



IP Management by the Government of Thailand

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Scope of the Presentation

- I. Fundamental Laws and Regulations

- II. Mechanisms promoting SMEs' access and use of Government IP



- III. Government Procurement

I. Fundamental Laws and Regulations: Ownership

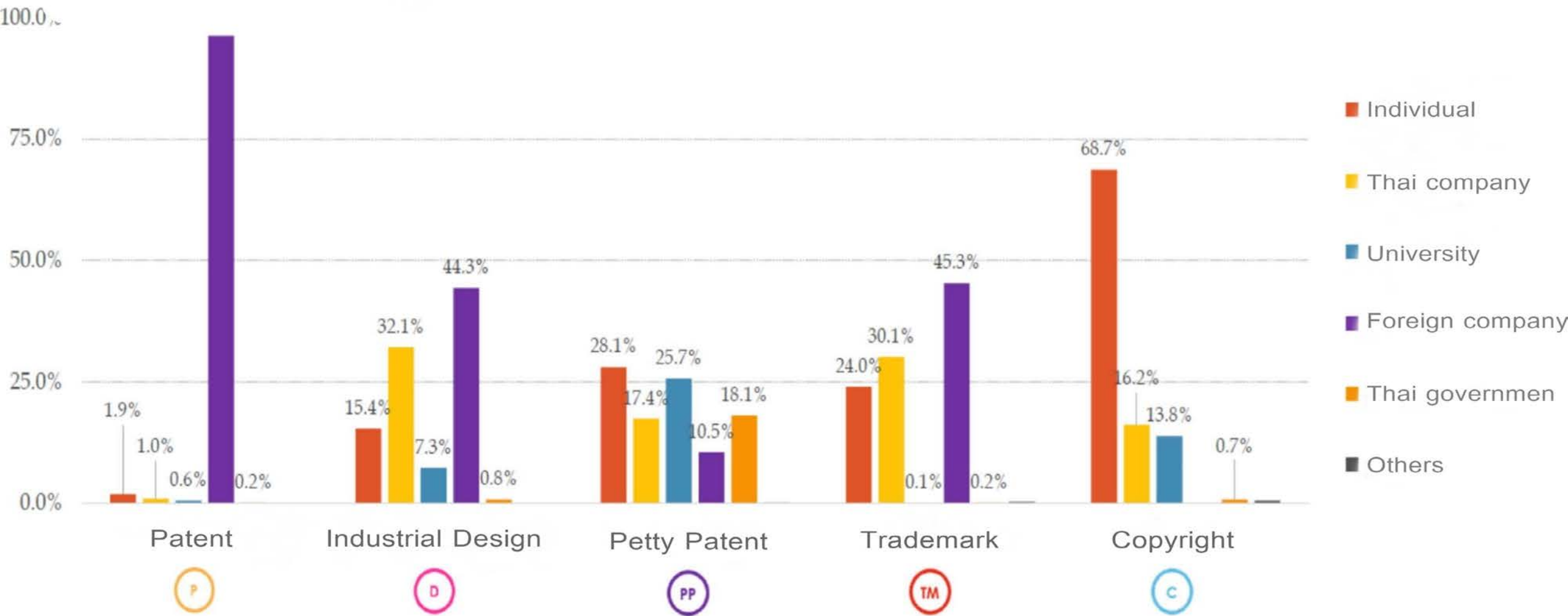
Act	Patent	Copyright	Trade Secret
Inventor/ Creator	Based on actual intellectual contribution	Based on actual intellectual contribution	Based on actual intellectual contribution
Employment	Owned by an employer unless otherwise explicitly specify in the contract	Owned by a creator but the employer is entitled to benefit sharing	Subject to an employment contract
Contract Research	Owned by a hirer unless otherwise explicitly specify in the contract	Owned by a hirer unless otherwise explicitly specify in the contract	T/S creators normally tries to keep it confidential and maintain ownership
Collaborative Research	Depending on what is agreed by contractual parties	Depending on what is agreed by contractual parties	Depending on what is agreed by contractual parties

Note: A legislative draft of the Bayh-Dole Act is currently at the Council of State. Expecting some delay due to formation of the new government.

