

INTELLECTUAL PROPERTY-RELATED TECHNICAL ASSISTANCE, COOPERATION, AND CAPACITY-BUILDING: THE THAILAND EXPERIENCE¹

This background note provides a survey of Thailand's experience with respect to IP-related technical cooperation, assistance and capacity-building. The purpose of the paper is to focus on IP-related technical cooperation from the perspective of a recipient country (i.e. Thailand), and includes a consideration of technical cooperation from a variety of funding sources and providers. Drawing on Thailand's experience to date, the note concludes with a series of reflections and recommendations for the reform of technical cooperation.

I. Methodology

The paper is based on the interviews conducted with four agencies involved in IP in Thailand, including:

- the Department of Intellectual Property (DIP) in the Ministry of Commerce, which is responsible for implementing IP law and the administration of the patent office;
- the Central Intellectual Property and International Trade Court, the special court specifically established to deal with IP cases;
- the Office of Plant Variety Protection in the Ministry of Agriculture, which is responsible for implementation of the PVP Act and the registration of plant varieties in Thailand;
- FTA Watch, an NGO monitoring FTA negotiations between Thailand and other countries, particularly the negotiations on TRIPS-Plus issues.

A summary of interviews with each agency is provided in Annex I. The questions were divided into four major areas:

(a) Needs Assessment

- How does Thailand determine their technical cooperation needs? What kind of needs-assessment process is in place?
- What are the main areas which you have identified as priorities for your agency?
- How closely has the kind of assistance you have received matched Thailand's core needs and priorities?
- Was assistance tailored to meet local needs?

(b) Assistance

- Which donors and providers offer technical assistance to your agency?
- How do you (and your organisation) perceive offers and assistance from different providers and donors?
- In what areas is most assistance provided and to what kinds of actors?

(c) Negotiation

- Please explain your experience of negotiating technical assistance with donors (bilateral, multilateral and private sector) and any challenges and opportunities that have arisen in each instance.

¹ The author would like to thank the following persons for the interviews: Judge Ruengsit Tunkanchananuruk, Secretary to the Central Intellectual Property and International Trade Court; Ms. Wiboonluck Ruamrak, Deputy Director-General, The Department of Intellectual Property; Mr. Kobkiat Bansith, Director, Plant Variety Protection Division, Ministry of Agriculture; and Mr. Buntoon Sethasiroth, FTA Watch.

(d) Evaluation

- Please evaluate the performance of your organisation regarding technical cooperation (e.g. Are you satisfied with the technical assistance received? Did it achieved specified goals)
- Please evaluate the performance of the donor regarding technical cooperation. Was the assistance demand-driven?
- What are your views with respect to the quality and independence of the assistance provided?
- Did you agency make optimal use of the available assistance? If not, what prevented it from doing so?
- In what ways was it most helpful or least helpful? What could have been improved?

II. Summary of Thai Experiences with IP Technical Cooperation

The following is a summary of the responses to the above questions provided by representatives of the four agencies in interviews:

Central IP and International Trade Court

The IP&IT Court receives a number of technical assistances every year. Offers come from different foreign organisations. The following is the list of technical cooperation that the Court entered into with foreign donors in the last three years:

- The United Kingdom: The British Council offers several scholarships for studying in the UK. It also funds academic seminars, sponsoring resource persons coming from a foreign country.
- The United States: The US Embassy organizes meetings between American resource persons and lawyers with judges from the IP&IT Court through teleconferences. This is to allow both sides to share experience and clarify any doubts. USAID also co-funds the Court to attend an annual symposium in December every year. It also sponsors judges from Vietnam to train and share experience at the IP&IT Court.
- France: INPI Division of France Embassy invites resource persons from France to share experience with judges.
- Australia: Australia in several occasions supported the organisation of IP seminars.
- Germany offers one scholarship per year for judges to do research at the Max Planck Institute in Munich. The scholarship is for a 2-3 month stay in Germany.
- Japan, through Jetro, JICA, and JAI, provides technical assistance to the Court in several forms, including funding seminars, offering field trips to Japan, and sponsoring judges to train in Japan for 2-3 weeks (1 or 2 scholarships per year). The IP&IT Court has also entered into a technical collaboration with Waseda University to develop a database of judgments. The Court will select the cases and summarise them into 2-3 pages with the aim of allowing public usage.
- Through the ECAP II Project (EC-ASEAN Intellectual Property Rights Cooperation Program), the EU provides assistance to the Court, including organizing meetings to raise awareness, field trips and seminars. In 2005, ECAP II will hold a regional meeting for ASEAN countries to conduct a needs assessment, in which a representative of each country will share experience and present the country's requests. ECAP II is currently contemplating supporting Thailand to set up a research centre to develop a database on IP and international trade law. ECAP II has already provided equipments such as computers, printers, and text books to the Court and other relevant agencies.

