



Intellectual Property, Technology Transfer and Commercialization

Facilitating Technology Transfer and Management of IP Assets:



Thailand Experiences

Singapore
August 27-28, 2014

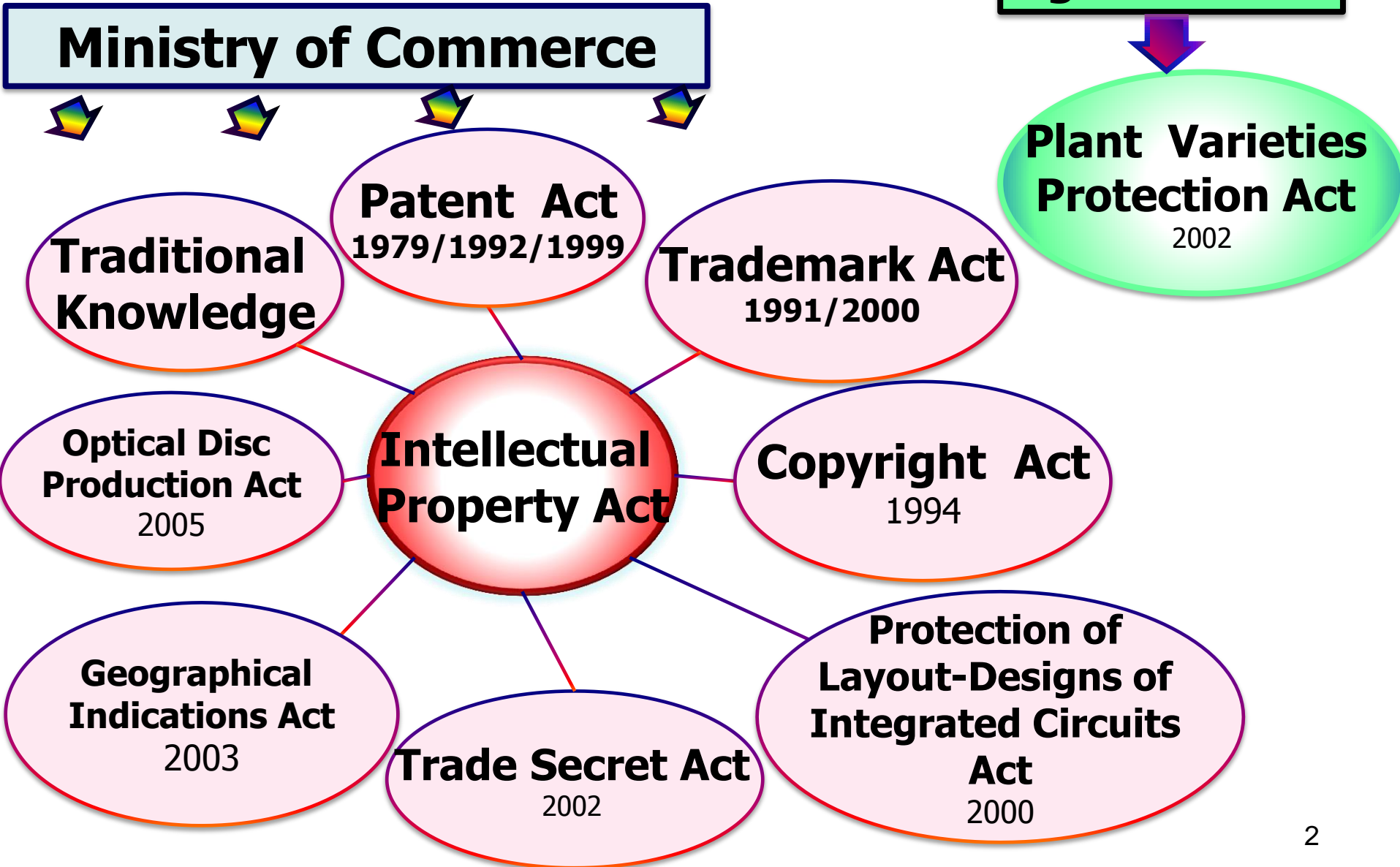
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Department of Intellectual Property



IP Laws in Thailand





Constitution of the Kingdom of Thailand (2007)

**Part 9. Policy Directive on
Sciences, Intellectual
property and Energy.**

**Section 86 The State shall
observe the policy directive on
sciences, intellectual property,
and energy by:**

(1) Promoting scientific and technological development and innovation in various fields by means of specific legislations, appropriations to support education, research analysis, and enabling educational and development institutes to apply the result of research and development, **to effect technology transfer**, and to develop human resources efficiently and appropriately;

(2) Promoting inventions and innovations, conserving and developing local and Thai knowledge and intellectuals, and protecting intellectual property rights;

(3) Promoting and supporting research and development of alternative energy from natural sources, eco-friendly, sustainable, and systematic.