Top Ten of Invention Patent Filing from 1979- 2018

No.	Name of Company/Org	Amount	Ranking (March 2018)
1	P & G Company	1,945	1
2	Honda Motor Co. Ltd	1,860	3 
3	NSTDA	1,663	2 
4	Unilever N.V.	1,185	4
5	Kao Corporation	1,163	5
6	Colgate Palmolive Company	925	6
7	Honda Giken Kogyo Kabushiki Kaisha	905	7
8	Novartis A.G.	818	8
9	Astrazeneca A.B.	696	9
10	Unicharm Corporation	686	10

IP Statistic from 2010- 2014



Key questions and points of discussion

- How do governments manage the intellectual property in research output of public research organizations (as opposed to universities) as well any innovations coming out of government departments, agencies?
- How do governments manage the intellectual property that arise when they engage SMEs through government procurement to produce innovative solutions for public problems? Are there any efforts to use government procurement to promote innovative SMEs?
- Do governments make available the vast amount of information that they collect through the discharge of their normal functions to SMEs as input into the development of innovative products and services?

Question I:

How do governments manage the intellectual property in research output of public research organizations as well any innovations coming out of government departments, agencies?

Management of research output of public research organizations, government departments, agencies

- In principle, management of research outputs depends on ***institutional policy*** of each individual organization/departments/agencies.
 - Example: NSTDA has set up its institutional policy addressing the ownership, management (internal unit in charge), and benefit sharing.

- According to employment contract, all research output shall vest into the employer.
 - Most PROs basically claims the ownership and the right to manage any research arising out of their research projects.
 - In case of research collaboration, it depends on how the parties shall agree. It is quite common that the parties agree to jointly own the research output. Management could leave to those who have more experiences. In case of patents, it is required by the Thai Patent Act to receive a written consent from the joint owner prior to any commercial utilization. Benefit sharing depends on contribution of each party (both in cash and in-kind).

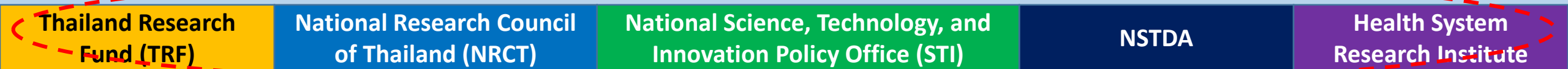
Question II:

How do governments manage the intellectual property that arise when they engage SMEs through government procurement to produce innovative solutions for public problems?

Are there any efforts to use government procurement to promote innovative SMEs?

II. Mechanisms promoting SMEs' access and use of Government Innovation

Ministry of S&T	Ministry of Digital Economy	Ministry of Education	Ministry of Agriculture & Cooperatives
National Science and Technology Development Agency (NSTDA) <ul style="list-style-type: none"> • 300 Tax incentive • Incubation program ➤ Single Price Technology: fixed disclosure fee & 2% licensing fee scheme ➤ Thai Innovation list • Research Gap Fund ➤ RDI for Government Demand 	IP coupon for PCT, Foreign patent applications in the relevant fields of technology	Office of Higher Education (OHEC) <ul style="list-style-type: none"> • Supporting <ul style="list-style-type: none"> - University Business Incubation - University Technology Licensing Office 	Agricultural Research and Development Agency (Public Org) <ul style="list-style-type: none"> • Funding scheme • Technology transfer/licensing
National Innovation Agency (NIA) <ul style="list-style-type: none"> • Innovation coupon for SMEs 	Key Funding Agency in Thailand		



