



# THAILAND

## INDUSTRIAL DESIGN HANDBOOK

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## 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.

## Definition

"Design" means any form or composition of lines or colors which gives a special appearance to a product and can serve as a pattern for a product or handicraft.

## Criteria

A patent may be granted under this Act for a new design for industry, including handicrafts.

The following designs are not new:-

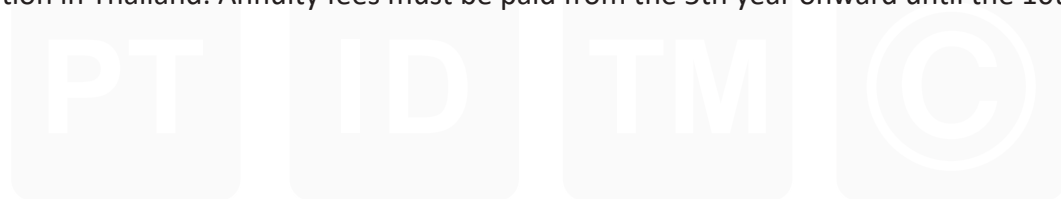
- a design which was widely known or used by others in this country before the filing of the application for a patent;
- a design which was disclosed or described in a document or a printed publication in this or a foreign country before the filing of the application for a patent;
- a design which was published under section 65 and section 28 before the filing of the application for a patent;
- any design so nearly resembling any of the designs prescribed in (1), (2) or (3) as to be an imitation.

## Rule of Priority

An Industrial Design Application must be filed within 6 months from its priority date.

## Duration and Renewal

A Registered Design can last for an initial period of 10 years from the date of filing of the application in Thailand. Annuity fees must be paid from the 5th year onward until the 10th year.



"Today's Asset, Tomorrow's Value"

## Procedures

### ▼ Application

Every design application has to be filed. A person who has filed an application for a design in a foreign country may claim the first foreign filing date as the filing date in the country if the application is filed in the country within 6 months following the first filing date in the foreign country.

### ▼ Preliminary Examination

A preliminary 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.

### ▼ Opposition

A substantive examination will be conducted by the examiner if no opposition has been expressed within 90 days of publication.

### ▼ Substantive Examination

No request for substantive examination is made for the registration of designs.

### ▼ Registration

A certificate will be issued upon payment of the issuance fee.

## Filing Requirements

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

- Application form:-
  - △ Name and address of the applicant;
  - △ Name and address of the designer (if different from applicant);
  - △ Country and filing particulars of application whose priority is claimed; and
  - △ Deed of Assignment is required when the applicant is not the designer.
- Power of Attorney.
- Drawings.
- Priority documents and certified English translation (if necessary) of the priority document.

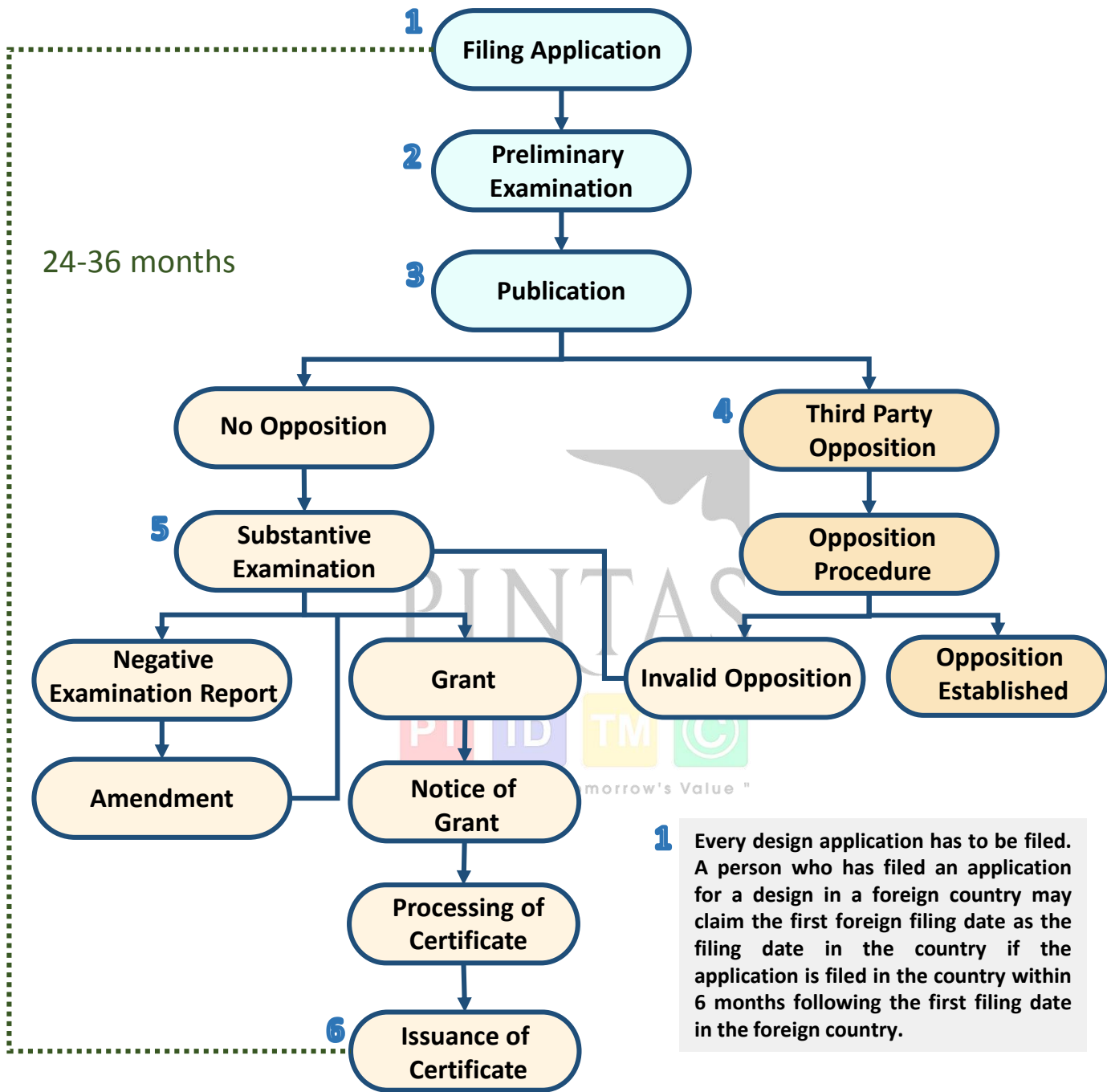
## Documents To Be Furnished For Filing An Industrial Design Application in Thailand

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Signed by applicant and notarized by the Notary Public	On filing date
Deed of Assignment	(if applicable) Signed by applicant and notarized by the Notary Public	On filing date
Drawing / Photographs	7-view orthographic drawings or photographs (must exhibit white background and be in grayscale) - front, back, left, right, top, bottom and perspective view.	On filing date

Additional Documents for Claiming Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified	2 months from filing



# Industrial Design Application Process In Thailand (Substantive Examination Regime)



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

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**5** No request for substantive examination is made for the registration of designs.

**6** A certificate will be issued upon payment of the issuance fee.

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