



THAILAND

PATENT HANDBOOK

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Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change.

You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any

In Thailand, patent protection is obtainable by way of filing a direct national application.

Legislation

Patent Act No. 1, B.E. 2522 (1979) and Patent Act No. 2, B.E. 2535 (1992) as amended by Patent Act No.3, B.E. 2542 (1999), the latter effective 27 September 1999.

Patentability Criteria

- An invention is patentable if:
 - △ it is new
 - △ it involves an inventive step
 - △ it is industrially applicable
- The following inventions shall not be protected by the Patent Act.
 - △ Natural microorganisms and any components of microorganisms, plants, animals or extracts from plants or animals;
 - △ Scientific and mathematical principles and theories;
 - △ Data system for an operation of a computer (computer programs);
 - △ Method of diagnosis, treatment or cure of human diseases or animal diseases;
 - △ Inventions contrary to public order, morality, health or welfare;

Utility Innovations

Thailand has both patents and “petty patents” (utility model patents). Petty patents are granted to “inventions” that are new and industrially applicable, but lack an inventive step.

Membership

- √ - Paris Convention
- √ - PCT

Thailand is a member of the Paris Convention from 2008, whereby applications from convention countries will be subject to the same priority date in Thailand. The application for priority has to be made within six months of the first application in a convention country.

Rule of Priority

“First to file” is the rule followed by Thailand in determining priority of patents.

Duration

The term of protection for a patent is 20 years, petty patent is 6 years. The petty patent owner may renew the petty patent twice, 2 years each time.

Procedures

▼ Application

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

▼ Preliminary Examination

A formality examination of the application is done to test the compliance of legal requirements. The applicants may also be required to produce additional documents or materials within 90 days.

▼ Publication

If the examination is completed and the invention appears patentable it will be published in the Gazette.

▼ Third Party Opposition

Interested parties are required to submit their oppositions within 90 days of the publication being made.

▼ Substantive Examination

Whereas request for substantive examination must be filed within 5 years from the date of publication.

▼ Registration

In case there is no opposition and Examiner finds no mistake in the patent or product design patent, the Examiner shall order the applicant to pay the registration fee. After payment is received, the Registrar shall grant the Certificate of Registration accordingly.

Filing Requirements

The following information and/or documents are required to file an application for a patent application in Thailand:-

Direct National Application:-

- Request for the grant of a patent:-
 - △ the name and address of the applicant;
 - △ the name and address of the inventor;
 - △ a specification comprising a description, claims and any necessary drawings; and
 - △ the country and filing particulars (including the serial number and filing date) of basic application whose priority is claimed.

- Appointment of Patent Agent.

- Filing of an assignment from inventor to applicant.

PCT National Phase Application:-

- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- One copy of the PCT specification as originally filed (in or translated to English);
- One copy of any amendments filed in the international phase (in or translated to English);
- An Appointment of Agent form signed by the applicant; and
- If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

