



Thailand

IP OFFICES

Industrial Property (Patents, Trademarks, Industrial Designs and Copyright)	
Competent Authority	Department of Intellectual Property (DIP), Ministry of Commerce
Web site address	http://www.ipthailand.go.th/en/
Address	563 Nonthaburi road Bangkrasor district, Meung Nonthaburi, Nonthaburi 11000
Telephone	(+66) 2 547 4652
E-mail	ippromotion.dip@gmail.com

MAIN INTERNATIONAL IP CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Instrument	In Force Since
1.	Berne Convention	July 17, 1931
2.	Madrid Protocol	November 7, 2017
3.	Marrakesh VIP Treaty	April 28, 2019
4.	Paris Convention	August 2, 2008
5.	Patent Cooperation Treaty	December 24, 2009
6.	WIPO Convention	December 25, 1989

For More Information, please refer to:

https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=168

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	Originality	Life of author + 50 years	DIP
Trademarks	Distinctiveness Not in conflict with prior signs Not generic Not descriptive Not contrary to public order/morality Not contrary to Art. 6ter	10 years renewable	DIP
Patents & Utility Models	Novelty Industrial applicability (not for Utility Models) Inventive step	20 years 10 years for Utility Models (initial 6	DIP

		years and two possible renewals of 2 years each)	
Industrial Designs	Novelty	10 years	DIP

PATENT SYSTEM	
National Law	Patent Act B.E. 2522 (1979) (Adopted on March 11, 1979), as amended by Patent Act No 2, B.E. 2535 (1992) and patent Act No 3, B.E. 2542 (1999) https://wipolex.wipo.int/en/legislation/details/3807
Requirement of Agent for Foreigners	Where the applicant, opposing party, respondent or appellant is not a resident of the country, they shall appoint an agent registered with DIP to act for them in the country. (Ministerial Regulations No.21 (B.E.2542)).
Language in which request may be filed	Thai. If any document has to be filed is in a foreign language, the applicant shall file such document accompanied by translation in Thai. (Art. 27).
Grace Period	12 months before the filing date, in case of a disclosure: <ul style="list-style-type: none"> - made in consequence of an unlawful act, - made by the inventor, - made by the inventor displaying the invention at an international exhibition or an official exhibition or an exhibition sponsored or authorized by the government and held in the country (art. 6 and 19).
Non-Patentable Subjects	<ul style="list-style-type: none"> - Naturally occurring microorganisms and their components, animals, plants or extracts from animals or plans - Scientific or mathematical rules or theories - Computer programs - Methods of diagnosis, treatment or cure of human and animal diseases - Inventions contrary to public order, morality, health or welfare. (Art 9)
Substantive Examination	Yes. (Art. 24)
Request for Examination	Either within 5 years after the publication of the application or, in case where there is an opposition and an appeal, within one year after the final decision has been made, depending on which period expires last (Art. 29).
Publication	Once formalities requirements are compiled with (art. 28).
Opposition System	With DIP within 90 days following the publication of the applications (art. 31).
PCT international application through the national office of the country as a receiving office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_th.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/th.pdf

INDUSTRIAL DESIGN SYSTEM	
National Law	Patent Act B.E. 2522 (1979) (Adopted on March 11, 1979), as amended by Patent Act No 2, B.E. 2535 (1992) and patent Act No 3, B.E. 2542 (1999) https://wipolex.wipo.int/en/legislation/details/3807
Requirement of Agent for Foreigners	Where the applicant, opposing party, respondent or appellant is not a resident of the country, they shall appoint an agent registered with DIP to act for them in the country. (Ministerial Regulations No.21 (B.E.2542)).
Language	Thai. If any document has to be filed in a foreign language, the applicant shall file such document accompanied by translation in Thai (Art. 27).
Non-Registrable Subjects	Designs that are contrary to the public order or morality (art. 58).
Substantive Examination	Yes (art 61).
Publication	Yes, once formality requirements are complied with (art. 28 and 65).
Opposition System	With DIP within 90 days following the publication of the applications. (art. 31 and 65).
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	As of August 2019, Thailand is under the process of revising its Patent Act to be complied with the obligations under the Hague Agreement and will accede once ready.

