

PRESENTATION AND DISCUSSION SLIDES

INTERNATIONAL CONFERENCE ON INTELLECTUAL PROPERTY

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Nay Pyi Taw, Myanmar

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INTELLECTUAL PROPERTY PROTECTION AND ACTIONS AGAINST INTELLECTUAL PROPERTY INFRINGEMENT IN THAILAND

Thailand – Geography and Statistics



- Area: 513,120 sq km
- Capital City: Bangkok
- Population 2024: 71.80 million
- GDP 2024
 - Total: US\$527 billion
 - Per capita: US\$7,500
- GDP Growth Rates:
 - 2000: 4.50%
 - 2021: 1.60%
 - 2022: 2.50%
 - 2023: 1.90%

Sources - <https://en.wikipedia.org/wiki/Thailand?utm>

- <https://www.focus-economics.com/countries/thailand>

- https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2023&name_desc=false&start=2023&view=bar

Trademark and Copyright Protection

- Both registered and unregistered trademarks are protected under the law.
- Registered trademarks receive broader and stronger protection than unregistered trademarks.
- Trademarks registered abroad can be used as the basis for a passing-off lawsuit against infringer in Thailand.
- Copyright works are protected without registration.
- Registration of a copyright work with the Copyrights Office is recommended.

Courts and Enforcement Authorities

- Intellectual Property and International Trade Court (IPIT Court)
(established in 1996)
- Specialized Appeals Court (established in 2016)
- Supreme Court
- ECD (Economic Crime Suppression Division) of the Royal Thai Police Office.
- DSI (Department of Special Investigation) of the Ministry of Justice.
- CD (Customs Department) of the Ministry of Finance.

Tips for Trademark Registration and Use

- Do a clearance trademark search.
- Obtain advice on specifications of goods and services.
- File an application to register a trademark sooner rather than later. A smooth application takes 1.5 – 2 years to reach registration.
- File a single-class trademark application. It is a better choice than a multi-class application.
- File an international trademark application under the Madrid System and designate Thailand for protection.
- File a backup application in case of refusal.
- Agree on co-existence by having the other party register your mark first and then assign it to you later.
- Record trademark license agreement with the TMO.

Tips for Trademark Enforcement

- Compile evidence of use and advertising materials at all times.
- Use trademark watching and market survey services.
- Obtain support from expert and recognized lawyers, agents and investigators.
- Take swift actions against infringers.
- Collaborate with authorities, internet service providers (“ISP”) and others related parties.
- Allocate a sufficient budget for trademark enforcement.

