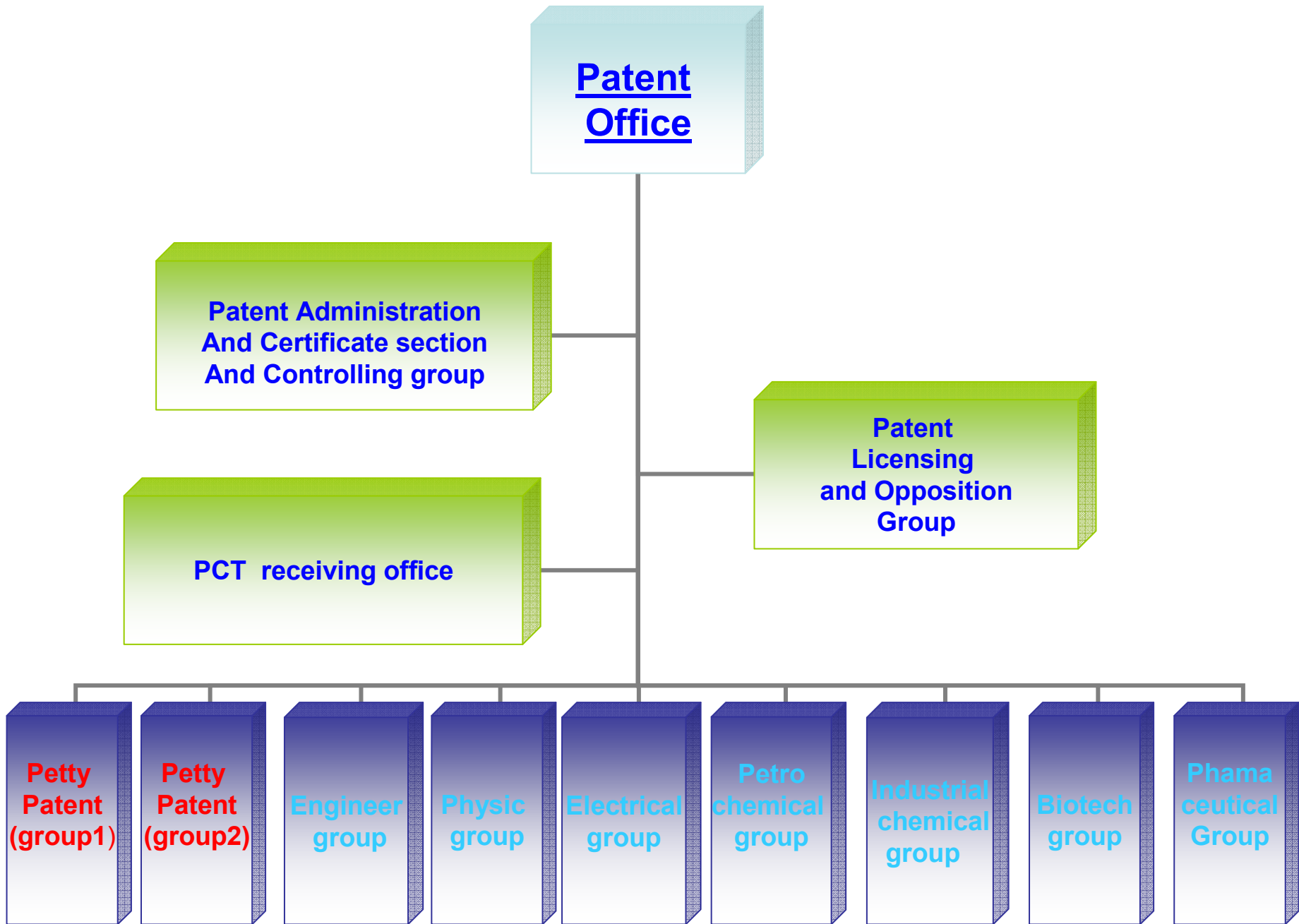




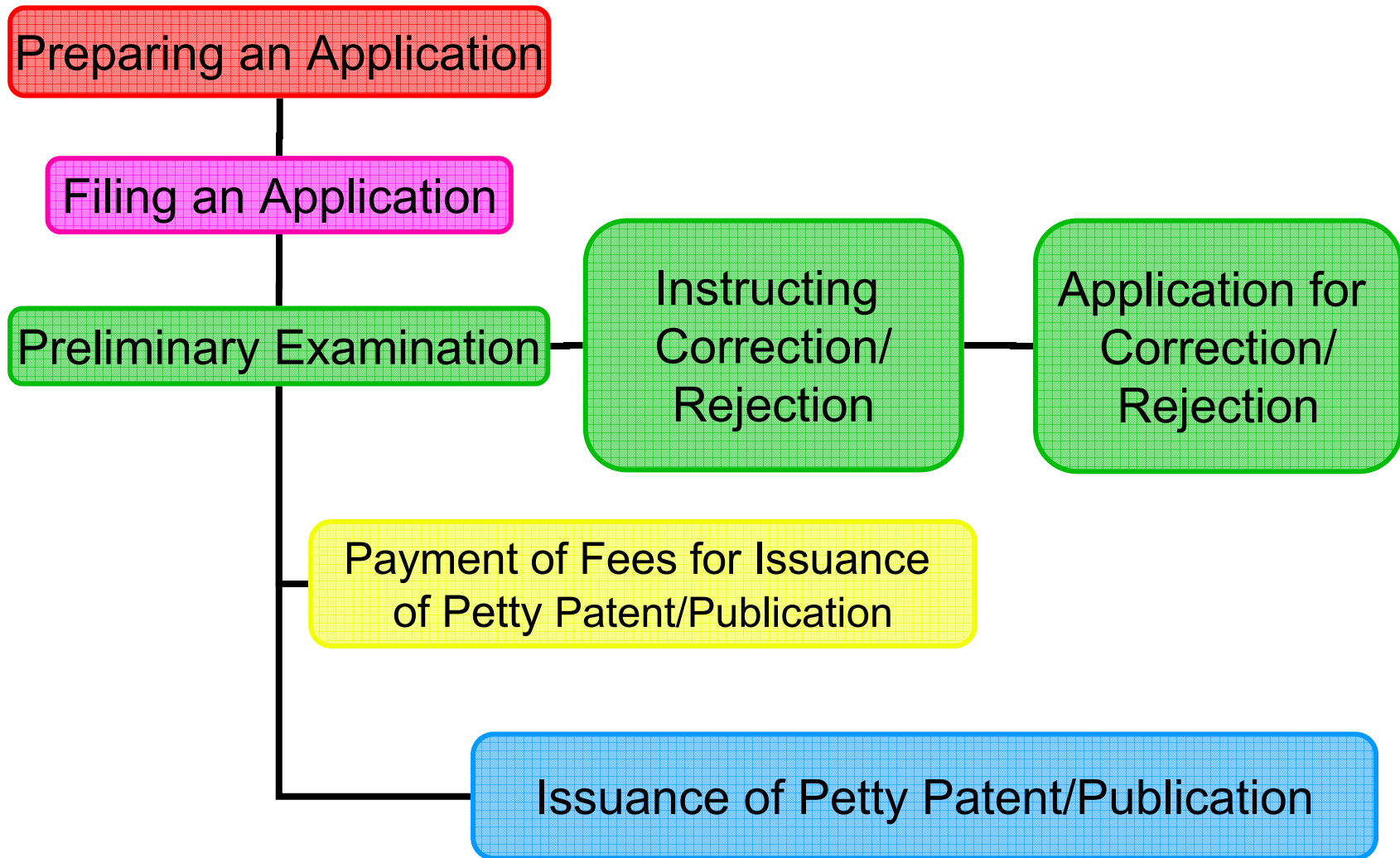
PETTY PATENT

IN THAILAND

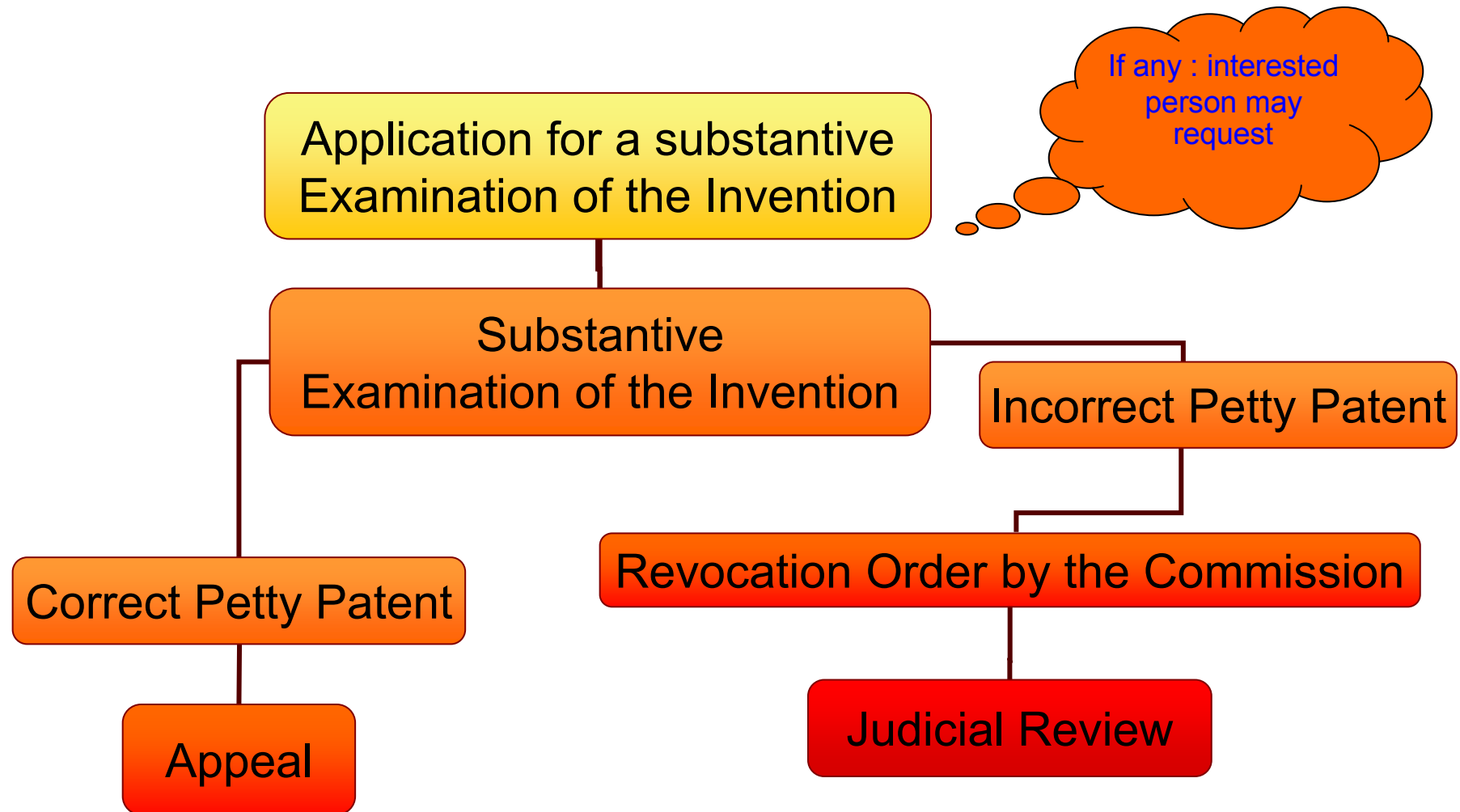
3-4 September 2012, Malaysia



Flow Chart Featuring Examination of an Application for a Petty Patent



Application for a Substantive Examination of the Invention



Patent Act (No.3) B.E. 2542

Section 9(1)

The following inventions are **not protected** under this Act

- (1) naturally occurring microorganisms and their components, animals, plants or extracts from animals or plants;
- (2) scientific or mathematical rules or theories;
- (3) computer programs;
- (4) methods of diagnosis, treatment or cure of human and animal diseases;
- (5) inventions contrary to public order, morality, health or welfare.

Patent Act (No.3) B.E. 2542

Section 17(1)

The application for the patent shall comply with the rules and procedures as prescribe in the Ministerial Regulations.

