



กรมทรัพย์สินทางปัญญา

DEPARTMENT OF INTELLECTUAL PROPERTY



Redefining  
**Industrial Designs**  
in South-East Asia to Support  
the Creative Industry

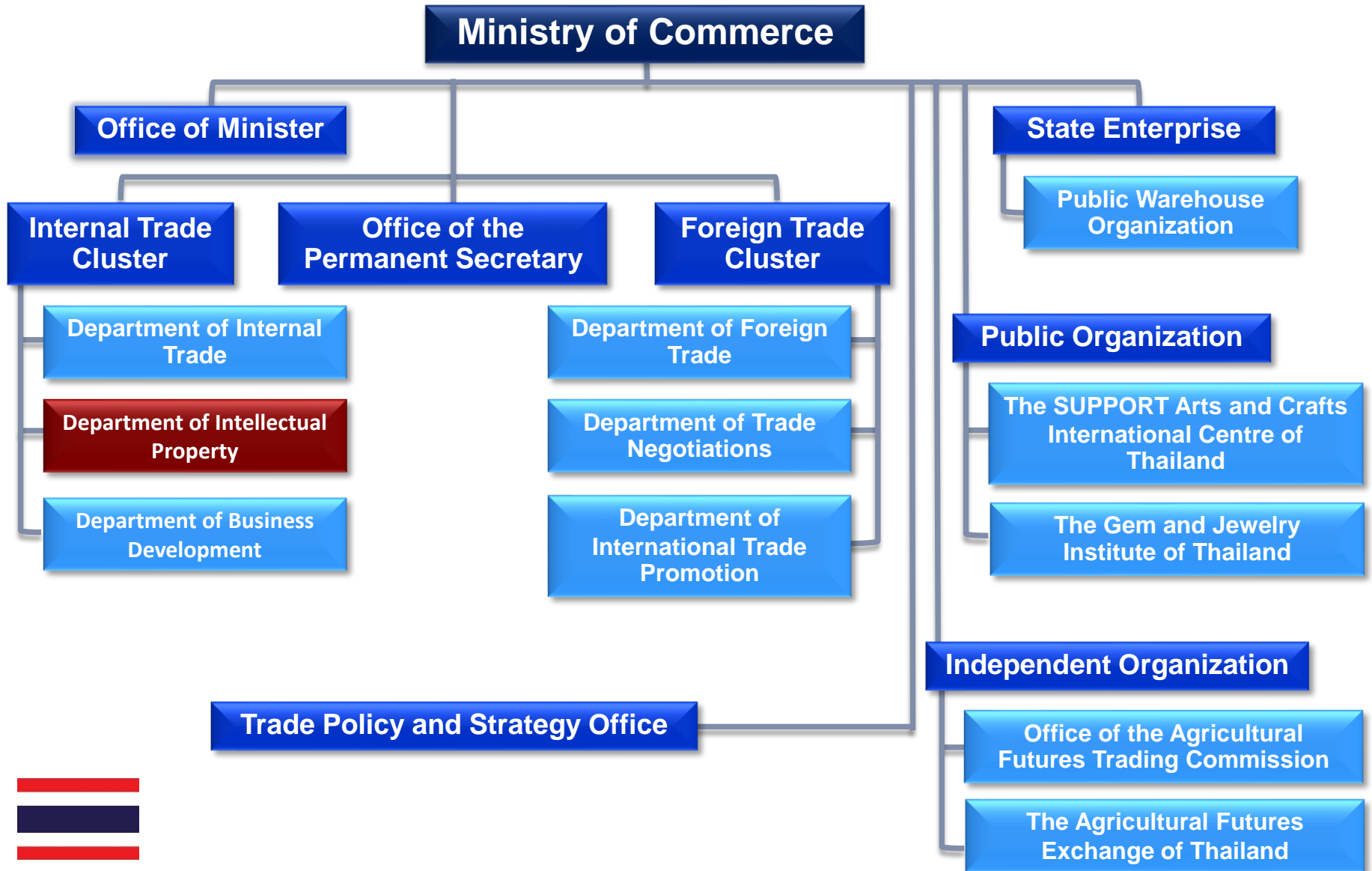
By Ms. Monchanok Tanasanti

# Thailand Creative Industry

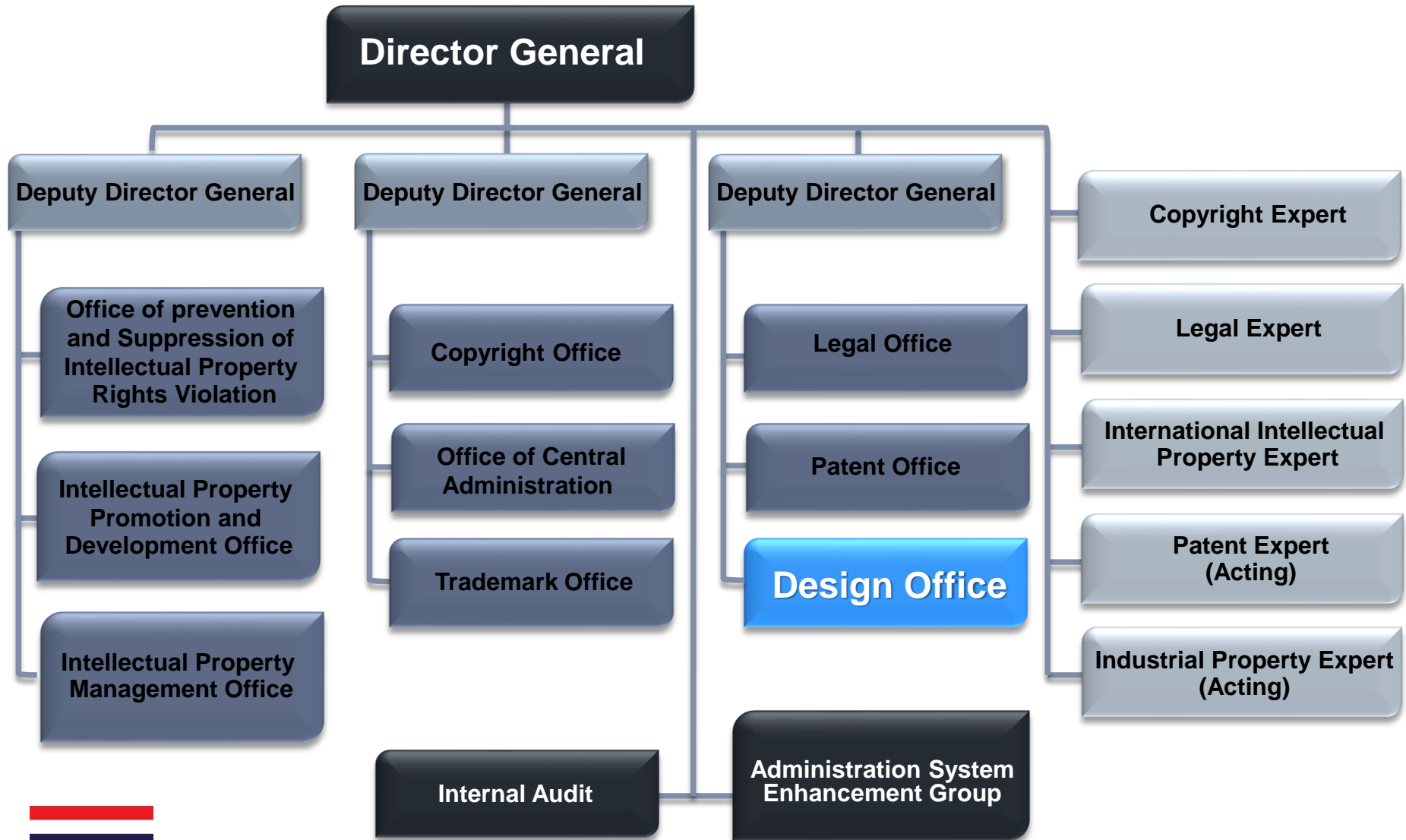