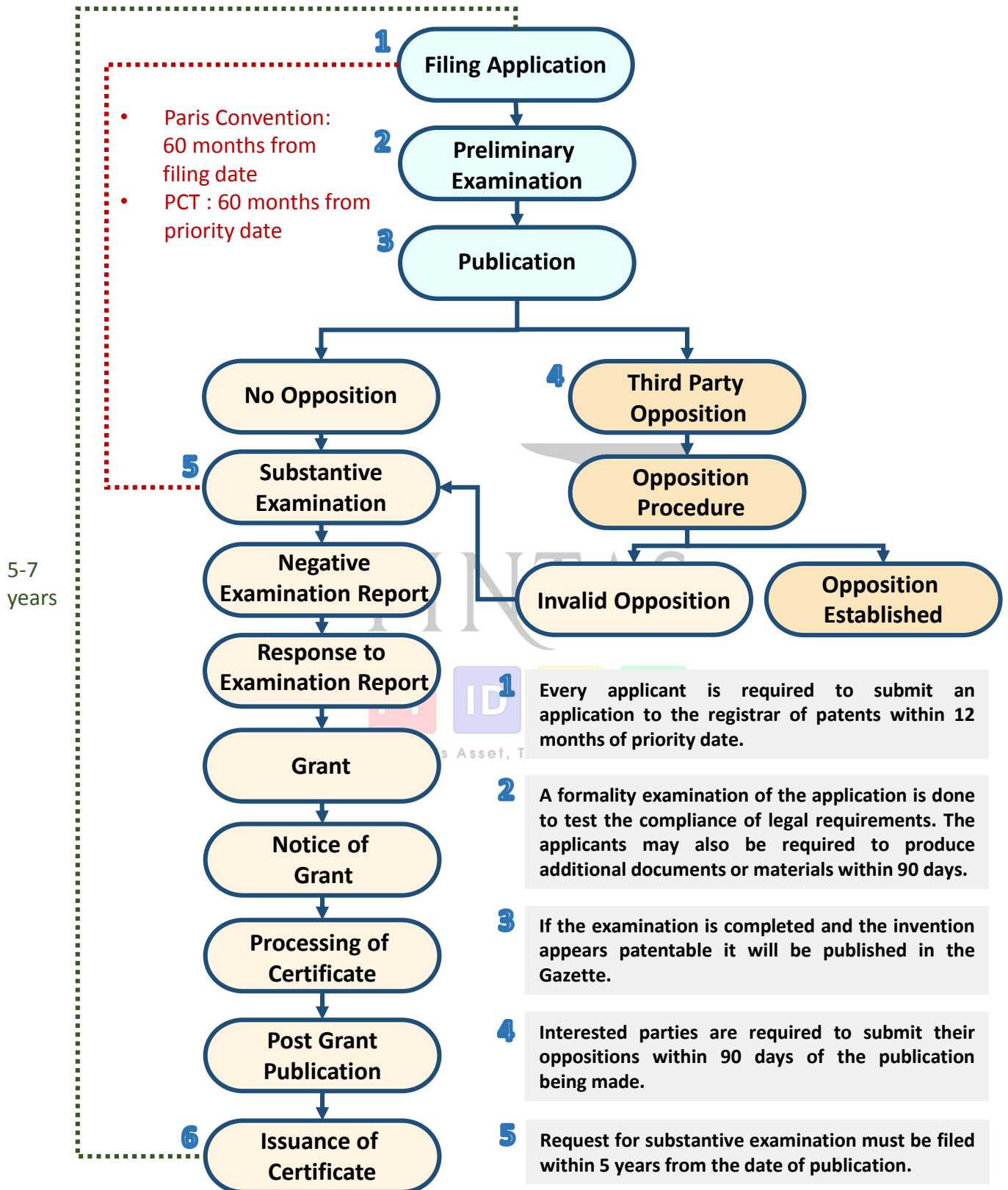
Documents To Be Furnished For Filing A Patent Application in Thailand

Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification (description, claims and abstract)		On filing date
Thai translation of the specification (description, claims, abstract)		Within 90 days from filing date
Drawings	(If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Priority documents	Certified copy from the respective Patent Office required	Within 16 months from the priority date or before publication
Power of Attorney	Duly signed and notarized	On filing date
Deed of Assignment (if applicant(s) is not inventor(s)/designer(s))	Signed by all inventor(s)/ designer(s) and applicant(s)/ Original required; No notarization required	On filing date
Statement of Applicant's Right (if applicant(s) is inventor(s)/ designer(s))	Signed by all inventor(s)/ designer(s) and applicant(s)/ Original required; No notarization required	On filing date

