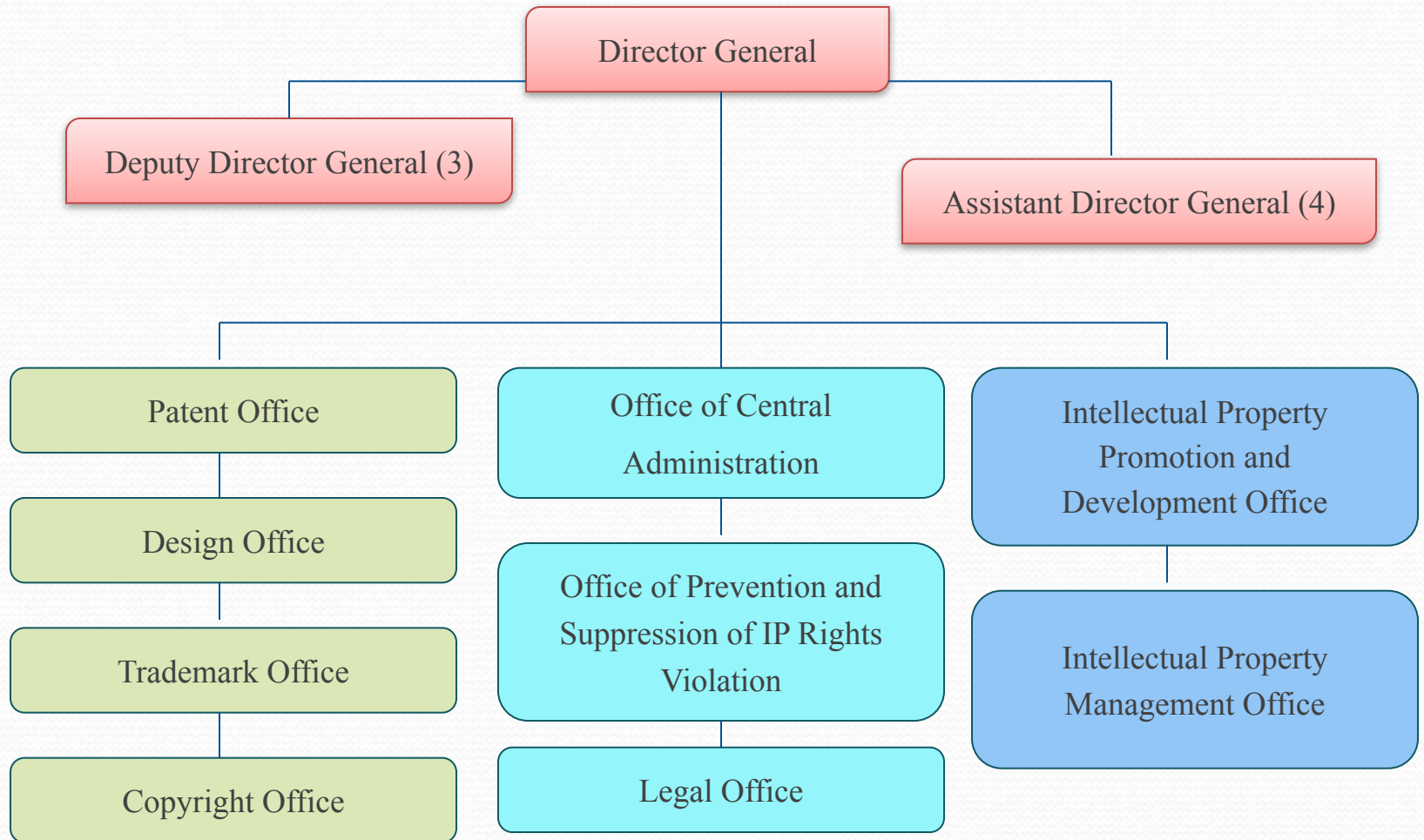


Overview of the Patent System and Procedure in Thailand



Department of Intellectual Property

Organization Structure





DIP Overview

- Responsible for all IP issues : patent, trademark, design, copyright , GIs, trade secret and other IP issues.
- Enforcement of IPR Protection and Suppression
- International IP issues.
- Promote and create IP education and awareness activities.
- Legal issues.



