



The Evolving Global Trademark Landscape in Thailand

Somboon Earterasrun

External Expert, SEA IPR SME Helpdesk

Partner, Tilleke & Gibbins (Bangkok, Thailand)

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Speaker's Bio

Name: Somboon Earterasarun
Firm: Tilleke & Gibbins
Location: Bangkok, Thailand
Email: Somboon.E@tilleke.com



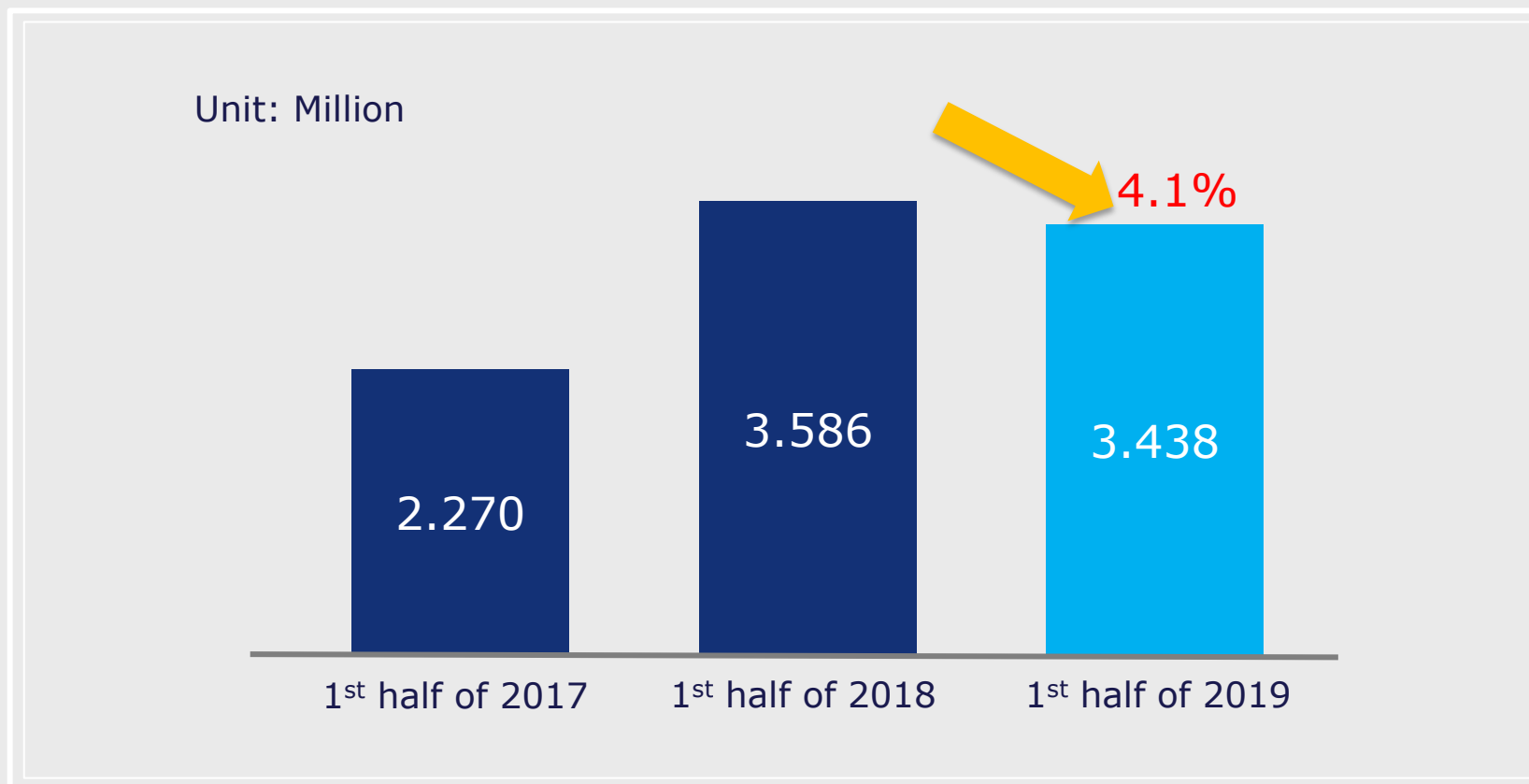
Somboon Earterasarun is a partner in the Tilleke & Gibbins' intellectual property group. He has extensive experience handling a diverse range of IP matters across various Southeast Asian countries and beyond. Somboon is well known for his vast knowledge of IP protection and he has presented on the topic to numerous organizations based in ASEAN. He is also an expert in formulating strategies for the successful management of worldwide trademark portfolios as well as employing customized techniques for protecting and enforcing clients' trademark rights on a global basis. He specializes in international trademark registrations, licensing, assignments, copyright recordal, software recordal, and in reviewing and constructing distributorship contracts.