In general, the Court does not make requests for assistance because it is not in an extreme or urgent situation for outside support. To date, the Court has been able to conduct its work even without extensive assistance so far.

In entering into technical cooperation arrangements with foreign providers or donors, the Court has attempted to inform donors as to its needs based its vision and mission. At the centre of that vision is the goal of being a centre of research on IP law and building expertise among judges. Core technical cooperation needs of the Court are academic-related, including gathering text books, court cases from other countries, trends in judging, etc. The Court also requires training and education for the judges, particularly trips to study or train abroad, in order to build expertise and experience among judges.

Several challenges have arisen with the kind of assistance received by the Court. First, since assistance primarily comes from offers by providers or donors, rather than requests from the Court, there is only about a 70-percent match between the assistance received and the core priority needs of the Court. That said, the Court does not decline offers of assistance as it views them as a chance to learn new things. As most of the assistance received has been in the form of unsolicited offers from donors, the agency did not perceive any problems of unhelpful demands from donors.

Second, since IP laws and legal systems differ by country, technical assistance received is not fully applicable to the Thai context. The Court has to adjust the assistance received to meet the local contexts. For example, in organising seminars or training, the Court observed that there is often little time for participants to build networks with each other—which would be useful for their future work.

Third, assistance is sometimes slightly inefficient due to logistical issues such as language problems (particularly the fact that some donors do not have a budget for translators, hence the participants have to learn by themselves) or the choice of the venue for seminars or training (which rarely enable participants to access or go back to work). Among the donors, Japan is considered the most useful because the Court's judges can learn from them through training and a field trip. The judges are able to understand the Japanese system, concept and culture. In the case of France, the agency observed that the resource persons did not have good skill in conveying the information.

Department of Intellectual Property

As IP is a relatively new issue for Thailand, there is a need for technical cooperation. The DIP has set up the Division for International Cooperation for contacting with foreign agencies on this matter. It is also responsible for conducting needs assessments—which is achieved through the evaluation of past experience, previous work and consideration of world trends.

The DIP has engaged in technical cooperation with foreign agencies at three levels:

- Multilateral cooperation which mostly come from WIPO and WTO,
- Regional cooperation, notably cooperation among APEC countries which is quite active and substantial. By contrast, cooperation among members of ASEAN is not so active. This is probably because IP is not as much of a priority for countries in ASEAN, and
- Bilateral cooperation with Japan, EU, USA, Australia, Korea, China and member countries of APEC.

Cooperation with foreign counterparts appears in the following forms:

- academic and educational cooperation on different IP-related issues,
- technical assistance in the drafting and amendment of laws,
- technical assistance for the development of the IP system mostly comes from Japanese agencies such as JICA and JETRO, and also from the EU through ECAP II Project, and
- training in the patent application process provided by US, Japan and EU

DIP policy is to have a concrete plan on priorities and needs to guide cooperation with prospective provider or donors. To date, the majority of technical cooperation has been related to IP protection and enforcement. Upon evaluation of the technical assistance in these areas, DIP has now identified cooperation on innovation and commercialisation, especially on how to manage, commercialise and make best use of IP, as key priorities. They argue that if the public perceives benefits from IP, particularly economic benefit which they can receive from commercialisation and utilising IP, they will have greater concern for IP protection which could in turn reduce the rate of IP infringement. In 2005, the DIP has started to encourage capitalisation and fair use of IP, but has not received any assistance on this issue so far.