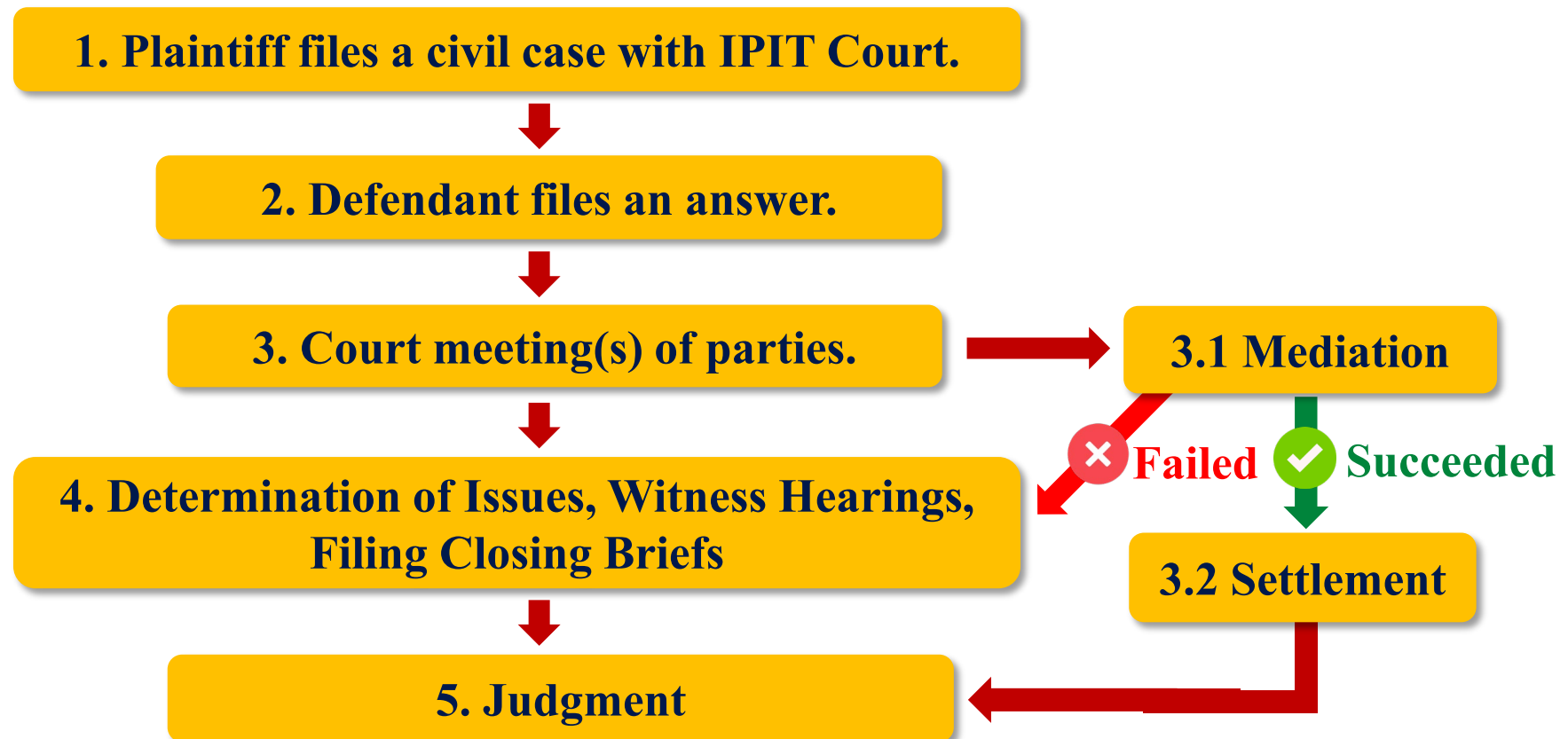
Actions for Trademark Enforcement

- Publication of a warning notice.
- Cease and desist letter to infringers.
- Police complaint for seizures of infringing goods and arrest of infringers.
- Criminal case by the public prosecutor.
- Criminal case by the trademark owner.
- Civil case by the trademark owner.
- Customs measures by the Customs Department.
- Court takedown notice against online infringers under the Computer Crimes Act and the Copyrights Act.
- Complaint with the FDA or the CPB.

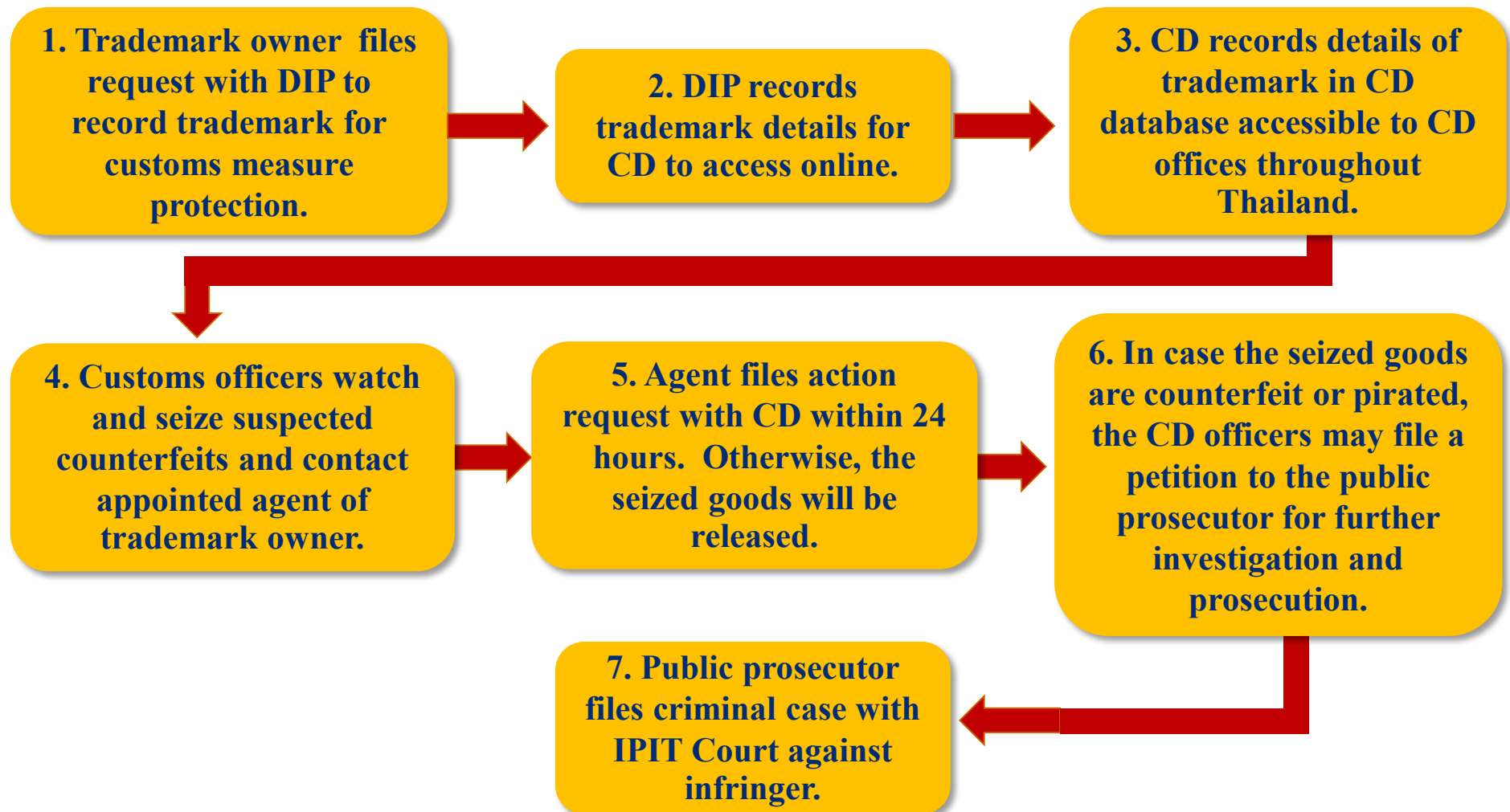
Police Complaint and Criminal Case by Public Prosecutor