Export More Than  
6,595 million USD



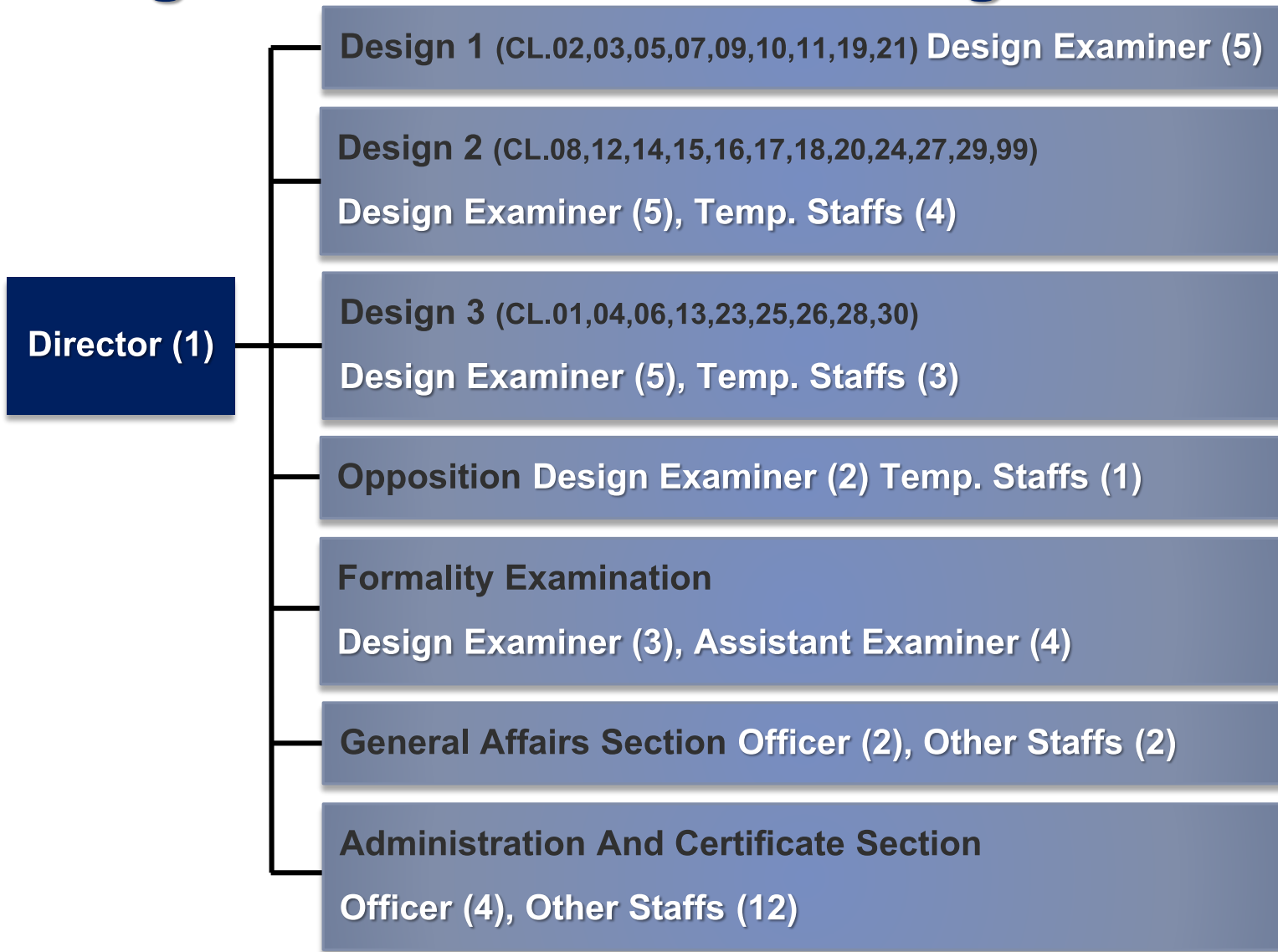
# Supervisory Ministry



# Organization



# Organization Chart of Design Office



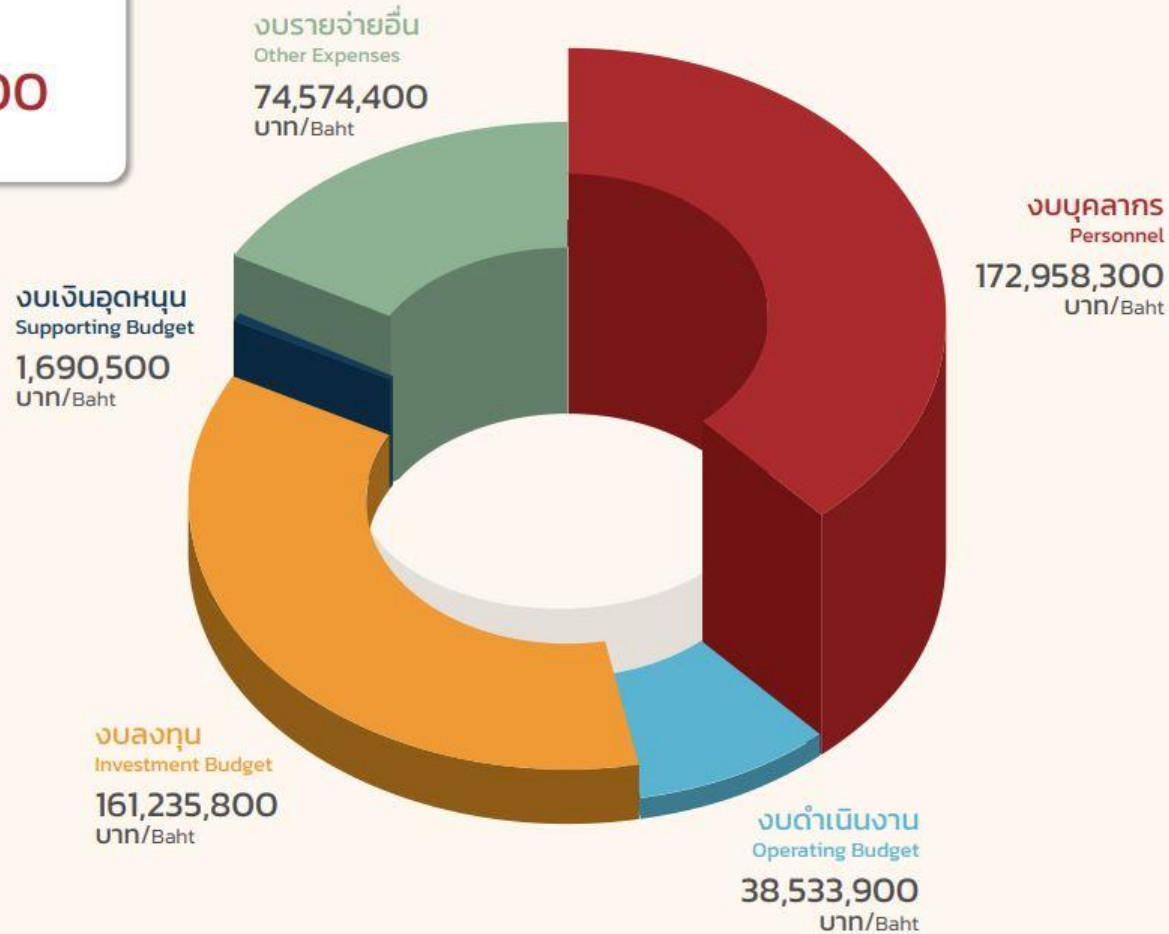
**Design Examiner : 20    Assistant Examiner : 4    Other Staffs : 28**  
**Total : 52**

