

Trademark Protection in Thailand

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30 July 2024



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AGENDA

- **Protection of Trademark in Thailand**
- Trademark Application Process
 - Apply directly to DIP
 - Apply through the Madrid System



Protection of Trademark in Thailand

- **Department of Intellectual Property (DIP)**
 - Trademark Office
 - Handle all kind of applications that related to trademark registration
- **Trademark Act B.E. 2534**
Amendment (No. 2) B.E. 2543 and amendment (No. 3) B.E. 2559

Protection of Trademark in Thailand



Fig 2

Section 4 of Trademark Act B.E.2534
(Amendment (No. 2) B.E. 2543 and Amendment (No. 3) B.E. 2559)

- **Mark means**
 - **Photographs, Drawings, Devices, Brands, Names, Words, Texts, Letters, Numbers, Signatures, Combinations of colors, Shape or configuration of an object, Sound or Combination thereof**



Protection of Trademark in Thailand

Type of Trademark that can be registered



Trademark



Service Mark



Certification Mark



Collective Mark



Protection of Trademark in Thailand



A mark that can be registered as trademark must be

- Distinctive
- Not be prohibited by the law
- Not identical or similar the trademark that already registered

“
The registration of a Trademark shall have a term of **10 years** from the date of registration.
Trademark can be renewed, no limit.
”

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TRADEMARK APPLICATION PROCESS



Apply directly to DIP

- Language : Thai
- Correspondence address : must be in Thailand



APPLY AN APPLICATION DIRECTLY TO DIP



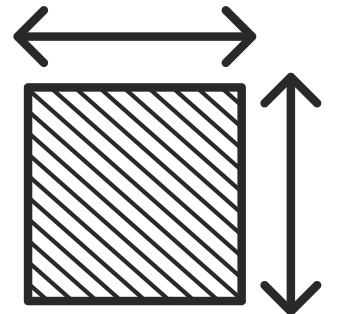
Document and evidence

- Apply in Papers or via e-Filing
- Language : if not in Thai, need to be translated into Thai



Mark

- Size of image of the mark that apply in application form should **not exceed than 5x5CM** (an additional fee for each CM that exceeded)
- Mark need to be Clearly



Goods and services

- Indicate clearly and not to vague
- Multiclass application : applicant can submit the application for the goods and services more than 1 class
- list of goods/services at DIP website <https://tmsearch.ipthailand.go.th/>



Fee

Application fee

- Goods and services in each class **less than 5 items = 1,000 THB/item**
- Goods and services in each class **more than 5 items = 9,000 THB/class**

Registration fee use same basis as application fee (Pay after publication period)

- Goods and services in each class **less than 5 items = 600 THB/item**
- Goods and services in each class **more than 5 items = 5,400 THB/class**

Protection of Trademark in Thailand



Office action

- If there are any office action, need to **response within 60 days** since the office action received date
- If after **60 days** there are no any response, the application will be abandoned.



Publication

- Publication period is 60 days. After the opposition period, if there are no any opposition, the application will proceed to registration process



Turnaround time

- From application date to registered about **12 months**
- First action about **8-9 months**



Renewal

Every **10 years**

Apply through the Madrid System

- The Madrid Protocol is the international trademark registration system **covering 131 countries**
- The Madrid System is administered by the International Bureau (WIPO) headquartered in Geneva, Switzerland



Outbound Application

- Language : English
- Apply for trademark protection in Madrid Protocol member countries
- Contact the applicants via E-mail or phone

Inbound Application

- Language : English
- After received the Madrid application as the designated country, the Trademark Registrar will do the substantive examination under Thai law.



Madrid Outbound Application



Document and evidence

- No requirement to have a representative
- Apply via e-Filing system of DIP
- Language : English



Mark

- Must have an application or registration of a trademark in Thailand (national application)
- Same mark as applied or registered in Thailand



Goods and services

- The goods/services list must be within the scope of the Thai application's goods/services



Fee

DIP handling fee

- 2,000 Baht (49 CHF) per one application

WIPO fee

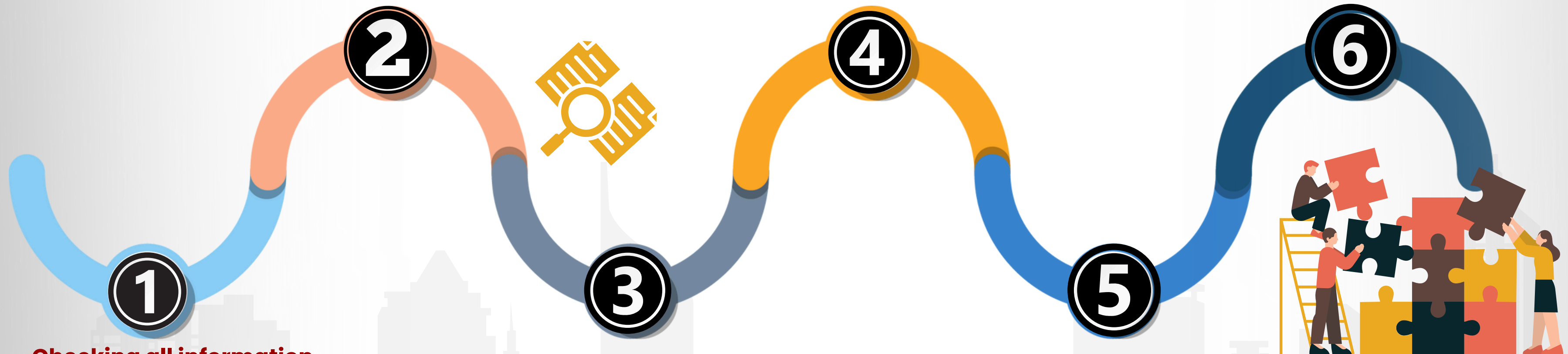
- Depend on number of designated countries + class of goods/services + color of the mark (black and white mark is 653CHF (26,660 Baht)/colors mark is 903CHF (36,870 baht))

The Madrid Application Designated Thailand (Inbound Application)

Updating all details before doing examination.

Doing substantive examination under relative grounds
- Examine on likelihood of confusion

Issuing the examination report with all related grounds



Checking all information relating to an International Application received by WIPO

Doing substantive examination under absolute grounds
- Examine on distinctiveness
- Examine on the prohibition of a mark

Doing examine on the Classification, indication of Goods and Services

Madrid Inbound Application

Issues & Problems



Almost 70% of registrations, Thai office issues the notification of provisional refusal.

- The biggest issues that cause the Provisional Refusal in Thailand is **the lists of Goods and Services are too vague/broad**. Since the office doesn't accept all terms in NICE Classification, also doesn't accept the Class headings.
- Checking the list of goods/services that **Thailand accepts** for registration at the DIP website at <https://tmsearch.ipthailand.go.th/>



- Having the R symbol in the circle in the mark, the mark **would not be accepted in Thailand**.



Madrid Inbound Application

- We will require a disclaimer when your trademark includes a certain type of wording or design that would otherwise be unregistrable. For example: TM; brand.
- To respond the trademark registrar's provisional refusal, the holder must appoint a local representative to amend, or appeal within 90 days from the pronounce date of the Provisional Refusal. If after 90 days there are no any response, the application will be abandoned.

Application Fee

- Thailand Individual **360CHF (14,700 Baht)** fee per class of goods/services per one application.





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