Patent Division Organization

Patent Division

Examination

Opposition

Administration

invention patent

Petty
patent

1. Opposition and
post-grant
amendment

1. General
administration

2. Certificate and
registration

3. Directory and
application
receiving

4. International
application
receiving

1. Engineering

2. Physical

3. Electrical and IC

4. Chemical technology

5. Petro chemistry

6. Biotechnology

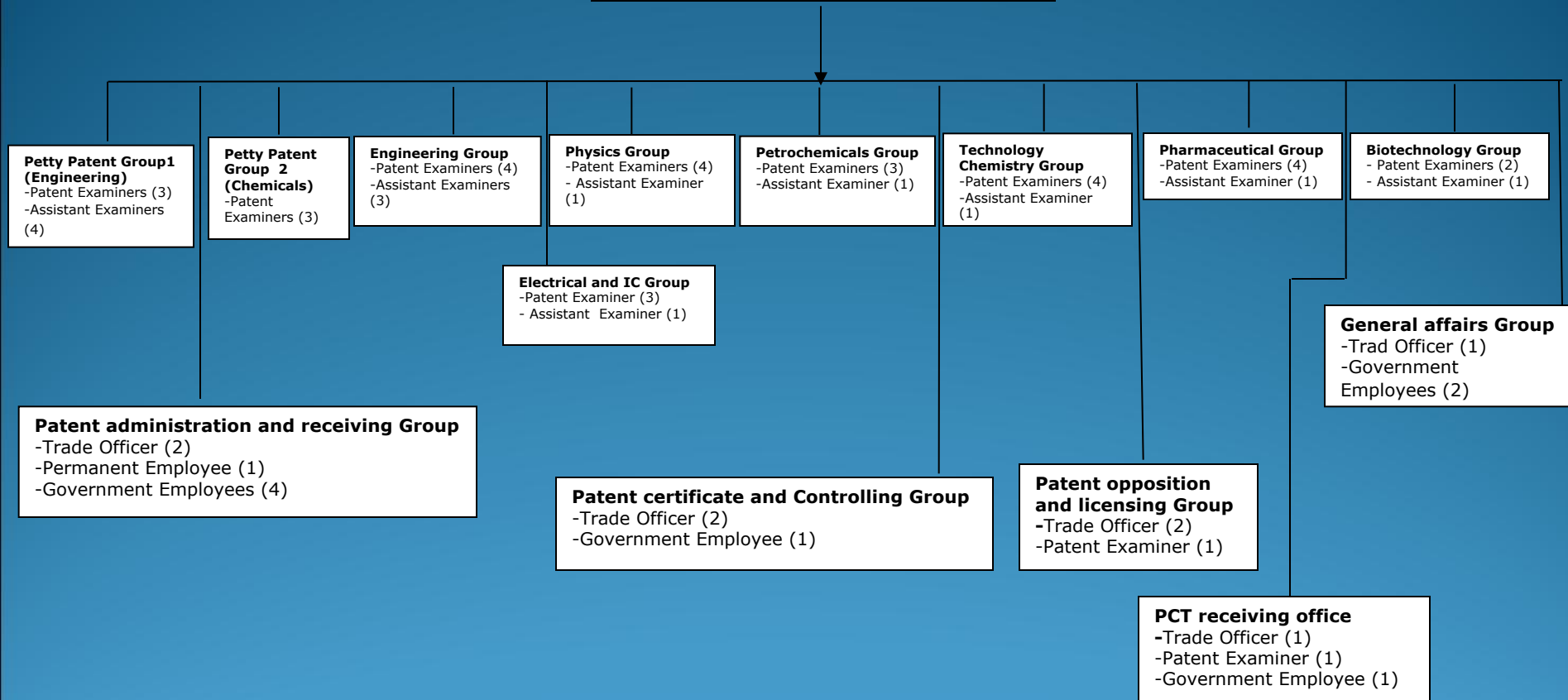