Apart from cooperation on innovation and commercialisation, the DIP has also identified a need for assistance to develop and maintain a patent database. The database will be useful in conduction search and examination of patent applications. The Thai research community will also benefit from the patent information which is easily accessible in the database. At present, the DIP translates expired patents to provide information to SMEs in Thailand (which can use the patent information for development of their products). WIPO is committed to provide assistance to SMEs and entrepreneurs in using and commercialising IP.

The DIP has attracted offers of support from donors on several issues, mainly on IP enforcement (with an emphasis on training police, judges, and customs officers). Some donor agencies see the benefit in assisting the DIP in developing its own IP system, as they expect that in return Thailand will have better enforcement. For DIP on the other hand, enforcement is not the main priority and there are doubts that the prevailing approaches to technical cooperation enforcement will reduce infringements. DIP indicated that raising public awareness may be a better strategy for enforcement and complain that the enforcement agenda displaces attention from other important areas of need. The DIP has, for example, requested cooperation in commercialisation and management of IP at the bilateral level but has not received a good response. However, it expects assistance on this matter will come from WIPO.

In negotiation with foreign donors, the DIP generally attempts to secure the best possible deal. Even though some cooperation does not fit with the DIP's priorities, it does not reject the offer right away as it may be able to learn something new. To improve technical cooperation, DIP suggested that donors should focus on longer-term assistance rather than the current short-term project-based approaches. As noted above, the DIP would like to see a move away from the narrow focus on enforcement to assist Thailand to make sustainable use of IP.

Plant Variety Protection Division

The PVP Division, which is attached to the Ministry of Agriculture, has received a lot of offers to provide technical assistance regarding the protection of plant varieties. The Office mostly received offers from donors. In many occasions, the PVP Division has also used

personal contact to acquire technical assistance. Through this means, the Office has received a better response and better assistance. The needs of the PVP Division in technical cooperation are assessed through the meeting and discussion with the staff based on evaluation of their previous work.

The Division has received several forms of assistance, including training, organising seminars and meeting to share experiences with people from other countries, and trips to study the plant registration system in other countries. However, the Division's urgent needs are clarification of law, practical training for staff in implementing the law, and developing guidelines for plant registration. The Division also requires assistance for capacity building and human resource development.

The technical cooperation that the PVP Division has been engaged so far are as follows:

- Technical assistance from UPOV including training, technical assistance, developing guidelines in registration of new plant varieties
- Short term advice from JICA, as well as training on development of a database of plant varieties, strategies of organization, etc.

In general, the PVP Division observed that much of the assistance received so far has met its core needs and that they have been satisfied. That said, they noted that some assistance is not tailored to match Thailand's priorities or context when it is simply transplanted from other countries. For example, plant varieties developed and requested for registration in Thailand can be different from those in other countries. The Division thus has to adjust the knowledge and information supplied by the donors to the local conditions. The demand for technical assistance in the area of PVP can be expected to grow in the future as PVP is a new issue for Thailand, and because related IP law and practices are in itself complicated and not easy to understand.

While there have been some minor requests from donors with respect to their assistance, the PVP division indicated that most of the assistance is simply offered to them and has no associated demands. That said, sometimes foreign donors have something in mind such as offering assistance in order to motivate Thailand to become a member of UPOV which the Division has to be aware of. To build real capacity in this area, there needs to be greater continuity in the approach to assistance.

FTA Watch

FTA Watch is a group of NGOs and academics in Thailand which was formed to monitor FTA negotiations. The group has so far been very critical of IP harmonisation at the bilateral level. They have in several occasions warned the Thai Government about the dangers and threat resulting from the TRIPS-Plus rules.

FTA Watch has received no assistance from any international organisation, except a support from ICTSD for the organisation of a national dialogue on TRIPS-Plus. Currently, FTA Watch has been offered a technical assistance from Oxfam America, which is still in the process of proposal drafting.

The group views assistance from foreign donors as important and has a strong interest in cooperation with counterparts from the countries which have already conducted bilateral FTA negotiations with the US. This will allow them to learn from the experience of other countries where they have been impacted by TRIPS-Plus and IP protection. The sharing of experience and strategy of negotiation with regards to IP in both bilateral and multilateral levels will be very useful for the civil society in Thailand. At the academic level, FTA Watch

also requires in depth studies concerning the impact of TRIPS-Plus and IP with regards to economics, society and culture. The research on impacts from patents on life forms will be of a particular interest for an agricultural country like Thailand.

