

Intellectual Property Rights Issues and E-commerce

(Domain names in Thailand)

by

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Domain Name

- Thailand Network Information Center (THNIC)
- Registration and maintenance services for domain names under .TH
- First come, first served basis

Domain name under .co.th

- A legal entity existing under the laws of Thailand
- Foreign legal entity must have a local representative in Thailand

Domain name under .co.th

Local representative must be:

- a legal entity in Thailand
- assigned the right to register a domain name (if such foreign entity and the local one are of different names)

Problems

Many foreign entities decide not to register a domain name under .TH:

- cost of establishment (a local representative)
- cost of accountants' and lawyers' fees.

Problems

- Lessen the problem by using a Thai trademark registration certificate
- Obtaining a trademark certificate in Thailand normally takes a year or more

Law Applicable

- No specific legislation governing domain names/domain name registration
- Law applicable should be that related to trademarks and/or trade names.

- THNIC will in no way participate in any dispute resolution
- The owner of a particular trademark or trade name must bring the case to Court; or
- Sometimes opt to buy domain names from third parties

The Internet Corporation for Assigned Names and Numbers (ICANN)

- Formed to assume responsibility for the IP address, space allocation, protocol parameter assignment, domain name system management and root server system management functions.

Popular Generic Top – Level Domains

- com = company
- net = network
- org = organization

Generic Top – Level Domains

Anyone can apply for a third level domain name under .com, .net, .org.

Uniform Domain Name Dispute Resolution Policy of ICANN

- File a complaint in a court of proper jurisdiction
- In cases of abusive registration, submit a complaint to an approved resolution service provider (e.g. WIPO)

The following domain names were abusively registered by Thais:

www.chanelcosmetic.com

www.chanelpacific.com

www.chanelparis.com

ww.chanel-inc.com

Siamweb Case

- www.eskimo.com was changed to www.siamweb.org
- www.siamweb.co.th has been registered by Siam Web Public Company Limited

Bangkok Post

- www.bangkokpost.co.th used to be registered by The Post Publishing Co., Ltd.
- www.bangkokpost.com used to be registered by a U.S. Corporation

Amazing Thailand Case

- www.amazingthailand.com and www.amazingthailand.org were registered by a Canadian
- Thai government then had to register www.tourismthailand.org