Merging of the Ministry of S&T and Ministry of Education



- Proposing Nat'l Policy, Strategy, and Plan for Education and STI

Council of Policy for Education and STI

- Preparing Strategic Plan for Education and STI
- Budget allocation

Office of Promotion for National STI

- Support core function of the new Ministry as Secretariat

Office of Permanent Secretariat for Education and STI

- Funding agency
- Education standard
- Research ethics & database

NRCT (To be independent govt agency in 3 years)

- Providing technical service and standardization

DSS (To be independent govt agency in 3 years)

Office of Atoms for Peace

Office of the Minister



Committee: Driving Force of the Transform of the Merged two Ministries

National Science, Technology and Innovation Policy Office (STI)

Thailand Research Fund (TRF)
(สทว.)

Office of Higher Education (OHEC)

Office of Permanent Secretariat (S&T)
(สอ.นท.)

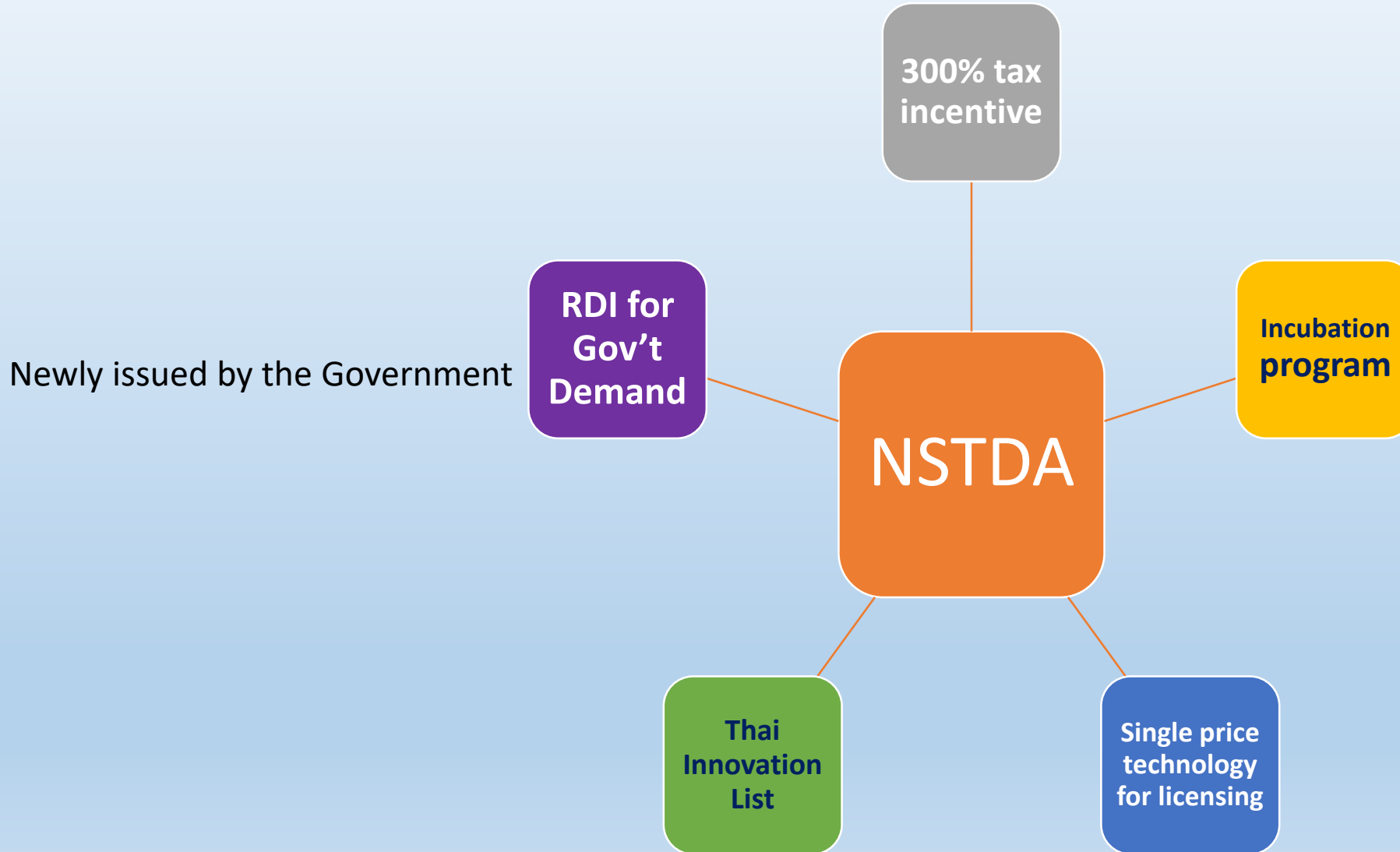
National Research Council of Thailand (NRCT)