July 9, 2009 the Cabinet approved the resolution.

"National Intellectual Property Strategy" and "plan to expedite the protection and violations of intellectual property" proposed by the Deputy Minister of Commerce

COPYRIGHT ACT

Section 14 The Ministries, Departments or other government or local units are the owners of copyright in the works created in the course of employment, order or control unless it is otherwise agreed in writing.

PATENT ACT B.E. 2522

As Amended by the Patent Act (No.2) B.E 2535 And the Patent Act (No.3) B.E. 2542

Section 11 The right to apply for a patent for an invention made in the execution of an employment contract or a contract for performing a certain work **shall belong to the employer** or the person having commissioned the work, unless otherwise provided in the contract.

The provision of the first paragraph shall apply in the circumstance where an employment contract does not require in employee to exercise any inventive activity, but the employee has made the invention using any means, data or report that his employment has put at his disposal.

PATENT ACT B.E. 2522

As Amended by the Patent Act (No.2) B.E 2535 And the Patent Act (No.3) B.E. 2542

Section 12 In order to promote inventive activity and to give a fair share to the employee in the circumstances provided for in the first paragraph of Section 11, the employee-inventor shall have a right to remuneration other than his regular salary if the employer benefits from the invention.

In the circumstances provided for in paragraph 2 of Section 11, the employee-inventor shall have a right to remuneration.

PATENT ACT B.E. 2522

As Amended by the Patent Act (No.2) B.E 2535 And the Patent Act (No.3) B.E. 2542

Section 13 In order to promote inventive activity among government officials and employees of the government organization or enterprises, an government official or an employee of a government organization or enterprise shall have the same right as that of the employee under Section 12, unless otherwise provided by the Rules or Regulations of such department of the government or organization or enterprise.

The policy, legal and institutional frameworks that govern technology transfer from research institutions/universities to industry

Bayh-Dole ?

➔ National Regulations Related to Intellectual Property (IP) Ownership of Publicly Funded Research Results

Thailand



➔ Still, there is no Government's Law of IP Ownership

The policy, legal and institutional frameworks that govern technology transfer from research institutions/universities to industry

The Ministry of Finance

➔ allows registered firms, including public and private firms, universities and research institutions, to deduct up to 200% of R&D expenditures from taxable incomes.

Thailand has

- **several research and development institutes supporting technological transfer and capacity building.**
- **funding agency that gives fund for Research and Researchers for Industries** such as the Thailand Research Fund, the National Research Council of Thailand.

The Thailand Science Park is the country's leading integrated R&D hub which came into operation in 2002. It is managed under the Ministry of Science and Technology.

A Bridge between Knowledge Institutes and industry

Science Park

University

Industry

**Basic
R & D**

**Applied
R & D**

**Development
R & D**

Science Parks in Thailand



The Thailand Science Park is a critical component in Thailand's efforts to strengthen its capabilities in research and innovation.

13 Science Parks

Science Park

**Intellectual Property
Management Office**

**Technology
Business Incubator
(TBI)**

**Industrial Technology
Assistance Program
(iTAP)**

Business Incubator

**Instrument
Calibration Center**

**Clinic Technology
(Clinic)**

Pilot Plant

Laboratories (LABs)

**CD (Company Directed
Technology
Development Program)**

THE GOVERNMENT

Ministry of Education

Ministry of Science and technology

- Research fund
- No Expert

DIP (Department of Intellectual Property)

Lack of IP personnel for the outside dissemination

MOU

University

Universities at any part of the country can have joint-venture activities with local SMEs, OTOP.

- **SME**
- **OTOP**

➤ The Thai government is supportive of this collaboration.

➤ It guides and encourages the industrial and business sectors to work together with universities in efforts to develop and utilize intellectual property.