TRADEMARK SYSTEM	
National Law	Trademark Act B.E. 2534 (1991) (as amended by Trademark Act No 2, B.E. 2543 (2000) and Trade Mark Act No. 3 B.E. 2559 (2016) (Adopted on October 28, 1992) https://wipolex.wipo.int/en/legislation/details/17164
Subjects of Protection	Trademarks, Service Marks, Certification Marks, Collective Marks.
Requirement of Agent for Foreigners	The applicant or his agent shall have an office or address for communication by the Registrar in Thailand (Art. 10).
Language	Thai (Art.12).
Non-Registrable Subjects	<ul style="list-style-type: none"> - State arms or crests, royal and official seals, emblems and insignia of the royal orders and decorations, seals of office, seals of ministries, bureaus, departments or provinces, national flags of Thailand, royal standard flags or official flags, royal names royal monograms, abbreviations of royal names or royal monograms, representations of the King, Queen or Heir to the throne. National emblems and flags of foreign states, emblems and flags of international organizations, emblems of head of foreign states or international organizations, unless permission is given by the competent officer of the foreign state or international organization. Official emblems and emblems of the Red Cross or appellations

	<p>“Red Cross” or “Geneva Cross”.</p> <ul style="list-style-type: none"> - Any mark contrary to public order, morality or public policy. - A mark registered or not, which is identical with a well-known mark as prescribed by the Ministerial Notifications, or so similar thereto that the public might be confused as to the owner or origin of the goods. - Trademarks similar to signs protected under GIs. <p>(Art. 4, 5, and 6)</p>
Substantive Examination	Yes (art. 13 and 14)
Well Known Marks	Yes. Protection is provided in the Trade Mark Act.
Publication of Application	Yes, once formality requirements are complied with (art. 29).
Opposition system	Yes, with DIP Registrar within 60 days from the date of publication (art. 35).
International application through the national office of the country as an office of origin under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=10040&datafields=9584,9582,9583
International application to the national office of the country as a designated office of designated country under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=10040&datafields=9638,9607,9616,9617,9606,9608,9618,9609,9610,9611,9619,9613,9615,9620,9612,9621,9614,9634,9635,9633,9637,9636,9605,9601,9604,9597,9602,9603,9599,9596,9598,9600,9622,9626,9627,9623,9624,9625,9628,9639,9640,9587,9585,9588,9589,9592,9591,9594,9590,9593,9586,9629,9632,9630,9631,9595

COPYRIGHT SYSTEM	
National Law	<p>Copyright Act, B.E. 2537 (1994) (Adopted on December 9, 1994), as amended by Copyright Act No 2 and 3 B.E. 2558 (2015) and B.E. 2561 (2018)</p> <p>https://wipolex.wipo.int/en/legislation/details/3801</p>
Subjects of Protection	Works of authorship in the form of a literary, dramatic, artistic, musical, audiovisual, cinematographic, sound recording, sound and video broadcasting work or any other work in the literary, scientific or artistic field whatever the mode or form of its expression (art. 6).
Authorship	A person who makes or creates any work protected under Copyright Act (art. 4).
Limitation to Author's Rights	<p>Copyright protection shall not extend to ideas or procedures, processes or systems or methods of use or operation or concepts, principles, discoveries or scientific or mathematical theories (Art. 6). In addition, the following shall not be deemed copyrighted works (Art. 7):</p> <ul style="list-style-type: none"> - News of the day, facts having the character of mere information, not being works in the literary, scientific or artistic fields; - The constitution and legislation; - Laws, regulations, notifications, orders, explanations and official correspondence of the ministries, Departments or

	<p>any other government of local units;</p> <ul style="list-style-type: none"> - Judicial decisions, orders, decisions and official reports; - Translations and collections of the materials referred to in the above items, made by the ministries, departments or any other government or local units.
Exception to Copyright	<p>Only if the use of copyrighted works does not conflict with normal exploitation of the work by the owner and does not unreasonably prejudice the legitimate rights of the owner of copyright (Act. 32). These include:</p> <ul style="list-style-type: none"> - Researches or studies of the work for not profit reasons. - Use for personal benefit or for the benefit of the user and his family members or close relatives. - Comment, criticism, or introduction of the work with an acknowledgment of the ownership of copyright in such work. - Reporting of news through mass media with an acknowledgement of the ownership of copyright in such work. - Reproduction, adaptation, exhibition or display for the benefit of judicial proceedings or administrative proceedings by authorized officials or for reporting the result of such proceedings. - Reproduction, adaptation, exhibition or display by a teacher for the benefit of his teaching provided that the act is not for profit. - Reproduction, adaptation in part of a work or abridgment or making a summary by a teacher or an educational institution so as to distribute or sell to students in a class or in an educational institution provided that the act is not for profit. - Use of the work as part of questions and answers in an examination. - A reasonable citation, quotation, copy, emulation or reference in part and from a copyright work with acknowledgement of the ownership of copyright in such work (Act.33).
Duration	Lifetime of the author and for 50 years after his death (art. 19).

