

# I POTENTIAL



## THE LATEST ASEAN INTELLECTUAL PROPERTY UPDATE



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### EID Mubarak 2024

#### Greetings from Pintas IP Group

Pintas IP Group wishes you a joyous celebration and prosperous days ahead. Also, we are monitoring closely new directions from IP Offices in ASEAN countries.

In the interim, we are giving our best endeavors in ensuring operational continuity for your Asean IP needs through our customer service and e-services platforms, Pintas Digital Platform (eCommerce), and IP Hall Case Management System (management and monitoring module) accessible 24 hours every day.

Once again we thank you for your continued support in this uncertain time, our thoughts go out to those who have been affected by this difficult time and we pray for your good health and well-being.

## ASEAN IP NEWS UPDATE

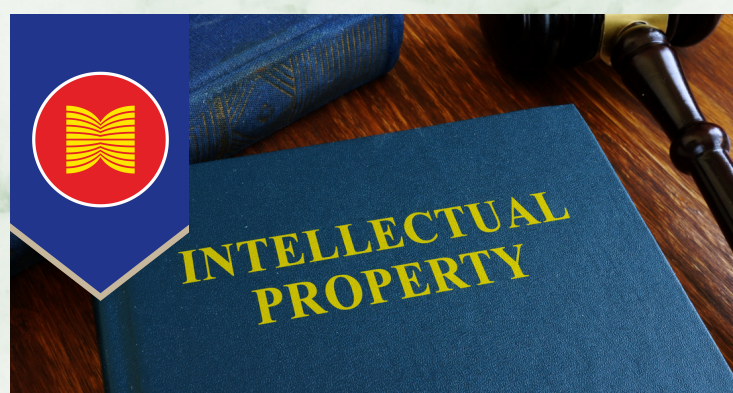
## ASEAN Collaborates with WIPO to Launch IP Register



On the 20th of August 2023, ASEAN in collaboration with the World Intellectual Property Organization (WIPO) officially launched the ASEAN Intellectual Property (IP) Register. The purpose of the ASEAN IP Register is to establish a one-stop IP information portal that will incorporate latest IP data from all 10 ASEAN Member States maintained by WIPO. Through a single portal, stakeholders are able to easily access complete sets of ASEAN IP data in order to conduct patent, trademark and design searches. The database can be accessed through the website of the ASEAN IP Portal, which also provides additional useful services such as the ASEAN GI Database and the ASEAN IP Case Law.

Before the launch of the ASEAN IP Register, those conducting IP searches would mainly use the official database of the relevant Registry of each individual ASEAN member state, WIPO'S Patentscope, WIPO's Global Brand Database or Madrid Monitor. Although information via these resources are easily accessible where international registrations are concerned, for national IP applications however, it is important to acknowledge that Patentscope or the Global Brand Database might not consistently include details about relevant ASEAN national applications. In such cases, individuals would be required to rely on the database of respective ASEAN Registry to conduct the searches. As such, difficulties arise as not all the ASEAN countries' Registry databases are available in English or are able to be searched online.

The introduction of the ASEAN IP Register which centralizes up-to-date intellectual property information from the 10 ASEAN member states would lessen the time and effort needed to conduct patent, trademark and design searches, which would potentially encourage more individuals within the 10 ASEAN member states to obtain patent, trademark or design protection.



Based on WIPO statistics in 2022, there was a significant growth in IP applications within the ASEAN region. Despite the challenges brought about by the COVID-19 pandemic, patent and industrial design applications increased by 70% and 80% respectively between 2012 and 2022. Similarly, trademark applications saw a growth of 110%. As a result, the WIPO Global Innovation Index 2023 predicted that the market value of ASEAN's top brands would exceed \$250 billion USD, highlighting the increasing worth of ASEAN's intangible assets.

The ASEAN IP Registry, along with various other technical projects by WIPO, offers ASEAN businesses and innovators access to high-quality IP services globally, developing a new strategy and method for IP commercialization within the ASEAN region. As such, IP applications within the ASEAN region would likely see a greater increase in the coming years.

Conducting a thorough search is crucial for a patent, trademark or design application. Ensuring that all relevant aspects are taken into consideration during the search process is no simple task, it is best to seek experienced IP practitioners to assist in conducting the search. Contact Pintas IP Group today to get expert advice on your patent, trademark or design application.

## ASEAN IP NEWS UPDATE

# IPOS Launched a New Framework for Enterprises to Disclose and Communicate Intangible Assets (IA)



A press release was issued by the Intellectual Property Office of Singapore (IPOS) on the 4th of September 2023 announcing the launch of the Intangibles Disclosure Framework (IDF) by the IPOS and Accounting and Corporate Regulatory Authority (ACRA). The new framework, of which is the first in the world, was introduced to provide a structure to disclose and communicate the value of intangible assets (IA) alongside new resources to help enterprises manage and communicate their intellectual property (IP).

More than 90% of value from the S&P 500 is made up of intangible assets. Considering the increasing importance of IA, the IDF offers a systematic and consistent approach for disclosing and communicating IA such as brand value, patents or registered designs.

Second Minister of Finance, Indranee Rajah stated at IP Week@SG 2023, “The IDF is part of the Singapore IP Strategy 2030 and is a key step to help enterprises commercialise their IA. Improving IA disclosures can lead to better investment decisions, improved risk management, and increased competitiveness in our markets”.



