

# TK and TCE in Thailand

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## 1. Legal Aspect

1.1 No “sui generis” system for protecting all kinds of TK and TCE

1.2 Certain TK and TCE, however, are protected under specific laws

- ❖ The Protection and Promotion of Thai Traditional Medicine Intelligence Act B.E. 2542
- ❖ The Archaeological Sites, Artifacts, Artistic Objects and National Museum Act B.E. 2504 (Amendment No. 2 in B.E. 2535)
- ❖ Draft Intangible Cultural Heritage Act

# The Protection and Promotion of Thai Traditional Medicine Intelligence Act B.E. 2542

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- **Subject of Protection** --- The (national, general, and personal) formula of traditional Thai drugs and the text on traditional Thai medicine and herbs.
- **Government Authority** --- The Department of Thai Traditional and Complementary Medicine, Ministry of Public Health



- หน้าหลัก
- เกี่ยวกับกรมฯ
- ข่าวสารจากกรมฯ
- สาระความรู้
- กฎหมายและระเบียบต่างๆ
- ติดต่อเรา

คุณอยู่ที่: หน้าหลัก

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# The Archaeological Sites, Artifacts, and Artistic Objects and National Museum Act B.E. 2504 (Amendment No. 2) B.E. 2535

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- **Subject of Protection** --- Archaeological Sites, Artifacts, and Artistic Objects and National Museum
- **Government Authority** ---- The Fine Arts Department, Ministry of Culture

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# Draft Intangible Cultural Heritage Act

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- The draft law in principle was approved by the cabinet and currently is under the consideration of the Office of the Council of State.
- Examples of intangible cultural heritage are 1. Cultural Artistic Performance 2. Traditional craftsmanship 3. Folk Literature 4. Intelligent Thai Sport 5. Knowledge and practices concerning nature and universe 6. Social Practices, Rituals, and Festive Events 7. Language 8. Others as identified in the Ministerial Regulation
- The draft Act sets up the registration system for intangible cultural heritage and the Committee for protection and promotion of intangible cultural heritage
- Thailand is currently in the preparatory process, aiming at joining the Convention for the Safeguarding of the Intangible Cultural Heritage

# TK and TCE in Thailand



## 2. Promotion Aspects

### 2.1 Promotion of TK-based and GI products --- GI Market 2015



## 2. Promotion Aspects

### 2.2 Encouraging the registration of GI products in the country and foreign countries.

## THUNG KULA RONG-HAI HOM MALI RICE

12.2.2013

EN

Official Journal of the European Union

L 41/3

### COMMISSION IMPLEMENTING REGULATION (EU) No 120/2013 of 11 February 2013

entering a name in the register of protected designations of origin and protected geographical indications (ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai) (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(2)</sup>, an application from Thailand received on 20 November 2008 to register the name ‘ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)’ as a protected geographical indication was published in the *Official Journal of the European Union* <sup>(3)</sup>.
- (2) Belgium, France, Italy, the Netherlands and the United Kingdom lodged objections to such registration under

whole. Thailand confirmed that no protection for the term ‘Khao Hom Mali’, in itself, was sought under Regulation (EC) No 510/2006. The Netherlands and Thailand did not reach an agreement. The Netherlands requested a clear indication that it is possible to use the non-geographical parts of the name, whilst Thailand made clear its anxiety on the impact of such a formulation on a trade mark registered in the European Union.

- (7) The protection should indeed be given to the whole name ‘ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)’. Individual non-geographical components of that term may be used, even jointly and also in translation, throughout the European Union, provided the principles and rules applicable in the European Union’s legal order are respected, including the legislation on trade marks.
- (8) With regard to the packaging requirement to take place in the area of production, Belgium, France, Italy, the Netherlands and the United Kingdom objected as being not adequately justified or unnecessarily restricting. France and Thailand found an agreement after