III. Reflections and Recommendations

The interviews outlined the need for developing specific capacities at different levels in Thailand. It can be seen that the technical cooperation programs in Thailand were supported by overseas agencies either independently or in cooperation with local agencies. The most common events have been seminars with an enforcement of IPR. There are some good examples of collaboration between IP agencies in Thailand and foreign donors. However, the rationale for technical cooperation provided to Thailand is mainly to provide technical assistance to raise awareness of IP protection and increase enforcement of IP. Specific programs have focused on the training of judicial officers and others in agencies responsible for IP enforcement. In order to strike a balance, it is critical to have supports for national awareness campaigns through national and regional seminars and meetings, raising awareness of the social and developmental impact of IP in an era of advanced technology such as biotechnology and communication and information technologies.

Developing countries like Thailand have urgent needs in the areas of management or commercialisation of IP, rather than IP enforcement. Technical cooperation should be available to promote the legal, commercial and economic exploitation of IP rights. Training assistance should be provided to assist the local entrepreneurs in commercialising their innovations and creations or in finding markets for their innovative products.

Existing cooperation has been concentrated on the areas of amending existing and drafting new legislation to comply with WTO/TRIPS rules. However, there has been less assistance provided in the areas of restructuring agencies to facilitate the better management of IP, such as the reorganization of the DIP to improve efficiency of the national patent office. Assistance is also needed for review the process for patent granting and repealing in order to improve the country's patent system. The same technical assistance is also required for the improvement of the PVP registration system.

Another area which still lacks technical assistance is the development of human resources which has become an urgent need for the modernization of IP infrastructures on the national level. Technical cooperation with foreign providers and donors should focus on training and educating on various IP-related issues including WTO/TRIPS rules and practices for academics, judges, IP officials, etc. Technical cooperation and capacity building should respond to the needs of developing countries to strengthen and modernize the IP infrastructure, and designing comprehensive national strategies.

In the area of the IP legislative reform, most technical assistance appears to be designed to further the development of IP rights. However, it seems at the moment that the developing countries like Thailand require assistance in the area of IP and development as opposed to further development of IP. Technical cooperation should be available for setting up national strategies on IP, which identify areas of strength and weakness in dealing with IP. Remedies should be found for weak areas and areas of strength should be further enhanced with a view to attaining a successful and efficient functioning of the IP system.

The efficiency and sustainability of the transfer of technology to developing countries like Thailand relies on building the appropriate human, institutional, and infrastructural capacities, particularly in the context of rapid changes in many fields of technology. Improved technological capabilities and increased capacity are also critical for the sustainable use and

management of IP. It is necessary for Thailand to establish a technology transfer office in the identification of IP, its protection and successful commercialisation. Care should be taken in terms of social developmental needs and research priorities (e.g. agriculture, and health), as well as technological requirements in the sectors. On all of these counts, Thailand will require adequate and long-term international cooperation and the provision of appropriate technical and financial assistance.

International agencies like WIPO generally provide assistance through a specific agency in the country (i.e. the DIP in the case of Thailand). The donor should consult or conduct a needs assessment directly with the recipient. For example in the case of assistance to the IP Court, it is necessary for the donor to directly contact with the Court, instead of going through the DIP as most donors normally do. The direct contact with the recipient will allow them to directly learn the specific needs of the agency targeted for capacity building.

Finally, developing countries, including Thailand, should introduce IP education at different academic stages, to enable future generations to better understand the costs and benefits of the IP system. The developing countries thus require a technical cooperation and capacity building for curricula development in national educational institutes and universities, and in the preparation of capacity-building programs for the judiciary and legislative authorities, to keep abreast of worldwide developments in the IP field. The goals of the country's IP law curricula may include:

- Produce law graduates with a solid knowledge of IP law,
- Take a leadership role in providing IP education, including seminars and public education programs to meet the changing needs of the country,
- Identify the dynamic issues that arise in the areas of IP law and conduct original research to meet the country's real needs,
- Conduct and support research by embracing issues surrounding critical areas of IP law, particularly those issues that are of the developing countries' interests including access to medicines, access to knowledge, protection of traditional knowledge, geographical indications, plant varieties and genetic resources, TRIPS-plus, etc,
- Conduct an impact assessment of higher IP standards being developed at various international fora, including WTO, WIPO, and bilateral trade negotiations like FTAs, and
- Serve as a resource for government and business by studying, analysing and formulating IP law and policy.