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

The technology transfer consortium helps in the transfer of Technology. In addition, many research organizations have established dedicated units or companies to facilitate technology transfer. For example: National Science and Technology Development Agency have their own technology licence office. Details at: <https://www.sciencepark.or.th/index.php/en/technology-licensing-office-tlo/More> details about Technology Transfer Consortium can be found at:

https://www.wipo.int/edocs/mdocs/aspac/en/wipo_ip_han_11/wipo_ip_han_11_ref_29.pdf

Additional information on licensing (including on IP) can be found at: www.licensingthailand.com

ATTORNEYS IN THE COUNTRY

While there is no official list, information may be found at www.ipat.org.th or by contacting DIP.

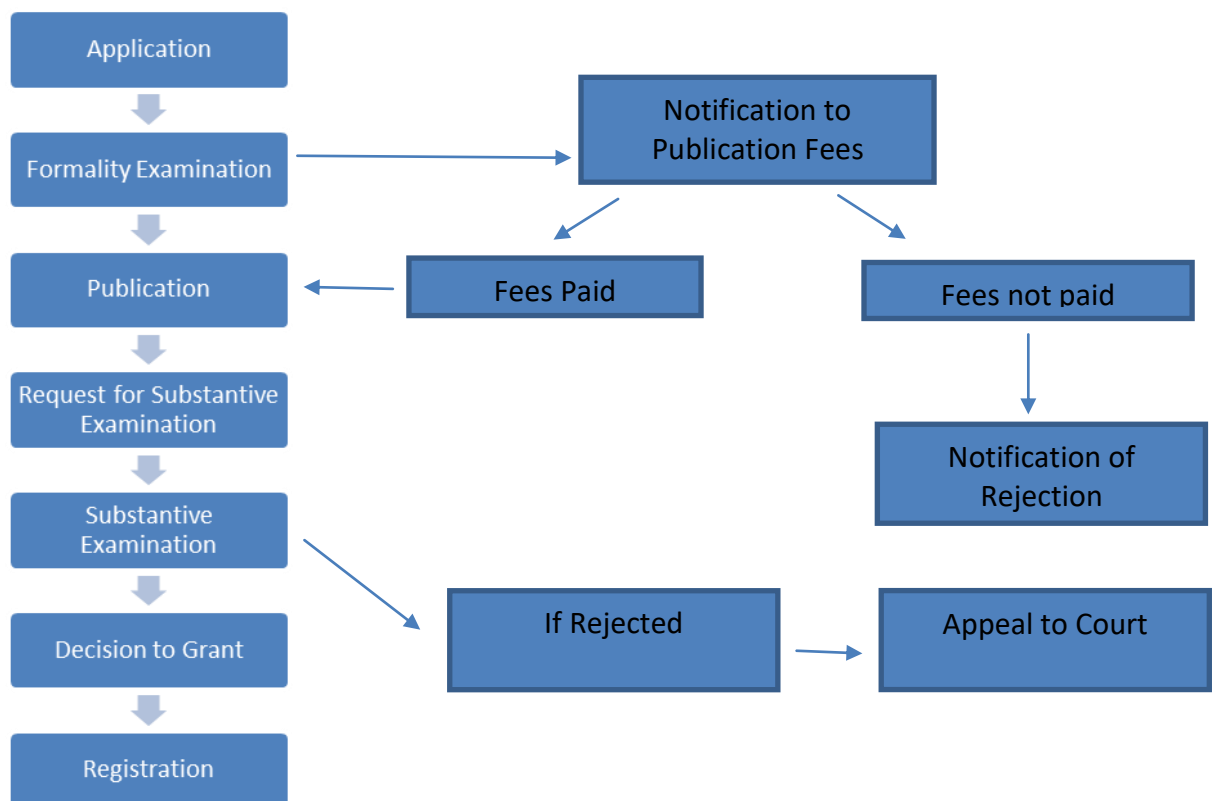
FILING PROCEDURES

Patents

Procedures for Obtaining a Patent in Thailand

1. A national application is filed with the Department of Intellectual Property (DIP).
2. DIP carries out a formality examination. If the application does not comply the requirements under the law, DIP sends notification of rejection to the applicant asking for amendments. If the application complies with the requirements under the law, DIP sends a notification to pay the publication fee within 60 days.
3. DIP publishes the patent application after payment of the publication fee.
4. Third parties may file the oppositions to the patent application within 90 days after the publication.
5. Applicants can request for substantive examination either within 5 years after the publication or within 1 year after the final decision has been made in case there is an opposition and an appeal, depending on which period expires last.
6. DIP carries out a substantive examination. The applicant or third parties may file an appeal to the Board of Patents within 60 days after the receipt of DIP decision.
7. The applicant or third parties may file an appeal to the Court within 60 days after the receipt of the decision of the Board of Patents.