Somboon represents several giant Thai companies (private and public) in investing and protecting their trademarks in both domestic and overseas markets. He also devotes much time to teaching Thai entrepreneurs about the importance of intellectual property rights. Somboon is an active member of the Intellectual Property Association of Thailand (IPAT), the Association of European Trade Mark Owners (MARQUES), ASEAN Intellectual Property Association (AIPA), and Asian Patent Attorneys Association (APAA), and is a qualified Patent Agent certified by the Department of Intellectual Property.

The Evolving Global Trademark Landscape in Thailand

- Global filing trends
- Challenges for brand owners
 - **Brand expansion and extension**
 - **Hybrid filing strategy**
 - **Defensive strategy**
- Offline to Online Trademark Infringement
- Key takeaway

Chinese trademark applications in the first half of 2017-2019



Source: http://www.gov.cn/xinwen/2019-07/09/content_5407634.htm

Chinese trademark applications in the first half of 2017-2019

In the first half of 2019, the number of trademark registration applications in China reached 3,438,000, **down 4.1%** year-on-year, **the number of trademark registrations reached 3,515,000, up 67.8% year-on-year.** The number of the trademark applications filed by the foreign applicants reached 12,700, up 15.4% year-on-year. The top 3 countries for trademark applications were the **United States** (up 12.6%), **Japan** (up 31.4%), and **British** (up 56.9%).

In the first half of 2019, the number of the trademark review applications reached 198,000, and 159,000 cases were closed. **The number of Madrid international trademark registrations by the Chinese applicants reached 2,849.**

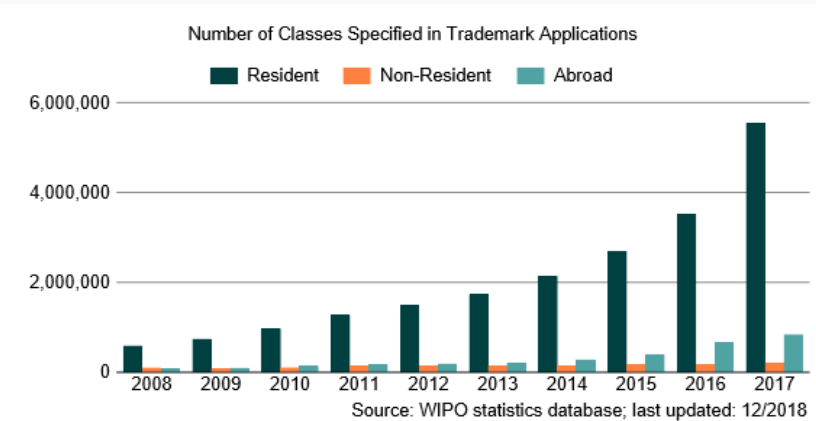
In the first half of 2019, the average examination period of the **trademark registrations was reduced to less than 5 months**; the period of trademark assignment was reduced to less than 4 months; the examination period of trademark reviews was reduced to less than 7 months; the examination period of the trademark change and renewal applications and the period of issuing the official filing receipt were reduced to less than 1 month.