7. Pharmaceutical

1. First petty patent
group (engineering and
related)

2. Second petty patent
group (chemistry and
related)

Organization Chart of Patent Office

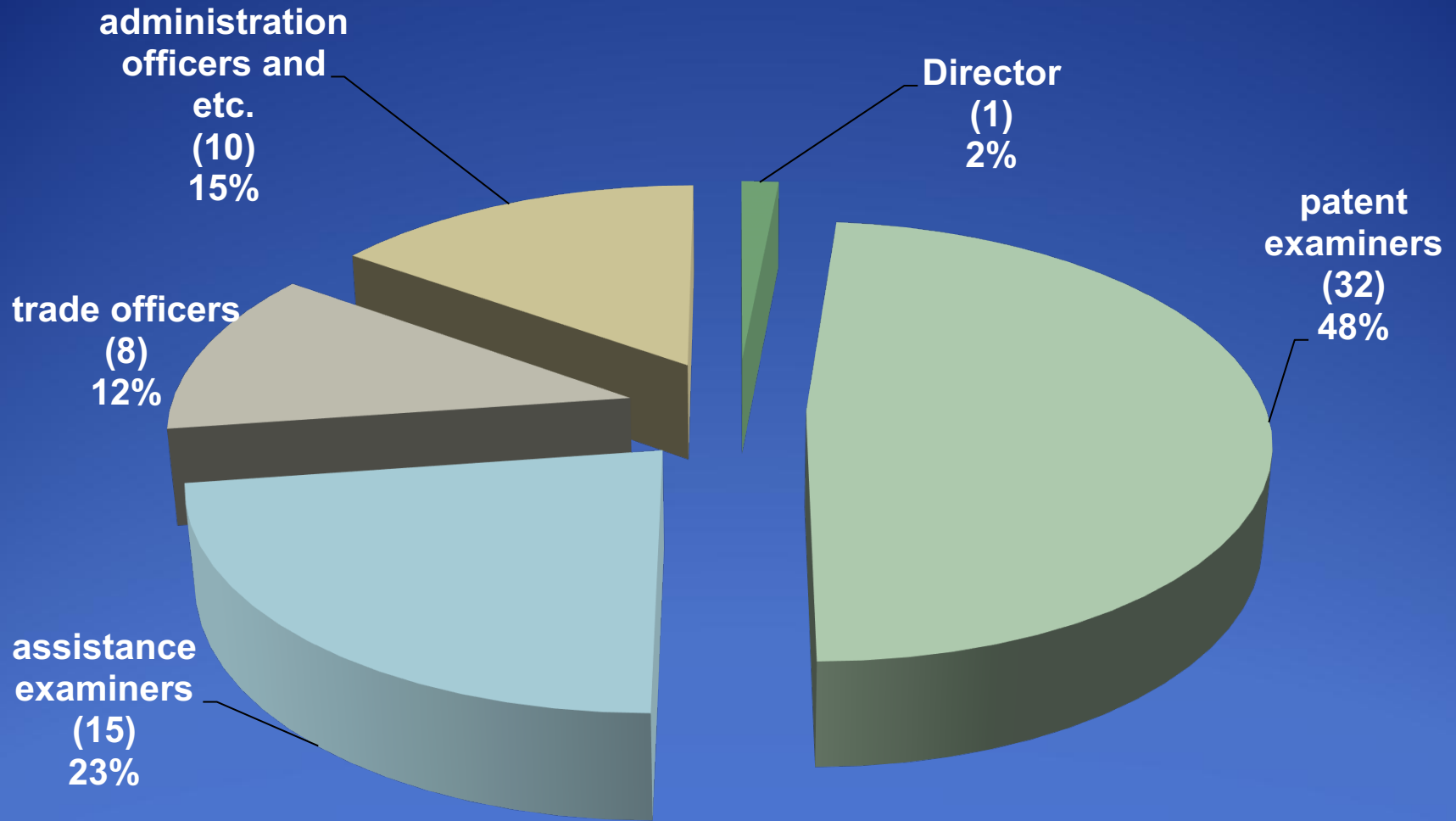
Director of Patent Office



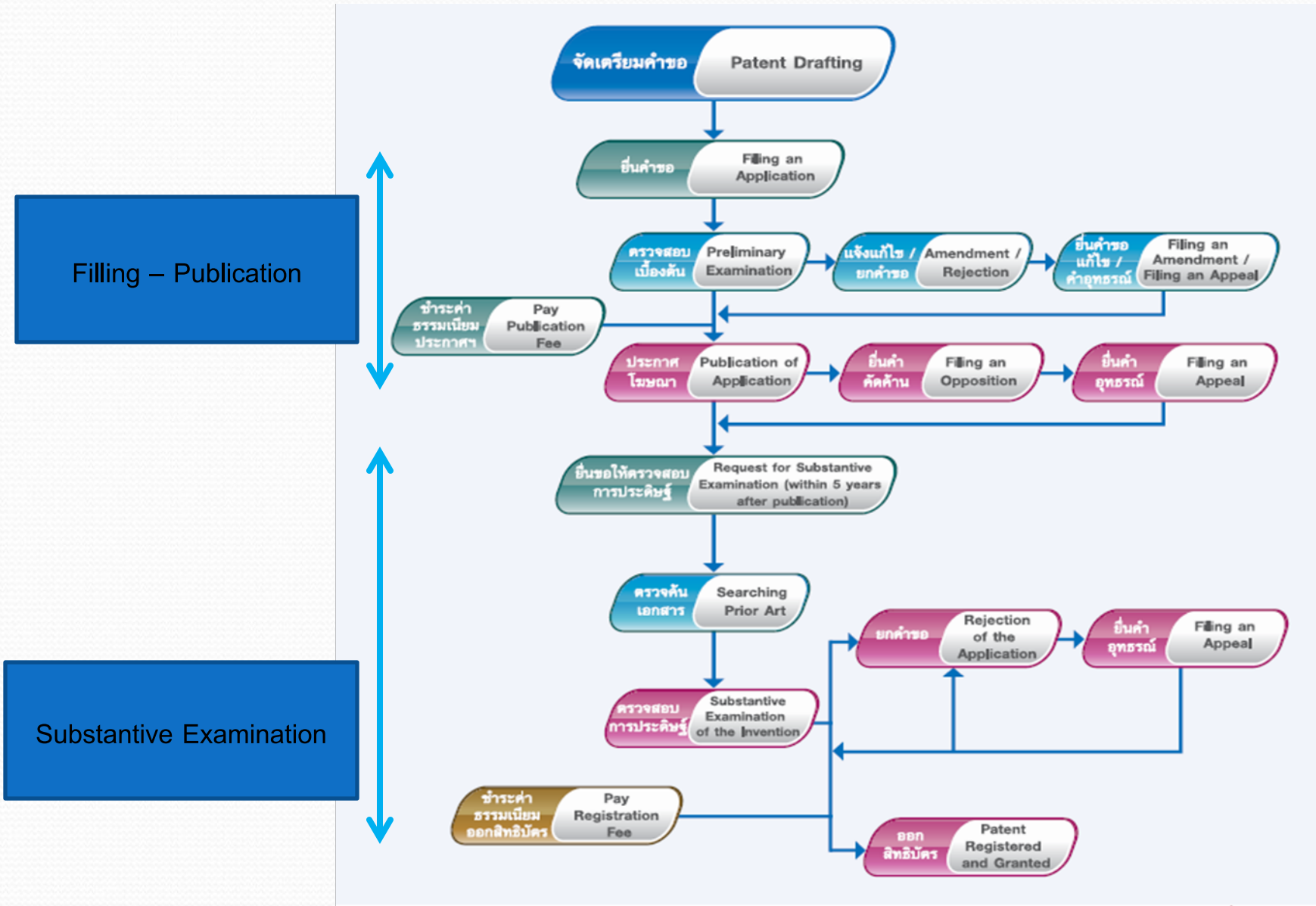
Total= 67 People

**Patent Examiners = 32, Assistant Examiners = 13, Trad Officer = 8,
Permanent Employees = 1, Government Employees = 13**

