



THE RECENT REFORM OF LEGAL REGIME AND EXAMINATION PRACTICE IN THAILAND

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THAILAND

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The background of the slide is a light gray gradient. It is decorated with several realistic water droplets of various sizes, primarily located in the top-left, top-right, and bottom-right corners, creating a clean, modern aesthetic.

CHANGES TO SUBSTANTIVE/PROCEDURAL PROVISIONS

CHANGES TO SUBSTANTIVE PROVISIONS

Expand the definition of MARK	Sound ✓	32 applications until now (P)
	Scent	
	Hologram	
	Moving mark	

CHANGES TO SUBSTANTIVE PROVISIONS

Invented word

Spell out distinctiveness
requirements clearly

Stylized letter or numeral

Invented device

Picture having no direct reference to the character or quality of the goods, and not being a picture of a map or geographical site

Shape which is not the natural form of the goods or a shape which is not necessary to obtain a technical result of the goods or a shape which does not give value to the goods

Sound having no direct reference to the character or quality of the goods or sound which is not the natural sound of the goods or sound which does not result from the functioning of the goods

CHANGES TO SUBSTANTIVE PROVISIONS

Conflicting Mark

Identical mark : same class or different class of the same character

- (not using the word “related goods”)

Similar mark : same class or different class of the same character + public might be confused or misled as to the ownership or origin of the goods

- (not using the word “related goods”)

CHANGES TO SUBSTANTIVE PROVISIONS

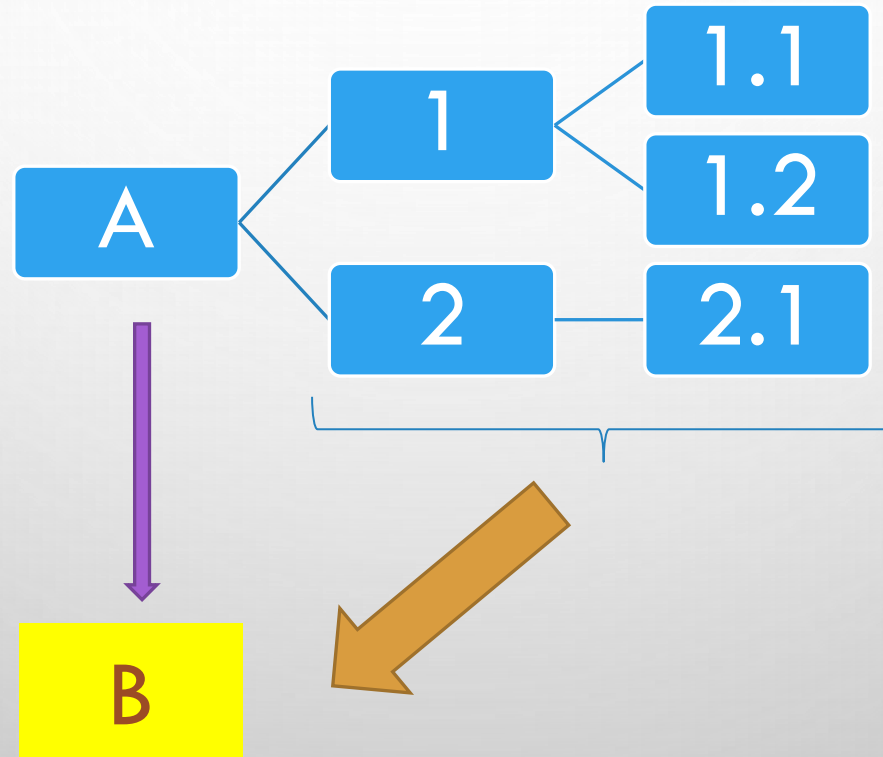
Using packaging or utensils bearing others' registered trademark