Source: http://www.gov.cn/xinwen/2019-07/09/content_5407634.htm

WIPO – Statistical Country for China

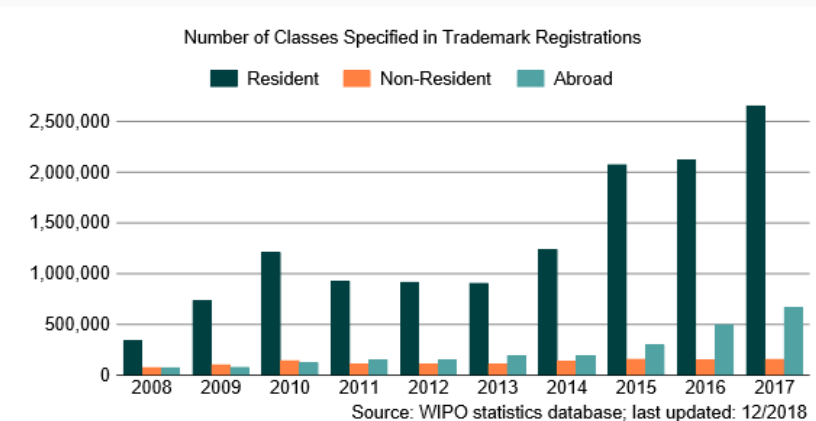
Number of Classes Specified in Trademark Applications

Year	Resident	Non-Resident	Abroad
2008	590,590	102,158	82,932
2009	741,811	85,338	96,260
2010	973,588	106,470	139,532
2011	1,273,901	140,675	172,015
2012	1,502,680	144,834	191,344
2013	1,733,457	144,932	207,451
2014	2,140,067	144,143	282,017
2015	2,699,251	169,333	401,061
2016	3,526,953	170,778	666,671
2017	5,539,086	200,737	842,426



Number of Classes Specified in Trademark Registrations

Year	Resident	Non-Resident	Abroad
2008	342,558	79,785	78,440
2009	737,308	107,217	82,325
2010	1,211,516	147,726	126,963
2011	926,424	114,547	152,606
2012	920,083	110,492	152,678
2013	909,625	110,654	196,806
2014	1,242,956	139,169	195,911
2015	2,077,113	162,322	301,101
2016	2,119,145	151,624	501,368
2017	2,656,147	161,400	673,603



Source: www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=CN

Are you ready for Brexit?

Are you ready for Brexit?

Trademark in The UK

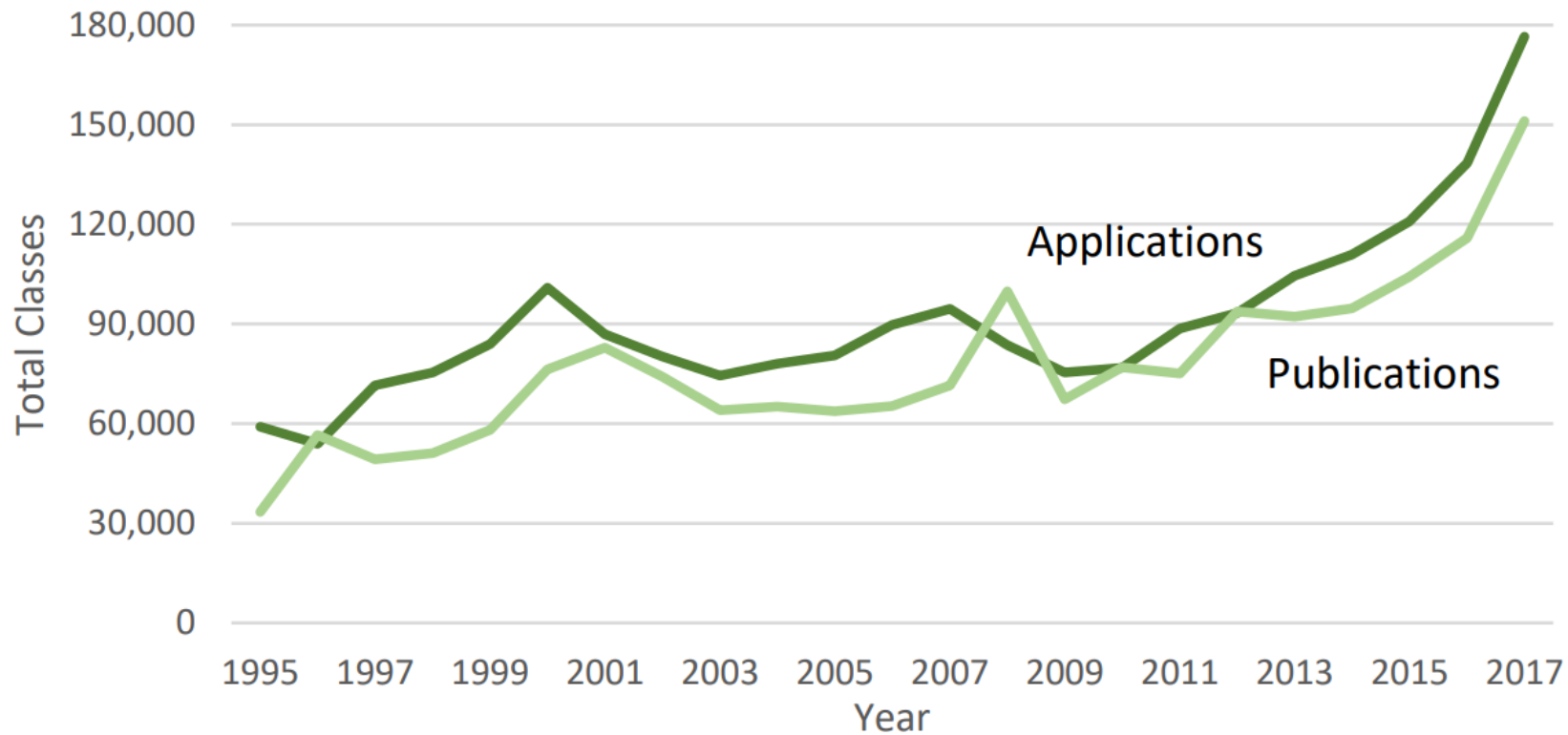
- **Received Trademark through 2 routes:**
 1. National UK applications filed at the UK Intellectual Property Office
 2. International Registrations designating the UK (IRs) received from the World Intellectual Property Office (WIPO).
- **The UK joined the Madrid Protocol on 1st April 1996.**
- **In March 2017 the Prime Minister formally started the process of the UK's withdrawal from the EU.**
- **The UK will leave the EU on October 31st, 2019?**

