preparation for international meeting, negotiation know-how in the TC/SC meetings and the follow-up after the meeting.

➤ Negotiation Strategies in ISO (2): Plastics Sector

Mr. Maki, from JPIF, gave the lecture about situation and negotiation technique of international standardization work over plastic pipe sector. As the secretariat of ISO/TC138, he introduced a wide variety of examples how Japan has done the

preparation for alignment of JIS with ISO, showing his experiences of countries' preparation.

➤ Problems with which Thai Government/Industries have faced

Ms. Rachada, TISI, and Mr. Adisak, representative of Thai Automobile Federation, introduced the difficulties of international standardization work, which Thailand faces. They explained the deficiency of workers who can take part in standardization and, less understanding of top management and parent companies over the importance of standardization are serious obstacles to develop the standardization policy with involvement of private sectors in Thailand.

➤ Panel Discussions (Cooperation between Thailand and Japan in the International Standardization)

Chaired by Mr. Supachai Tepatanapong, Director of TISI, panelists and participants had active discussions on possible cooperation between Thailand and Japan in the area of international standardization. Some panelist proposed the continuous discussion between Thailand and Japan at TC/SC level; some participant emphasized the importance of undertaking secretariat work, if possible, with Japan. From Thai side, one participant pointed out more commitment of government in international standardizing activities, another emphasized cost and benefit, through not attending the international standardizing activities.

(2) Outcome of the Workshop 2

The TA Consultant Team also conducted questionnaire survey to the participants of the second workshop to evaluate its outcome. According to the results of the survey, participants were satisfied with the contents of the workshop, but many of them requested more detailed discussion with Japanese experts in various sectors.

For more detail, please see the appendix.

(3) Program for the Workshop 2

[1st Day (morning and afternoon) - Tuesday 27, August] Exchanging experiences in the involvement in the international standardization activities
<u>Session 1</u> Standardization Activities in the International Standardizing Bodies - International Standardization in ISO (including Q&A session) Mr. Michio OKUYAMA (Advisor, Bridgestone Corporation)
International Standardization in IEC Speaker: (including Q&A session) Mr. Kazuo SHIBATA (Deputy General Manager, Home Electrical Appliances Department, The Japan Electrical Manufacturers' Association) (including Q&A session)
<u>Session 2</u> Understanding of the International Standardizing Activities In the Major Countries - Understanding of Japanese International Standardizing Activities (including Q&A session) Mr. Tomosaburo YANO (Deputy Director, Standard Development and Planning Division, Ministry of Economy, Trade and Industry)
- Understanding of EU's International Standardizing Activities (including Q&A session) Mr. Tomosaburo YANO (Deputy Director, Standard Development and Planning Division, Ministry of Economy, Trade and Industry)

[2nd Day (morning and afternoon) – Wednesday 28, August]
Improvement of negotiation skills at the TBT Committee and international standardization bodies

Session 3 Negotiation strategy in the International Standardization Bodies (including Q&A session)

Negotiation Strategies in ISO (1) : Motorcycle Sector

Mr. Mikio KATO (Manager, technical Coordination Center, Asaka R&D Center, Honda R&D Co., Ltd., Chairman of the ISO/ TC22 (Road vehicles)/SC22(Motorcycles))

- Negotiation Strategies in ISO (2): Plastics Sector (including Q&A session)

Mr. Hiroshi MAKI (Director, Standardization, Japan Plastics Industry Federation, Secretary of ISO/TC138(Plastic Pipes))

Session 4 Future Strategy for the International Standardization (including Q&A session)

Problems with which Thai Government/Industries have faced

Ms. Rachada Isarasenarak (Director, Branch 5, Standards Bureau 2, TISI)

Panel Discussion (Cooperation between Thailand and Japan in the International Standardization)

Chair: Mr. Supachai Tepatanapong, Director, International Relations Division, Thai Industrial Standards Institute

Panelist Ms. Rachada Isarasenarak
Mr. Michio OKUYAMA
Mr. Kazuo SHIBATA
Mr. Mikio KATO
Mr. Hiroshi MAKI

2.6 Wrap Up Seminar

In conclusion of the Program, a wrap up seminar was held as follows. The aim of this seminar was to gain inputs from Thai counterpart regarding their evaluation of the Program and how they perceived the future challenges in the capacity building in the area of WTO, and also to promote horizontal dialogue and information exchange among counterparts of five Components.

