

20-Year IP Roadmap for Thailand 4.0

On 26th January 2017, the Department of Intellectual Property (“[DIP](#)”) finally released the 20-Year IP Roadmap to reform the Thai intellectual property system to be in line with the strategy of driving the country to “Thailand 4.0”, which focuses on an economy based on innovation and intelligence. The roadmap would enhance the competitiveness of Thai entrepreneurs and Thai products as they move into the global market and create trade opportunities.

The IP Roadmap covers the six main issues, i.e., (1) creation of IP based innovation, (2) timely protection of IP, (3) commercialization of IP to create value, (4) effective enforcement of IPRs, (5) promotion of geographical indications for rural prosperity, and (6) protection of genetic resources, traditional knowledge and traditional cultural expressions.

1. Creation of IP Based Innovation

To foster creation of IP based innovation, the DIP and other related government offices are to promote and encourage more research and development activities in Thailand which are more responsive to the needs in the market and also improve and promote the use of IP databases, including patent mapping services and patent search services, to help understand the past and current trends of innovations in a particular industry. They will also develop the infrastructures and issue some measures to support the accessibility to the sources of funds for creation of innovation.

2. Timely Protection of IP

Currently, DIP lacks sufficient resources to keep up with the increasing volume of applications, especially for patent applications with examinations taking, on average, more than 5 years in some technology sectors, and as high as 10 years for pharmaceutical patents.

Under the IP Roadmap, the DIP will hire and train more examiners and registrars and amend some IP laws and regulations to streamline the application, examination and registration procedures. The DIP will also implement new work flow optimization scheme to make the application and registration processes more efficient. It may also implement work-sharing programs with other agencies and organizations to support in certain issues.

3. Commercialization of IP to Create Value

In order to provide support for IP rights holders to commercialize their IP rights, DIP and other related government sectors will arrange and organize annual IP fairs and other kind of events for business matching and exhibition of products. They will also give support for development and commercialization of results of researches in order to meet the needs of the market and give a

hand with valuation of IP rights and utilization of IPRs as collateral.

4. Effective Enforcement of IPRs

The ineffective enforcement of IPRs in Thailand is one of the biggest problems for IP owners investing in Thailand. The Government is stepping up efforts to have Thailand removed from the U.S. Priority Watch List under Special 301 of the Trade Act of 1974. A target has been set to eradicate or at least reduce the volume of the IP infringements in red zones (notorious markets) in Bangkok and nearby provinces by 2021 and also to enforce IPRs against online IP infringers.

To reach the goal of having effective enforcement of IPRs, Ministry of Commerce and related government sectors are urged to provide the public and entrepreneurs with better understanding about respect for IP and the promotion of IP rights among the general public. Cooperation with police authority, customs, others related government offices and private sectors is also needed.

5. Promotion of Geographical Indications for Rural Prosperity

Currently, 67 Thai products from 49 provinces are registered as GIs with the DIP. The IP Roadmap aims to have products in other 28 provinces registered as GIs as well. This is intended to promote the marketing of Thailand's agricultural, handicraft, and artisan products for which Thailand is famous. Appropriate and effective geographical indication protection systems help promote SMEs' products by guaranteeing exclusivity over the use of their geographical indications, and helping those companies overcome marketing challenges.

DIP and other related government offices will also work together to arrange a system to control the standard and quality of GI products and give support to make them more marketable.

6. Protection of GRs, TK and TCEs

There have been plenty of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs) of Thailand. However, Thailand has been facing many problems as its GRs, TK or TCEs are illegally used and commercialized, including biopiracy by foreigners.

Under the IP Roadmap, DIP and other related government sectors are to improve laws and regulations in relation to GRs, TK and TCEs and create databases of these IPRs in the way that they are efficient and useful. Also, they are to promote more international agreements related to the principle of prior informed consent of the country of origin of the resources and also to encourage development of the existing GRs, TK and TCEs.

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