ANNEX I

INTERVIEWS

“Intellectual Property-Related Technical Assistance, Cooperation, And Capacity-Building: The Thailand Experience”

	IP and International Trade Court: Ruengsit Tunkanchananuruk	Plant Variety Protection Division: Kobkiat Bansith (director)	IP Department: Wiboonluck Ruamrak	FTA Watch: Buntoon
<p>Needs Assessment</p> <ul style="list-style-type: none"> - How does Thailand determine their technical cooperation needs? - What kind of assessment process (regarding the need) is in place? - What are the main areas which you have identified as priorities for your organization? - How closely did the assistance provided match the countries core needs and priorities (in terms of the area for which assistance was provided)? - Was assistance being adjusted to meet local 	<p>Mostly there have been offers from different organizations for technical cooperation. However we inform our needs from our vision / mission (the court is the center of research regarding IP law) and also from the assessment of executives and judges.</p> <p>The main area which we need (technical cooperation) is, focusing on the academic: text, methodology, sample, trends in judging. We also need training for the judges (educate them) and trips to abroad, in order to be able to see the example of others.</p>	<p>We have mostly received offers from donors. The needs were assessed by discussing with the staff and evaluating their own previous work.</p> <p>The main area needed is the clarification related to laws, as well as practical tips such that all the staff have an equal understanding and have practical guidelines to follow. We also need to build up the capacity of staff in order to negotiate with others at the bi-lateral or multi-lateral level.</p> <p>We also would benefit from</p>	<p>As IP is a relatively new issue for Thailand, there is a need for cooperation. Hence the IP department has set up one Division for International Cooperation.</p> <p>Needs assessment is done through evaluation of past experience, previous work and consideration of world trends.</p> <p>We should have our own plan on what we need such that we can provide it to the donor. So far the cooperation received has focused on enforcement and protection. After our own</p>	<p>For the technical cooperation, there was an offer from ICTSD last year to organize a seminar on National Dialogue regarding IP.</p> <p>The assessment process will be subject to a written proposal to the donor: Oxfam America (currently in the process of drafting, hence we are not yet in the negotiation process).</p> <p>If we are able to receive assistance we need to learn from the experience of other countries where they have been impacted by IP; the</p>