2.6.1 Overview

Wrap Up Seminar “WTO Capacity Building and Prospect for Trade Initiative”

Date: 09:00-16:00, Monday, 11th November, 2002

Venue: Conference Room II, United Nations Conference Center, Bangkok, Thailand

Participants: Total of 88 participants from various departments and agencies listed below (including staff members and others)

- DTN (Bureaus of Multilateral Trade Negotiations, Service Negotiations, APEC)
- DFT, DIP and TISI, counterparts in Components 3 (AD/SG), 4 (TRIPS) and 5 (TBT) respectively
- Governmental departments and agencies, which took part in workshops and trainers’ training sessions, held during the Program (Ministry of Foreign Affairs, Customs Department, Post and Telegraph Department, Fiscal Policy Office, Department of Insurance, SEC, Department of Land Transport, The Central Intellectual Property and International Trade Court, etc.)
- Other governmental departments and agencies (Department of Business Development, Department of Alternative Energy, Department of Industrial Works, etc.)
- Private sector industrial groups and companies, which took part in workshops and trainers’ training sessions held during the Program (Thai Industrial Association, Association of Securities Companies, Sahaviriya Steel Industries PLC., etc.)
- Universities (Chulalongkorn University, etc.)

2.6.2 Summary

(1) Morning Session: “Significance and Prospects on WTO Capacity Building”

“Doha Development Round – the Importance of Capacity Building” (Ms. Apiradi Tantraporn, Director-General of DTN)

Following the opening address by Minister Oe from the Embassy of Japan, the first keynote speech was given by Ms. Apiradi Tantraporn, Director-General of DTN, entitled “Doha Development Round – the Importance of Capacity Building”. Ms. Tantraporn pointed to the significance of capacity building and technical support for developing countries in dealing with negotiating agendas of “Doha Development Agenda”. She underscored the need for coordination among capacity building programs provided by WTO and other international organizations, the necessity of improving their quality, and furthermore, the important role that this Program plays among those various programs. Ms. Tantraporn also referred to the technical cooperation provided by Thailand for Laos, Cambodia and Vietnam in assisting their accession to the WTO, stressing the leading role of Thailand in the region.

“Capacity Building for Further Opportunities” (Mr. YORIZUMI Watanabe, Deputy Director-General, Economic Affairs Bureau, Ministry of Foreign Affairs of Japan)

Following the coffee break with press-interviews, Mr. Watanabe presented the second keynote speech. He started with giving the general outlook of recent trend in world trade, importance of free trading and the significance of the WTO as an engine for economic development, and the summary of negotiations of Doha Development Round. On those bases, he discussed the concept and framework of trade-related capacity building (TRCB) and the role of bilateral cooperation implemented by JICA, and stated that Japan is ready to provide continuous assistance to ASEAN region in accordance with the framework of APEC strategic plan. To his speech, a series of questions were raised from participants, such as the relationship between the trend of anti-globalization after the 9.11 and the capacity building, desirable TRCB conducive to the new negotiation round, the problem of elucidating “S&D provisions” for developing countries, Japanese attitude toward AD negotiation, and so on.

(2) Afternoon Session

Panel Discussion “Outcome and Future Challenges of Capacity Building for WTO”

In the afternoon session, under the co-chairs of Ms. Wiboonlasana Ruamraksa, Acting Assistant Director-General of DTN and Mr. Hidekazu Tanaka, leader of TA Assistance Consultant Team, and with Thai counterpart representatives of this Program as panelists, a panel discussion was held. First of all, Mr. Tanaka presented the outcome of this Program and recommendations from the TA team side. Next, Thai counterpart representatives talked about the outcome and future activities.

As regards Component 1 (Institutional Building), Ms. Wiboonlasana Ruamraksa of DTI mentioned the importance of WTO Information-Sharing System (WTO-ISS) developed by TA Team, in meeting various notification obligations of the WTO member states. Ms. Ruamraksa appreciated the short training course of this system, and stressed that cooperation from other governmental departments and agencies is indispensable to update information that would be contained in the system.

As to Component 2 (GATS), Mr. Surat Srisuwanpatai, Senior Trade Officer of DTN valued the successful conclusion of a series of workshops on GATS, and commented that it was useful for the Government of Thailand to get ready for future liberalization negotiation. At the same time, he also pointed out the fact that in case of developing countries, by applying the “S&D Treatment,” the scope of obligation is narrower than that of developed countries. He added that it is important to provide opportunities for wide audience to improve their negotiating ability in Thai language.

As to Component 3 (AD/CVD), Mr. Akrom Sitabtim, Senior Trade Officer of DFT, appraised that the workshop was very useful and showed his appreciation regarding Japan’s provision of legal experts lacked in Thailand. Referring to the recent tendency of emphasizing AD/CVD issue, he characterized this as an age-old problem and pointed out that it is important to acquire, for example, precise methodology of dumping investigation. He appraised that, through workshop, participants understood how to address AD/CVD issues by the government and private sector through transfer of knowledge, and stressed the need to establish an organization like the Fair Trade Center of Japan for the government and the private sector to tackle with these issues in the future.