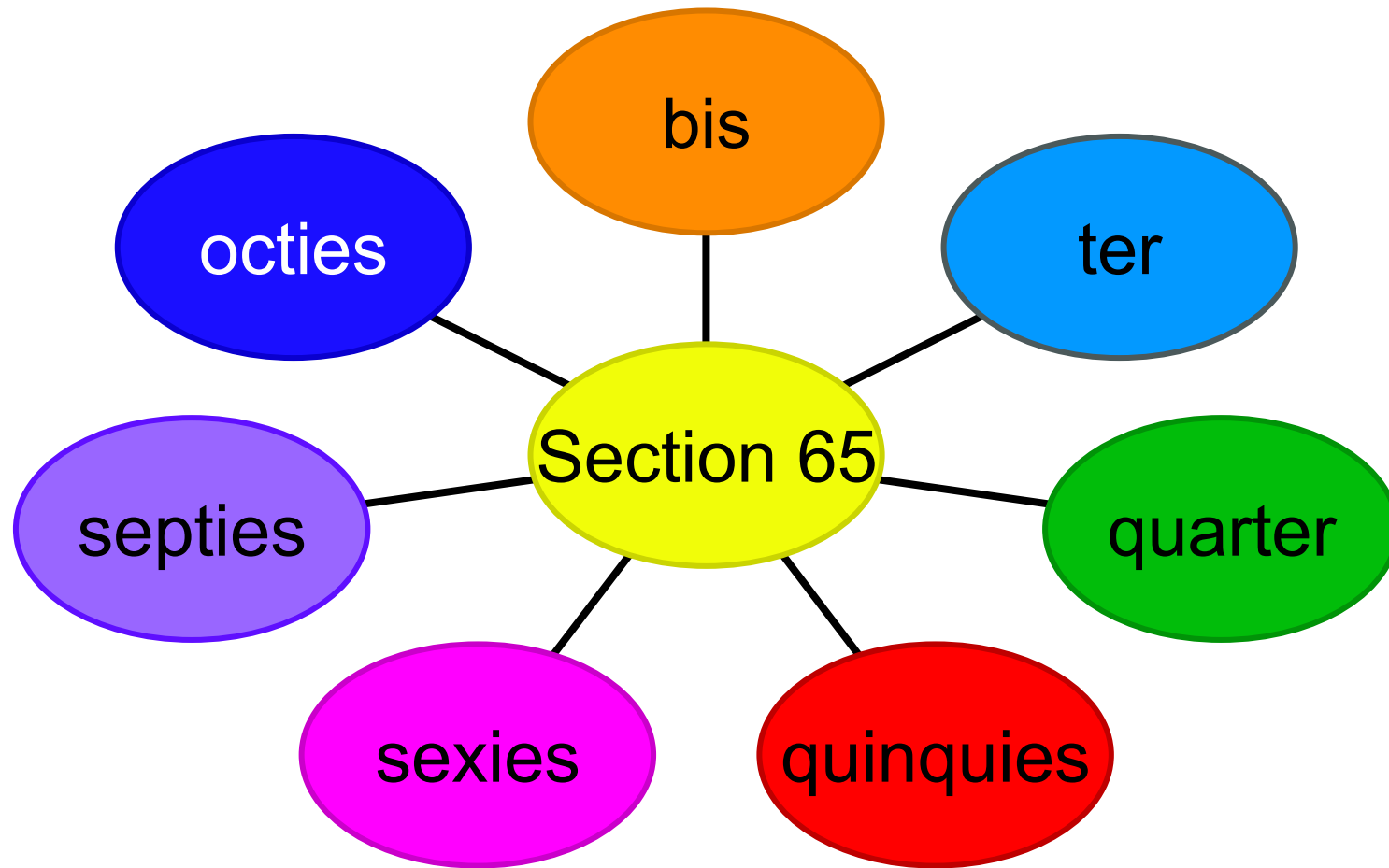
The application for a patent shall contain:

- (1) the title of the invention;
- (2) brief statement of its nature and purposes;
- (3) a detailed description of the invention in such full, concise and clear and exact terms as to enable any person ordinarily skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention and setting forth the best mode contemplated by the inventor to carry out his invention;
- (4) one or more clear and concise claims;
- (5) other items prescribed in the Ministerial Regulations

In cases where Thailand acceded to an international agreement or cooperation on patents, the patent application which is in compliance with the requirements of such international agreement or cooperation shall be deemed to be a patent application under this Act.