Mislead public into believing that the goods belongs to the others

Imprisonment not exceeding 4 years or fine not exceeding 400,000 Baht or both

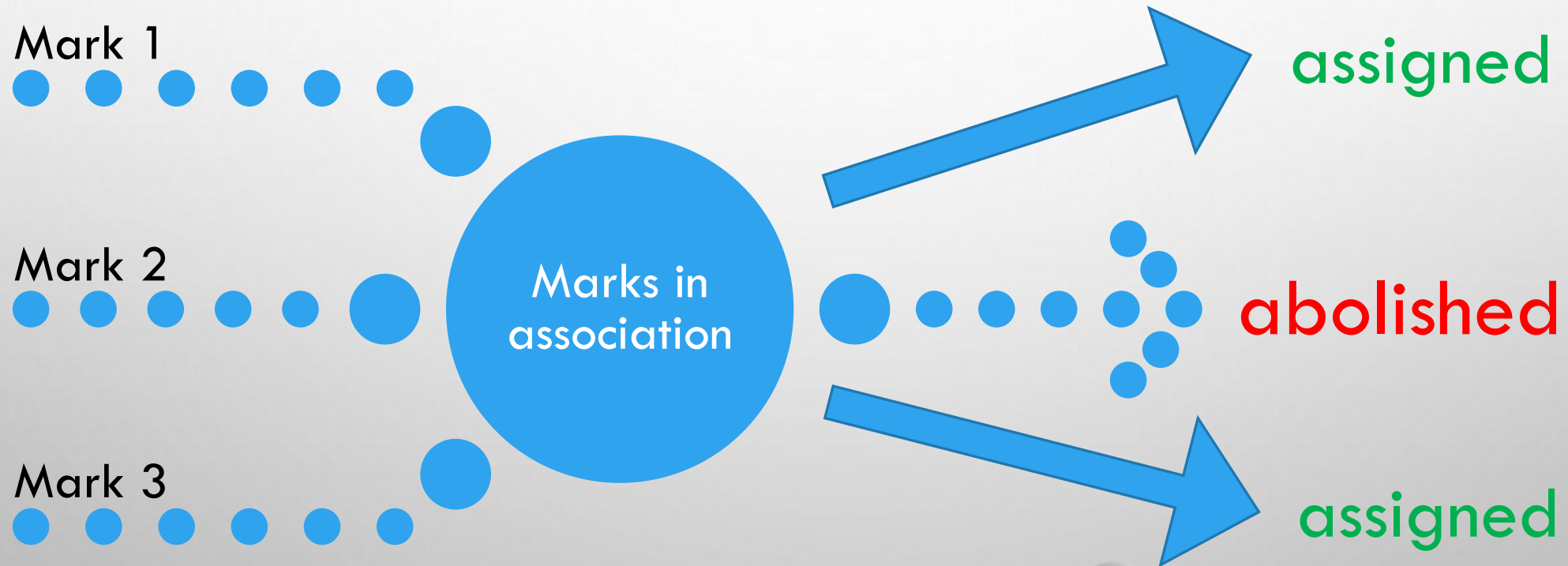
CHANGES TO PROCEDURAL PROVISIONS

Assignment of a mark does not automatically terminate the license agreement



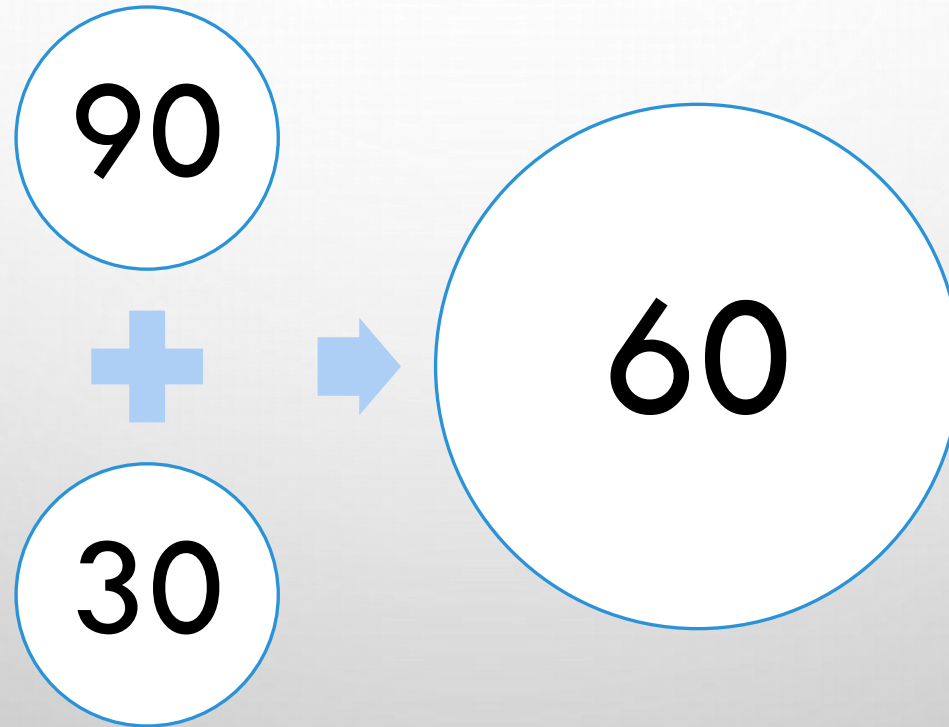
CHANGES TO PROCEDURAL PROVISIONS

Madrid



CHANGES TO PROCEDURAL PROVISIONS

