

Independent Study Paper Title : Lessor's Liability for Trademark Infringement  
Author : Ms. Kmonbha Rattanaapiromyakit  
Major : Master of Laws (Business Law)  
Advisor : Ms.Paweena Iamsirikulamith

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## ABSTRACT

This independent study has the objective to research on the responsibility of the lessor who uses his property as the market to sell the counterfeit trademark products or goods, accordingly under Thai and Foreign Laws, to amend the punishment scope of the infringement actions.

The finding is that as the currently enforcement laws: Trademark Act B.E. 2534, Criminal Code, and Civil and Commercial Code do not legislate the punishment of the lessor who manage the space and allow the lessee to sell the counterfeit products or goods. Such the lessor action is raise up the problems of contributory infringement and the burden of proof on the lessor intention. According to such problems, the researcher has studied the foreign laws under the same problems and circumstances, there are clearly doctrines on punishment the lessor than Thai laws.

Therefore, the researcher suggested that the current punishment under The Criminal Code, and The Civil and Commercial Code is enough to enforce or to be interpreted to punish the lessor. However, under the Trademark Act B.E. 2534, it should be amended in part of lessor punishment by codification as "The lessor who knows or should know that the lessee use his property or space for trademark infringement must be punished as the Supporter", or interpretation the currently laws to be extended to punish the lessor.