Flow Chart of Filing Procedure for Patents



Additional information relating to the Procedures for obtaining a Patent in Thailand through the PCT

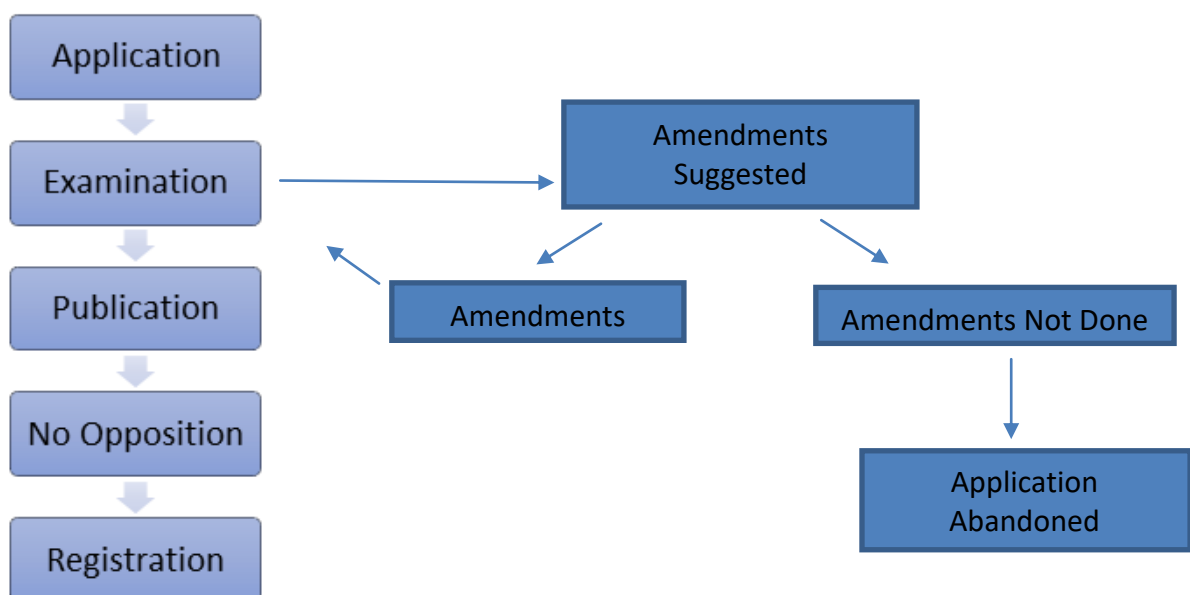
- PCT international applications designating Thailand should be translated into Thai and enter the national phase within 30 months from the priority date. Filing fees should be paid at this stage.
- The rest of the procedures follows what describe above for patent applications filed at national level.
- Other special requirements in this regard are:
 - Name and address of the inventor if they have not been furnished in the “Request” part of the international application
 - Document evidencing a change of name of the applicant’ Statement justifying the applicant’s right to the invention
 - Appointment of an agent if the applicant is not resident in Thailand
 - Power of attorney if an agent is appointed

Trademarks

Procedures for Obtaining a Trademark in Thailand

1. A national application is filed with DIP.
2. DIP carries out the examination. If the application does not comply with the requirements provided by law, DIP sends the order to amend the application. If the application complies with the requirements Registrar will issue order for publication.
3. The trademark application will be published for 60 days. During such period, third parties may file oppositions against the trademark application.
4. If there is no opposition from third parties, the trademark will be registered. On the contrary, if a third party files an opposition, the application will be subjected to the opposition procedure. The party who is not satisfied with the Registrar's order, is entitled to appeal to the Trademark Board and the Court respectively.

Flow Chart of Filing Procedures for Trademarks



Procedures for Obtaining a Trademark in Thailand through the Madrid System

1. DIP carries out a substantive examination within 18 months from the receiving the request for extension of protection from WIPO. If the application does not comply the substantive requirements under the law, DIP issues a provisional refusal and invites the applicant to response within 90 days.
2. DIP republishes the international registration for opposition purpose.
3. The rest of the procedure of the procedures follows what describe above for trademark applications filed at national level.

Industrial Designs

Procedures for Obtaining an Industrial Design in Thailand

1. A national application is filed with DIP.
2. DIP carries out a formality examination. If the application does not comply the requirements under the law, DIP sends a notification of rejection to the applicant requesting to correct the irregularities. If the application complies the requirements under the law, DIP sends notification to pay the publication fee within 60 days.
3. DIP publishes the design application after payment of the publication fee. Third parties may file the oppositions against the design application within 90 days after the publication.
4. DIP carries out a substantive examination. The applicant or the third parties may file an appeal to the Board of Patents within 60 days after the receipt of DIP decision.
5. The applicant or third parties may file an appeal to the Court within 60 days after the receipt of the decision of the Board of Patents.

Flow Chart of Filing Procedures for Designs