Time limit to
respond to
office's actions



CHANGES TO PROCEDURAL PROVISIONS

Madrid

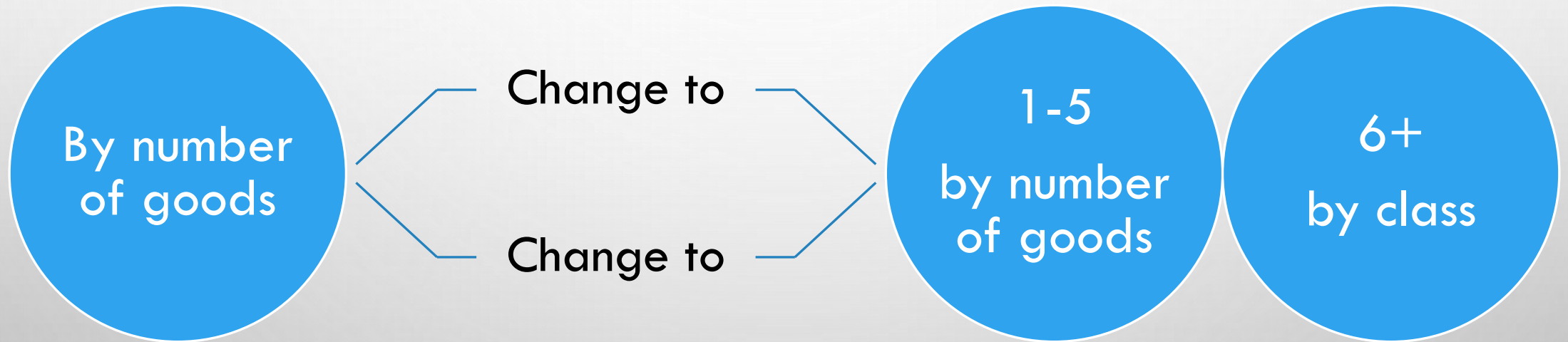
Single-class
application



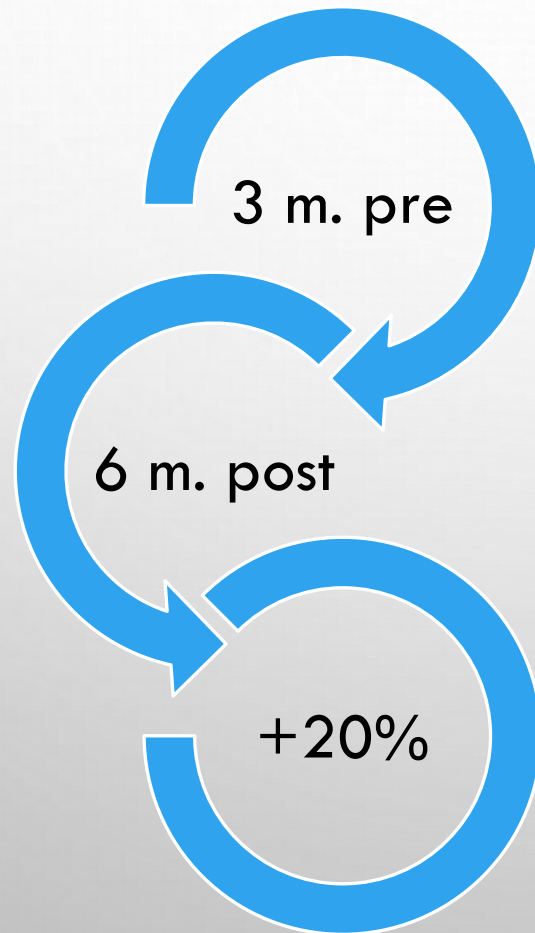
Multi-class
application

CHANGES TO PROCEDURAL PROVISIONS

Madrid



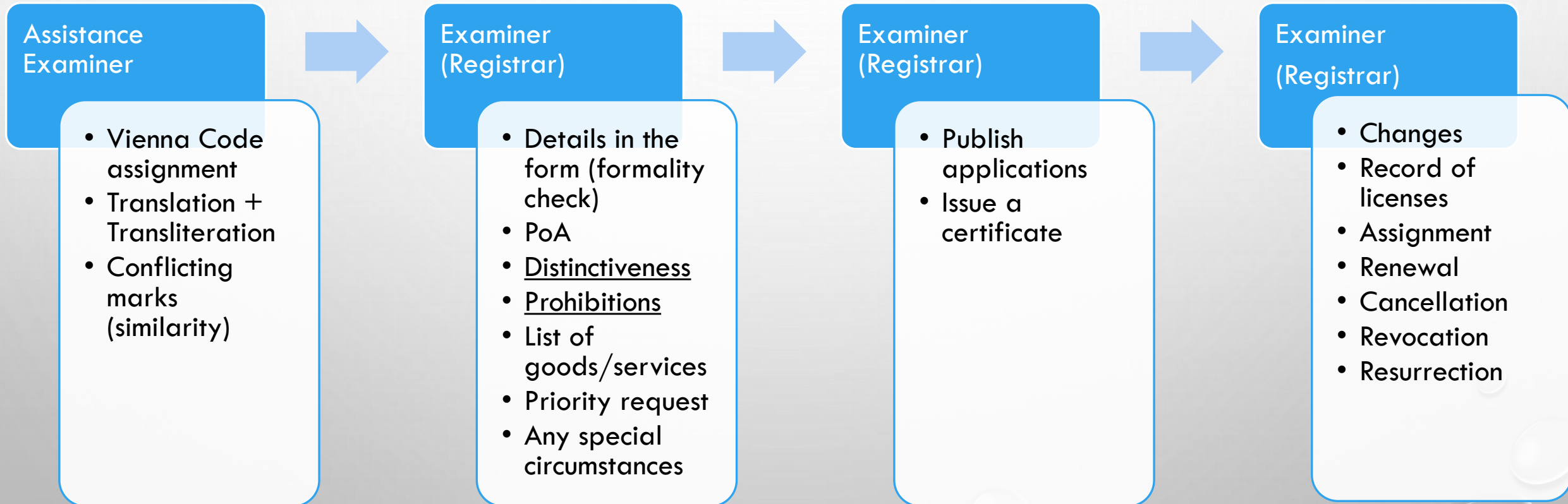
CHANGES TO PROCEDURAL PROVISIONS





EXAMINATION PROCEDURE

EXAMINATION PROCEDURE



EXAMINATION PROCEDURE

Assistant
Examiner

Vienna Code Assignment

Assign to every
mark

Translation/ Transliteration

All foreign language
must be translated

Chinese word mark
must provide
Mandarin and
Teochew
pronunciations

Conflicting Marks

Goods of the same
or different class
having the same
characters

Issue a report

EXAMINATION PROCEDURE

Examiner

Distinctiveness

Personal name
and company's
name must be
stylized.

Letter and
number must be
stylized.