UK Trade Mark Activity 1995-2017

UK TRADE MARK ACTIVITY 1995-2017

Both National and International 1995-2017

Figure 27 UK Trade Mark Activity 1995-2017

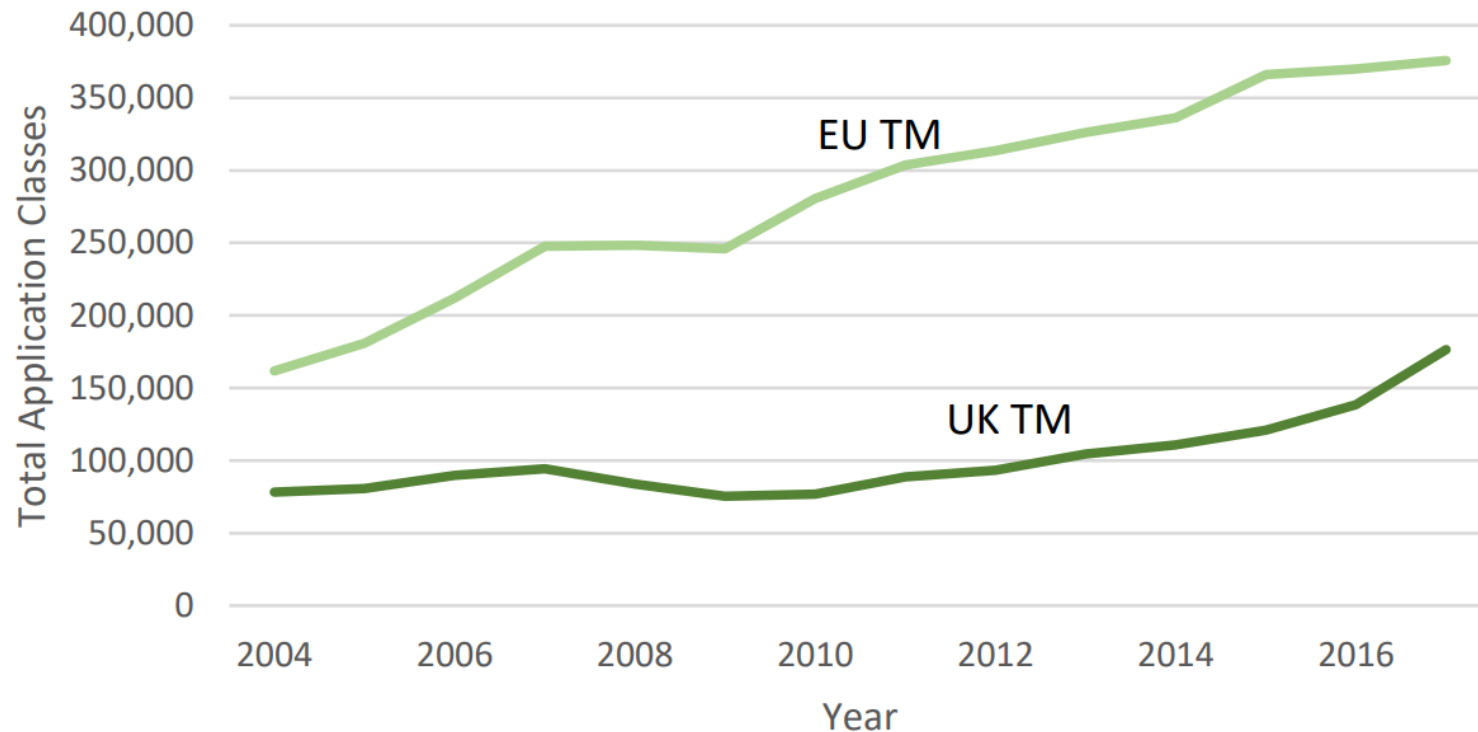


- Figure 27 shows the total amount of applications and publications, both National and International.
- In October 2007 the IPO [no longer examined](#) trade marks on relative grounds and as a result a large volume of cases were released. This explains why in 2008 the number of publications is greater than the number of applications.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784573/IP-Trends-2018.pdf