Patent Act (No.3) B.E. 2542

CHAPTER III BIS PETTY PATENTS



Patent Act (No.3) B.E. 2542

Section 65 bis

A petty patent may be granted for an invention in respect of which the following conditions are satisfied:

- (1) the invention is **new**;
- (2) it is **capable of industrial application**.

Patent Act (No.3) B.E. 2542

Section 65 ter

No person shall apply for both a petty patent and a patent for the same invention.

Patent Act (No.3) B.E. 2542

Section 65 quarter

The applicant for a petty patent or the applicant for an invention patent may request to **convert** his application for a petty patent to an application for an invention patent or an application for an invention patent to an application for a petty patent before the registration of the invention and the grant of the petty patent or before the publication of the application under Section 28, as the case may be. The applicant may claim the date of filing of the original application to be the filing date of the converted application in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Patent Act (No.3) B.E. 2542

Section 65 quinquies

Before the registration of an invention and grant of a petty patent, the competent officer shall examine the application for a petty patent as to its conformity with Section 65 decies and 17 and examine that the claimed invention is protectible under Section 65 decies and 9 and submit a report to the Director-General.

(1) If it is seen by Director-General that the application for a petty patent **does not comply** with **Sections 65 decies and 17** or the claimed invention is not protectible under **Section 65 decies and 9**, the Director-General shall **refuse the grant of a petty patent**. The competent officer shall notify the applicant of such decision, by an acknowledgement registered mail or by any other method prescribed by the Director-General, within fifteen days from the date of the decision.

(2) If it is seen by the Director-General that the application for a petty patent is in **compliance** with **Sections 65 decies and 17** and the claimed invention is protectible under **Section 65 decies and 9**, the Director-General shall **order that the invention is to be registered and a petty patent granted to the applicant**. The competent officer shall notify the applicant to pay for the fees for the grant of a petty patent and for the publication in accordance with the procedures and period of time prescribed in Sections 65 decies and 28 (2).

The petty patent shall be in the form prescribed by the Ministerial Regulations.

Patent Act (No.3) B.E. 2542

Section 65 sexies

Within one year from the publication of the registration of the invention and the grant of a petty patent, *any interested person may request the competent officer to examine whether or not the invention for which a petty patent has been granted satisfies the conditions under Section 65 bis.*

After the receipt of the request under the first paragraph, the competent officer shall examine the application as to substance and submit the examination report to the Director-General.

When the Director-General has considered the examination report and thinks that the invention **satisfies** the conditions under Section 65 bis, he shall so inform the person requesting for the examination and the owner of the petty patent within fifteen days from the date of such decision.

In cases where the Director-General thinks that the invention does **not satisfy** the conditions under Section 65 bis, he shall order an examination of the case and notify the owner of the petty patent to submit a statement supporting his application within sixty days from the date of receipt of the order. The Director-General may summon any person to answer any question or to hand over to him any document or item. After the examination of the case if the Director-General thinks that the invention does not satisfy the conditions under Section 65 bis, he shall submit his report to the Board to cancel the petty patent and shall notify the person requesting for the examination and the owner of the petty patent within fifteen days from the date on which the order is made by the Board.

Patent Act (No.3) B.E. 2542

Section 65 septies

- A petty patent shall have a term of **six years** from the date of filing of the application in the country. The term shall not include the period during which the court proceedings are taken under Sections 65 decies and 16, 74 or 77 sexies.
- The owner of a petty patent may request that the term of his petty patent be **extended for two periods, each period shall be valid for two years**, by submitting a request to the competent officer **within ninety days before the expiry date**. If the request is submitted within the said period, the petty patent shall be regarded as validly registered until it is otherwise ordered by the competent officer.
- The request for extension of the term of a petty patent shall be in accordance with the rules and procedures prescribed by the Director-General.

Patent Act (No.3) B.E. 2542

Section 65 octies

- The owner of a petty patent shall have the right to use the word "Thai Petty Patent", its abbreviation or any foreign word of the same meaning on the product, the container or package of the product, or in the advertisement of the product.
- The indication under the first paragraph shall be accompanied by the number of the petty patent.

thank you

