

Thesis Title : Legal Measures to Prevent of Unfair Competition on Trade Secret
Licensing Agreement

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ABSTRACT

Thailand has no clear law to control licensing of trade secret agreement which unfairly limits competition. This creates problem in setting measures for controlling such agreement.

From the Study, the Trade Secret Act. B.E. 2545 has no rule and procedure of controlling this kind of agreement. In addition, If apply the Unfair Competition Act. B.E. 2542, It's still unclear that whether this law is enforceable or not. There should be a problem of the controlling power of the licensor of licensing agreement. Whereas United States, Japan and European Union enforce unfair competition law in order to control licensing agreement.

To solve this problem, I would like to present 2 ways for controlling such agreement. The first way, we should amend the Trade Secret Act. B.E. 2545. The second way, applying to use the Unfair Competition Act B.E. 2542 for licensing agreement on trade secret.

The second way seems to ber more appropriate than the first way for the Administrative measure under the unfair competition law which allows the state to control the making of agreement without the existence of dispute. Whereas intellectual property law is a matter of the civil sanction between private pasties which the state shall step in to handle remedy only after the judicial process and thereby a cure after wound by have been caused a revision of the unfair competition is here by proposed to allow such administrative measure.