



# THAILAND

## TRADEMARK HANDBOOK

Copyright Reserved © PINTAS IP GROUP

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

### Legislation

Trademarks (No. 3) Act B.E. 2559 (2016) and Trademark Act B.E. 2534 (1991) (as amended up to Trademark Act (No. 3) B.E. 2559 (2016)).

### Definition

"Trademark" is defined as a mark used or proposed to be used on or in connection with goods to distinguish those trademarked goods from other trademarked goods. "Mark" is defined as a brand, name, word, letter, photograph, drawing, device, manual, signature, combinations of colors, shape or configuration of an object or any one or combination thereof.

### Criteria

A trade mark should contain the following features in order to claim registration:

- A distinctive mark which includes
  - △ a personal name, a surname which is not according to its ordinary signification, a name of juristic person or trade-name represented in a special manner;
  - △ a word or words having no direct reference to the character or quality of the goods and is not a geographical name prescribed by the Minister in the Ministerial Notifications;
  - △ a specially designed combination of colors, stylized letters, numerals or invented word;
  - △ the signature of the applicant or another person who has given his or her permission;
  - △ a representation of the applicant or of another person with his or her permission or of a dead person with the permission of his or her heirs;
  - △ an invented device.
  
- A mark must not include or consist of, among other things, the royal or official arms and crests, the national flag of Thailand or any other country; picture and signature of including name, word, statement or any mark indicating to the king, queen or heir to throne, emblem of the Red Cross, a mark which is contrary to good public peace or morals, a mark which is identical or confusingly similar to a well known trademark, whether it is registered or not, and geographical indication protected by the relevant law.
  
- A mark is not identical or confusingly similar to another person's registered mark in the same or related class.

### Membership

- √ - Paris Convention
- √ - Madrid Protocol

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 trademarks.

### Duration and Renewal

A trade mark is valid for a term of 10 years from the date of application filing and will could be renewed every 10 years. An application for renewal must be filed 90 days before the expiration date. A 6-months grace period is allocated after the expiry date for the renewal. Once the expiry date has passed, the trade mark will no longer have the benefit of any rights arising from registration.



"Today's Asset, Tomorrow's Value"

## Procedures

### ▼ Application

An application will be file by either the owner or his agent having a fixed place of business or address in Thailand with the Trademark Board.

### ▼ Examination

The examination of the application by the Trademark examiner will take 6-8 months for completion.

### ▼ Publication

The mark is published in the Official Trademark Journal if considered to be registrable.

### ▼ Opposition

The trademark will be granted registration if no opposition is made within 90 days of its publication.

### ▼ Registration

The applicant will be required to pay a registration fee within 30 days of receipt of notification. The time limit for a trademark registration varies from 12-18 months.

## Filing Requirements

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

- Application form.
- Power of Attorney.
- Thirteen (13) clear copy of the mark.
- The full name, nationality and registered address of the applicant.
- A list of goods or services (which closely follow the Nice International Classification).
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.

"Today's Asset, Tomorrow's Value"

## Documents To Be Furnished For Filing Trade / Service Mark Application

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Notarized	On filing date; or Within 60 days from the date of filing
Image/Representation of the mark	Electronic sample of the mark in black and white or in color-max 5cm x 5 cm	On filing date

Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic application. Documents in any other language has to be provided with its English translation.	On filing date; or Within 60 days from the date of filing
Declaration letter		On filing date; or Within 60 days from the date of filing

Documents for Filing a Request of Recordal of Assignments		
Documents	Remarks	Time of Filing
Power of Attorney from the Assignee	Notarization required	On filing date; or Within 60 days from the date of filing
Original Deed of Assignment	Notarization required	On filing date; or Within 60 days from the date of filing

### Documents for Filing a Request of Recordal of Change of Address

Documents	Remarks	Time of Filing
Power of Attorney showing the new address	Notarization required	On filing date; or Within 60 days from the date of filing

