

## THAILAND'S INTELLECTUAL PROPERTY: YEAR IN REVIEW 2018

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Dear Clients and Colleagues,

There have been various legislative updates and changes in the intellectual property law and practice of Thailand in 2018, and further developments can be expected in 2019. To keep you updated of these developments, we list some key updates and changes as shown below.

### 1. Accession to Madrid Protocol

The Madrid Protocol has come into force for Thailand since 7<sup>th</sup> November 2017. Since then, an international trademark application under the Madrid System is allowed to be filed with the Trademark Office in Thailand (TMO) under the current law and trademark owners in other member states may designate Thailand in their international applications to seek protection in Thailand. ([Click to continue reading...](#))

### 2. Thailand Finally Removed from the US Priority Watch List

Thailand has been in the PWL since 2007 but on 15<sup>th</sup> December 2017 it was finally removed from the US Priority Watch List (PWL) and moved to the lower Watch List (WL) category for its intellectual property protection. This shows a good progress of the intellectual property protection and the continuing effort of the Thai government. ([Click to continue reading...](#))

### 3. New E-Filing System of Thailand's DIP

In March 2018, the Department of Intellectual Property of Thailand fully launched its new e-filing system for registering trademarks, invention patents and design patents and also for recording copyrights. This new e-filing system is the single sign-on system for four main types of intellectual property in one platform. This system will not totally replace the traditional way of paper submission but it is optional as it will operate alongside traditional paper-filing in person. ([Click to continue reading...](#))

### 4. Draft Amendment to Copyright Act of Thailand Regarding Enforcement Against Online Infringement

Thailand's Department of Intellectual Property published the draft of the bill to amend the Copyright Act B.E. 2537 for public hearing and public consultation during January and February 2018. The Bill aims to address the problem of inefficient measures against online infringement by revoking the current Section 32/3 and introducing new notice-and-takedown scheme. ([Click to continue reading...](#))

### 5. Draft Amendment to Patent Act of Thailand

Thailand's Department of Intellectual Property published the latest draft of the bill to amend the Patent Act B.E. 2522 for public hearing and public consultation during January and February 2018. Under the latest Bill, there will be many major changes to the current law and practice of patent application and registration. For instance,

provisions in relation to genetic resources and traditional knowledge will be added and two new kinds of unpatentable subject matters, i.e. surgical methods and business methods, are introduced. There will also be a new system or scheme of patent examination to streamline the registration procedure. ([Click to continue reading...](#))

## **6. Thailand Ranked Better in Intellectual Property Index by Global IP Center**

The sixth edition of the U.S. Chamber International IP Index (“2018 IP Index”) of the Global Intellectual Property Center was released in February 2018. The 2018 IP Index ranked Thailand at the 41<sup>st</sup> position out of 50 countries comparing with the 40<sup>th</sup> position out of 45 countries in 2017. ([Click to continue reading...](#))

## **7. Amendment to the Copyright Act of Thailand Introducing New Exemptions to Copyright Infringement for Disabled Persons**

Thailand has finally enacted Copyright Act (No. 4) B.E. 2561 (A.D. 2018) (“Copyright Act No. 4”) to bring the Copyright Act B.E. 2537 (A.D. 1994) in line with the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty). The Copyright Act No. 4 was published in the Royal Gazette on 11th November 2018 and will be effective on and from 11th March 2019. ([Click to continue reading...](#))

## **8. Significant Destruction Ceremonies of Counterfeit Goods**

In June 2018 there was a destruction ceremony in Phuket in the Southern part of Thailand for destruction of approximately 80,000 items of counterfeits with value of over THB182 million (US\$5.9 million). The destruction ceremony was led by Phuket Customs Office Chief Kanjana Suwachino.

In September 2018, a destruction ceremony was organized in Bangkok by the Thai government to dispose of counterfeit and pirated goods with the total value of around THB1.3 billion baht (US\$40 million). In the ceremony, about THB2.1 million counterfeit items were from the finalized intellectual property infringement cases split into around 87,000 items from the Royal Thai Police, 1.7 million items from the Customs Department, and 181,000 items from the Department of Special Investigation. These goods included luxury apparel, bags, belts, shoes, watches, mobile phones, CDs, DVDs, eyewear, and cosmetics. The event was organized in a fully transparent manner, with full access and participation by media and IP right owners.

## **9. Our Rankings and Recognitions**

2018 was a year of significant developments not only in the field of IP law and practice of Thailand but also for the IP practice of our firm. We have been ranked at Tier 2 by Asia IP for the year of 2018 in Trademark Contentious category. The Legal 500 Asia Pacific also ranked us in Tier 2 for intellectual property practice and our two partners and one associate have been recommended for IP practice in its publication. The IAM Patent 1000 also recognized our Managing Partner, Kowit Somwaiya, as a highly

skilled patent agent. He is also recognized as a “Leading Lawyer” for patent prosecution by the WIPR Leader 2018. The Asia Business Journal, 2018 recommended him as “one of Thailand’s Top 100 Lawyers” in the A-List.

He has been elected to serve as the Vice President of the Intellectual Property Association of Thailand for the term of 2017-2019. He also serves as a member of the Board of Directors of the International Trademark Association (INTA) during the term of 2018-2022.

## 10. More Clients

In 2018, our firm has been representing various significant clients both foreign and Thai companies on IP prosecution and IP litigation in Thailand and abroad. For instance, we filed many trademark oppositions in Thailand for several renowned international companies. We handled a large number of PCT national phase applications in Thailand, especially in the field of life science, energy, pharmaceutical technology, material and engineering technologies. We have been assisting a Chinese online entertainment company on data privacy and copyright issues for its online platform. We have been representing two Thai telecom companies on copyright cases at the IPIT Court. We also assisted an e-commerce platform company on a copyright dispute alleged to be occurred on its online platform.

There are many further developments and advancements in the field of IP law and practice in Thailand expected to happen in this upcoming year of 2019. We will keep reporting the same in future editions of our newsletters and publications.

If you have any questions about any of these topics, or other IP issues in Thailand, please feel free to contact us anytime.

We wish you all the best in 2019!

Best regards,  
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