Department of Science Service (DSS)
(วส.)

Office of Atoms for Peace
(อปร.)

Office of the Minister
(ส.)

Example of existing mechanism to promote the access and use of Gov't IP/Innovation



III. Government Procurement



Existing mechanism:
Promotion of Government Procurement

The Thai Innovation List
 – not yet quite successful
 due to small volume of
 listed products/services,
 most of which do not meet
 Government's
 demand/need



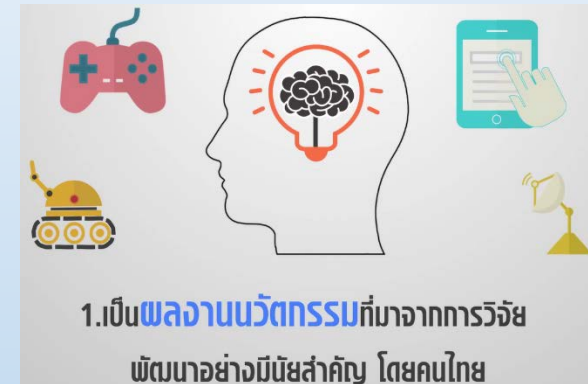
Registration process

1. NSTDA helps screening and examining the applicants whether they are in compliance with the eligibility criteria.
2. Budget Bureau examines prices of products/services and then, have them listed (if passing all criteria).



Eligibility Criteria for the Innovation List

1. Products/Services must arise from R&D by Thai RDIs, Universities, or Private Sector
2. In case of a company, the company must be a Thai national company with at least 51% stake
3. Any products/services must meet the Industrial Standard (if any) and tested by accredited institutes
4. Any products/services must pass the quality assurance as indicated on the products/services documentation