Civil Case in IPIT Court by Trademark Owner



Customs Measures under the Customs Act B.E. 2560



Takedown Notice Against Copyright Infringement under the Copyrights Act

1. Copyright owner files a motion to IPIT Court under Section 32/3 of the Copyrights Act.

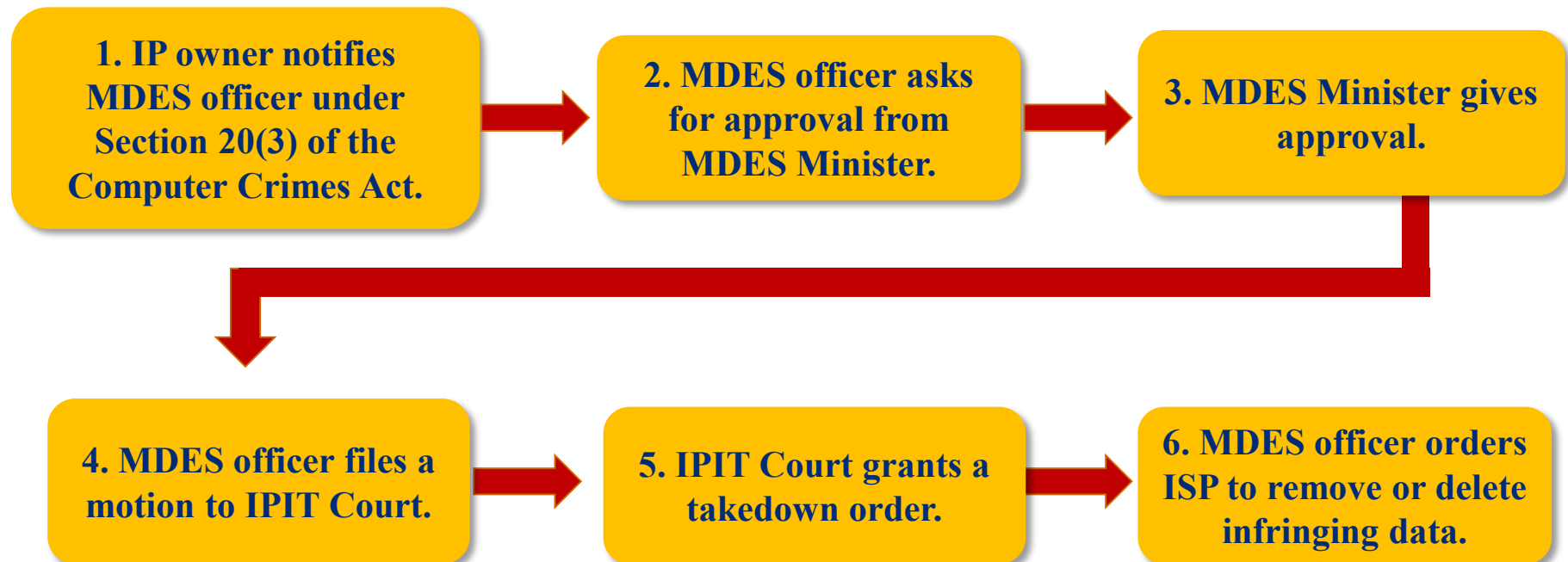


2. IPIT Court grants an interim injunction order to the internet service provider to comply within a specific period of time.



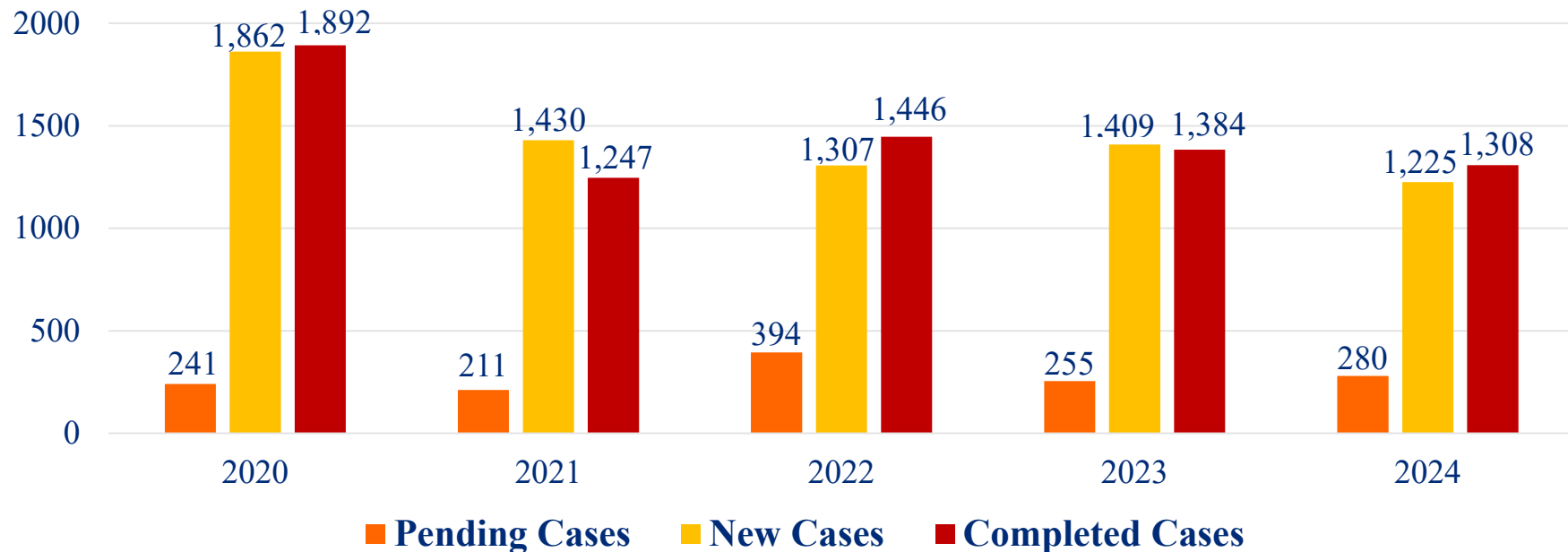
3. Copyright owner initiates a lawsuit against the infringer within the period of time specified by IPIT Court.

