

IP Localization: The case of Thailand

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Agenda

- Patent
- Petty Patent
- Software Patent
- UI
- Design
- Things you should also be aware
- IP Management

Patent

- Specification and claims need to be translated into Thai.
- For PCT national phase, at least the drawing, the translated abstract and claims are required when filing.
- Normally, the Examiner prefers to rely on the examination report overseas, particularly from the major Patent Office(s) and therefore it is advisable to submit a copy of the same during the substantive examination in order to support the consideration. If such copy of the examination report is available, the local search will not be required. However, the Thai claims should be conformed with the granted claims of the corresponding application.
- ASPEC is available.
- 12 months from filing to publication, publication takes 90 days
- The request can be filed within the period of 5 years after publication.

Petty Patent: Some Statistical information

- From filing to the first notification: 6-12 months
- From filing to registration: 12-16 months
- Recent cases- from filing to registration: 6 months
- Please note that the timeframe may be varied depending on the field of invention and clarification that may be requested based on the discretion of the Examiner.

Petty Patent

- There is no formal substantive examination.
- However, during the formality examination, the Examiner may refer to the prior arts and ask the Applicant to further explain the differences between the prior arts and the proposed invention and incorporate such difference into the specification.
- For a petty patent, generally, the scope of the search conducted by the Examiner is based on the local patent/petty patent database. However, this is not a limitation with regard to the possibility in asking for a clarification.
- To minimize this likelihood, the detailed explanation emphasizing the differences between the proposed invention and the prior arts can be added in the specification.

Software Patent

- Preliminary Check list
 - What is our main purpose of use?
 - Is there any technical solution to such use?
 - What are the applicable applications?
 - Is there any hardware involved?
 - Can be implemented via different language?
Hardware?

Software Patent

- Case studies

Spectrum

- Software + hardware (monitoring / control/ sensor)

- software enabling services

- software for E-commerce / recommendations

- web service (infrastructure level)

- Calculation related software



Difficulty

UI

- Can it be protected in Thailand?
- Amendment(s) to reflect the elements to be protected
- Case Studies

Design

Shape? UI? Designed pattern? Internal structure? Partial design?