<p>needs?</p>	<p>Since assistance primarily comes from offers by others, rather than requests from our side, there is only a 70% match to our core / priority need. However we do not deny the offers, we are open to learn new things. The reason that we do not request the assistance is that we believe we are in a reasonable position. We do not have extreme or urgent situations which need outside support. We have been able to continue our work (without extensive assistance) so far.</p> <p>The assistance we received or learned was adjusted to meet our local contexts since domestic law is different in each country.</p>	<p>some training, and by sharing experiences with people from other countries. Trips to abroad to learn from others would assist.</p> <p>The assistance is a match with core needs, but they do not necessarily have the same priorities. This is because the assistance is from outside offers which we have been open to receive and learn.</p> <p>The learning assistance offered needs to be adjusted to the Thai context</p>	<p>evaluation we found that we need cooperation on innovation and commercialization, on <u>how to manage IP, and how to commercialize using IP</u>. If the public see benefits from IP, which they can receive from commercialization utilizing IP, this will lead them to have concern for IP protection and thus less IP infringements. (we already encourage IP capitalization and fair use of IP)</p> <p>We also need the cooperation on developing and maintaining a database on patents. This will help in investigations and will help our researchers in creating new innovations (at present we translate the patent which has expired and provide for SMEs to use such processes for development of their products. WIPO will help our SMEs and OTOP in value addition (by IP) for such products.</p> <p>Most important we need the</p>	<p>strategy of negotiation with regards to IP in both bi-lateral and multi-lateral levels; and also at the academic level we need research on the impact of IP with regards to economics, society and culture, particularly from patents on life forms.</p>
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			<p>cooperation in raising awareness to public (so far we have received cooperation from Hong Kong in allowing us to translate such campaigns at no cost)</p>	
<p>Assistance received</p> <ul style="list-style-type: none"> - What are the range of donors and providers offering technical assistance to your organization? - How do you (and your organization) perceive offers and assistance from different providers and donors? - In what areas is most assistance provided and to what kinds of actors? 	<ol style="list-style-type: none"> 1. UK: through British Council <ul style="list-style-type: none"> - organized seminar (sponsor for foreign resource persons) - booth competition (aim to raise awareness amongst students, with the winner getting a scholarship to study in the UK) 2. USA <ul style="list-style-type: none"> - teleconference; judges and lawyers have chance to share experience and clarify any doubts 3. France: through INPI division of France embassy <ul style="list-style-type: none"> - invite resource persons to share experience in Thailand 4. Australia (in the past) <ul style="list-style-type: none"> - seminar on IP 5. Germany <ul style="list-style-type: none"> - 1 scholar per year to do research in Munich for approximately 2-3 months 	<ol style="list-style-type: none"> 1. UPOV: training, and techniques, guidelines in registration of new plant varieties. Japan: short term consultation JICA: training for 2 months on development of a database of plant varieties, strategies of organization, and means or channels by which we are able to play an active role. 	<p>There have been 3 levels of cooperation received</p> <ul style="list-style-type: none"> - Multi-lateral level from WIPO and WTO through different forums. - Regional level from APEC (quite active) and ASEAN, (however there is less cooperation through ASEAN. Maybe IP is not as much of a priority for countries in ASEAN). - Bilateral level; Japan, EU, USA, Australia, Korea, China and member countries of APEC (cooperation not assistance). <p>The cooperation we have received so far is:</p> <ul style="list-style-type: none"> - academic and educational on different issues related IP - assistance in law drafting and adjustments to domestic law according to IP 	

	<p>6. Japan: through Jetro, JICA, JAI</p> <ul style="list-style-type: none"> - Annual Seminar of Court (around Dec.) - field trip to Japan - training in Japan around 2-3 weeks (1-2 scholars per year, not necessarily from Thailand – it depends upon which country they will sponsor) - cooperate with Waseda University to develop a database of judgments. The court will select the cases and summarize into 2-3 pages with the aim of allowing public usage <p>7. ECAP II Project (EC-ASEAN Intellectual Property Rights Cooperation Program; 5 years per term) this project is funded by the EU which assists ASEAN countries by raising awareness, and provides a field trip and seminar. There will be a meeting at the national level to do a needs assessment and a representative of each country will present at the regional meeting. ECAP2 also support Thailand to set</p>		<ul style="list-style-type: none"> - system and technology assistance from JICA, JETRO - through ECAP II they provided knowledge, database, information, and training to our staff <p>USA, Japan and EU provided knowledge on how to patent in their respective countries.</p>	
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	<p>up a research center to develop a data base on IP and International trade. ECAP2 have already provided computers, printers, and text books to set up the database. A research center will be provided shortly.</p> <p>8. China: cooperate with the Law Society of Thailand for exchange visit (10 days, 10 persons)</p> <p>9. USAID: partial fund to organize an annual symposium. We have cooperated with them to organize training for judges in Vietnam (source the training persons from Thailand)</p>			
<p>Negotiation</p> <p>- Please explain your experience of negotiating technical assistance with potential donors (bilateral, multilateral and private sector) and any challenges and opportunities that have arisen in each instance (for example, any demand from the donor).</p>	<p>As the assistance is mostly from the offers of different agencies, there are few problems, issues or demands from the donors. There are however some limitations which make the assistance slightly inefficient such as language problems, the venue of the seminar or training which allows the participants access to go back</p>	<p>Mainly assistance received from offer so no major demands were made by the donor, but they may make some minor requests. However the PVP division has also used personal contact in requesting assistance. So far through personal contact, we have received a better response and better assistance.</p>	<p>Demand from donors, mainly on enforcement. However they see the benefit in assisting us in developing our system, as they expect that in return we will have better enforcement.</p> <p>We request cooperation in IP commercialization and IP management at the bilateral level but didn't receive a</p>	