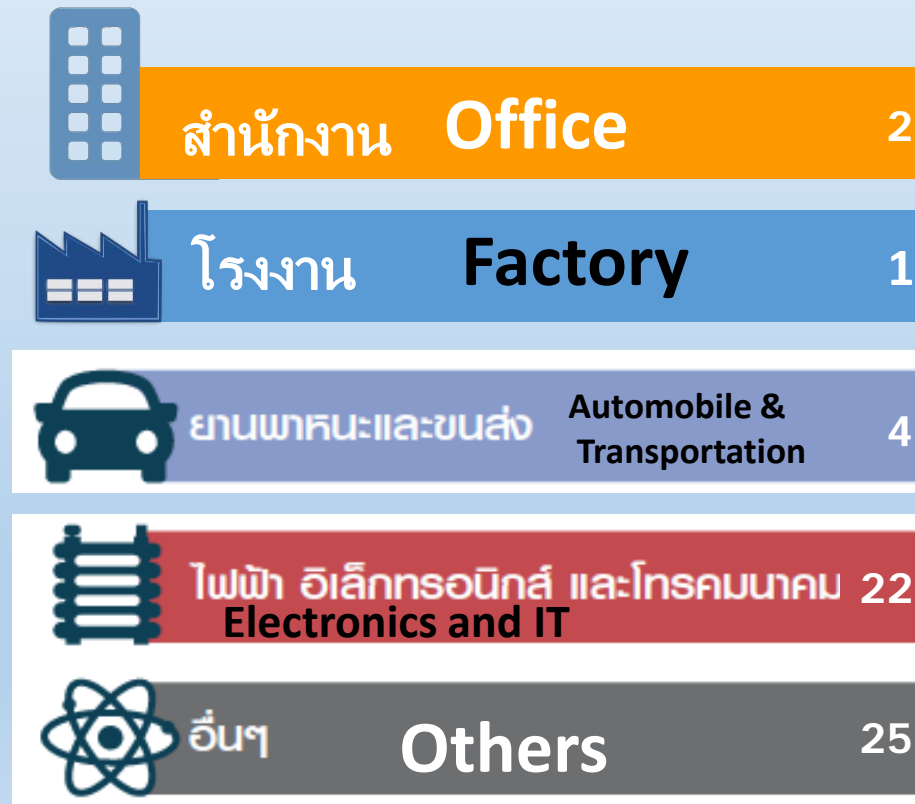
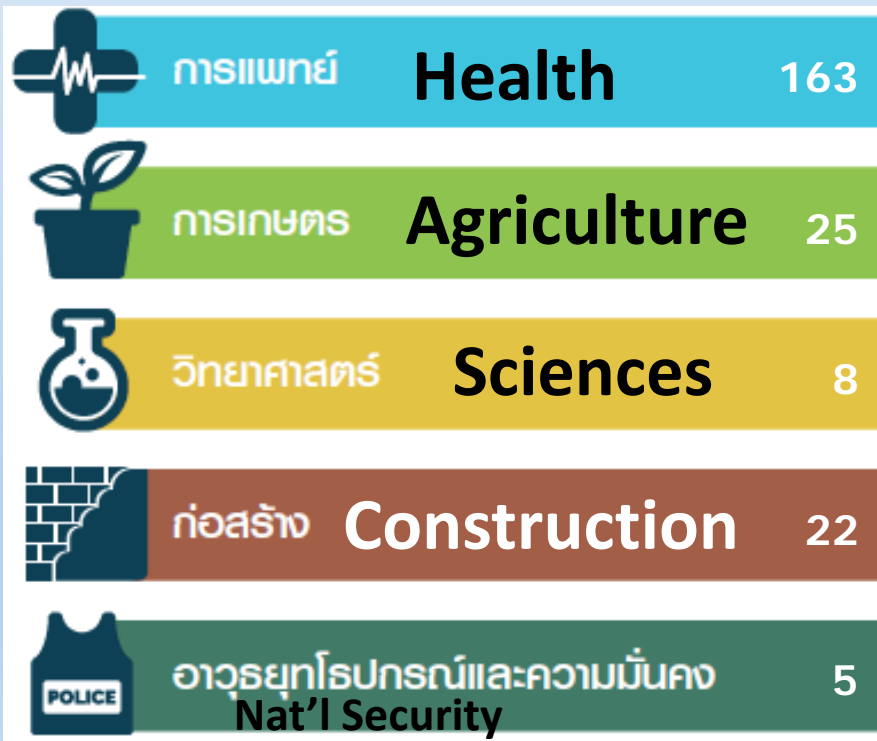




