

Thesis Title : The Legal Impact of Free Trade Agreement Draft between the United States and Thailand: A Case Study of Pharmaceutical Product

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ABSTRACT

The thesis entitled the Legal Impact of Free Trade Agreement Draft Between the United States and Thailand :A Case Study of Pharmaceutical Product, is aimed to study framework of trade and investment agreement between the United States of America and the Kingdom of Thailand subject to General Agreement on Tariffs and Trade (GATTs) and Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) particularly to patented pharmaceutical products, and its legal effect on Thailand.

According to the research findings, the draft of FTA between the United States of America and the Kingdom of Thailand puts impact upon the enforcement of the Patent Act B.E.2542 in term of right to access pharmaceutical products. This is because the Patent committee was abrogated. This affected to the consideration to control the price of drug and the competition in market. Furthermore, the draft expands the protection to diagnostic, therapeutic and surgical methods for the treatment of humans or animals. This extremely impinges the implementation of the Drug Act B.E. 2510 in many aspects namely definition, production, import and export of drugs. Other than that, since there is no limitation to identify the inclusiveness of microorganism, the difficulty of its interpretation to the stakeholders is taken into account.

This research concludes with the recommendation on this problem that the Patent Committee should be set up under the implement of Patent Act B.E.2542. The committee, in the realm of fair free trade competition in domestic market, shall be responsible for control, examine, and determine drug price. Additionally, the committee shall be authorized to be in charge of performing according to other relevant laws such as the Act on Prices of Goods and Services B.E.2542. Moreover, the revision of definition in section 4 under to the Drug Act B.E. 2510 should be made in order to include the meaning of Pharmaceutical Products in accordance with the draft of FTA between the United State of America and the Kingdom of Thailand.