Manpower (Patent Office)



Examination Flow Chart of Patent for Invention Application



Timely Protection

- Backlog problems
 - 38,481 patent pending applications / 39 examiners
 - 34,247 trademark pending applications / 20 examiners

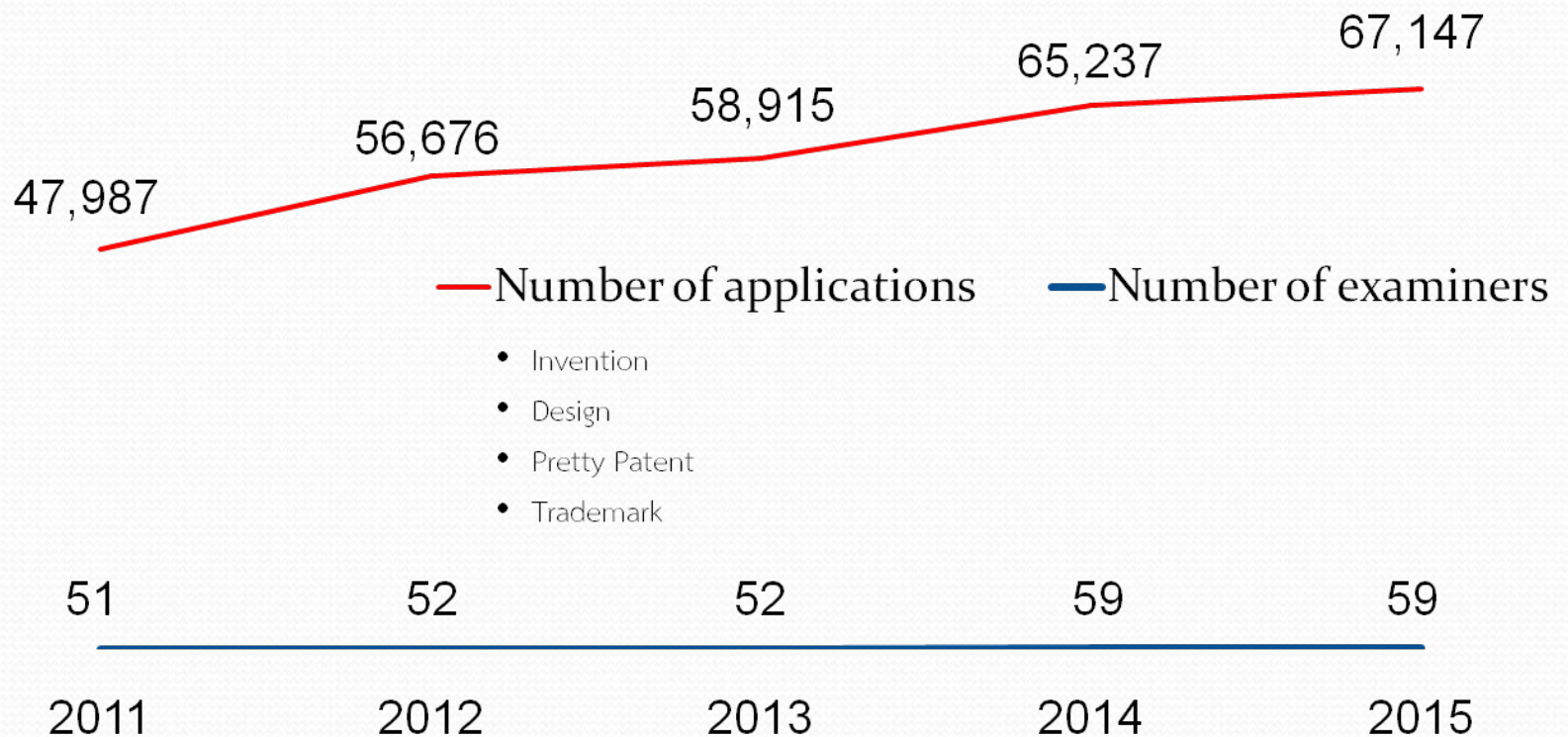
As of May 2016

- Results
 - Long delay
 - Quality and consistency issues

Timely Protection

- Recruit patent examiners and trademark registrars

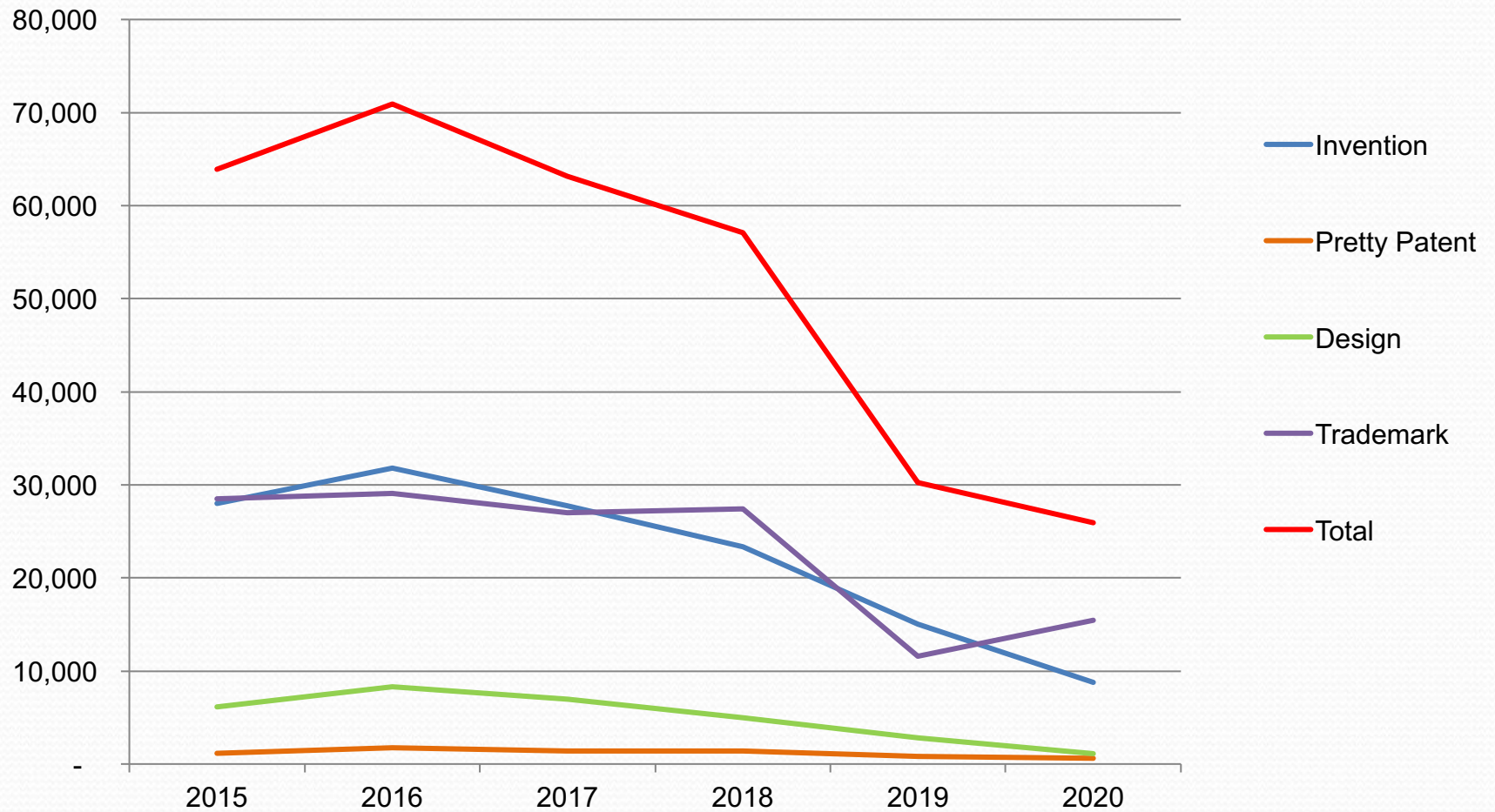
Number of Applications and Examiners



3 years plan : to recruit more government officials

Position	Current	In 2016	In 2017	In 2018	Increase Total
1. Trade mark (registrars)		10	5	5	20
2. Invention patent (examiners)	26	30	22	22	74
3. Design patent (examiners)		5	4	1	10
4. Petty patent	6	4	-	-	4
5. Trade mark appeal (legal officers)		-	4	3	7
6. Patent appeal (legal officers)		-	1	-	1
7. Law cases (legal officers)		-	1	-	1
8. Information technology		3	-	-	3
Total		52	37	31	120 (as of Sep.2016)

Tendency of Backlog



NEW RECRUITS

- **Specify qualifications as required technical fields**
- **Announcement of job application
(pass criteria of civil servant test)**
- **Pass the written examination**
- **Pass the interview**
- **Fill the post**
- **Probation**

Number of new patent examiner in 2016

Group	Available positions		Number of recruitment	
	Ph.D.	Master degree	Ph.D.	Master degree