**พ.ศ. 2565**

A.D. 2022

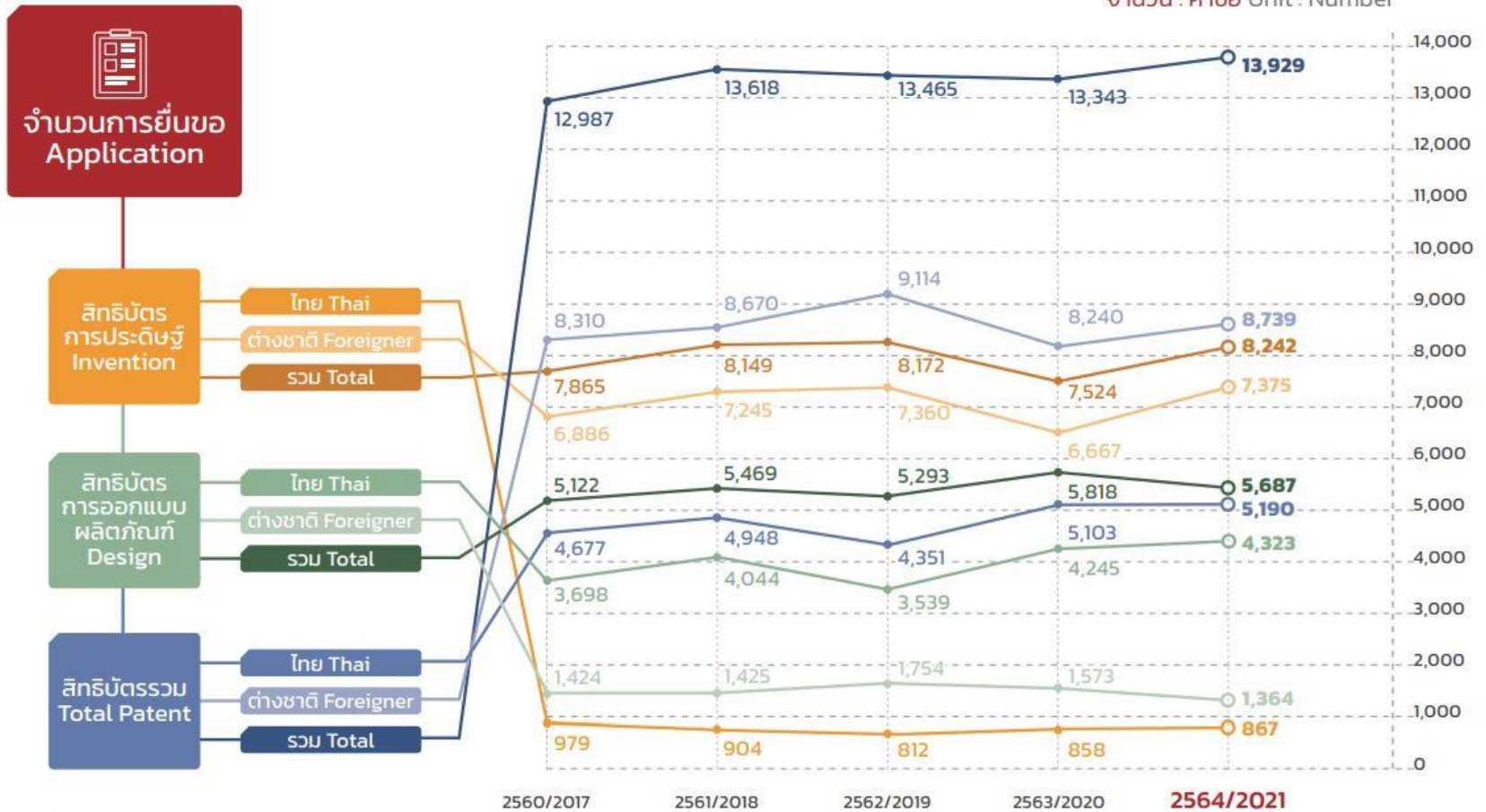
**448,992,900**

บาท/Baht



# Statistics of Patent Application and Grant

จำนวน : คำขอ Unit : Number

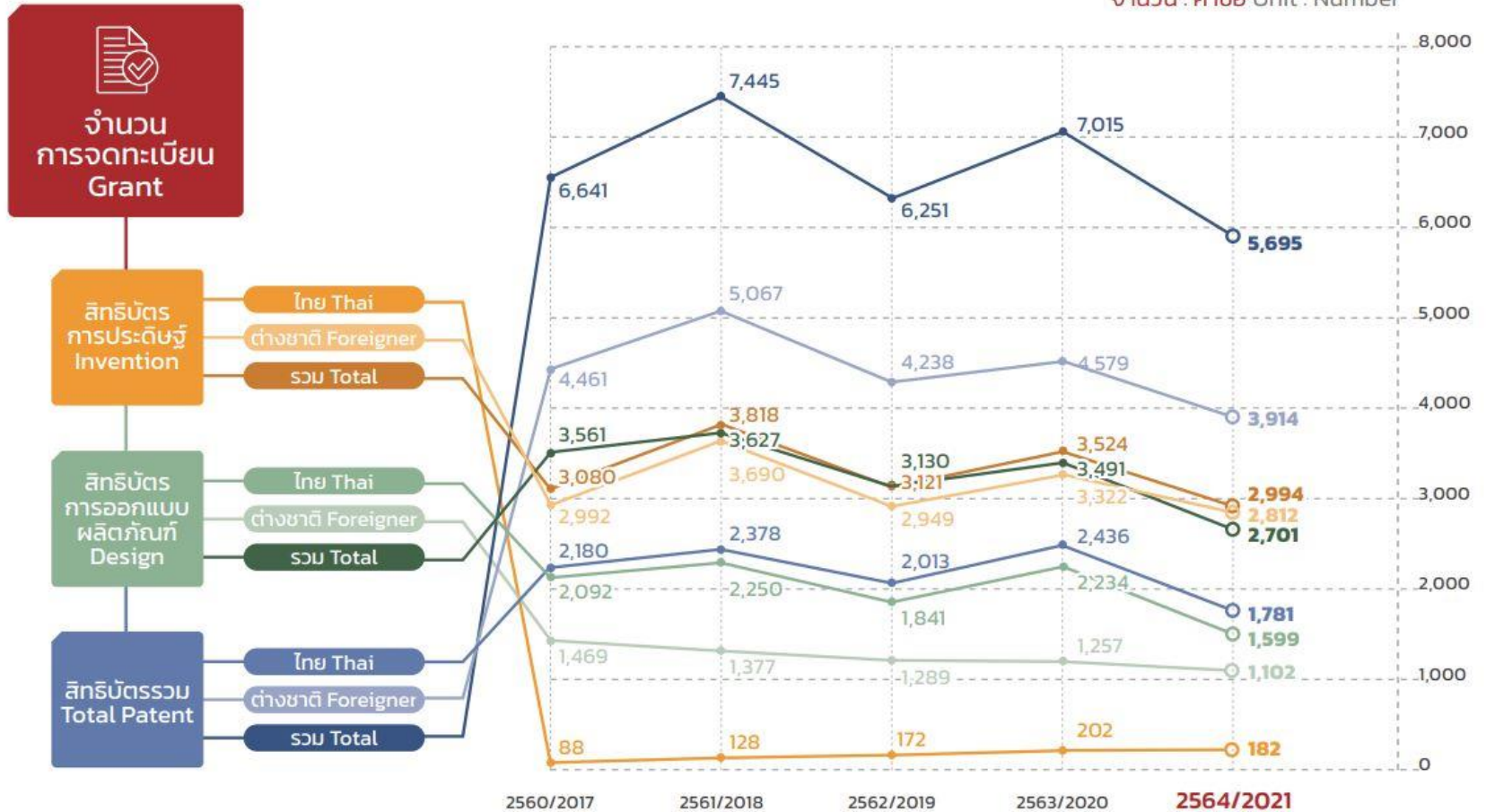


Data Update 17 FEB 2022



# Statistics of Patent Application and Grant (2)

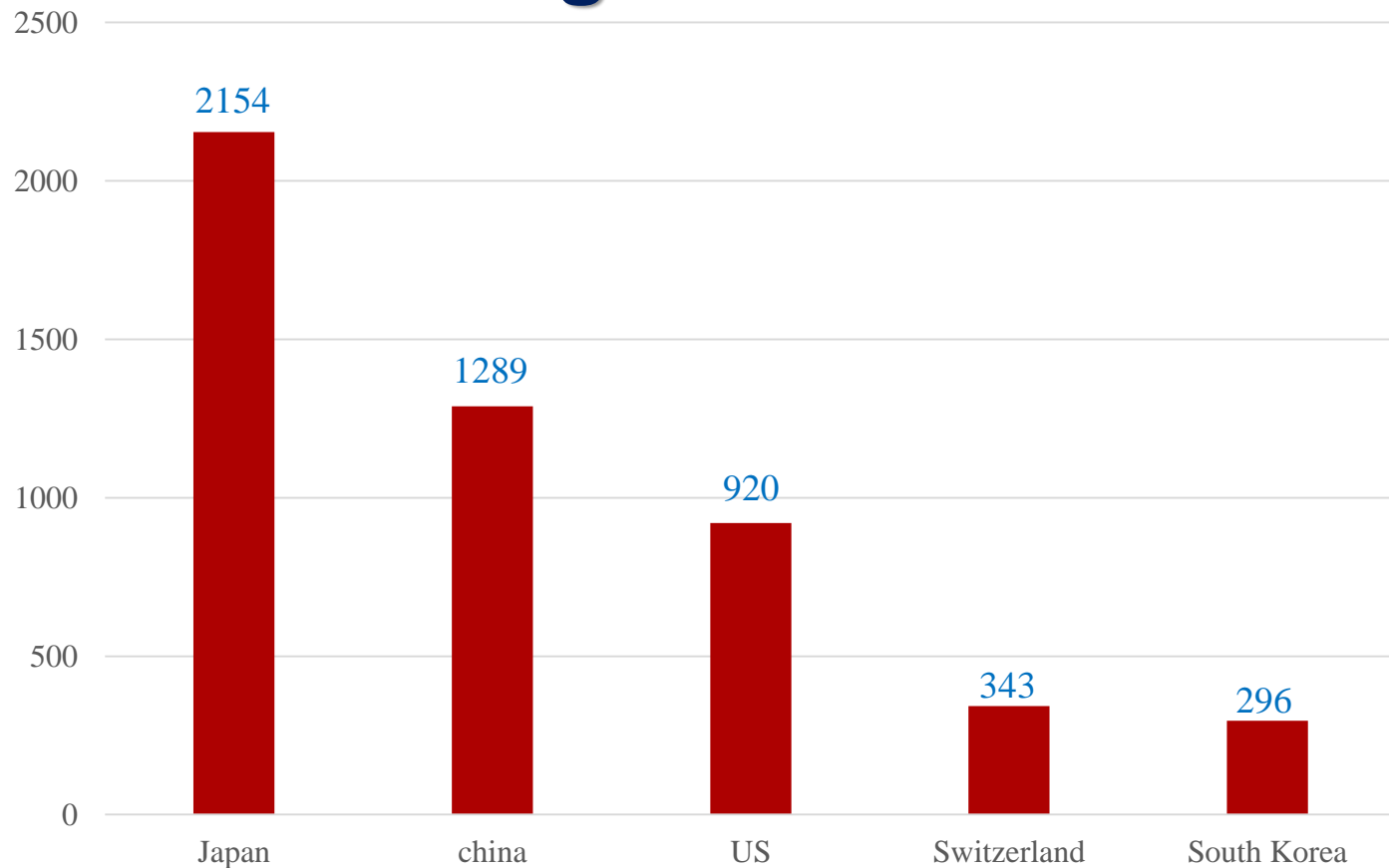
จำนวน : คำขอ Unit : Number

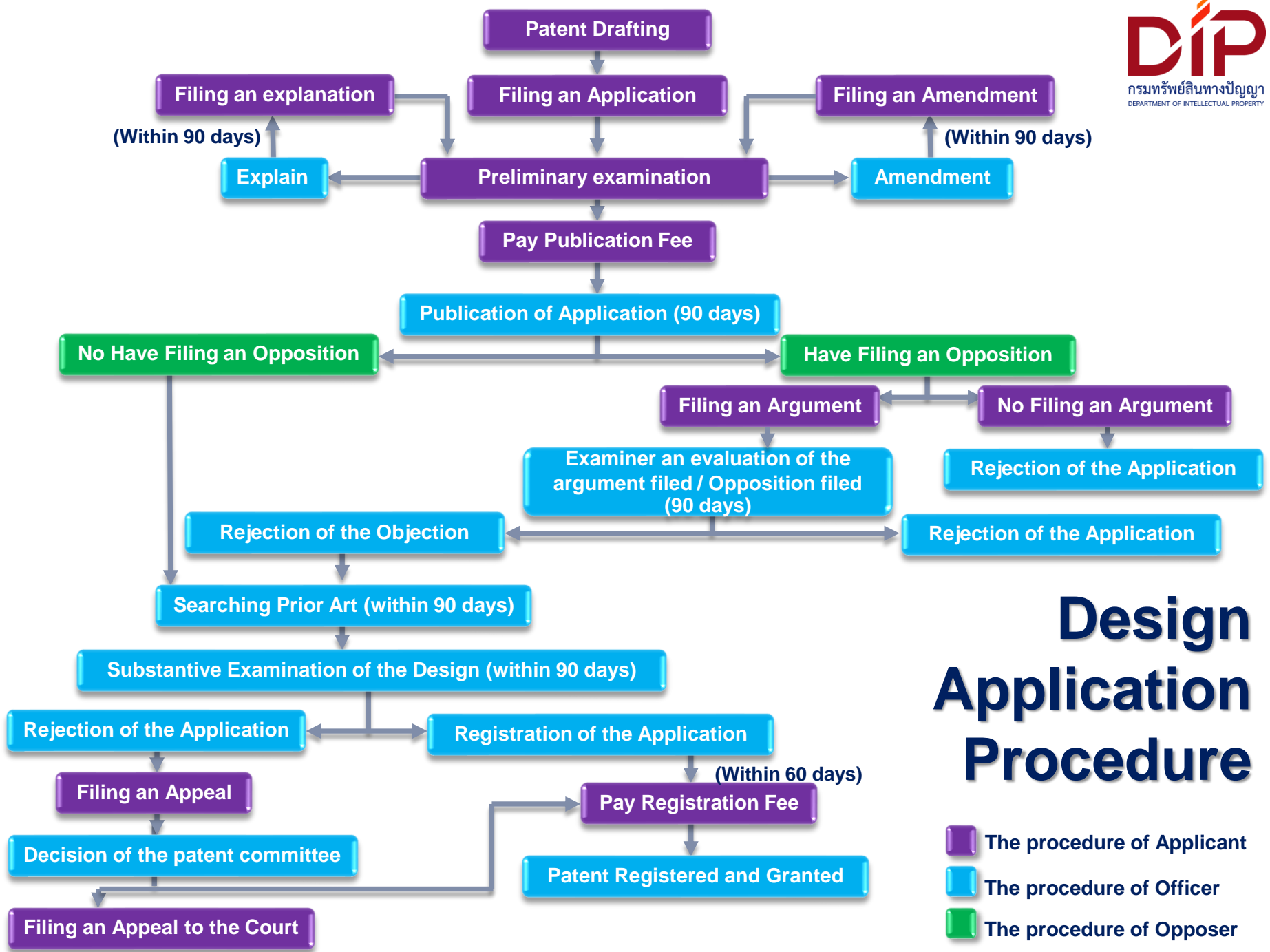


Data Update 17 FEB 2022

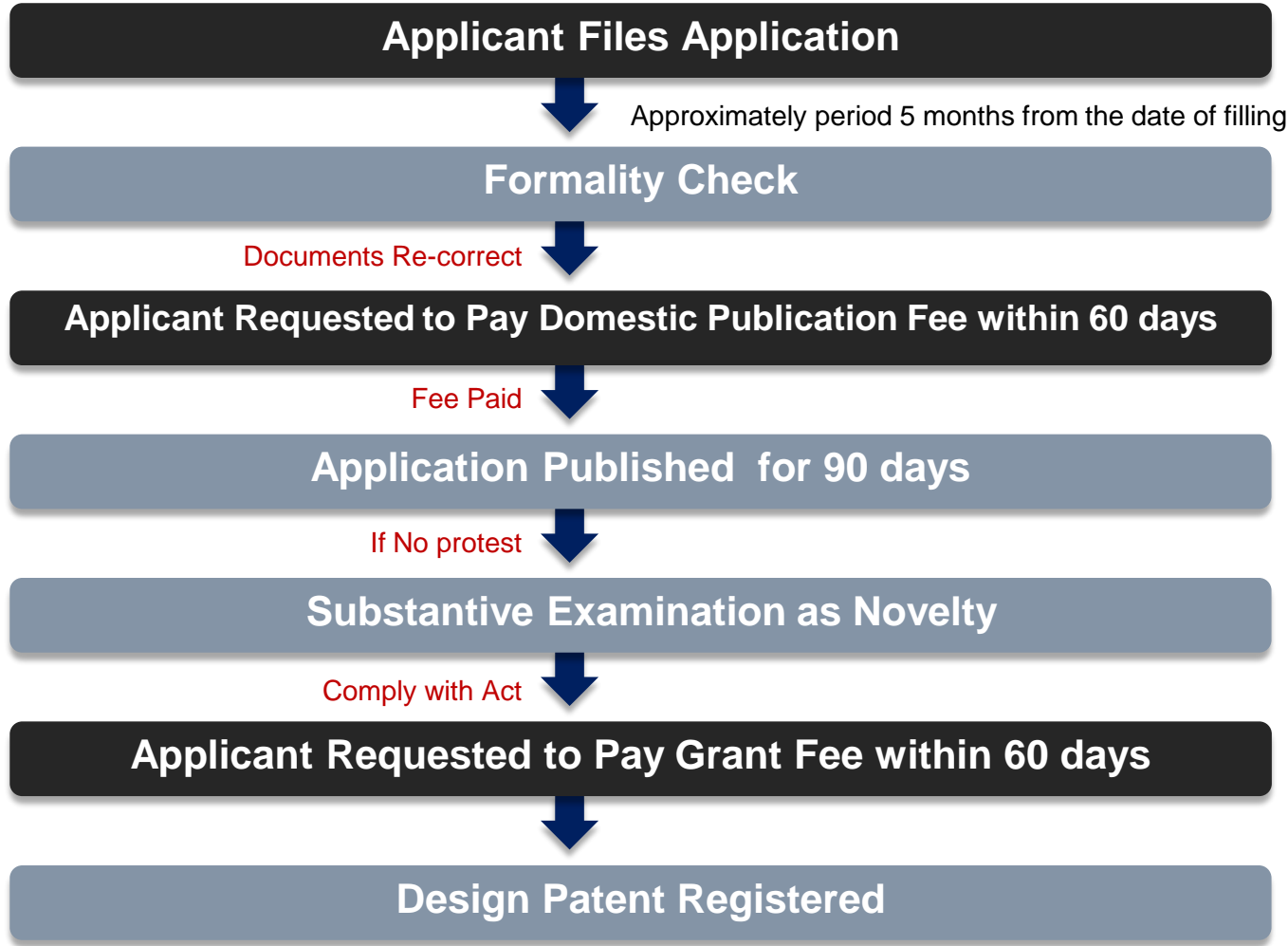


# Top 5 Countries of Design applications filled in registration 2018-2022





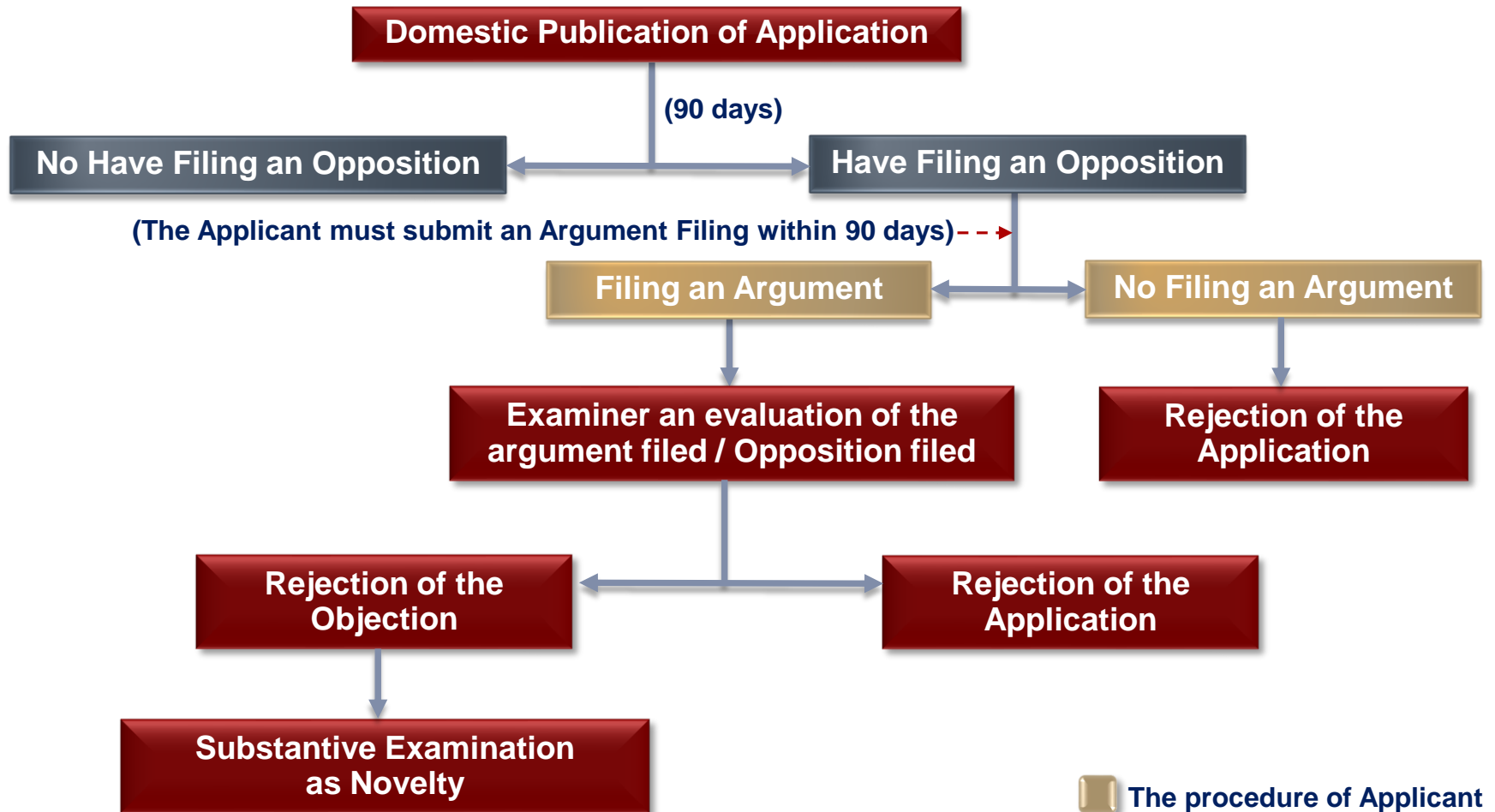
