

## Recent Development of the Implementation of PCT and Madrid Protocol in Thailand

First of all, I would like to brief you on activities which DIP has done regarding the PCT and its statistics;

On 4<sup>th</sup> December 2007, the Council of Minister gave approval to the accession to Paris Convention for the Protection of Industrial Property and the Patent Cooperation Treaty (PCT) and its further submitted to the National Legislative Assembly for approval.

On 10<sup>th</sup> January 2008, the National Legislative Assembly granted approval to the accession to both the Paris Convention and the PCT.

During the year 2008-2009, DIP has undertaken several tasks in preparation for the implementation of the Paris Convention and the PCT as follows;

- Preparing Necessary Subordinate Legislation: DIP has prepared and proposed draft “Ministerial Regulation on Application for Protection of Inventions under the PCT”

prescribing rules and procedures to be observed in filing applications for protection of inventions under the PCT. Upon its scrutiny by the Council of State, this draft has been approved on 8<sup>th</sup> September 2009

- Instrument of Accession: Following the issuance of Thailand's Instrument of Accession to the PCT by the Ministry of Foreign Affairs, Thai delegation had submitted the Instrument to the Director-General of WIPO on 24<sup>th</sup> September 2009, with the results that Thailand has become the 142<sup>nd</sup> Contracting State to the PCT and that Thai people may submit applications for protection of patents under the PCT at DIP since 24<sup>th</sup> December 2009, after the expiration of 3 months of the accession to the PCT. However, the Receiving Office has been set up on 29<sup>th</sup> September 2009.
- Dissemination of Knowledge on the PCT System: DIP has organized training in an endeavor to disseminate knowledge in

connection with the PCT scheme. The training was held on 5 occasions throughout September 2009 both in Bangkok and in provincial areas.

Since December 2009, DIP has 6 International Search Authority (ISA), namely, EPO, KIPO, SIPO, USPTO, IP Australia, and JPO. Until now, 44 applications have been submitted to the Thailand Receiving Office; there were consisting of 42 applications applied by Thai and 2 applications applied by foreigner, as follow:

| by Type of Applicant  | Applications |
|-----------------------|--------------|
| <u>Natural Person</u> | <u>25</u>    |
| - Thai                | 25           |
| - Foreigner           | 2            |
| <u>Legal Person</u>   | <u>17</u>    |
| - Thai                | 17           |
| - Foreigner           | -            |

| by ISA | Applications |
|--------|--------------|
| EPO    | 23           |

|              |   |
|--------------|---|
| KIPO         | 9 |
| SIPO         | 8 |
| JPO          | 1 |
| USPTO        | 1 |
| IP Australia | - |

Now, I would like to brief you on some of activities which DIP has done so far regarding the Madrid Protocol in Thailand.

In the year 2005-2006, the department established a working group to study the Madrid System. Its aim is to lay down all the ground works regarding the laws and regulations, administrative procedures of the System. DIP had organized several seminars such as a Seminar with Lawyer Society on “The Madrid Protocol – Experiences and Perspectives” and a Seminar on “How to Register Your Trademarks Worldwide” In addition, the DIP has allocated a space on its website to receive opinions from the public and also published information concerning the Madrid Protocol on the website.

In 2007, DIP had outsourced a law firm to study and translate the Madrid Protocol and relating

Regulations. The DIP continued on conducting seminars such as Seminar on “How to Enhance the Registration of your Trademark Abroad.” Moreover, the DIP sent officers both at the executive and working levels to study the Madrid Protocol at JPO in September 2007.

In 2008, the department invited foreign experts from the USPTO to give a lecture to the Thai trademark officers and had co-organized WIPO-ASEAN Workshop on the Madrid Protocol in Bangkok.

In 2009, DIP’s Director General visited WIPO on the study visit of the Madrid System For International Registration of Marks and visited CTMO on the study visit of the Process of Madrid Protocol System.

In 2010, the department establishes a working group on the accession to Madrid Protocol which aims to specify the plan and procedure for the accession, study and compare the law and regulation, the main target works are:

- to amend the law
- to prepare an organization and

- to set up an IT system for the international application and communication

Last August, some members of the working group paid a visit to IPOS on this matter . Moreover, DIP outsourced a survey on opinions and demands of the exporter on applying for trademark registration abroad and planned to organize a seminar before the end of this year.

Vachra  
Piakaew,  
Nithi  
Krisanapha  
n,  
DIP,  
Thailand.