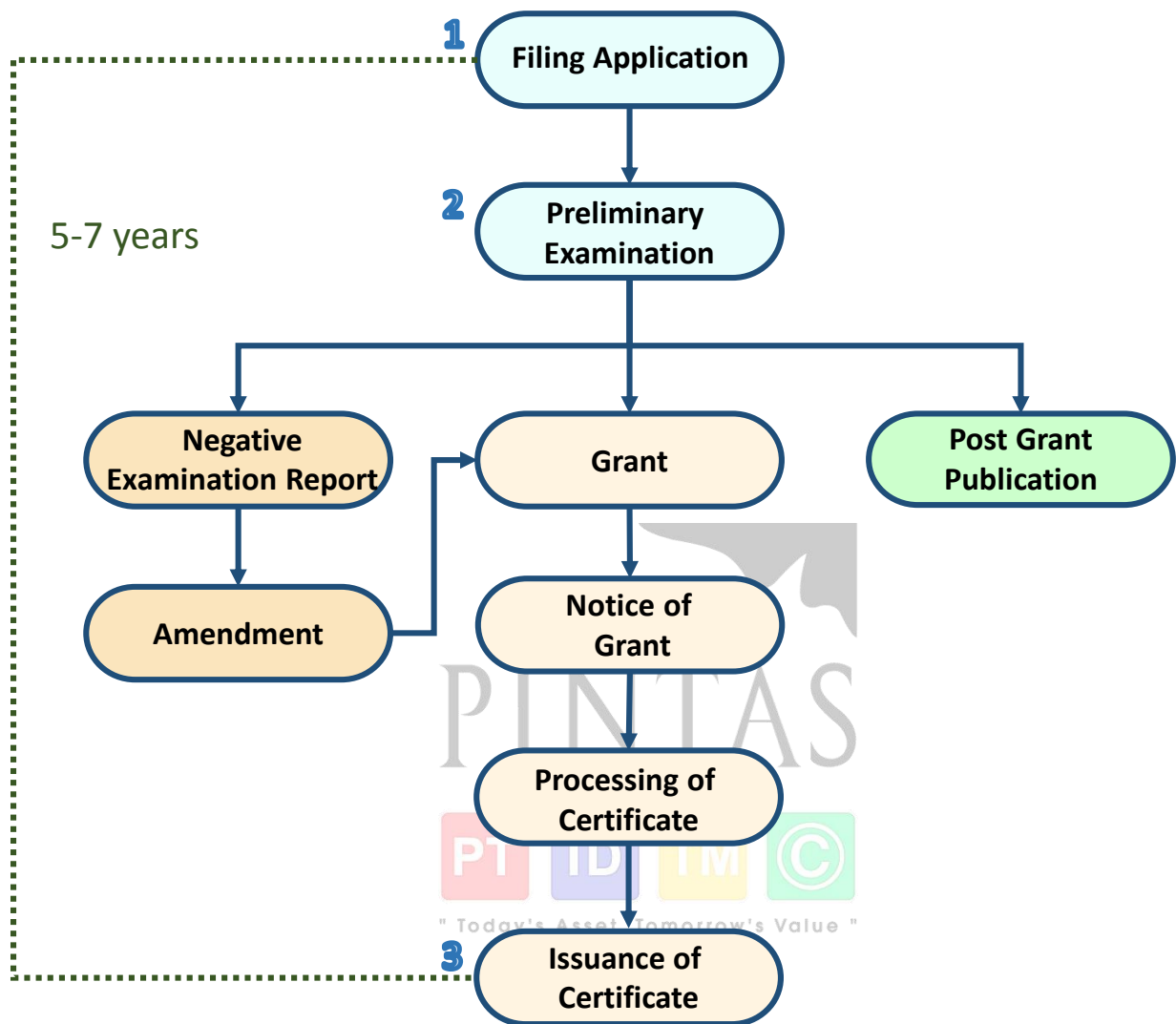
Basic Requirements		
Documents	Remarks	Time of Filing
Foreign examination report/ granted patent of the corresponding patent from one of the major patent office	Submission can speed up the examination	Date of request of substantive examination or anytime during examination

Patent Application Process In Thailand (Substantive Examination Regime)



6 In case there is no opposition and Examiner finds no mistake in the patent or product design patent, the Examiner shall order the applicant to pay the registration fee. After payment is received, the Registrar shall grant the Certificate of Registration accordingly.

Utility Model Patent Application Process In Thailand (Formality Examination Regime)



1 Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

2 A formality examination of the application is done to test the compliance of legal requirements. The applicants may also be required to produce additional documents or materials within 90 days.

3 In case there is no opposition and Examiner finds no mistake in the patent or product design patent, the Examiner shall order the applicant to pay the registration fee. After payment is received, the Registrar shall grant the Certificate of Registration accordingly.

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