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NOUS Intelligence Brief

Thailand's Next Phase of IP Enforcement: Online Suppression and Upstream-Oriented Intelligence

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Executive Summary

The United States Trade Representative released the 2026 Special 301 Report on 30 April 2026. Thailand remains on the Watch List, while the report also recognizes continued progress in Thailand's intellectual property protection and enforcement system, including stronger cooperation with Thai police and Customs, improved Customs seizure efficiency, action against warehouses and distribution centers, and the shutdown of major IPTV piracy services (USTR, 30 Apr 2026; USTR, 2026).

The main policy signal is that Thailand's next phase of improvement should place greater emphasis on online infringement and upstream-oriented enforcement. USTR states that counterfeit and pirated goods remain readily available, particularly online, and notes right-holder concerns that enforcement should continue to place greater attention on high-level distributors, manufacturing operations, and upstream suppliers (USTR, 2026).

Thailand's latest consolidated enforcement figures show strong activity. For the first six months of Fiscal Year 2026, covering October 2025 to March 2026, Thai authorities reported 332 IP infringement cases, more than 1.3 million seized items, and estimated economic damage of approximately THB 2.3 billion (DIP, 27 Apr 2026). These figures demonstrate serious government prioritization and interagency coordination. The next opportunity is to support this momentum with continuous online monitoring, link analysis, and commercially safe intelligence that helps identify repeat sellers and major online-facing supply actors.

1. U.S. Policy Signal from the 2026 Special 301 Report

The 2026 Special 301 Report recognizes that Thailand is making progress on IP protection and enforcement. It notes progress on draft amendments to the Patent Act and Copyright Act, constructive working relationships between rights holders and Thai enforcement agencies, increased efficiency in Customs seizures, and successful action against major IPTV piracy services (USTR, 2026).

At the same time, the report indicates that Thailand's improvement agenda should continue to focus on enforcement effectiveness and deterrence. USTR states that counterfeit and pirated goods remain readily available, particularly online, and that right holders continue to express concern that enforcement should focus more on high-level distributors, manufacturing operations, and upstream suppliers (USTR, 2026).

A key concern is the recurring "whack-a-mole" problem. USTR observes that enforcement actions temporarily reduced the visibility of counterfeit goods in high-tourist-traffic areas such as MBK Center, but that the volume of such goods later returned to previous levels (USTR, 2026). The same logic applies online: a takedown may remove one listing or shop, but repeat sellers can reopen accounts, move to another platform, shift to social commerce, or continue through chat-based channels. For rights holders, the practical issue is not only the number of infringing listings. It is the ability of the same commercial actors to reappear across platforms and maintain supply.

From a trade and investment perspective, stronger IP enforcement supports consumer safety, fair competition, innovation, and foreign investor confidence. For U.S. and international rights holders, the next improvement priority is more consistent identification of repeat online sellers, major online-facing commercial actors, and upstream suppliers that are less frequently visible in public seizure announcements.

2. Latest Thai Enforcement Results: Strong Progress and Further Opportunity

Thailand's April 2026 enforcement announcement reported substantial results. During October 2025 to March 2026, authorities pursued 332 IP infringement cases, seized more than 1.3 million items, and recorded estimated economic damage of approximately THB 2.3 billion (DIP, 27 Apr 2026). The announcement also stated that enforcement covered physical markets and online channels, with operations focused on commercial districts, warehouses, and cross-border customs checkpoints (DIP, 27 Apr 2026).

These figures are significant. They show that IP enforcement is being handled as part of Thailand's economic, security, justice, and trade confidence agenda. The April 2026 briefing also included participation from the Ministry of Commerce, Ministry of Finance, Ministry of Justice, Royal Thai Police, rights holders, and representatives from key trading partners, including the United States, Switzerland, the European Union, and the United Kingdom (DIP, 27 Apr 2026).