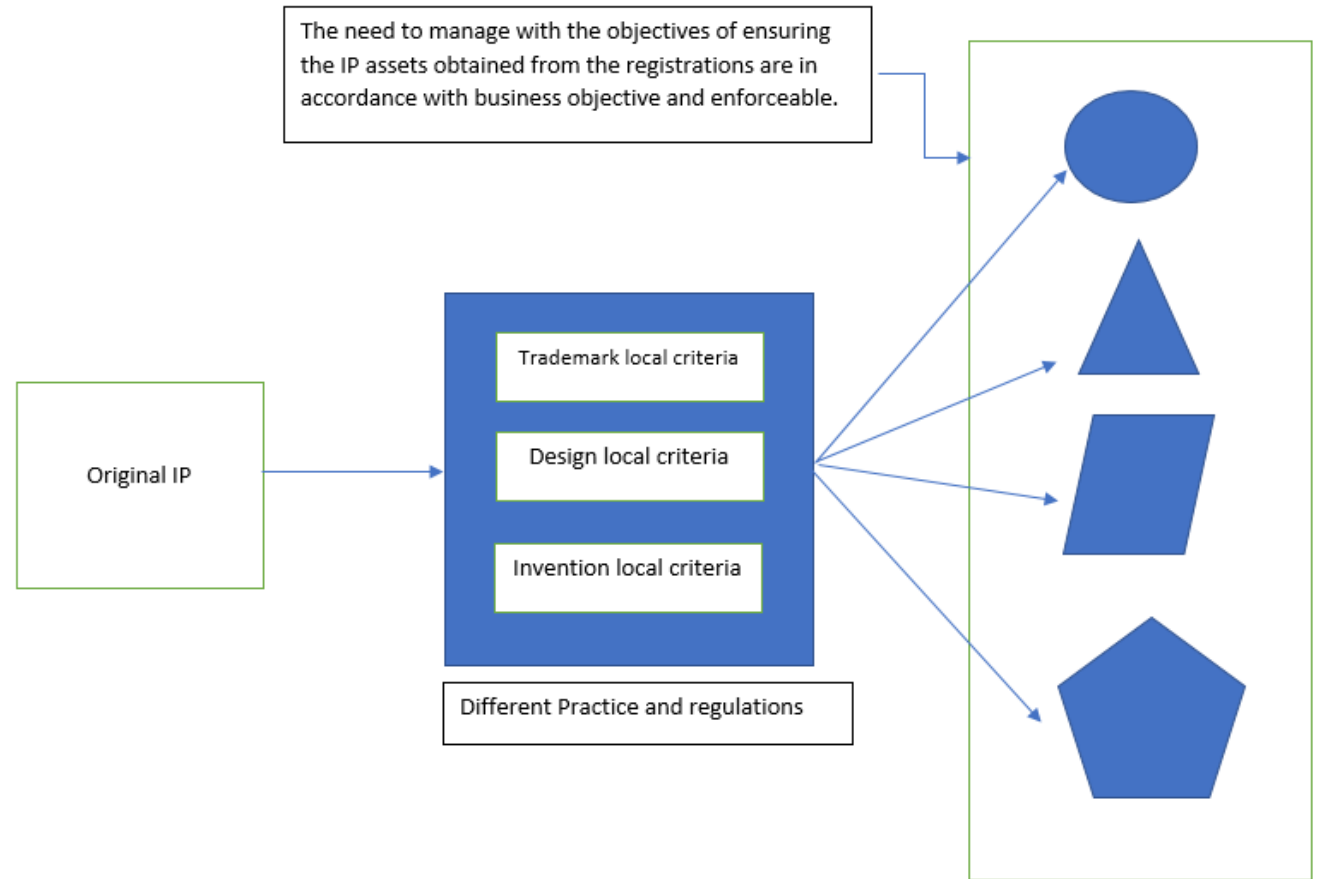
Design

- One application should correspond to only one design (multiple design is not available).
- The required views are front, back, left, right, top, bottom and perspective views. The lines should be solid lines and have the same level of thickness.
- Dotted lines should not be used for designating the parts to be claimed and that the lines should be solid lines without shades/surfaces rendered (partial design is not available).
- With these current requirements, amendments are likely to be required for filing the designs in Thailand.
- Timeframe from filing to registration is around 1.5 to 2 years.

Things you
should also be
aware

- Trademark Practice in Thailand
- Specialized Court

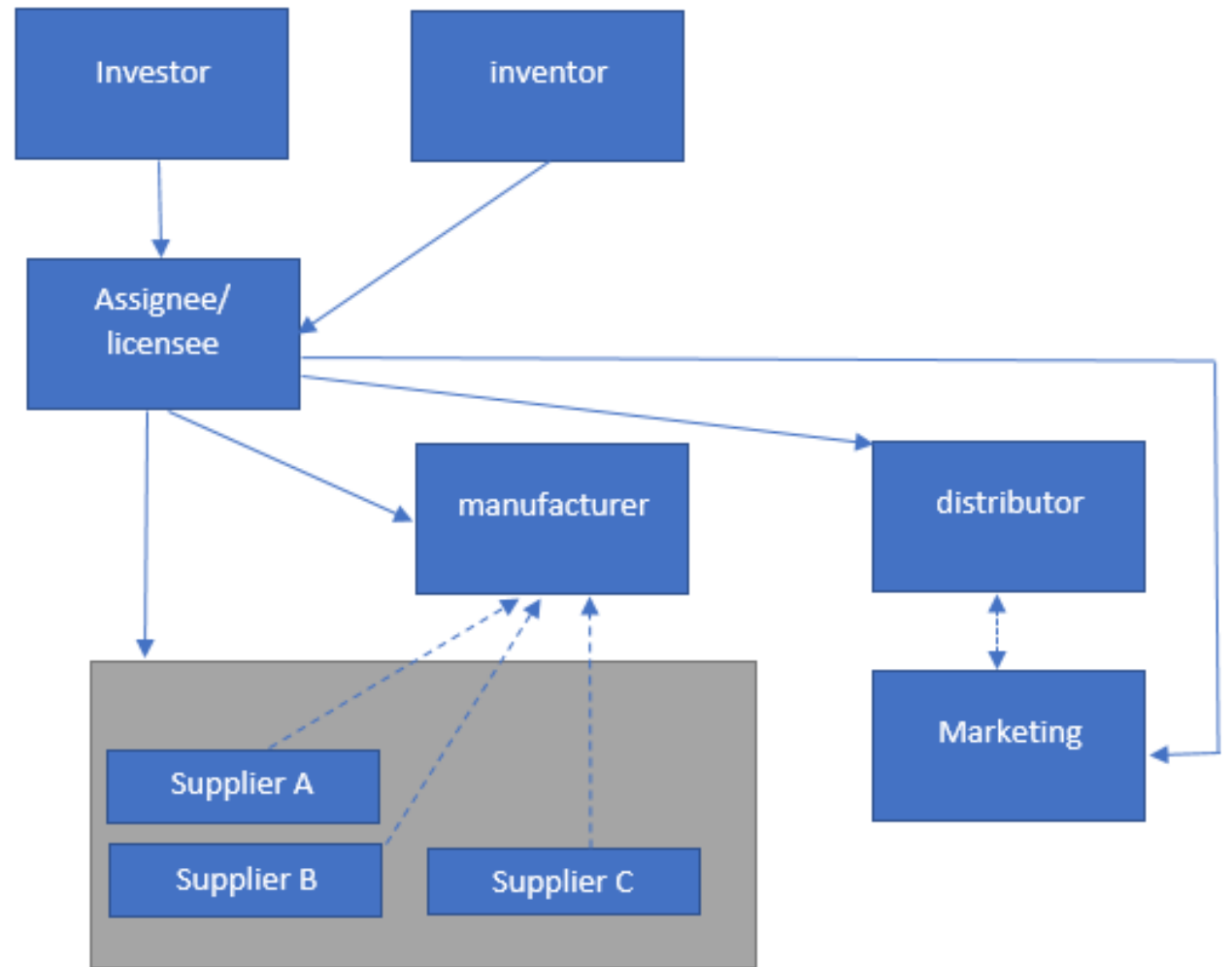
IP Localization



Stakeholders

- Investors
- Business people/ Business consultant
- Colleagues
- researchers
- Customers / community
- Suppliers
- Distributors
- Government?

Common scenario



Related legal documents

- Technology Assignment Agreements
- Invention Assignment Agreements
- Development Collaboration Agreement
- Brand / Technology/ Patent licensing
- Non-Disclosure Agreements
- Employee Contracts

Thank you

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