



Patents Registration

Invention

The invention is defined as an invention or a creation resulting in a new product or process, or any act which makes the improvement of a product or a process, consistent with the TRIPS requirements.

Product Design

A product design is any configuration or a product or composition of lines or colors, which gives a special appearance to a product and serves as a pattern of industrial or handicraft product.

Qualifications of Applicants

The present law, which complies with the Paris Convention for the Protection of Industrial Property and the TRIPS, stipulates the following qualifications of the applicant.

1. Having Thai nationality or being a juristic person having its headquarters in Thailand.
2. Having a nationality of a country, which is a member of the convention or the International Agreement concerning the patent protection of which Thailand is also a member.
3. Having a nationality of a country which allows a natural person of Thai nationality or a juristic person having headquarters in Thailand to apply for a patent in such country.
4. Having a domicile or a real and effective industrial or commercial establishment in Thailand or a member country of the Convention or the International Agreement concerning patent protection of which Thailand is also a member.

Term of Protection

1. Invention of Patent

The term of protection is non-renewable 20 years from the date of filing the application in Thailand. However, it does not include any time spent during the court proceedings in cases where there is (i) a dispute between applicants regarding the "first to file" matter; (ii) an appeal against the order or the ruling of the Patent Committee to the court; (iii) a dispute between two or more persons who claim to be the inventors of an invention being applied for a petty patent, where the applications are filed on the same day and the parties can not agree who shall be entitled to the petty patent.

2. Petty Patent

The term of protection is 6 years extendable twice at 2 years at a time (total protection time of 10 years). The term is exclusive of the time spent in the court proceedings similar to the Invention Patent applicable, *mutatis mutandis*.

3. Design Patent

The term of protection is 10 years non-renewable with similar terms on time spent in the court proceedings as previous categories.



Infringement

Act of Infringement

A person who commits the acts that are within the scope of exclusive rights of a patentee without the patentee's authorization shall be held criminally liable. The claim or claims stated in the patent application play a decisive role in dealing with the issue of infringement. The law requires the consideration of the characteristics of the invention and the design shown in the specification together with the drawings. The doctrine of equivalence is applicable in the Thai patent Act, applying the prevention of exploitation of a patent by using slightly different materials or processes from those specified in the claim merely to evade the registered claim.

Civil Remedies

The Patent Act provides significant civil remedies to the patentee, as appeared in Article 77 of the Patent Act 1999.

- ***Injunction***

The patentee may seek a court's injunction to order another person to stop or refrain from doing the infringing act without prejudice to the right to demand the damages.

- ***Damages***

The court can order the infringer to pay damages to the patentee up to the amount the court deems appropriate relying on the adverse effect of the injury including the loss of benefit and the expenses necessary to protect the rights of the patentee.

- ***Forfeiture***

The court may order the forfeiture of the goods in possession of the infringer or may order the destruction of the goods or another method to prevent the redistribution of the infringing goods. The civil infringement case is subject to the statute of limitation implying that the case must be filed with the court within one year from the time the plaintiff is cognizant of the infringement or within 10 years from the occurrence of the infringement.

The burden of proof is favorable to the plaintiff, i.e. if the plaintiff can prove that the product, which is made by the defendant has the same or similar characteristics with the product produced with the process of the patentee, it is presumed that the defendant uses the patentee's process unless it is proved otherwise.

Criminal Sanction

An act of infringement is a criminal offense. The law provides the infringement of invention patent and the design patent with a punishment of imprisonment not exceeding two years and fine not exceeding 400,000 baht or both. The sanction for an infringement of the Petty Patent is the imprisonment not exceeding one year or fine not exceeding 100,000 baht or both. The person who directs or assists in the infringement is also criminally liable.



List of Fees

1) An application for patent for an invention	1,000
2) an application for patent for a design	500
3) An application for petty patent	500
4) Application for patent for the same Design which are filed at the same time	4,500
5) Publication of a patent application	500
6) A request for patent examination	500
7) An opposition to a patent application	500
8) A patent or petty patent	1,000
9) Annual fees for invention patent	
Fifth year	2,000
Sixth year	2,400
Seventh year	3,200
Eight year	4,400
Ninth year	6,000
Tenth year	8,000
Eleventh year	10,400
Twelfth year	13,200
Thirteenth year	16,400
Fourteenth year	20,000
Fifteenth year	24,000
Sixteenth year	28,000
Seventeenth year	33,200
Eighteenth year	38,400
Nineteenth year	44,000
Twentieth year	50,000
Or payment of annual fees in one payment	280,000
10) Annual fees for design patents:	
Fifth year	1,000
Sixth year	1,300
Seventh year	1,900
Eight year	2,800
Ninth year	4,000
Tenth year	5,500
Or payment of all annual fees in one payment	15,000
11) Annual fess for petty patent:	
Fifth year	1,500
Sixth year	3,000
Or payment of all annual fees in one payment	4,000
12) Fees for the extension of the term of petty patents:	
First extension	12,000
Second extension	18,000
13) An application for the registration of a license	500
14) An application to record the assignment of a patent petty patent	500
15) An application for conversion of a patent or petty patent	200
16) A licensing certificate	1,000
17) A substitute of a patent, petty patent or licensing certificate	100
18)An appeal against an order or decision of the Director-General	1,000
19) Certifying copies of documents of more than ten pages, each document of not more than ten pages. Each page	100
	10
20) Any other application	100



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