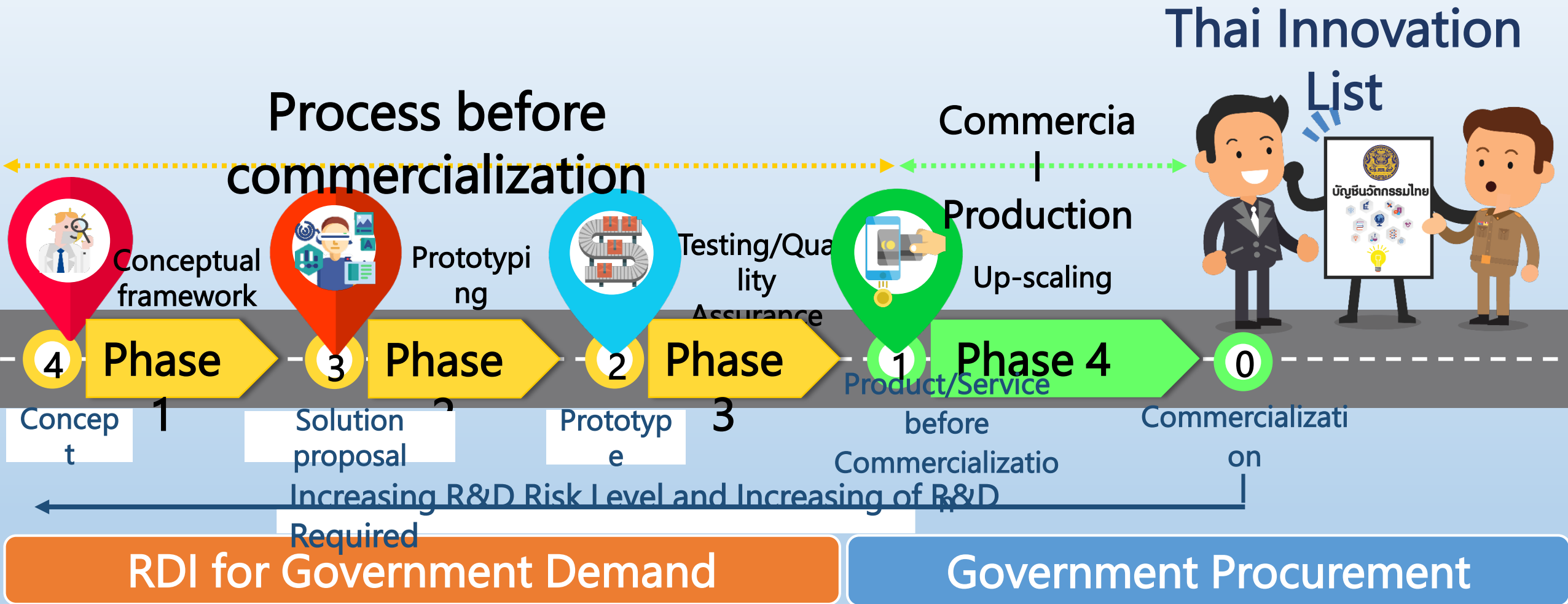
1. A maximum of 8 years being on the innovation list if never been procured by any gov't agent before.
2. If been procured before, the applicant is entitled to 3 more years but in total not exceeding 8 years.
3. Any government agency could procure products and/or services on the innovation list by the Special Procurement Specification.

Total **277** items

(As of 18 April 2019) <http://www.bb.go.th/topic3.php?gid=527&mid=290#>

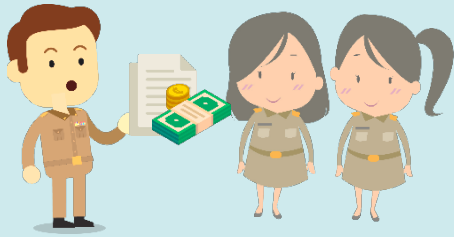


Introduction of RDI for Government Demand



Key players under the RDI for Government Demand

Setting up project



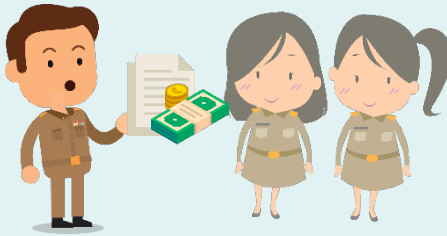
Owner of the Project
(design scope of work and budget)



Project Selection Committee*

Project Evaluation Committee*

Project Management



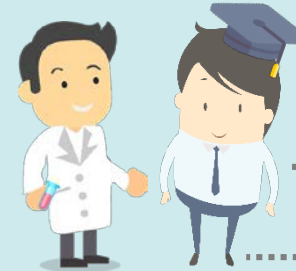
Managing by its own team

OR



Project Manager

Outsource



Outsourcer (s)



Joint collaborator (s)



Listed on the Ministry of S&T



NSTDA

Providing advice, assisting in setting up the projects, preparing guideline, and managing central database.