### Documents for Filing a Request of Recordal of Change of Name

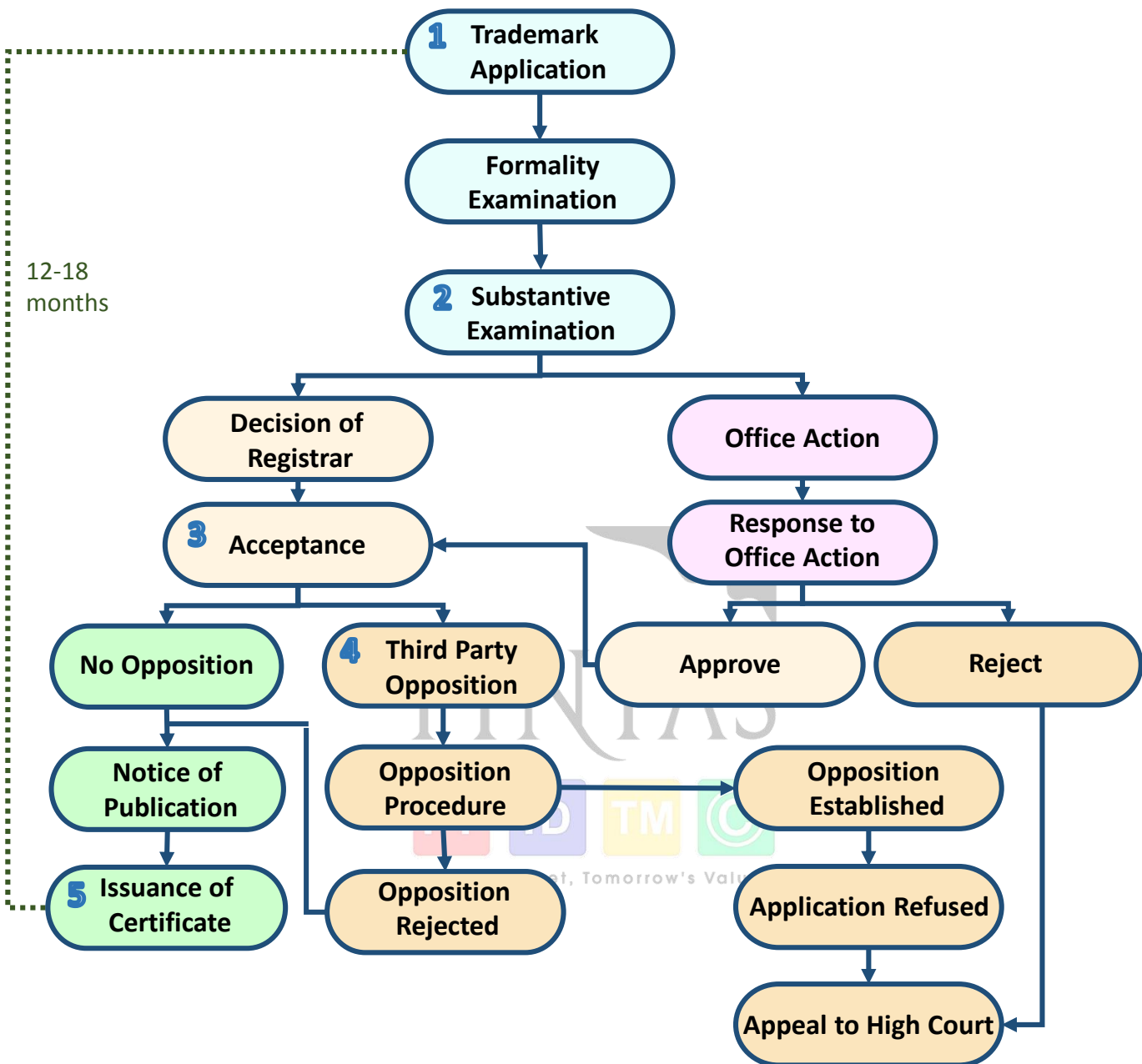
Documents	Remarks	Time of Filing
Power of Attorney showing the new name	Notarization required	On filing date; or Within 60 days from the date of filing
Original extract attesting the change issued by the company registry or any other competent authority	Notarization required	On filing date; or Within 60 days from the date of filing

### Documents for Filing an Opposition of Counter-Opposition

(Deadline for Applying is during 3 Months Publication Period of the Trade Mark Application to be Opposed)

Documents	Remarks	Time of Filing
Power of Attorney	Notarization required	On filing date; or Within 60 days from the date of filing
Any evidences to be supported the case such as copies of Certificate of Registration of the trademarks in many countries, Magazines, brochures and advertisement showing the use of trademark; copies of the invoices; history of the company and etc.		On filing date; or Within 60 days from the date of filing

# Trademark Registration Process in Thailand



**1** An application will be file by either the owner or his agent having a fixed place of business or address in Thailand with the Trademark Board.

**2** The examination of the application by the Trademark examiner will take 6-8 months for completion.

**3** The mark is published In the Official Trademark Journal if considered to be registrable.

**4** The trademark will be granted registration if no opposition is made within 90 days of its publication.

**5** The applicant will be required to pay a registration fee within 30 days of receipt of notification. The time limit for a trademark registration varies from 12-18 months.

MALAYSIA  
OFFICE

Kuala Lumpur / Corporate Office  
Pintas Consulting Group Sdn Bhd (461057-W)  
Add: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,  
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,  
Malaysia.

Selangor / Correspondence Operation Office  
Add: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.  
Tel: +603-7876 5050  
Fax: +603-7876 2678  
H/P: +6012-797 5077  
Email: [marketing@pintas-ip.com](mailto:marketing@pintas-ip.com)

SINGAPORE  
OFFICE

Pintas Pte Ltd (20010467111)  
Add: Suite 12-14, Manhattan House, 151 Chin Swee Road,  
Singapore 169876.  
Tel: +65-6250 2070  
Fax: +65-6737 1805  
H/P: +65-9747 2579  
Email: [pintas.sg@pintas-ip.com](mailto:pintas.sg@pintas-ip.com)

CHINA  
OFFICE

Pintas Inc (Customer Service Office)  
Add: Room1811, 18th Floor, Far East Tower,  
No. 1101 Pudong Road (s) Pudong, Shanghai,  
200120, China.  
Tel: +86-21 32180770  
Fax: +86-13 022176477  
Email: [pintas.china@pintas-ip.com](mailto:pintas.china@pintas-ip.com)

USA  
OFFICE

Pintas LLC (Customer Service Office)  
Add: P.O. Box 190943, Boise, Idaho  
83719-0943, United States of  
America.  
Tel / Fax: +1 208 899 8528  
Email: [pintas.usa@pintas-ip.com](mailto:pintas.usa@pintas-ip.com)

BRUNEI  
OFFICE

Pintas Consulting Group (Customer Service Office)  
Add: P.O.Box 18, Anggerek Desa Complex,  
BB3780 Brunei Darussalam.  
Tel: +673-873 8478  
Fax: +673-245 2112  
Email: [pintas.brunei@pintas-ip.com](mailto:pintas.brunei@pintas-ip.com)