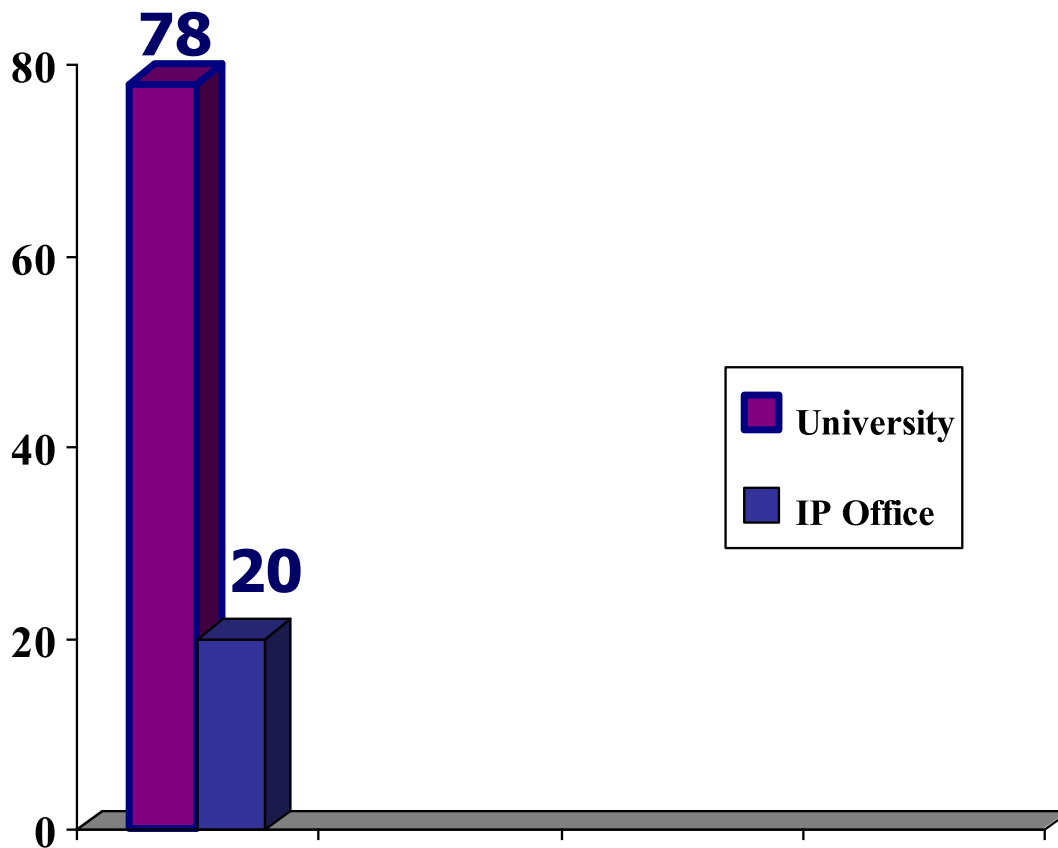
- Universities (or their staff) and industries enter into formal relations in the field of scientific and technological research and development.**
- Such relations may imply the transfer of technology developed within universities, consultancies and transfer of know-how, collaborative research projects, sponsored research or other similar arrangements.**

➤ There is no publicly stated rule as to how they should share the outcome of such research collaboration; neither are there any regulations on royalties, disclosure of information, or reporting requirements.

It is largely up to the bilateral deals between the parties involved.

Institutional policies for universities and R & D institutions

➤ Patents are considered by the universities as work load and academic success for each researcher.



**Now, we are
setting University-
IP Society of
Thailand**

There are 20 out of 78 universities which have technology transfer activities under different names such as

-Intellectual property management office (IPMO)

-Technology licensing office (TLO)

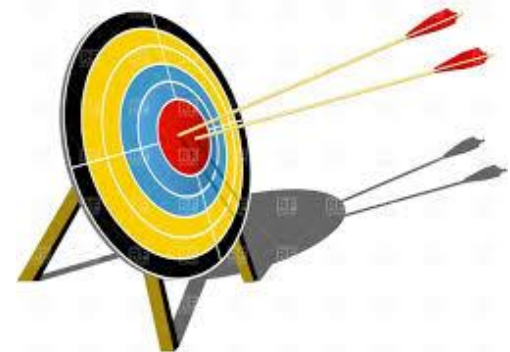
➤ The university has its own IP policy in patent and copyright ownership and distribution of royalties (varied from 40% - 80% to the inventor).

➤ It is the university who bears the costs of filing patent applications.

Ownership of any intellectual property that is made, discovered, or created in the course of research funded, as approved by the institution, although normally the institution would claim ownership.

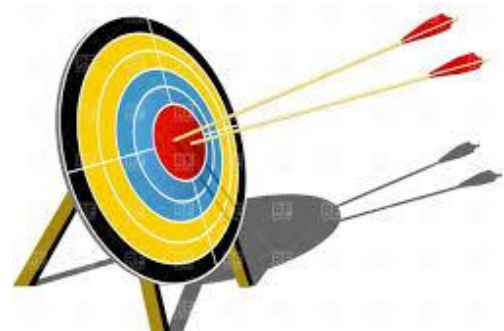
The challenges in establishing/strengthening such frameworks.

1. Traditionally, university scientists have attached far greater importance to writing academic papers and having them published in leading scientific journals than to transferring technology to the private sector or applying for patent protection.



The challenges in establishing/strengthening such frameworks.

2. Low awareness in applying for Intellectual Property Rights (IPRs) is also a problem of culture and mindset, although today faculty members increasingly have more positive attitudes towards applying for patents and establishing relations with business.



The challenges in establishing/strengthening such frameworks.

3. Political stability

4. Quality of the relationship between industry and government, and the extent they are able to work together effectively for long periods of time

5. Strong intellectual property rights (IPR) and effective enforcement

Since the international trade negotiation deals with all kinds of IP's, Thailand has obligation to announce more laws of IP in the future.



Thank you

