Patent Registration in Thailand

Introduction

The Thailand Patent Act 1979 provides protection for patents, petty patent and product design patent in Thailand. The patent holder under the Act has a right to prevent any unauthorized person from making, using, offering the sale, selling or importing of the patent.

Patents shall be granted only for an invention which is:

(1) novel;
(2) involves an inventive step;
(3) capable of industrial application.

Petty patents and product design patent shall be granted only if the invention is

(1) novel;
(2) capable of industrial application.

Registration

The proprietor of a patent, petty patent or product design patent shall file the patent application for registration with the Patent Examiner at the Department of Intellectual Property (DIP) in Thailand. The following documents must be submitted together with the application.

For patents and petty patents the following information and documentation must be submitted.

(1) Specifications of invention or process;
(2) Claims;
(3) 3 dimensional drawing of patent or petty and view in 3 dimension;
(4) Abstract.

For patents designs the following information and documentation must be submitted.

(1) Specifications of invention or process;
(2) Claims;
(3) 3 dimensional drawing of the product design patent.

If the applicant is a business, the applicant must submit the following additional documentation:

(1) Legalized Certificate of Incorporation issued by the applicant's home country with in six months of the proposed filing date in Thailand;
(2) Statement of Applicant's Right, if applicable (See below):
(3) Deed of Assignment, if applicable (See below).

If the applicant is the inventor or creator, the applicant must also submit a Statement of Applicant's Right to the Examiner.

If the applicant is not the inventor or creator but rather an assignee, the applicant must also submit the relevant assignment document granting rights to the applicant together

with a Thai translation of the document (In order to avoid confusion concerning translation of the assignment document into Thai, we recommend that the applicant use the Deed of Assignment form attached).

All of the above documents must be submitted to the DIP by a party which has been properly authorized in writing by the applicant.

Priority Claims

In some cases the applicant may claim the priority date of an earlier application filed in a foreign country.

The right to claim the priority date shall be granted depending upon in which foreign country the application was first filed. Per its commitments as a member of the World Trade Organization (WTO), Thailand automatically grants priority to applicants who have first filed applications in countries which are fellow WTO member states.

If the initial filing was performed in a country which is not a member of WTO, the applicant must submit to the Examiner the following documents in order to claim priority:

(1) Certified true copy of the first application issued by the foreign patent office;
(2) An official document issued by the foreign patent office demonstrating that the patent application was the applicant's first application and no foreign application had been filed before;
(3) An official notification issued by the chief of the foreign patent office in the jurisdiction where the application was originally filed indicating that the foreign country grants the same priority rights to Thai applicants filing patent applications in the foreign country.

For patent and petty patent applications, the priority claim shall be filed with the DIP within twelve months after the initial foreign filing.

For patent design applications, the priority claim shall be filed with the DIP within six months after the initial foreign filing.

Time Frame

1. Filing Application

After the applicant has filed the application with the DIP, the Examiner shall commence review of the application.

2. Publication

For patents and product design patent applications if the Examiner orders no amendment or revocation to the application, the Examiner shall order the applicant to pay the publication fee. Upon receipt of the publication fee the Examiner shall order publication of relevant details concerning the application in the DIP Gazette. This information shall then appear in the DIP Gazette for a period of ninety days.

For petty patent applications if the Examiner orders no amendment or revocation to the application, the Examiner shall order the application to pay a publication fee and a registration fee within sixty days from the receipt of the Examiner. The Examiner then shall order publication of relevant details concerning the application in DIP Gazette. This information shall then appear in the DIP for a period of ninety days.

3. Examination

After publication the applicant is required to submit the patent application to the Examiner for examination to determine if the patent is registrable.

For a petty patent applicant, there is no requirement for examination, however, the applicant in person by authorized representative may request such examination within one year of publication.

During examination the applicants may submit the examination result of the patent or petty patent registration in other countries to the Examiner.

Examination of both patent and petty patent applications generally take two to three years to complete.

In order to shorten the length of time required, the Examiner may send the application to an international filing center upon request of the applicant.

There are generally no fees at the examination stage, however, if the applicant requests that the application be sent to an international filing center for review, the applicant must pay all expenses associated with processing the application.

For a product design patent applicant, there is no requirement on this matter.

4. Issuance of Certificate

In case there is no opposition and Examiner finds no mistake in the patent or product design patent, the Examiner shall order the applicant to pay the registration fee. After payment is received, the Registrar shall grant the Certificate of Registration accordingly.

Please note that, normally the procedure for processing a patent registration applicant action is approximately 4-5 years.

Fee & Expenses

Are presented in our attached fee schedule. Our professional fees may vary depending upon the number of applications to be filed. Please note that our professional fee and expense will be subject to 7% value added tax (VAT). All other services we provide shall be charged on an hourly basis.

Official fee for Patent

List of the maximum fees

	TH Baht
(1) An invention patent application	1,000
(2) Applications for design patents for the same design which are filed at the same time in a number of ten or more applications	10,000
(3) Publication of a patent application	500
(4) A request for patent examination	500
(5) An opposition to a patent application	1,000
(6) A patent or petty patent	1,000
(7) Annual fees for invention patents:	
fifth year	2,000
sixth year	4,000
seventh year	6,000
eighth year	8,000
ninth year	10,000
tenth year	12,000
eleventh year	14,000
twelfth year	16,000
thirteenth year	18,000
fourteenth year	20,000
fifteenth year	30,000
sixteenth year	40,000
seventeenth year	50,000
eighteenth year	60,000
nineteenth year	70,000
twentieth year	80,000
or payment of all annual fees in one payment	400,000
(8) Annual fees for design patents:	
fifth year	1,000
sixth year	2,000
seventh year	3,000
eighty year	4,000
ninth year	5,000
tenth year	6,000
or payment of all annual fees in one payment	20,000
(9) Annual fees for petty patents:	
fifth year	2,000
sixth year	4,000
or payment of all annual fees in one payment	6,000

								Baht	
(10) Fees for the extension of the term of petty patents:									
	first extension							14,000	
	second extension							22,000	
(11) An application for the registration of a License								500	
(12) An application to record the assignment of patent or petty patent								500	
(13) An application for conversion of patent or petty patent								500	
(14) A licensing certificate of patent or petty patent								1,000	
(15) A substitute of a patent, petty patent or licensing certificate								100	
(16) An appeal against an order of decision of the Director-General								1,000	
(17) Copies of documents, each page								10	
(18) Certifying copies									
	of documents of more than ten pages, each page							100	
	of less than ten pages, each page							10	
(19) Any other applications								100	