For Component 4 (TRIPS), Dr. Kajit Sukhum, Director of IP Development and Promotion Division of DIP, appraised that both the development of training materials including their translation into Thai language and the trainers' training were highly significant. He expounded what would be needed in future to enhance the function of DIP and stressed the importance of developing a sustainable training program. With regard to the protection of intellectual property in particular, he pointed to the necessity of gaining the understanding of private sector. He commented that it is necessary to consider, for example, the feasibility of applying the collecting system of copyright fee of JASRAC in Thailand to administer the copyright.

Mr. Supachai Teapatanpong, Director for TISI, in charge of Component 5, reviewed the outcome of two workshops. As a further steps to be taken, he proposed to establish a network both on political and technical levels among officers of both countries in charge of standardization, to hold a conference between two countries at least once a year to share information, to undertake joint secretariat in international standardization organizations, to conduct an MRA in telecommunication industry, and to enhance the capacity of Thai officers in quality assurance system for foodstuff (e.g., labeling of food products).

Based on above-mentioned reports of each component, Mr. Watanabe of the Ministry of Foreign Affairs of Japan commented that for implementation of sustainable capacity building, "human resources of supply side", "organizational foundation" and "international cooperation" are key issues. In particular, he stressed the importance of interagency organizations such as the Fair Trade Center and Nippon Keidanren (Japan Business Federation), that bridge between the government and private corporations, the usefulness of publications by trade officers for the trade community on both government and private sector levels, and the importance of learning process both of developed and developing countries. He characterized this wrap up seminar as a starting point for new steps.

With concluding remarks by Mr. Yoshiki Maruyama, Managing Director, Mining & Industrial Development Study Department of JICA and Ms. Wiboonlasana Ruamraksa of DTN, the wrap up seminar was closed.

2.6.3 Result of the Survey Questionnaire

In this seminar, a survey questionnaire was distributed among participants asking (1) their names and affiliations, (2) workshops and trainers' training sessions they participated in during the whole Program, (3) comments and evaluation on this wrap up seminar, and (4) comments and suggestions for future WTO-related capacity building activities. At the closing of the seminar, there were 35 sheets back from the participants.

With regard to the content of the seminar (above-mentioned (3)), it was highly evaluated by participants in the program. Many commented that, on the whole, they deepened their understanding of the significance of capacity building activities and also of this Program. On the other hand, from those for whom this wrap up seminar was the first opportunity to take part in the Program, a sense of confusion was expressed.

As regards the prospective activities for capacity building, following comments were presented.

- Further development of the program will be needed by holding, for example, follow-up seminars targeting broader audience (including private sectors).
- The pilot program built within DTN commands interest. [a comment from other government departments and agencies]
- Strengthening of capacity building focusing on negotiation is necessary.
- There exists a continuing interest in sharing Japanese experiences.

2.6.4 Program of the Wrap Up Seminar

The wrap up seminar was conducted along the lines of the following program.

【Monday, 11th November】 09:00-16:00
Keynote Speeches on “Significance and Prospects on WTO Capacity Building”
1. “Doha Development Round – the Importance of Capacity Building” Ms. Apiradi Tantraporn, Director General, DTN
2. “Capacity Building for Further Opportunities” Mr. Yorizumi Watanabe, Deputy Director-General, Economic Affairs Bureau, Ministry of Foreign Affairs
Panel Discussion “Outcome and Future Challenges of Capacity Building for WTO”
• Moderators : Ms. Wiboonlasana Ruamraksa, Acting Assistant Director-General, DTN Mr. Hidekazu Tanaka, JICA WTO TA Assistance Consultant Team
• Panelists : Thai Component Counterpart Representatives
1. Institutional Building: DTN (Ms. Wiboonlasana Ruamraksa, Acting Assistant Director-General)
2. GATS: DTN (Mr. Surat Srisuwanpatai, Senior Trade Officer)
3. AD/CVD: DFT (Mr. Arkom Sitabtim, Senior Trade Officer)
4. TRIPS: DIP (Dr. Kajit Sukhum, Director of IP Development and Promotion Division)
5. TBT: TISI (Mr. Supachai Tepatanapong, Director for International Relations)
<i>Japanese Side</i> Mr. Yorizumi Watanabe, Deputy Director-General, Economic Affairs Bureau, Ministry of Foreign Affairs