Engineering	1	5	1	5
Electrical and IC	1	4	1	1
Physics	1	3	0	2
Petrochemicals	1	3	1	0
Technology Chemistry	1	3	1	1
Pharmaceutical	1	3	0	0
Biotechnology	1	2	1	2
Petty Patent	0	4	0	2
Total	7	27	5	13

Outline of training new recruit

Training first step for assistance examiner



On the job training (Phase 1)

Training examiner part 1



On the job training (Phase 2)

Training examiner part 2

Promoted to an Examiner with full discretion
(3-6th year)

Assistance Examiner
(Bachelor 6 yrs./Master 4 yrs./Ph.D. 3 yrs.)



: Off-the-Job training (Classroom lecture)

CURRICULUM FOR ASSISTANT EXAMINER

Theme	Main Topics	TIME	LECTURERS
Introduction	<ul style="list-style-type: none"> • Introductory issues • Organizational structure and Functions of MOC/DIP • Evaluation • Ethic for public officials • Correspondence and drafting official document • Office communication • Service mind • Financial and Procurement system • Benefit of Government Official • Healthcare and Mental health • IT system 	1 Week	Specialist from external
IP Laws and Registration Process	<ul style="list-style-type: none"> • Overview of IP Laws • IP related Act. • Copyright Act. • Patent Act. and PCT system • Design Act. and Hague Agreement • Trademark Act. and Madrid Protocol • Geographical Indications Act. • IP International Cooperation • Security Business Act. • Official information Act. 	1 Week	DIP staff