Takedown Order Against IPR Infringement under the Computer Crimes Act



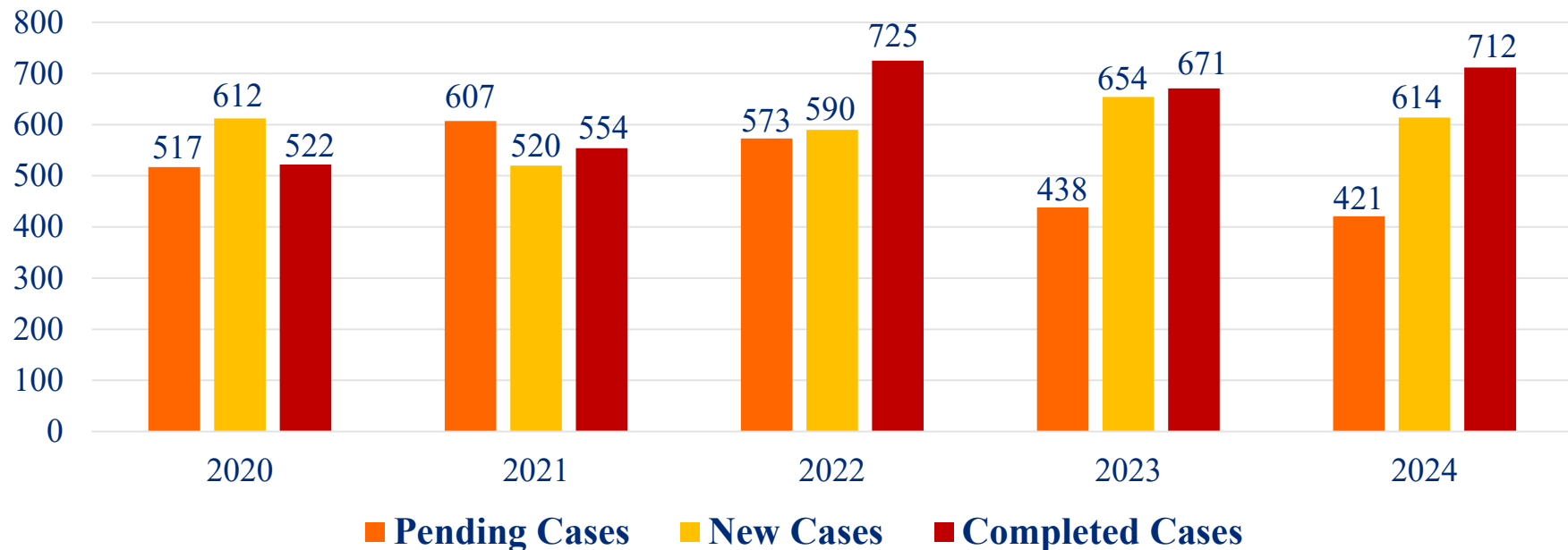
Statistics of Cases in IPIT Court: Criminal Cases

Year	2020	2021	2022	2023	2024
Pending Cases	241	211	394	255	280
New Cases	1,862	1,430	1,307	1,409	1,225
Completed Cases	1,892	1,247	1,446	1,384	1,308