# Design Application Procedure






**Period of time : 15 Month**



# System For Filing Oppositions



-  The procedure of Applicant
-  The procedure of Officer
-  The procedure of Opposer



### Section 3

“design” means any form or composition of lines or colors which gives a special appearance to a product and can serve as a pattern for a product of industry or handicraft;

### Section 56

A patent may be granted under this Act for a new design for industry, including handicrafts.

### Section 58

The following are unpatentable

- (1) designs that are contrary to public order or morality;
- (2) designs prescribed by a Royal Decree.

## REGISTRATION REQUIREMENT

### Section 57

The following designs are not new:-

- (1) a design which was widely known or used by others in this country before the filing of the application for a patent;
- (2) a design which was disclosed or described in a document or a printed publication in this or a foreign country before the filing of the application for a patent;
- (3) a design which was published under Section 65 and Section 28 before the filing of the application for a patent;
- (4) any design so nearly resembling any of the designs prescribed in (1), (2) or (3) as to be an imitation.

# THE LENGTH OF THE PROTECTION PERIOD

## Section 62(1)

A design patent shall have a term of ten years from the date of filing of the application in the country.

## Section 62 bis(2)

Any act in violation of Section 63 committed before a grant of a patent shall not be deemed to be an infringement of the patentee's rights unless the act is in respect of the design under the pending application already published under Section 65 and Section 28, the person so acting knowing of the filing of the patent application or having been informed in writing that a patent application has been filed for the design, in which case the applicant shall be entitled to damages from the infringer. A complaint for such damages shall be filed with the court after the patent is granted.