CURRICULUM FOR ASSISTANT EXAMINER

Theme	Main Topics	TIME	LECTURERS
Patent Examination	<ul style="list-style-type: none"> • Overview of Patent Examination • Examination guidelines • Novelty • Inventive step • Patent Classification • Prior Art Search • Utilization of Examination Results of Other IP Offices • Requirements for description • Requirements for claims • Amendment 	2 Weeks	JPO
Patent Manual and Tools	<ul style="list-style-type: none"> • Patent Manual • Patent Search • Work Flow • E-Patent 	1 Week	DIP (Patent Office)
Work Instruction (separate by group)	<ul style="list-style-type: none"> • Ordinary Examination • E-Patent (by group) • Work shop (by group) • Patent Act. (opposition article) • Patent Act. (appeal article) 	1 Week	DIP (Patent Office)
WIPO national case Training for Global Patent	<ul style="list-style-type: none"> • Searching • Examination 	1 Week	WIPO, JPO, KIPO, EPO, USPTO

On-the-Job training

➤ **On-Site Training**

The training purpose for assistant examiners is intended to taste and understand the invention courses and production system, learn technology trends, ultimately improve the exact and effective examination works.

➤ **One-to-One Guidance Training**

The assistant examiners will receive the one-to-one training from supervisor or an experienced patent examiner. During which time the assistant examiners will receive instructions and gain experience in all aspects of patent law and develop the skills required by an examiner.

➤ **Group study Training**

The members of group study the same specific case and learn how to analyze the invention and how to deal with the examination procedures.

Evaluation for On-the-Job training

- Check sheet for basic capabilities

[A] Basic abilities check sheet (3-year promotion version)

Name of assistant examiner (Year of employment)	
Division	

Items	Fiscal Year 2016 Annual Review		Fiscal Year 2016 Annual Review		
	Approved by (Name of Director):****		Approved by (Name of Director):****		
	Checked by (Name of Supervising):****		Checked by (Name of Supervising):****		
	Date:		Date:		
	Rating by Supervisor	Menu for improvement (Full-in for the items x or Δ)	Self-evaluation (by Assistant examiner)	Rating by Supervisor	Menu for improvement (Full-in for the items x or Δ)
1. Business knowledge					
1) Understanding of laws and examination guideline					
- Understands the Section 3 (definitions)					
- Understands the Section 9 (non-patentable inventions)					
- Understands the Section 10, 11, 14, 15 and 16 (rights)					
- Understands the Section 17 (making of applications)					
- Understands the Section 19 (priority)					
- Understands the Section (amendments)					
- Understands the Section 23 (secrecy order)					
2. Search					
1) Understanding of contents of description					
- Correct understanding of the contents					
- Accurately comprehend and evaluate the technical features and aspects of the claimed invention in the light of the state of the art					
2) Search skills					
- Conduct a basic search for domestic documents					
- Conduct a basic search for foreign documents					
- Comprehend the technical aspects of the claimed invention and conduct an accurate and effective prior art search					

Evaluation for On-the-Job training

- Roadmap Chart

Roadmap Chart (3-year promotion version)														
Name of assistant examiner (Year of employment)														
Division														
Evaluation schedule (from the start date) →														
	Current level of proficiency													
	Items	Number of cases	Proficiency level	Number of cases	Proficiency level	Number of cases	Proficiency level	Number of cases	Proficiency level	Number of cases	Proficiency level	Number of cases	Proficiency level	Level of proficiency
1. Notification of reasons for refusal	Inventive Step (Section 5 (2))													A
	The "written description" requirement for applications (Section 17)													B
	Same invention (Section 16)													C
	Unity of invention (Section 26)													
	Addition of new matter													
2. Amendment /Final decision	Final notification of reasons for refusal													
	Exam after amendment in response to the non-final notification of reasons for refusal													
	Exam after amendment in response to the final notification of reasons for refusal													
	Dismissal of amendment													
	Decision of refusal													
3. Application	Decision to grant a patent													
	Application filed under the internal priority													
	Exception to lack of novelty of invention (Grades B and C are acceptable)													
	Accelerated examination (including preferential examination and PPH)													
	Examination before the publication (Grades B and C are acceptable)													
	Divisional application													
	Reconsideration by examiner before appeal													
	Application filed under the Paris Convention priority													
	PCT application (International search report, written opinion)													
	PCT application (International preliminary examination report) (B and C are acceptable)													
4. Prior art search	PCT application in English (Grades B and C are acceptable)													
	Entry of international application via the Designated Office (DO)													
	Report of expert opinion on registrability of the utility model (Grades B and C are acceptable)													
	In-house search													
	Supplementary search for dialogue-style outsourced search and resubmitted application													
5. Other general procedures	Prior art search for foreign patent documents													
	Adopting prior art search and examination results submitted by other offices													
	Ordinary dialogue													
	On-line dialogue (Grades B and C are acceptable)													
Interview														
Providing consultations to industrial corporations														
Remarks														
[How to fill out]														
Number of cases	Items marked with O are filled out by an assistant examiner (approximation is acceptable). (Even if you received "B", which may be acceptable in some items, do not skip filling out the block until you receive "A". You may also fill out uncolored cells.													
Proficiency level	The assistant examiner has gained "A": sufficient experience, "B": insufficient experience, "C": no experience, to become an examiner.													

Training Materials

Searching tool

**E-patent system
(in house)**

Public web
• WIPO, EPO,
USPTO, JPO, etc.