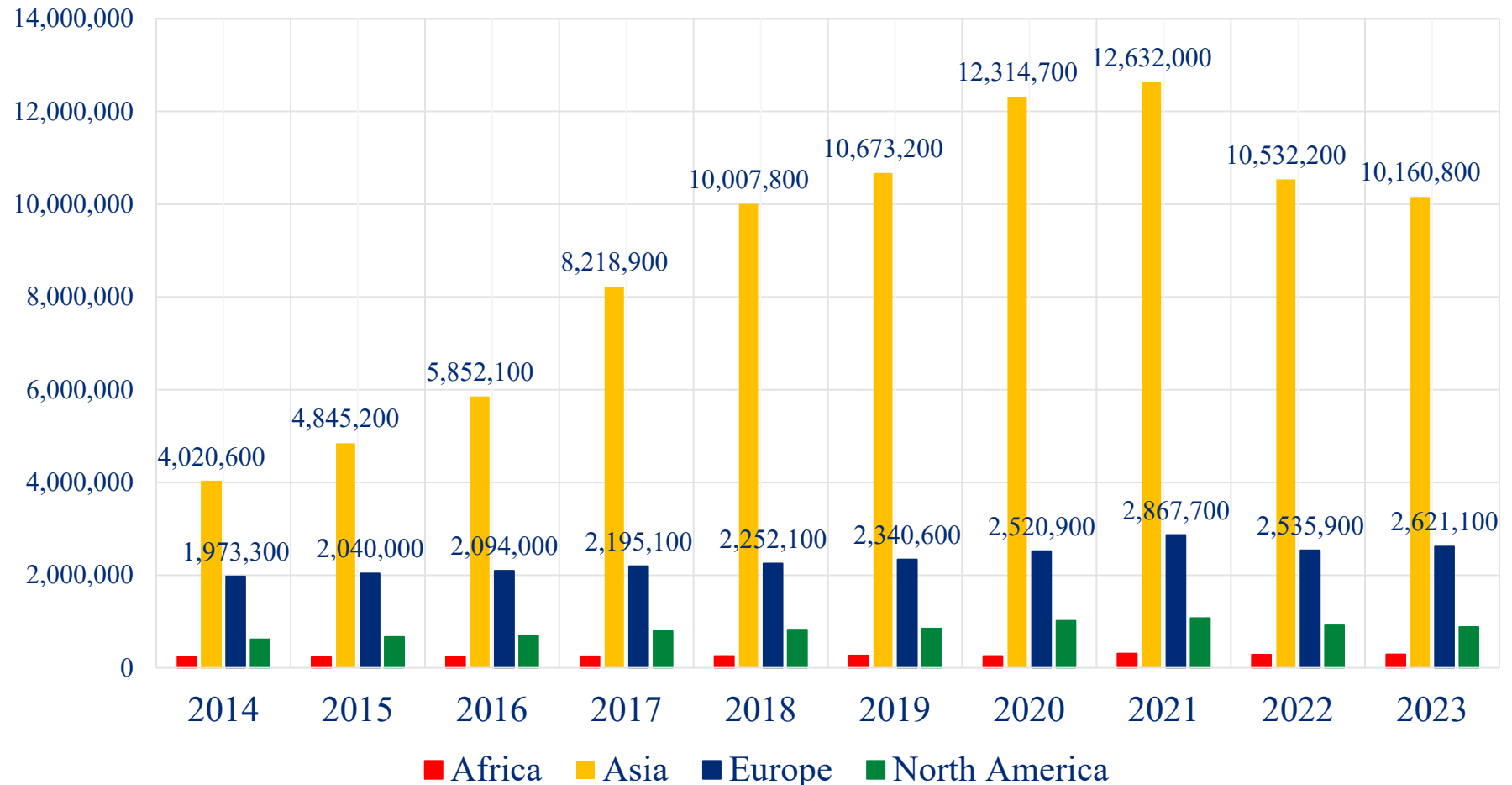
Statistics of Cases in IPIT Court: Civil Cases

Year	2020	2021	2022	2023	2024
Pending Cases	517	607	573	438	421
New Cases	612	520	590	654	614
Completed Cases	522	554	725	671	712