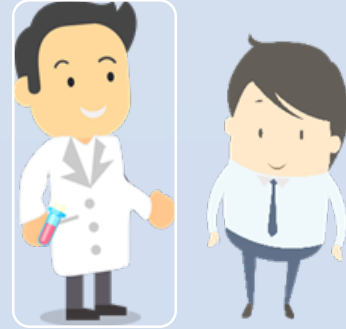
* Announced by the Ministry of S&T regulation

Key players defined under the Regulation of the Prime Minister Office



Owner of the project

Government agency, and any other autonomous agency (in total 46 agencies listed)



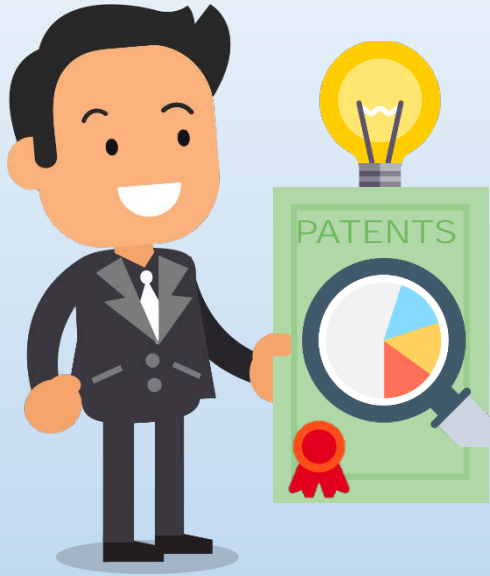
Outsourcer (s)

Gov't agency established with an aim for STI; University, all of which must be registered on the list under the Min of S&T



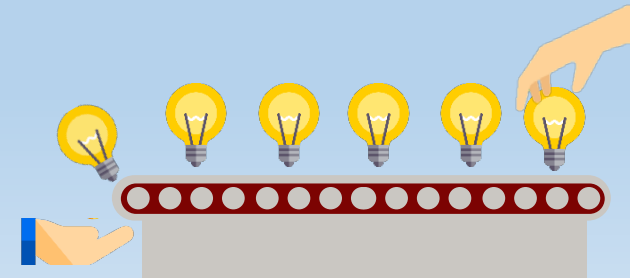
Ministry of S&T

- Being a registration body for those who want to work for the project,
- Providing advice, and
- In charge of management and dissemination of the relevant information on the website



- Unless otherwise, IPRs shall vest into those who are outsourcer (s) of the project and its joint collaborator (if any)

- If there is no exercise of such IPRs within 2 years by the outsourcer after completion of the project, such IPR shall return to the owner of the project.



Question III:

Do governments make available the vast amount of information that they collect through the discharge of their normal functions to SMEs as input into the development of innovative products and services ?

Government Database

Office of the Official Information Commission (OIC)

- OIC has developed an information system for the dissemination of information of government agencies under the system called GINFO since 2000.
- Most information available on GINFO covers detailed information about different government agencies including org structure, org chart, authority and mission.
- However, the system has not yet improve to cover any research/IP data base for the use of SMEs.

Department of IP, Ministry of Commerce

- Thai IP Mart.com

NSTDA, Ministry of Science and Technology

- Single price technology: ThB 30,000 (approx. USD 937) disclosure fee and 2% royalty rate

**Thank you for your kind
attention**

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