EUIPO + EU Trademark

Figure 28 Total UK and EU Trade Mark Class Applications

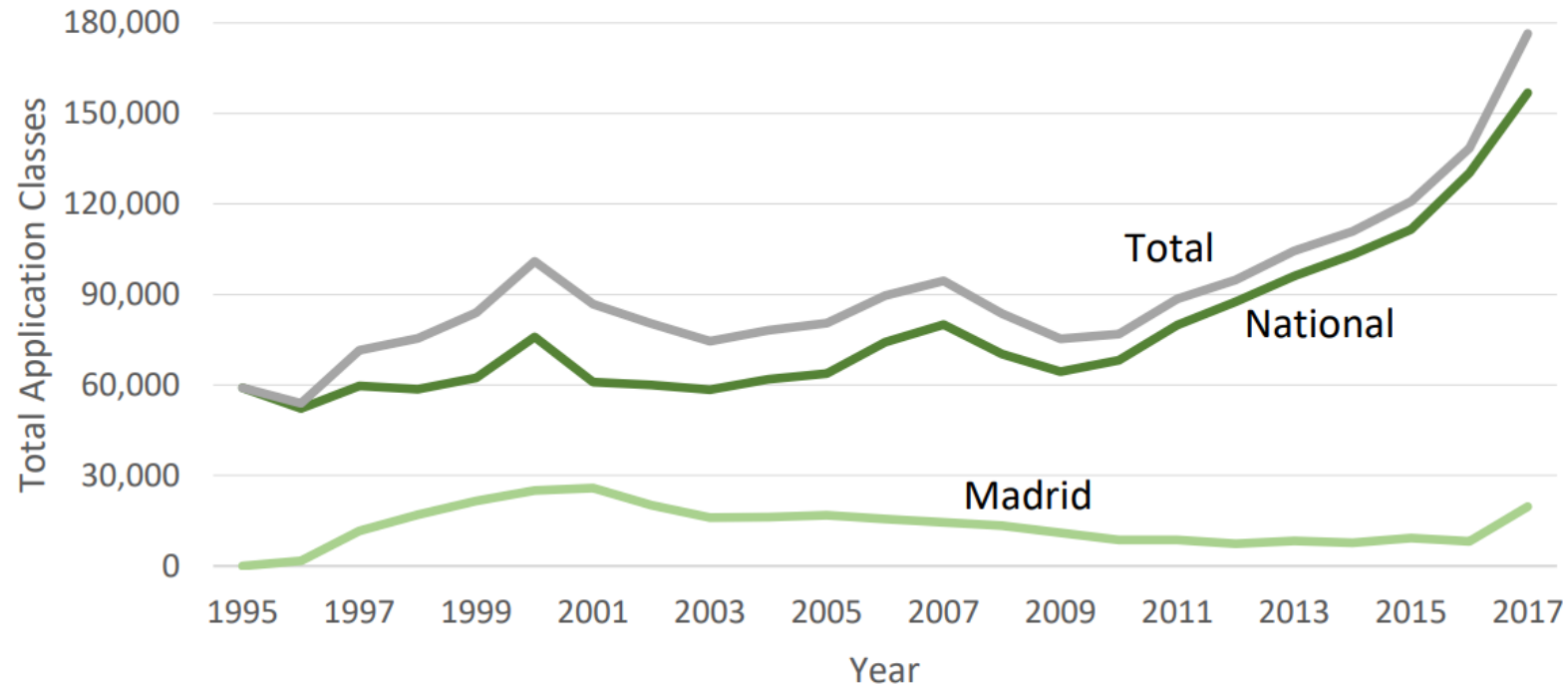


- EU trade marks also came into force on 1st April 1996.
- The total number of applications to the EUIPO has more than doubled since 2004.