

## Accelerated Examination of Trademark Applications for Urgent Use in Thailand

Under the announcement of the Department of Intellectual Property (“DIP”) re accelerated examination of trademark applications for urgent use dated 22 December 2022, effective from 3<sup>rd</sup> January 2023 a trademark applicant can ask the TMO to accelerate the examination of the applicant’s trademark application within 4 months from its filing date if the applicant needs to urgently use the trademark under the application in Thailand.

To be eligible to the 4-month accelerated examination, the application must meet these requirements:

1. The application must be filed via the E-Filing System of the DIP/TMO.
2. The application must cover not more than 10 items of goods or services in one class only.
3. The specifications of goods or services under the application must be compliant with the suggested specifications of goods and services of the DIP as available in the website of the DIP (<https://tmsearch.ipthailand.go.th>).
4. All the documents required to be filed in support of the application must be filed with the application.
5. The applicant must not request any amendment to the application after the filing of the accelerated examination request, such as a request to amend any particulars of the application or an assignment request, or submit any evidence to prove distinctiveness of the trademark, which may prolong the application examination period.
6. The applicant must submit a request (in the form prescribed by the DIP) for accelerated examination for urgent use of the trademark with evidence showing the need to use the trademark urgently, i.e. the trademark use plan, the marketing plan, and other documents).
7. The applicant must carry out trademark searches on the DIP trademark database, the TM View database and the Global Brand database and submit to the TMO a report on the results of the searches with the search evidence.
8. The applicant must undertake that, in case the applicant’s application is published or the applicant’s trademark is registered under the accelerated examination process for urgent use but its publication or registration is later cancelled due to the priority claim of another party who later files an application for the same or similar mark based on a priority application abroad or an international exhibition of goods or services under such priority mark, the applicant shall have no claim for any damages against the State / the DIP.

The TMO will notify the applicant of the result of the request for accelerated examination within 15 days from receipt of the request. If the TMO finds that the application does not meet the accelerated examination requirements mentioned above, the TMO will examine the application under the normal examination process. The decision of the TMO to examine the application under the normal examination process is final. It cannot be appealed.



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