**Cooperation
work sharing tool**
• JPO : AIPN
system

Guidelines

Examination guideline for invention patent and petty patent

- Chapter 1 examination for Invention patent.
- Chapter 2 opposition.
- Chapter 3 examination for petty patent.
- Chapter 4 international application examination (PCT).
- Chapter 5 examination for chemistry and pharmaceutical fields.

Further training Course

- Participate in training course with other patent offices have cooperation with DIP including cooperate among ASEAN such as JPO, EPO, IP Australia, SIPO and other
- Fields study at government and private offices in the Thailand
- Training course for improving foreign language skill
- Examiners further study in the higher level
- Training about using program/tool in working

Timely Protection

- Recruit patent examiners and trademark registrars
- Amend the Patent Act to streamline registration procedure
- Improve IT system and administration procedure
- Develop workflow optimization
- Outsource for support work
- Reform the DIP to increase work efficiency

Timely Protection

- Improve IP registration system: e-filing
 - **Patent e-filing** - launched on 3 May 2015
 - **Trademark e-filing** - launched on 3 May 2016
- Improvement efficiency through work flow diagnosis

BACKLOG RESOLUTION PLAN

Type	Current Status	Target Goal in 2017
Patent	> 4 years	<ul style="list-style-type: none">• Reduce time frame from receipt of application to publication from 20 months → 12 months• Reduce substantive examination process from 36 months → 12 months

BACKLOG RESOLUTION PLAN

Type	Current Status	Target - Goal in 2015
Petty Patent	11 months	<ul style="list-style-type: none">Register within 6 months
Industrial design	3 years	<ul style="list-style-type: none">Register within 12 months

BACKLOG RESOLUTION PLAN

Type	Current Status	Target Goal in 2017
Trademark	12 - 15 months	<ul style="list-style-type: none">Register within 6 months (without opposition)

Implementation Plan

1st Phase

- Change system hardware to enable a faster system and to support new legal instruments (eg. Sound, time) as well as the Madrid Protocol.

2nd Phase

- System development using new technology to improve trademark registration management system (different from the 1th phase which changes hardware but uses old technology)

Current Situation

- DIP does not have any training system before
- Previously DIP does not accept a lot of examiner

Challenges

- Establishing a training system for all examiners
- To make an examiner having a high capability
- Increase efficiency of examination
- To reduce a backlog
- Establishing the monitoring system for patent examination