The latest FY2026 figures follow a strong 2025 enforcement trend. In the first eleven months of 2025, DIP and partner agencies reported 1,132 arrests, 3,344,841 seized counterfeit items, and losses for counterfeiters exceeding THB 1.14 billion, or approximately USD 36.2 million (PRD, 18 Dec 2025).

The improvement opportunity is not to replace existing enforcement, but to complement it. Public reporting is strong on cases, seized items, and estimated damage. The area that would most directly answer right-holder concerns is more visible action against online repeat sellers, major commercial-scale online actors, and upstream supply participants, which aligns with USTR's emphasis on online availability and upstream suppliers (USTR, 2026).

3. NOUS View: Online MOU Progress Should Be Expanded Across the Digital Ecosystem

Thailand's online MOU is a positive development. The notice-and-takedown mechanism has produced practical results, including the removal of more than 2,867 infringing listings from Lazada, Shopee, TikTok Shop, NocNoc, and Nex Gen Commerce (PRD, 18 Dec 2025). The government also announced that the MOU would be expanded to LINE Shopping on 19 December 2025 (PRD, 18 Dec 2025).

This progress should be recognized. However, Thailand's online infringement environment is broader than the current group of participating platforms. Counterfeit goods may also be promoted through social commerce, livestream commerce, chat-based selling, classified platforms, standalone websites, and other digital service providers. If important online channels are not fully integrated into rapid cooperation mechanisms, infringing sellers may migrate to less responsive channels after takedown.

Recent public discussion points in the same direction. Prachachat reported on 27 May 2026 that business concerns over counterfeit goods online have increased pressure for the state and digital platforms to act, and that Digital Minister Chaiyachon Chidchob indicated preparation to review the draft Platform Economy Act and move it forward through the policy process (Prachachat, 27 May 2026).

NOUS's view is that the MOU should continue to expand and become more operationally connected with broader digital-platform governance. The objective should not be to burden legitimate platforms, but to create a more consistent enforcement environment across the digital ecosystem. Effective platform cooperation should make it harder for repeat infringers to move between channels, reopen accounts, and continue selling the same counterfeit products under different digital identities.

4. How NOUS Can Support Rights Holders and Legal Partners

NOUS can support the next phase through safe, commercially appropriate online investigation, monitoring, and link analysis. The focus should be on open-source and commercially available information, digital monitoring, evidence preservation, and structured reporting. This approach protects NOUS personnel from unnecessary exposure to counterfeit or piracy networks while still providing useful intelligence to rights holders, platforms, law firms, and enforcement partners.

For rights holders, the value is not simply a list of infringing URLs. The higher-value service is to assess whether multiple listings, shops, social accounts, phone numbers, images, descriptions, pricing patterns, payment identifiers, logistics clues, or other lawful commercial signals appear to be connected. This helps legal partners understand whether infringement is isolated, repeated, or organized across multiple digital channels.

NOUS can help clients move from one-by-one takedown toward more strategic online suppression. This may include identifying repeat seller behavior, grouping related online accounts, documenting reappearance after takedown, preserving time-stamped evidence, and preparing concise case files for platform escalation, legal review, or referral to appropriate authorities. NOUS should not present itself as a substitute for law enforcement; its role is to support lawful, responsible, and commercially safe enforcement decision-making.

Conclusion

Thailand has made clear progress in IP enforcement. The latest FY2026 H1 figures show strong interagency commitment, and the online MOU has already produced measurable takedown results. The 2026 Special 301 Report nevertheless signals that the next phase of improvement should focus more on online availability, repeat infringers, major online-facing commercial actors, and upstream suppliers.

The practical challenge is the “whack-a-mole” nature of online and market-based infringement. Sellers may disappear temporarily after enforcement action but return through new accounts, platforms, or channels. NOUS can support rights holders and legal partners by providing continuous monitoring, link analysis, evidence preservation, and commercially safe intelligence that helps identify repeated and connected online infringement.

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