	to work.		<p>good response. WIPO, on the other hand, responded well.</p> <p>In negotiation it is important to consider how much we can request cooperation for our own interests, in conjunction with the donor's offer.</p>	
<p>Evaluation</p> <ul style="list-style-type: none"> - Please evaluate the performance of your organization regarding technical cooperation (e.g. are you satisfied with the technical assistance received? Do you regard the performance achieved the goal of technical cooperation?). - Please evaluate the performance of the donor regarding technical cooperation. - What were the perceptions about the quality and independence (i.e. are you free to operate the work under technical cooperation?) of the assistance 	<p>Since the law is different from each country, the assistance received is not fully applicable to the Thai context. Hence in organizing the seminar / training, the agenda should not strictly follow a text but should allow time for participants to build networks with each other as this would be more useful for future work.</p> <p>Among the donors, Japan is the best as we are able to learn from them through training, and a field trip. We are able to understand their system, concept and culture. In the case of France, the resource persons did not have good skill in conveying the information.</p>	<p>We are satisfied with the assistance, but will need more as PVP is a new issue and IP law and practicalities are complicated.</p> <p>There were hidden agendas in offering the assistance as UPOV and Japan would like to motivate us to become a member of UPOV, hence we need to be aware of that.</p> <p>The content that they provided can't go into deep detail as they don't have the same context as us. For example plant varieties and conditions are different; hence we need to apply the information by ourselves.</p> <p>The assistance and</p>	<p>The donors focus mainly on enforcement (training police, judges, and customs officers) which is not our main priority. We believe that to reduce infringements, raising public awareness is a better strategy than using enforcement. They focus too much on enforcement rather than technical support.</p> <p>Even though some cooperation does not fit with our priorities we don't refuse it as we may learn something new. Through our evaluation, we found that where the donors want us to focus, they will give cooperation / assistance. This particularly regards their desire for us to focus</p>	<p>The length of the seminar was too short.</p>

<p>provided?</p> <ul style="list-style-type: none"> - Did your organization make optimal use of the available assistance? If not, what prevented it from doing so? - Was the assistance demand-driven? - In what ways was it most helpful or least helpful? - What could have been improved? 	<p>For AusAid we previously sent a proposal but didn't receive a response. The reasons may be that a personal negotiator was not available, uncertainty about what they really sponsor or need, or, more importantly, we were required to identify a partner from Australia before we applied for the sponsorship.</p> <p>The main obstacle found so far is the language problem, together with the fact that some donors don't have a budget for translators hence the participants have to learn by themselves.</p> <p>For improvement, the donor should consult or do a needs assessment directly with the recipient, as at present the donors go through the IP department who do not know the specific needs of court. Another point is that when donors provide scholarships, they should give authorization to the sector to</p>	<p>cooperation should have greater continuity and follow-up meetings.</p> <p>Staff who we sent for training and field trips should be prepared in both language and content before going (i.e. place the right man in the right job).</p>	<p>seriously and strongly on enforcement, hence training or other assistance has focused on enforcement (for the assistance they provide, they also want something in return).</p> <p>For improvement, the donor should cooperate and assist for the long term rather than the short term as occurs presently. Donors should help with the sustainable development of IP, not focus only on enforcement which may not get a good response from the public. The donors should cooperate in IP commercialization and innovation which will bring sustainable development.</p> <p>The plan for cooperation should come from both sides</p> <p>Summary: 2 sided cooperation is preferable. Goal: sustainable IP development.</p>	
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	decide who should get the scholarship (not a pin point decision).			
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List of Abbreviations and Acronyms used:

- APEC Asia Pacific Economic Cooperation Organisation
- ASEAN Association of South East Asian Nations
- AusAid Australian Aid Program
- ECAP European Community Aid Program
- ICTSD International Centre for Trade and Sustainable Development
- IP Intellectual Property
- OTOP One Tambon (Thai subdistrict) One Product Program
- PVP Plant Variety Protection
- SMEs Small to Medium Business Enterprises
- UPOV International Union for the Protection of New Varieties of Plants
- USAID United States Aid Program
- WIPO World Intellectual Property Organisation
- WTO World Trade Organisation