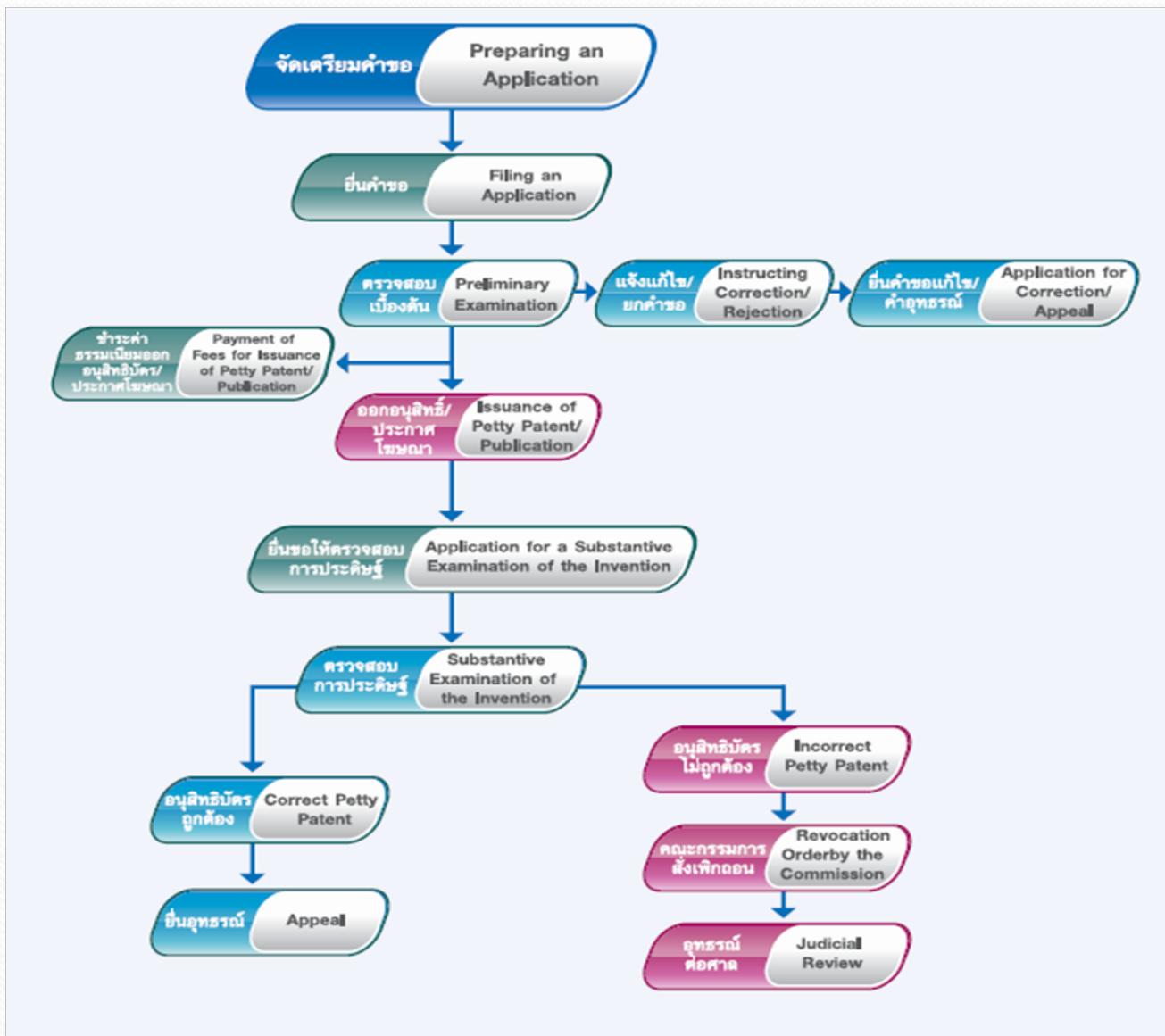
THANK YOU



Appendix

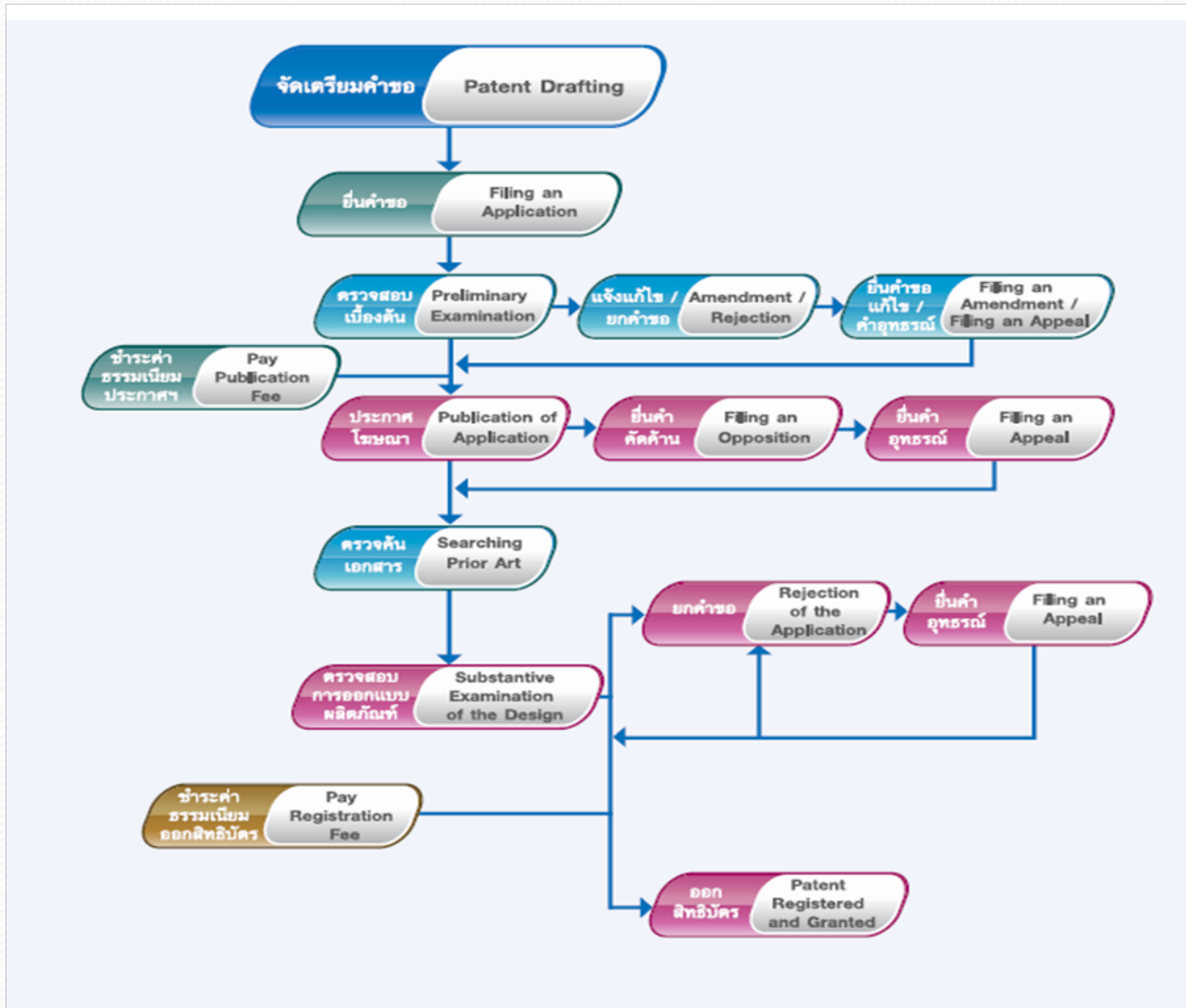
แผนภูมิการตรวจสอบขอรับอนุสิทธิบัตร

Flow Chart Featuring Examination of an Application for a Petty Patent



แผนภูมิการตรวจสอบคำขอรับสิทธิบัตรการออกแบบผลิตภัณฑ์

Flow Chart Featuring Examination of an Application for a Patent in Product Design



แผนภูมิขั้นตอนการจดทะเบียนเครื่องหมายการค้า

Flow Chart Featuring Procedures Involved in Registration of Trademarks