# The National Challenges in Patent Examination



**E-filing**

**E-Payment**

**Hague  
Agreement**



# Patent ACT

**P**atent are protected under the Thai Patent Act B.E. 2522 (A.D. 1979), Thai Patent Act (No. 2) B.E. 2535 (A.D. 1992), and Thai Patent Act (No.3) B.E. 2542 (A.D. 1999), covering both invention and product design. The Acts provide protection for patent, design patent, and petty patent.

**2021, We are in the process of amending Design Patent Law to streamline our registration procedures**





# Overview of Patent Registration

- **Related Law:**

The Patent Act B.E. 2522 (1979) as one of the patent categories (Patent, Petty patent, Design patent)

- **Definition of Patent:**

- “the protection for a design’s form or composition of lines or colors of the product as appears to the eye, and is of importance to the design. Designs which can be granted registered must be products of special characteristics and can serve as a pattern for a product of industry or handicraft”

- **Registration System**

- **First to File**

# Protection Requirement

- Novelty
- Applicable for industry or handicraft

The following designs are not considered to be new:



Widely known or used within TH



Disclosed in a document or publication within/outside TH



Designs which have already disclosed significant content in advertisements (Announced by DIP)



Nearly resembling any of the designs mentioned above

Locarno Classification



# Information of Application for Formality Examination

- **Application Form** (each application for a patent can only request for 1 design)
- **Image of the design** (hand-drawn or photographed)
  - B/W (color: if the design in is composition of colors, the Reproduction shall be in color)
  - Clear and Concise
  - Not Accept Partial Designs (No Dot or Broken Line)
- **Claims to Design**
- **Description of Design** (for Specialized Design)
- **Other documents** : such as Statement of the applicant, Assignment, Proxy (Patent Agent), etc.



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**Use Thai Language or Translate to Thai**

# Examples : Image of the design



รูปที่ 5



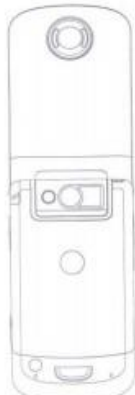
รูปที่ 2



รูปที่ 1



รูปที่ 3



รูปที่ 6



รูปที่ 4



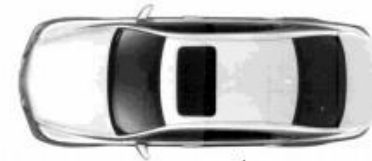
รูปที่ 8



รูปที่ 7



รูปที่ 1



รูปที่ 3



รูปที่ 2



รูปที่ 4



รูปที่ 5



รูปที่ 6



รูปที่ 7

## Hand-drawn

Displaying image of design using stationery

## Photographed

The image is a photograph

# Samples of Design Application created by Thai Designer.



# Information Sources for Substantive Examination



- Design bulletins of DIP
- Design bulletins of USPTO, IP Australia, WIPO, OHIM
- Magazine, Catalog published in/outside the country

## Term of Protection

- 10 Years from the date of filing



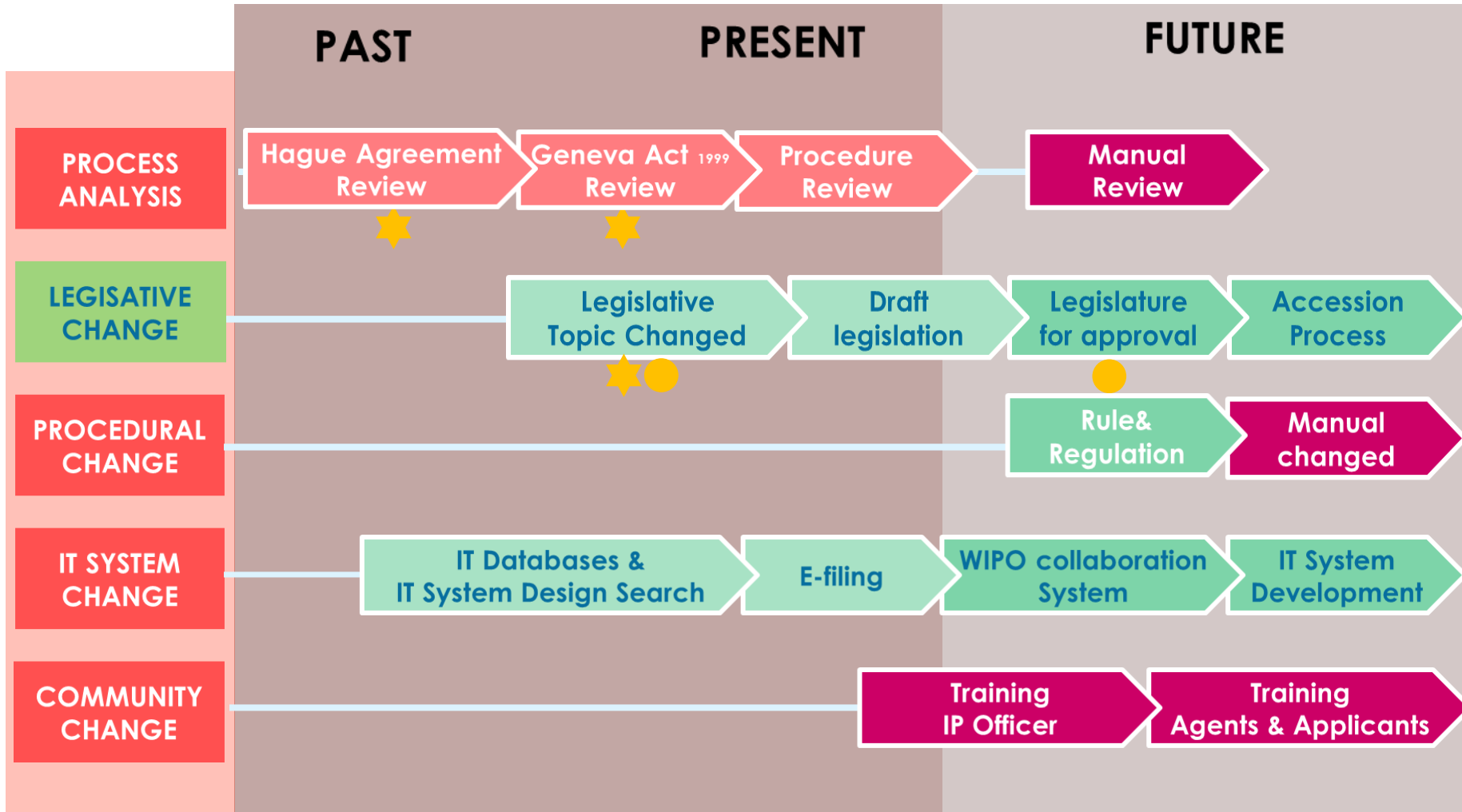
# The Central Intellectual Property and International Trade Court

The Central intellectual Property and International Trade Court has been established in 1997, the first specialized IP court in South East Asia. The process follows the Act for the Establishment of the Procedure for the Intellectual Property and International Trade Court (No.2) B.E.2558(2015), which amended the IP&IT Court Act, and The Act for Establishment of the Court of Appeal for Specialized Cases B.E. 2558 (2015) (“Specialized Appeal Court Act”)

[www.ipitc.go.th](http://www.ipitc.go.th)

# PREPARATION FOR ACCESSING TO THE HAGUE AGREEMENT

- ★ Stakeholders Focus Group
- Public Hearing





# Summary of the Charter Act (No. . . ) In terms of product design patents and access to the Hague Agreement



1. Improve processes Process for examining product design patent applications to be efficient, fast, and consistent with international standards.