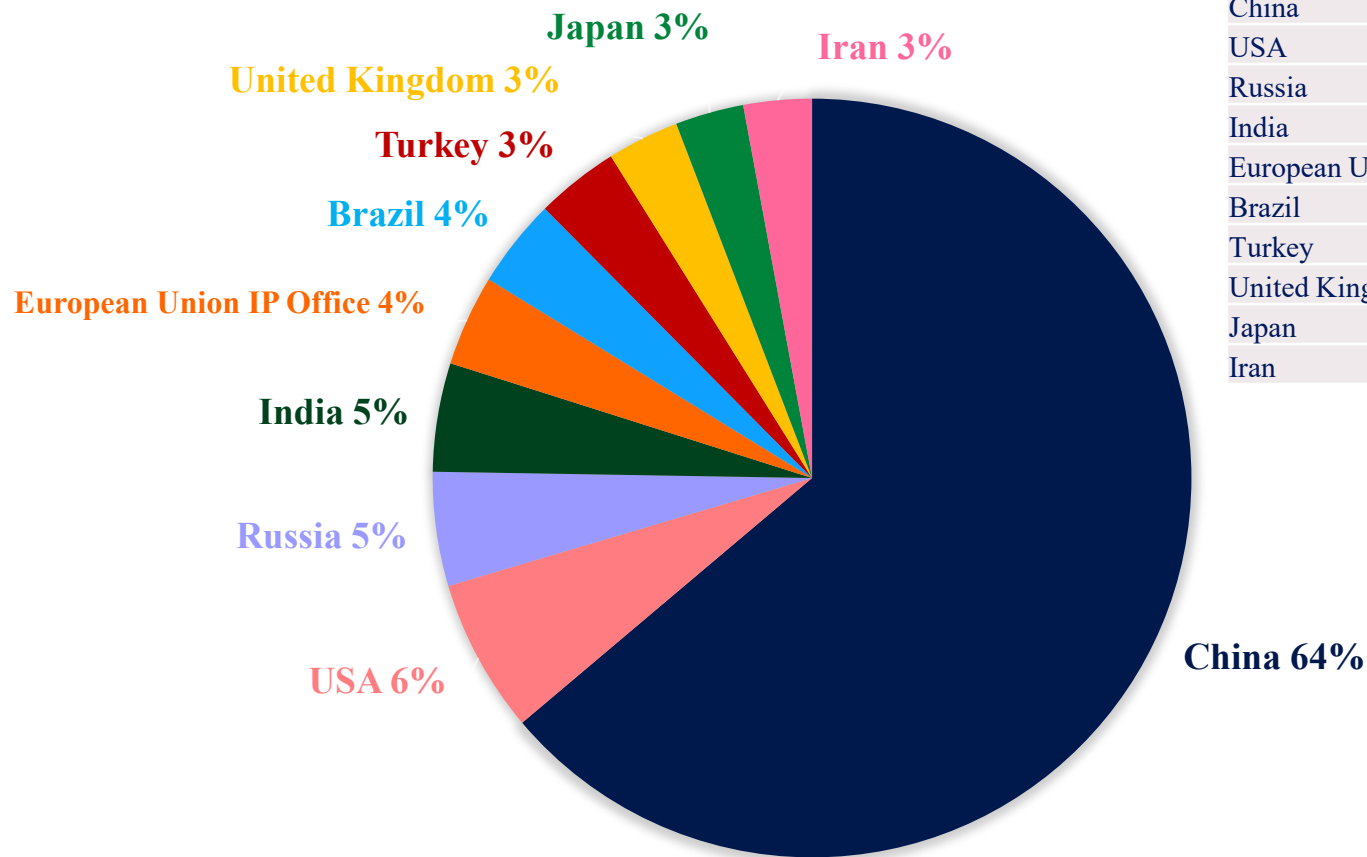


ROLE OF TRADEMARK IN ECONOMIC DEVELOPMENT

Trademark Applications by Regions (Class Counts)

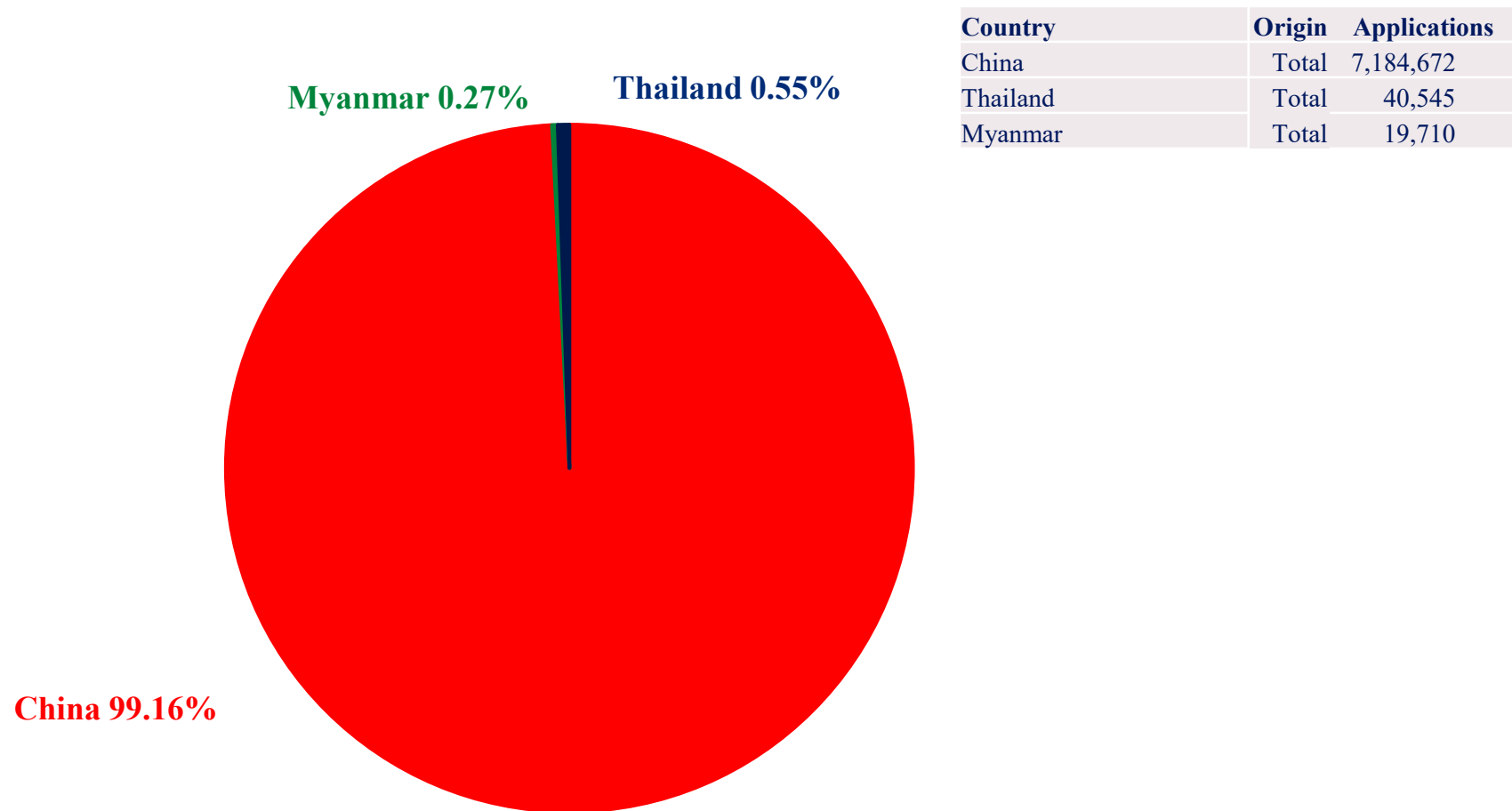


Trademark Applications (Class Counts) in Top 10 Counties: 2023



Country	Origin	Applications
China	Total	7,184,672
USA	Total	739,188
Russia	Total	546,381
India	Total	520,737
European Union IP Office	Total	436,451
Brazil	Total	427,228
Turkey	Total	398,670
United Kingdom	Total	344,964
Japan	Total	328,412
Iran	Total	327,360

Trademark Applications (Class Counts) in China, Thailand and Myanmar: 2023





Trademark Applications and GDP Growth Correlation

- Trademark filings are not just legal events.
- Trademark filings are leading economic indicators.
- A high volume of trademark applications signals business growth, product innovation, and market confidence.
- Well-regulated trademark system encourages foreign direct investment (FDI) and sectoral expansion.
- High volume of trademark applications, FDI and sectoral expansion contribute to GDP growth.



