Thai Entrepreneur Sues Online Shopping Giant for Promoting Sale of Counterfeit Goods

Elide Fire Ball Pro Co., Ltd., manufacturer and vendor of "Elide Fire Ball" fire extinguishing ball, a patented product by Thai inventor, is suing Hangzhou Alibaba Advertising Co., Ltd. and Jack Ma, the man behind online shopping websites "Alibaba" and "Aliexpress" for promoting the sale of counterfeit goods.

Mr. Phanawatnan Kaimart, Chief Executive Officer of Elide Fire Ball Pro Co., Ltd. said that "As the Thai government has set a policy for the country to shift to THAILAND 4.0 with value-based economy, led by innovation, Thai entrepreneurs will face the serious problems of intellectual property violation in the world market more than ever. They have to fight legally for their rights and I want my case to be an example for them."

"Alibaba" online shopping website has been alleged of violating copyright of "Elide Fire Ball" fire extinguishing ball by Elide Fire Ball Pro Co., Ltd., (Thai Patent No. 18966 and US PATENT No. 6,796,382). Registered with World Intellectual Property Organization (WIPO)at WO 2004/014489 A1, the product has been invented by Mr. Phanawatnan (Woradech)Kaimart and is a copyright of Elide Fire Ball Pro Co., Ltd. "Elide Fire Extinguishing Ball" is also a registered trademark.

"Alibaba" has been accused as promoting the sale of "AFO" fire extinguishing ball which is a counterfeit good through its website while "Aliexpress" sells and delivers "AFO" fire extinguishing ball to buyers around the world through Ecommerce system. It severely destroyed the distributor system of Elide Fire Ball Pro Co., Ltd. because the counterfeit good is a lot cheaper. The counterfeit good cannot actually extinguish a fire thus it destroys the reputation of the patented product. Many distributors lose their confidence and cancel orders. The damage is estimated to almost 3,000 million baht.

As a result, Elide Fire Ball Pro Co., Ltd. has filed a lawsuit against Hangzhou Alibaba Advertising Co., Ltd. (defendant No.1) and Jack Ma (defendant No.2). The Case Black No. Tor Por 28/2560 is now under the consideration of Thailand's Central Court of Intellectual Property and International Trade.

Hangzhou Alibaba Advertising Co., Ltd. and Jack Ma has been alleged as promoting and selling “AFO” fire extinguishing ball which is a counterfeit product. Prior to this, the “AFO” fire extinguishing ball was already found guilty of violating Patent No. 18966 by the Court of Intellectual Property and International Trade (Case Black No. Or 676/2558 and Case Red No. Or 707/2558).

Mr. Chachawal Sawee, Intellectual Property Specialist, said that a patent is a right granted to inventor, offering the incentive of a limited-time monopoly on the invention. Patent law is designed to protect inventor from infringement by others even though the infringement is conceived by an original idea.

“Elide Fire Ball” fire extinguishing ball was awarded Best Invention in 2001 by the National Research Council of Thailand (NRCT) as well as People’s Choice Award and Best Product Award from The Nation newspaper in the same year. In 2003, the Editorial Office Trade Leaders Club presented “Elide Fire Ball” an International New Millennium Award at the International Award for Business Leadership & Prestige in Berlin, Germany.

In 2004, it received an International Quality Crown Award 2004 in the UK. Mr. Phanawatnan Kaimart, its inventor, then won a World Inventor Medal in Tokyo, Japan. In 2008, “Elide Fire Ball” won the WIPO Award from the World Intellectual Property Organization along with a Gold Medal. It also received a trophy, two gold medals and the SEMI GRAND PRIZE Certificate at the International Invention event in Seoul, South Korea. Last year, it has made a sensation when being chosen as No.1 in Top 100 Awesome Products for First Half 2016 by Blogger Awesome Techs.