

"Thailand" No. 8
What you need to know -

Intellectual Property Rights

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The European ASEAN Business Centre (EABC) is a European Trade Organisation contributing to improve the trade and investment environment for European companies in Thailand with an aim to see a larger number of European companies (especially SMEs) being established in Thailand and increased export and investment by European companies into Thailand.

The EABC supports trade advocacy by playing an important role as the independent voice of European business vis-à-vis Thai authorities. It also acts as a focal point for market information for European companies in Thailand, facilitating their market access.

Membership Benefits

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members@eabc-thailand.eu



195 Empire Tower, 25th Floor, Sathorn Road,
Yannawa, Sathorn, Bangkok 10120 Thailand
Tel: +66 2670 0624 Fax: +66 2670 0608

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EABC European Union's window to Thailand



Intellectual Property Rights

The Importance of IPR

IPR – Intellectual Property Rights – are legal rights resulting from virtually every business field. The IP right owners are entitled to use, manufacture, sell, etc. IP or products related to the IP and license the creation to third parties in return for a fee. Moreover, the IP rights owners can grant the ownership to a third party as well as take legal action against unauthorized use of their IPRs.

Non-registration of your intellectual property rights may lead to someone else using your intellectual property without any benefit to you and even assume ownership of the said property, impeding you to utilize it later on.

IPR Registration Procedure in Thailand

The authority for IPR registration in Thailand is the Department of Intellectual Property (DIP), under the Ministry of Commerce. IPR applications shall be filed at the DIP, which triggers the first examination on formality.

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Types of IPR: Trademarks, Patents and Copyrights

The three types of IPR with broader use as business enablers are:

Copyright

In Thailand the Copyright Act protects works in the categories of literary work, including computer programs; dramatic, artistic and musical work; audio-visual material, cinematic film or recorded material; disseminated pictures or disseminated sound; or any other works in the fields of literature, science or fine arts. The acquisition of copyright is automatic and need not be registered. A copyright is valid for the period of the life of the creator and an additional 50 years thereafter. Where the creator is a juristic person, the protection period is 50 years from the date of creation or 25 years where the copyright is for applied art. Thailand is a member of the Berne Convention for the Protection of Literary and Artistic Works.

Trademarks

The Trademark Act of Thailand governs registration of and provides protection for trademarks. The Act defines a trademark as a symbol used in connection with goods for the purpose of indicating that they are the goods of the owner of the trademark. The trademark must be distinctive and not identical or similar to those registered by others. Registration is valid for 10 years from the date of application and is renewable for an unlimited number of periods of 10 years each. The Trademark Act allows the protection of Service Marks, Service Names, Collective Marks, Certification Marks and Trade Names.

Patents

The Patent Act protects patents, petty patents, and product designs granted in Thailand. Requirements for a patent include novelty, inventive step, and industrial application. For a petty patent (a simpler alternative to the patent) or a product design (can include handicrafts), requirements include novelty and industrial application. Patents are valid for 20 years, and product design patents are valid for 10 years. A petty patent is valid for six years, but may be renewed twice with extension periods of two years (total maximum of 10 years). On December 24, 2009, Thailand became a member of the Patent Cooperation Treaty (PCT).

Trade Secrets, Geographical Indications, Plant Variety Protection, Layout-Designs of Integrated Circuits and Optical Disk Production are other IP areas covered by Thai law. The IP&IT (Intellectual Property and International Trade) Court is the institution responsible for presiding over disputes involving Intellectual Property Rights as well as international trade.

Current Legal Instruments on IPR

- Copyright Act B.E. 2537 (1994)
- Patent Act B.E. 2522 (1979)
- Trademark Act B.E. 2534 (1991)
- Protection of Layout-Designs of Integrated Circuits Act B.E. 2543 (2000)
- Trade Secret Act B.E. 2545 (2002)
- Protection of Geographical Indications Act B.E. 2546 (2003)
- Optical Disc Production Act B.E. 2548 (2005)

All Thai legal instruments on IPR can be downloaded from the EABC website at <http://www.eabc-thailand.eu/businessdialogue/specialised-helpdesk-on-ipr-and-standards/179-current-legalinstruments-on-ipr-in-thailand>.

Thailand's Accession to International Treaties

Aside from being part of the World Trade Organization, Thailand is also part of:

- TRIPs Agreement
- Berne Convention
- WIPO Convention; and
- Paris Convention

Thailand is considering joining the Madrid Protocol and the Hague Agreement with the aim to facilitate the international registration of marks and industrial designs.

For more information please visit

www.eabc-thailand.eu