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784573/IP-Trends-2018.pdf

Trade Mark Applications by Filing Route

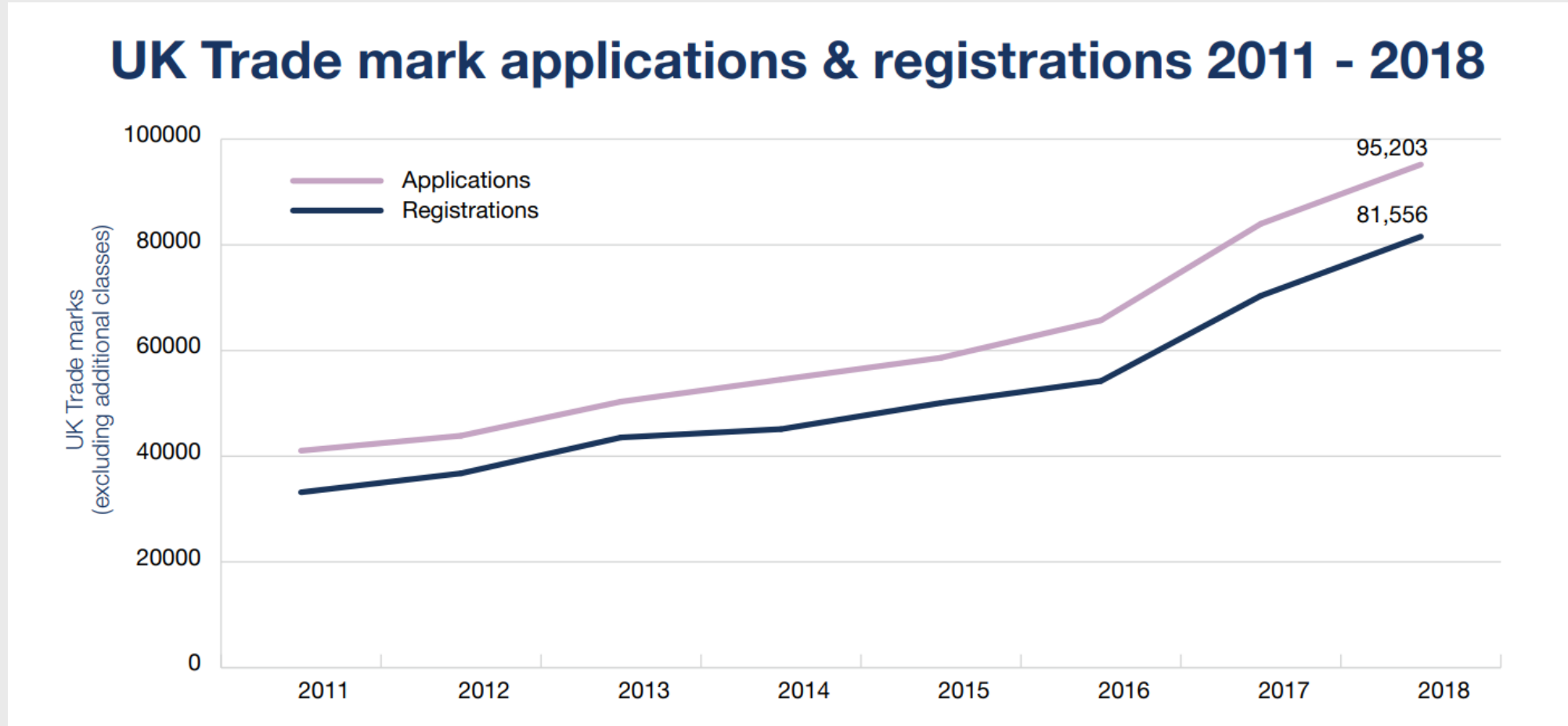
Figure 29 Total UK Trade Mark Class Applications by Route