Trademarks Are Important to Economic Development

- **Leading Indicator of Economic Activities**
 - Rising business confidence
 - New product launches
 - Growing consumer markets
- **Support for Foreign Direct Investment (FDI)**

Strong and efficient trademark systems attract FDI in consumer-facing industries:

 - Retail
 - Food and beverage
 - Technology
 - Pharmaceuticals
- **Contribution to Non-Technical Innovation**
 - Branding and design innovation
 - Service-based value creation
 - Market entry strategies for SMEs and startups



Trademark Applications and GDP Growth 2023

China, Thailand and Myanmar

Country	Trademark Trends	GDP Growth Rates	Applications Filed (Class Counts)
China	Reforms reduced bad-faith filings 46M+ active marks show strong role of trademarks.	5.2%	7,184,672
Thailand	Stable filings (food, tourism, and consumer goods).	1.9%	40,545
Myanmar	First-to-file system launched.	1.0%	19,710

Sources - https://en.wikipedia.org/wiki/Thailand?utm_source=chatgpt.com
- https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2023&name_desc=false&start=2023&view=bar
- www.wipo.int



Trademark Applications and GDP Growth 2023, China

- **Trademark Applications: 7,184,672**
 - 29% drop in new trademark applications (1.79 million fewer filings)
 - China still retained the largest number of active trademarks globally
 - Over 46 million active marks by year-end
- **GDP Growth**
 - 5.2% in 2023, driven by domestic consumption and innovation-led manufacturing recovery
- **Connection**
 - The decline in trademark filings was part of an intentional policy shift to eliminate bad-faith and speculative filings
 - The high volume of existing active marks in advanced manufacturing and digital services
 - China moved toward a high-tech, consumer-driven economy



Trademark Applications and GDP Growth 2023, Thailand

- **Trademark Applications: 40,545**
 - Remained relatively stable
 - Thailand supported Madrid Protocol filings and border enforcement against counterfeits
 - Importance of trademark protection in trade and tourism
- **GDP Growth**
 - 1.9%, driven by private consumption, tourism, and a gradual rebound in exports
- **Connection**
 - A strong services sector (hospitality, health, and food exports)
 - Distinctive branding
 - Trademark registrations by SMEs and foreign investors increased



Trademark Applications and GDP Growth 2023, Myanmar

- **Trademark Applications: 19,710**
 - Implemented first-to-file trademark system in April 2023
- **GDP Growth**
 - 1.0% in 2023
 - Negative growth in previous years
- **Connection**
 - The new IP systems are a positive signal to domestic and foreign investors
 - Trademark filings reflected a recovering economy

TRADEMARK REGISTRATION IN MYANMAR

Myanmar – Geography and Statistics



- Area: 676,590 sq km
- Capital City: Nay Pyi Taw
- Population 2025: 55.34 million
- GDP 2023
 - Total: US\$66.70 billion
- GDP Growth Rate 2023: 1.0%

Sources - https://www.worlddata.info/asia/burma/index.php#google_vignette

- <https://databank.worldbank.org/reports.aspx?source=2&series=NY.GDP.MKTP.CD&country=#>

- https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2023&name_desc=false&start=2023&view=bar

Myanmar Trademark Law 2019 (“MTL”)

- Passed by the Parliament of the Republic of the Union of Myanmar on 30th January 2019
- Came into force and effect when the State Administration Council (“SAC”) announced its effective date on 1st April 2023
- 24 Chapters
- 106 Sections