Geographical
name not
accepted

Prohibition

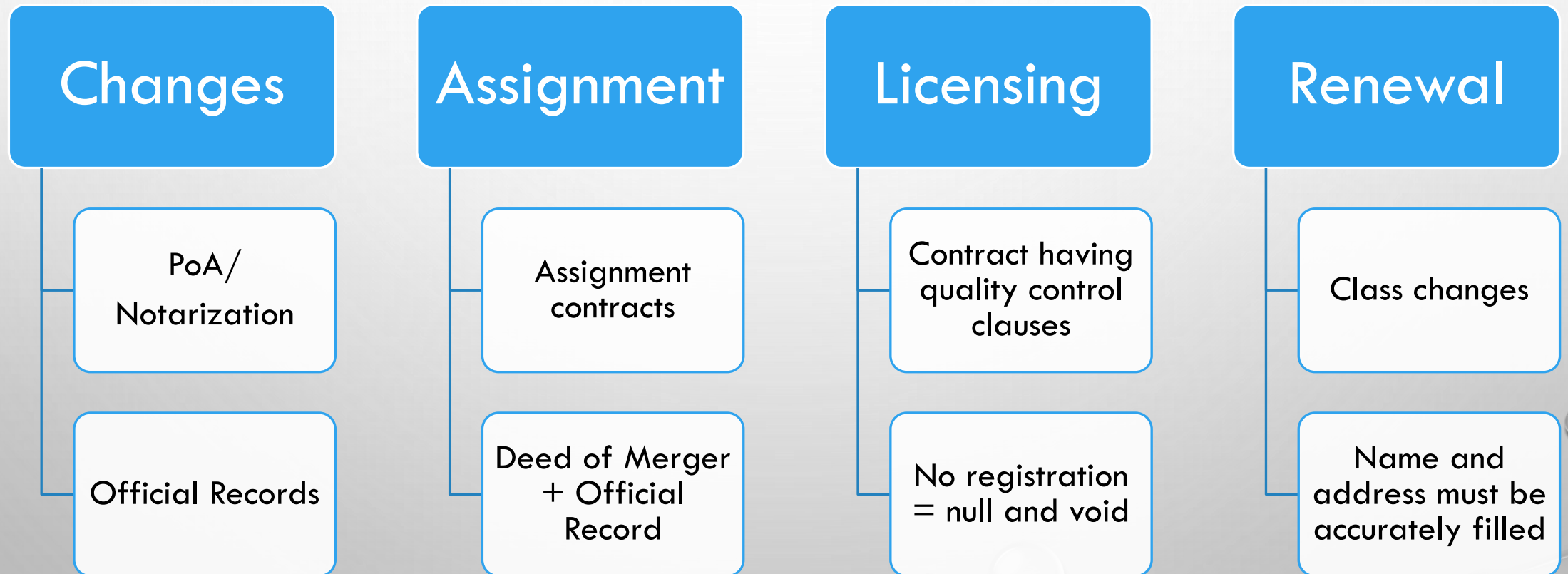
Royal family's

Well known
mark

GI and certain
marks
prescribed by
the Minister

EXAMINATION PROCEDURE

Examiner



The background of the slide is a light gray gradient. In the top-left and bottom-right corners, there are several realistic water droplets of various sizes, rendered with soft shadows and highlights to give them a three-dimensional appearance. In the center of the slide, there is a faint, circular watermark. The watermark contains a stylized globe with latitude and longitude lines, and the text "www.ck12.org" is visible around the perimeter of the circle.

EXAMINATION PRACTICE

EXAMINATION PRACTICE

Formality

Require clear description of goods/service; class heading not allowed

Black and white mark still covers all colors

Single color mark not allowed

Agent can be anyone having an address in Thailand

EXAMINATION PRACTICE

Formality

Fee for recording a license payable in 2 parts

Fees payable in 2 parts for national filing only

Partial assignment of an application not available

No re-grouping of partially assigned registered mark

EXAMINATION PRACTICE

Substantive

Letter of consent not available in case of conflicting mark

No concept of standard character

1-3 un-stylized letters not accepted

Word mark of descriptive nature tends to be rejected

EXAMINATION PRACTICE

Substantive

List of things commonly used in trade cannot prove secondary meaning

Well known mark no longer listed; consideration based on genuine fact

Prohibited geographical names must be known to Thai people in general

Refusal on changes, assignment, licensing, renewal cannot be appealed to the TM Board

RECOMMENDATIONS

Consult list of
goods from DIP's
website

Unfortunately it is available in Thai only, need local agent

Avoid un-stylized
letter and
descriptive words

Other peculiar practices exist, need to consult local agent

Fail to react to
refusal on renewal
has severe penalty

Mark will be revoked



END

QUESTIONS & ANSWERS