

Legal Update Week 39 – 40 (26 September – 9 October 2022)

Thailand Legal News

Mini FTA with Gyeonggi, South Korea (28 September 2022)

The Department of International Trade Promotion signed a memorandum of understanding with Gyeonggi Business and Science Accelerator (“**GBSA**”), an organization supporting economic, trade and SMEs in Gyeonggi, South Korea, to arrange for a mini-FTA between the parties. In the first 7 months of 2022, the amount of trade value between Thailand and Gyeonggi was USD 200 million. The mini-FTA will open new channels for trade, services, and soft power, to strengthen Thai economy.

**Currently, Thailand has 5 mini-FTAs with; Hainan-China, Telangana-India, Kofu-Japan, Gansu-China, and Busan-Korea*

<https://www.commercenewsagency.com/news/5412>

Securities and Exchange Commission aiming for punishment on the ground of creating fake crypto demand (29 September 2022)

SEC took legal action for civil sanctions against entities and their directors for creating fake volumes/demands on digital assets on the digital asset exchange platform. 3 offenders from Bitkub were fined THB 24.2 million (approx. USD 636,000), banned from trading crypto assets or derivatives for six months, and banned from being directors or executives in the digital assets business for 12 months (this follows the fine on the chief technology officer of

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Bitkub in relation to SCB's failed acquisition). The other 2 offenders from Satang Corp were fined THB 12.1 million (approx. USD 318,000), with trade bans.

* "Wash trading" is an illegal market manipulation practice of creating fake demand on securities or cryptocurrencies.

<https://www.bangkokpost.com/business/2402773/sec-announces-lawsuits-for-wash-trading>

General Prayut can remain in the Prime Minister position (30 September 2022)

The Constitutional Court ruled that the Prime Minister's term of Gen. Prayut commenced on 6 April 2017, the enactment date of the 2017 Constitution (not since the coup in 2014). However, the judgement is contrary to the interpretation of the Constitution Drafting Assembly, which clarified in the 500th meeting minute that the Prime Minister's term shall include the period before the enactment of the 2017 Constitution as well.

<https://www.bbc.com/thai/articles/c4n0jn35ynvo>

Notification of the Ministry of Finance regarding the customs duty decrease and exemption on imported masks. (30 September 2022)

Due to the remaining spread of COVID-19, the imports of surgical masks, dust smoke or pollution protection masks, and other medical masks are exempted from customs duties until 31 December 2022. The Notification also provided the reduced customs duty rate of 5% (from 100%) from 1 January 2023. This Notification is effective from 1 October 2022.

http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/233/T_0013.PDF

Notification of the Ministry of Finance regarding the customs duty exemption on products used in mask manufacturing. (3 October 2022)

Due to the remaining spread of COVID 19, the imports of products used for the manufacturing of surgical masks, dust smoke or pollution protection masks, and other medical masks for non-surgical purposes are exempted from customs duty. If they are not used for mask manufacturing within 1 year from the import date, the importer must pay customs duty as usual. This Notification is effective from October 1 to December 31, 2022.

http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/233/T_0014.PDF

Notification of the Department of Industrial Works regarding the requirements on wastewater treatment (3 October 2022)

In order to obtain more accurate test results for Biochemical Oxygen Demand ("BOD") and Chemical Oxygen Demand

Cabinet Resolution

(“COD”) from wastewater, test equipment for tolerance value testing must be installed, and the tested results must be reported at least 2 times per year to the Department of Industrial Work. This Notification is effective on 4 October 2022.

http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/235/T_0026.PDF

Draft of Notification of Ministry of Interior regarding the change of targeted industries for Smart Visa (27 September 2022)

The Cabinet approved an amendment in relation to Smart Visa for talents, investors, executives, and startup entrepreneurs changing the number of targeted industries from 13 to 18. The new targeted industries are as follows:

No.	The new targeted industries	Remark
1.	Automotive Industry	same
2.	Electronics Industry	same
3.	Affluent Tourism Industry	revised name
4.	Agriculture, Food and Biotechnology Industry	revised name
5.	Automation and Robotics Industry	revised name
6.	Transportation and Logistics industry	same
7.	Petrochemical and Chemical Industry	revised name
8.	Digital Industry	same
9.	Medical Industry	revised name
10.	National Defense Industry	new
11.	Industries that facilitate the Circular Economy directly and significantly (e.g. fuel production from waste, water resources management, etc.)	new
12.	Aviation and Aerospace Industry	new
13.	Human Resource Development in Science and Technology	same
14.	Environmental Management and Renewable Energy	same
15.	Technology Innovation and Startup Ecosystem Management	new
16.	Targeted Technology Development	new
17.	International Business Center-IBC	new
18.	Alternative Dispute Resolution	same

<https://www.thaigov.go.th/news/contents/details/59748>

Draft amendment of the Patent Act and accession of Hague Agreement Concerning the International Registration of Industrial Designs (27 September 2022)

The Cabinet approved the accession of the Hague Agreement Concerning the International Registration of Industrial Designs (“Hague Agreement”). For this purpose, as well as for the compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”), the Convention on Biological Diversity (“CBD”), and the Nagoya Protocol, the Cabinet approved the amendment of the Patent Act on the following issues:

Conventions/Protocols	Amendment Issues
Hague Agreement	<ol style="list-style-type: none"> 1. Patent Application can be filed directly to International Bureau (“IB”) or through Intellectual Property Department 2. Design patent is protected 15 years from the date of application.
TRIPS	<p>“<i>surgical methods</i>” and “<i>inventions for commercial ... causing serious environmental damage</i>” are excluded from patent protection.</p>
CBD and Nagoya Protocol	<p>The applicant shall:</p> <ol style="list-style-type: none"> 1. identify the source of the genetic resource. 2. file the document demonstrating permission to access the genetic resource; and 3. identify the benefit sharing clause in the patent or petty patent applications.

<https://www.thaigov.go.th/news/contents/details/59748>