- Figure 29 shows that the number of trade marks filed nationally has increased year on year since 2009. The dip between 2007 and 2009 is likely due to macroeconomic conditions.
- While national applications have been rising since 2009, applications filed through the Madrid protocol consistently fell between 2001 and 2016 and made up their smallest share of total applications in 2016 since the UK joined at just 6%. 2017 saw the first increase in Madrid applications since 2001.
- The number of applications filed through the Madrid Protocol peaked in 2001, making up 30% of the total applications. The decrease in Madrid applications may be due to international applicants choosing pursue UK protection via the EUIPO.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784573/IP-Trends-2018.pdf

UK Trade mark 2011 - 2018



https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/829109/facts-and-figures-2018.pdf

Challenges for brand owners

- **Brand expansion and extension**
- **Hybrid filing strategy**
 - ❖ *National and Madrid System*
- **Defensive strategy**

Offline to Online Trademark Infringement

Offline to Online Trademark Infringement

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Roles of Internet platforms on IP Enforcement and Public Awareness



Notice and Takedown Measures



- **Complete a complaint through** Alibaba Intellectual Property Protection Platform (IPP)
- Send a notice of infringement to email: trust@lazada.com



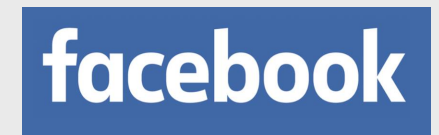
Complete an IPR Form Complaint through

[Shopee Help Centre](#)



Complete a complaint through Google's reporting system:





- [Google Ads Help](#)
- [YouTube Help](#)







Complete a report form through

[Facebook IP Rights Help Centre](#)





Require Documents

Required Documents				
Authorization Letter	✓	✓	x	x An explanation of your relationship
Evidence of IPR Ownership	✓ Local IP Registration Certificate	✓ IP Registration in jurisdiction of complaint	✓	✓
Evidence of Infringement	✓ Clear and specific evidence	✓ Pictorial Proof	✓ A description	✓ A description

Efficiency: Average Time to Takedown

			
<p>Via IPP:</p> <ul style="list-style-type: none"> • 3-5 Days (First) • 24 Hours <p>Via Trust:</p> <ul style="list-style-type: none"> • 5-7 Days 	<ul style="list-style-type: none"> • 5 Days (First) • 24 Hours 	<ul style="list-style-type: none"> • 24 Hours 	<ul style="list-style-type: none"> • 24 Hours

Punishment

			
<ul style="list-style-type: none">• New product restricted• Limited traffic• Product deactivated• Account deactivated	<ul style="list-style-type: none">• Privilege disqualified• Delisted• Account deactivated	<ul style="list-style-type: none">• Content Disapproved• Account suspended/terminated	<ul style="list-style-type: none">• Content removed or restricted• Account suspended/disabled

Q&A

- **Can companies with no trademark registered in Thailand claim their rights?**



No.



No.



Yes, despite having rights in one jurisdiction. Facebook can take down globally.

Key takeaway

- IP as value-added tools
- Incoming IPRs/ incoming applications
- Remember that IP is easily stolen or misused because it is intangible

Thank you for your attention!
Stay connected!



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