2. Modify and improve product design patent protection to be up to date, such as providing some product design coverage

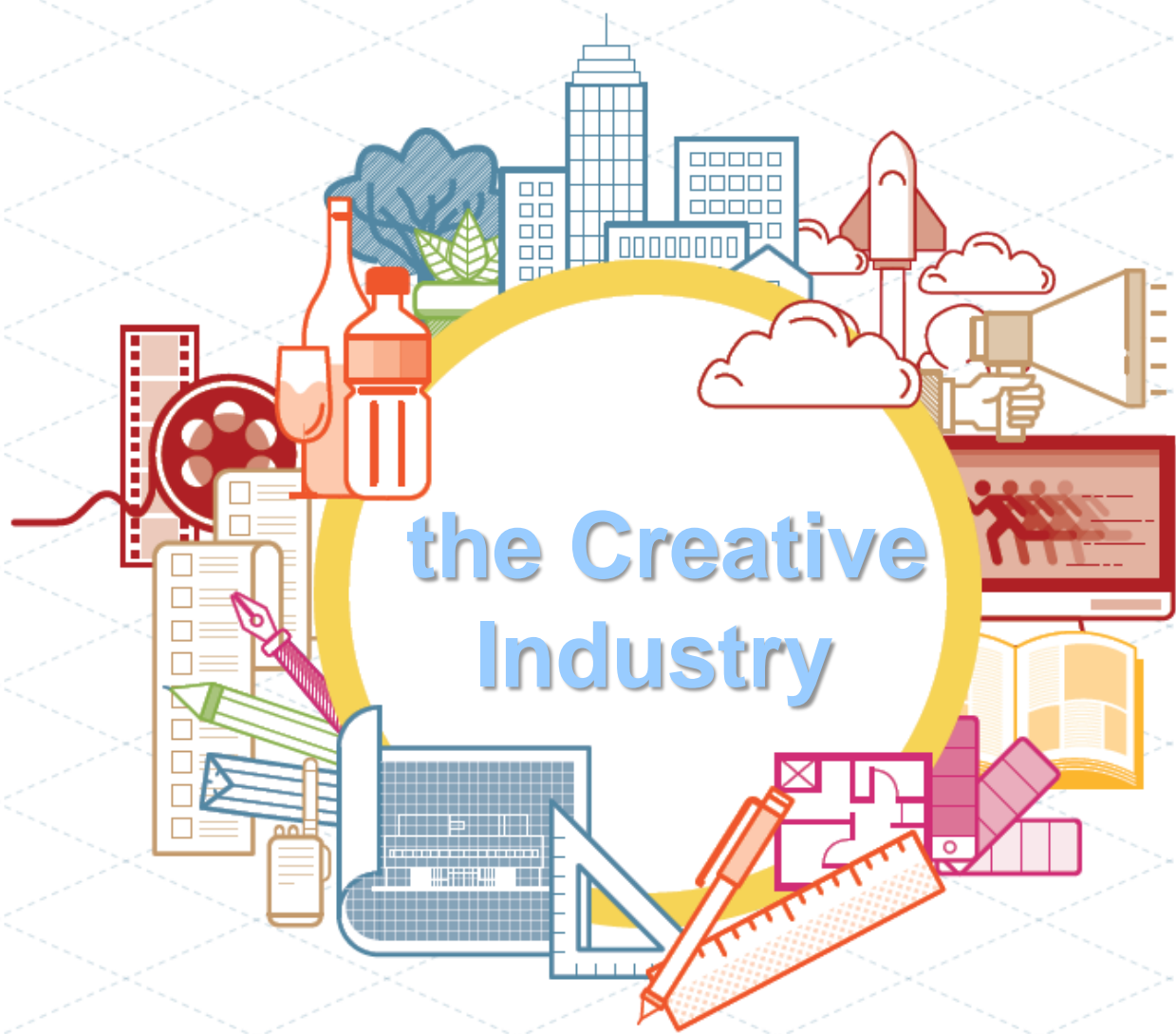
3. Extend the protection period for product design patents with an initial period of 5 years and can be extended 2 times for 5 years each, for a total of 15 years

4. Add Section 3/1, International Product Design Registration under the Hague Agreement. The important points are as follows:

4.1 Definitions and general provisions, such as the definition of "international registration application" and the application of the provisions of Chapter 3, Product Design Patents, mutatis mutandis.

4.2 Part 1: Submitting an application for international registration through the Hague system, including the applicant's qualifications. and criteria for submitting applications for international product design registration

# The National Challenges in Patent Examination



# IP PROMOTION

DIP Website [www.ipthailand.com](http://www.ipthailand.com)

DIP e-Learning <http://elearning.go.th>

DIP e-Library <http://elibrary.ipthailand.go.th>

IP MART [www.thaiipmart.com](http://www.thaiipmart.com)

DIP Facebook

IP SEMINAR & IP FAIR

<https://www.ipthailand.go.th> OR



# IP Fair



# IP Fair : Show Case



## Dinsaw Mini Robot

Majoring concept of this robot was establish for use with an elder person and patient who have a medical problem and need to contact to a doctor or hospital for cause of any emergency situation directly by this robot has design to support a general idea which it consider for basic user and uncomplicated. For a commercial, the produces intent to use it as an advertising tool for expands a target market and increased a customer's satisfaction.



# IP Fair : Show Case



## ELECTRIC RACING AUTOMOTIVE: ERA - ATOM

The three-wheeled electric vehicle, named ATOM, is a testament to the skill of Thai engineers and students from the Faculty of Architecture, Art, and Design.



# IP Fair : Show Case



## Electric Vertical Takeoff and Landing: eVTOL

From the pressing issues of deforestation and environmental disasters escalating in severity and frequency, the Ministry of Natural Resources and Environment has recognized the significance of thorough area surveys. Consequently, it has collaborated with the King Mongkut's Institute of Technology Ladkrabang to develop innovative Vertical Takeoff and Landing (VTOL) unmanned aerial vehicles (UAVs). These UAVs are lightweight, quiet, and cost-effective, running on electric power.



# Thank you

[www.ipthailand.go.th](http://www.ipthailand.go.th)