The disclosure principles in the IDF are based on four foundational pillars:

- **Strategy:** Assist enterprises to communicate how their IA contribute to their overall corporate strategy.
- **Identification:** Propose ways enterprises should categorise IA based on their nature and characteristics, facilitating comparability.
- **Measurement:** Guides enterprises and stakeholders to make better assessments of the performance of enterprises' IA through relevant metrics.
- **Management:** Helps enterprises identify, assess, and manage risks and opportunities related to their IA.

Intellectual property is one of the most valuable assets for an enterprise. The ability to systematically identify and align intangibles with strategy and performance empowers an enterprise to extract additional value from their IP, facilitating further expansion.

Learn more on Intellectual Property protection in Singapore or other countries within the ASEAN region by contacting [Pintas IP Group](#) today!

## THAILAND IP NEWS UPDATE

### Thailand: Fast Track Examination for Trademark Applications

In the past few years, the Department of Intellectual Property of Thailand has introduced two fast track examination schemes in order to speed-up trademark applications in Thailand. The first, which applies to applications filed from 1st January 2022 onwards is the First Action Fast Track examination process, and the second is the Accelerated Examination of Trademark Applications for Urgent Use which took effect on the 3rd of January 2023.



#### The First Action Fast Track (FAFT) Examination Process

The Department of Intellectual Property (“DIP”) of Thailand launched the First Action Fast Track examination process for trademark applications filed with the Trademark Office (TMO) of the DIP from 1st January 2022 onwards. Under the FAFT examination process, applications examined will receive the first office action order from the TMO within 6 months from the filing date. However, in order to be eligible for the FAFT examination process, several requirements must be met.

#### Requirements for the FAFT:

1. The application covers only 50 items or less of goods and services, more than 50 will not be eligible.
2. The specifications of goods or services stipulated in the application must be compliant with the suggested specifications of goods and services of the DIP which is provided on the DIP website (<https://tmsearch.ipthailand.go.th>).
3. Once the application is filed, the applicant must not request any amendments to the application. This includes, requests to amend any particulars of the application or an assignment or inheritance of rights over the application, or submit any evidence to prove distinctiveness of the trademark which affects the length of the application examination period.
4. The application must be filed with the TMO at the DIP, a provisional commercial office, other government offices designated by the DIP, by post or through the e-Filing System of the DIP.

The FAFT examination process does not apply to the examination of applications for the international trademark registration under the Madrid Protocol.

#### The Accelerated Examination of Trademark Applications for Urgent Use

The DIP announced on the 22nd of December 2022 that starting from the 3rd of January 2023 trademark applicants may request the TMO to accelerate the trademark examination process within 4 months from the filing date if the applicant urgently needs to use the trademark applied for in Thailand. Similar to the FAFT, to qualify for the scheme, the application must meet certain requirements.



#### Requirements for the Accelerated Examination of Trademark Applications for Urgent Use:

1. The application must be submitted through the DIP or TMO e-filing system.
2. The application must cover no more than 10 items of goods and services in a single class.
3. The specifications of goods or services stipulated in the application must be compliant with the suggested specifications of goods and services of the DIP which is provided on the DIP website (<https://tmsearch.ipthailand.go.th>).

## THAILAND IP NEWS UPDATE

### Thailand: Fast Track Examination for Trademark Applications

4. All required documents in support of the application must be filed with the application.
5. Once the application is filed, the applicant must not request any amendments to the application. This includes, requests to amend any particulars of the application or an assignment or inheritance of rights over the application, or submit any evidence to prove distinctiveness of the trademark which affects the length of the application examination period.
6. A request must be submitted (in the form provided by the DIP) for the accelerated examination with evidence to express the urgency to use the mark.
7. The applicant must conduct trademark searches in the DIP trademark database, the TM View database and the Global Brand database and submit a report of the results along with search evidence to the WTO.
8. The applicant must undertake that, in the event that the applicant's application is published or the applicant's trademark is registered under the accelerated examination procedure for urgent use, however its publication or registration is subsequently cancelled due to the priority claim of another party who subsequently files an application for the same or similar trademark on the basis of a foreign priority application or an international exhibition of goods or services under that priority trademark, the applicant will not possess any rights to damages against the State or DIP.



Applicants of the accelerated examination will be notified by the TMO of the outcome of their application within 15 days from the receipt of the required documents. If the TMO determines that the application does not satisfy the criteria for accelerated examination as outlined above, it will proceed to examine the application through the standard examination process.

Thailand has been actively improving its Intellectual Property (IP) laws to encourage more innovation and foreign investments. There are many other new intellectual property provisions established by the DIP of Thailand such as the fast-track program for examination of patent applications in the medical science field; the patent to be examined within 12 months from the date of filing. Further, the Copyright Act was also updated to incorporate new clauses, such as acknowledging various types of online service providers, extending safe harbor protections to these providers, and implementing a fresh Notice and Takedown mechanism for handling copyright infringements without requiring court intervention.

Those interested should seek experienced IP practitioners to assist in their Trademark, Patent or Copyright applications in order to fully utilize the new benefits provided by the DIP of Thailand. For more information, contact [Pintas IP Group](#) today.