

Non-Traditional Marks



Trademark Office
Department of Intellectual Property
Thailand

Be Registrable

There are three requirements for a mark to be accepted for registration. The mark must be:

1. distinctiveness (Section 7)
2. not be prohibited under Act (Section 8)
3. not be identical or similar to another' person trademark (Section 13)

Case 1 : *Trademark Application -Sound*

Mark :



Goods : car; van., Class 12

Description of the Mark : The mark consists of music

Examination :

- Examine song/ music

Make a decision : Registrable

Reason to registration :

1. distinctiveness
2. not be prohibited under Act
3. Not be identical or similar to another' person trademark

Case 2 : Trademark Application -Sound



Mark :

Goods : drug for pain relieving; Fever reducing sheet; Bandage etc., Class 5

Description of the Mark : The mark consists of human' voice "Hisamitsu" And music

Examination :

- Examine human' voice "Hisamitsu"
- Examine words "Hisamitsu"

Make a decision : Registrable

Reason to registration :

1. distinctiveness
2. not be prohibited under Act
3. Not be identical or similar to another' person trademark

Case 3: Trademark Application -Sound

Mark :



Goods : pants; baby diapers; breast pads., Class 5

Description of the Mark : The mark consists of song/music and human' voice

Examination :

- Examine human'voice and song/music
- Examine words "MAMY POKO"

Make a decision : Registrable

Case 3: Trademark Application -Sound

Disclaim : “PANTS HAPPY DAY AND NIGHT CHAI DAI TUNG
KLANGWAN LAE KLANGKUEN”

[Reason to disclaim : phrase hence directly describe the product's characteristic and qualification.]

Reason to registration :

1. distinctiveness
2. not be prohibited under Act
3. Not be identical or similar to another' person trademark

Case 4: Trademark Application -Sound

Mark :



Goods : Body massage cream., Class 5

Description of the Mark : The mark consists of human's sound “clein”

Examination :

- Examine human's sound “clein”
- Examine words “clein”

Make a decision : **Refusal**

1. **Lack of distinctiveness** *Because the word “clein” it mean relieve in thai language. Also word “clein” hence directly describe the product’s qualification.*

2. Not be prohibited under Act

3. Not be identical or similar to another’ person trademark

Case 5: Trademark Application – Three-dimensional

Mark :



Goods : Distilled spirits; Irish whiskey., Class 33

Description of the Mark : three-dimensional bottle device, views from the back ,front, top, bottom.

Case 5: Trademark Application – Three-dimensional

Mark :



Examination :

- Examine bottle

Make a decision : **Refusal**

1. **Lack of distinctiveness** because bottle pictorial is a common shape of bottle which used to contain any liquid of goods. It does not enable the public or users to distinguish the goods with which the trademark is used from other goods

2. Not be prohibited under Act

3. Not be identical or similar to another' person trademark

Case 6: Trademark Application – Three-dimensional

Mark :



Goods : Alcoholic beverages (except for beers); brandy; rum.,
Class 33

Description of the Mark : three-dimensional bottle device, views from
the back ,front, top, bottom, side

Case 6: Trademark Application – Three-dimensional

Mark :



Examination :


- **Examine** bottle

Make a decision : Registrable

1. **Distinctiveness** because bottle pictorial is represented in a special shape of bottle. It enables the public or users to distinguish the goods with which the trademark is used from other goods.

2. Not be prohibited under Act

3. Not be identical or similar to another' person trademark

A photograph of a penguin leaping through the air between two large, white ice floes. The penguin is in mid-air, with its wings spread and its body angled forward. The background shows a blue sky with light clouds and a dark blue ocean. The text "Thank you....." is overlaid in the center of the image.

Thank you.....