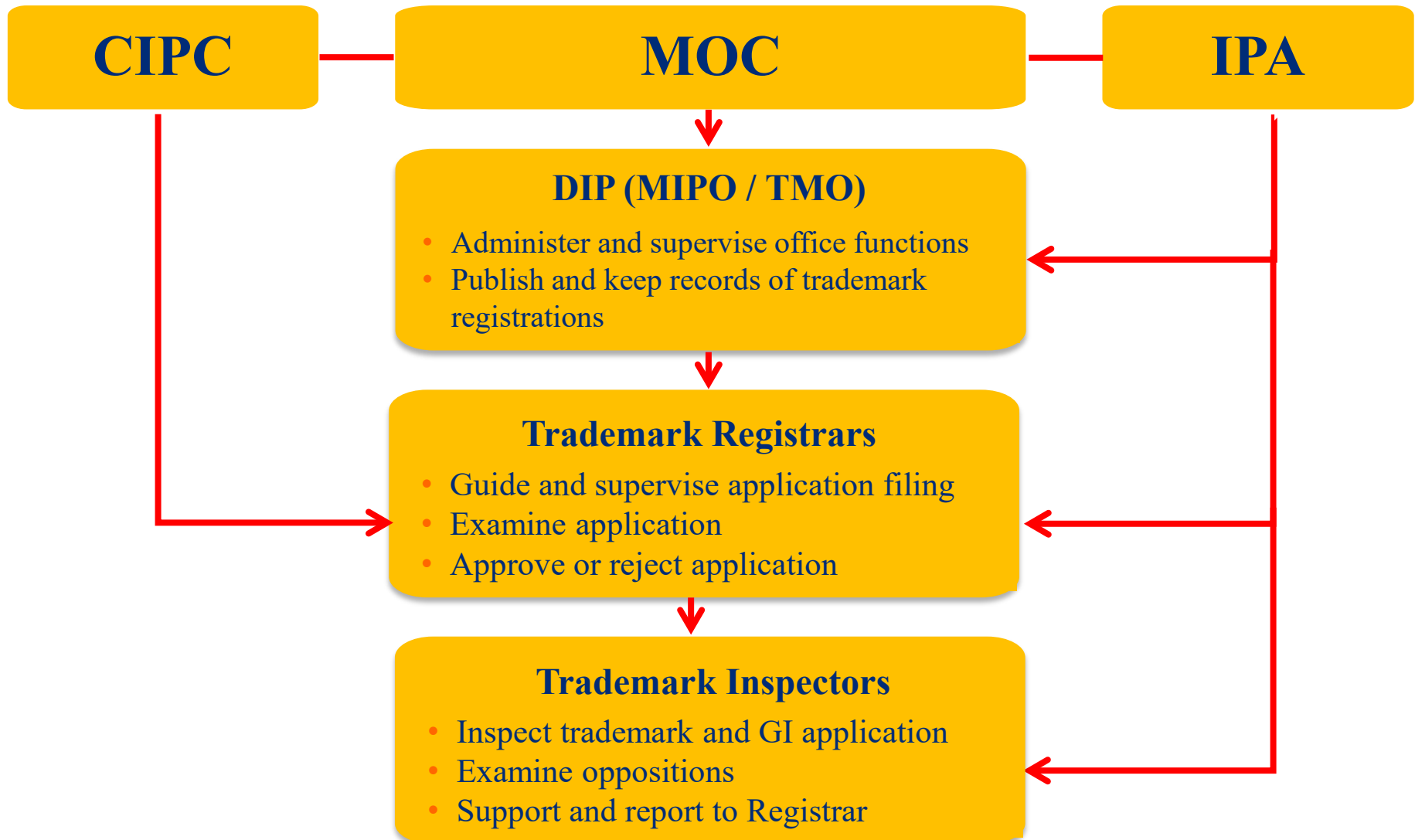
Central Intellectual Property Committee (“CIPC”)

- Chairman: Vice President of the Republic of the Union of Myanmar
- Vice Chairman: Minister of MOC
- Secretary: Person appointed by the President
- Joint Secretary: DG of DIP
- Members: VMs and DGs of relevant and other ministries, four IP experts and two NGO representatives
- Develops trademark policies and strategies
- Coordinates with local and international organizations on developing IP system of Myanmar

Intellectual Property Agency (“IPA”)

- Chairman: Secretary of CIPC
- Secretary: DG of DIP
- Members: DGs of relevant ministries, eight IP experts and five NGO representatives
- Implements trademark policies and strategies developed by the CIPC
- Reviews and decides on appeals filed by applicants against orders and decisions of the Trademark Registrar and other appeals filed under the MTL

Authorities in Charge of Trademark Registration



Marks and Other IP Protected under the MTL

- Trademarks
- Service marks
- Collective marks
- Certification marks
- Trade names
- Geographical indications

Trademark Filing Requirements

- Application with name and address of the applicant
- Notarized PoA if the applicant is not a Myanmar national
- Name, NRC number and address of a Myanmar representative if applicant is not a Myanmar national
- Complete and clear description of the trademark
- Class(es) and specifications of goods and/or services

Steps for Trademark Examination and Registration

1. Filing of Application
2. Formality Check of Application
3. Absolute Ground Examination
4. Publication for Opposition
5. Relative Ground Examination
6. Registration or Rejection

DOMESTIC AND INTERNATIONAL COLLABORATION FOR STRONGER IP PROTECTION AND DEVELOPMENT

Aligning IP Laws with International Standards

- Accede to core international treaties under WIPO
- Strengthen IP enforcement capacity and judicial expertise
- Promote public IP awareness and SME support
- Engage actively in regional and global IP initiatives

Strengthening Implementation of IP Laws

- **Specialized IP Court**
 - Expertise in complex IP cases
 - Faster and consistent judgments
- **Enhanced Enforcement Capacity**
 - Training judges and enforcement officers
 - Coordination among customs, police, and judiciary
- **Efficient Dispute Resolution**
 - Alternative dispute resolution (ADR) mechanisms
 - Reducing backlog and costs
- **Legal and Institutional Reforms**
 - Clear procedural rules for IP cases
 - Investment in infrastructure and technology

Promoting Efficiency of IP Offices and Related Agencies

- **Staff Training and Development**
 - Enhance skills in IP examination and enforcement
 - Continuous professional education programs
- **Modernizing Infrastructure**
 - Implement digital IP management systems
 - Improve data access and transparency
- **Collaboration of Agencies**
 - Strengthen coordination with customs, police, judiciary
 - Share best practices regionally and internationally
- **Public Awareness and Outreach**
 - Educate stakeholders on IP rights and procedures
 - Support innovation through workshops and seminars