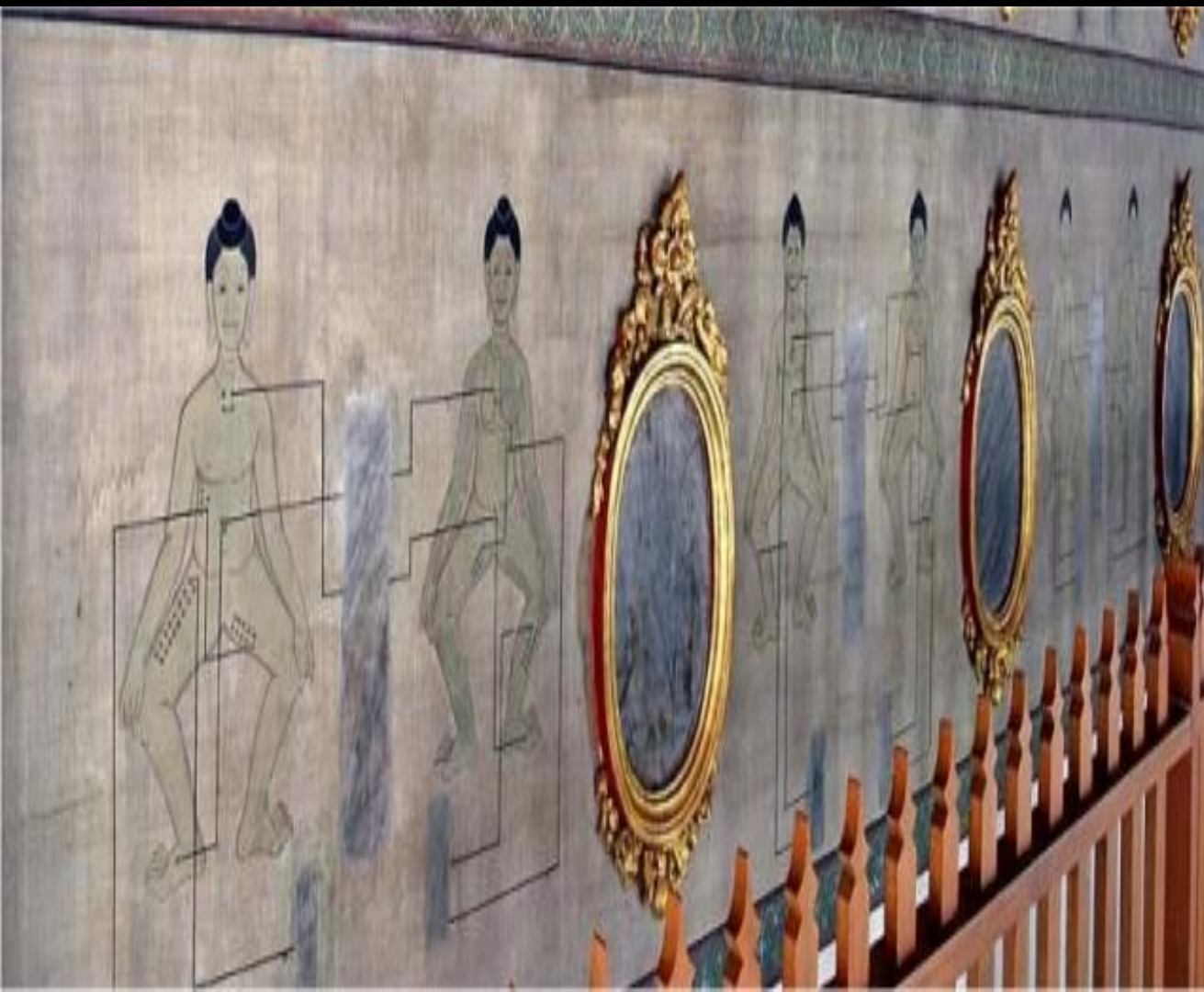


## 2. Promotion Aspects

**2.3 Project One Province One GI product**--- Currently, 34 provinces have their own GI registered with the DIP. It is aimed that all provinces in Thailand can completely register their GI products with the DIP by 2017.

**2.4 TK & TCE databases** --- TK and TCE databases have been created by several communities, provinces and relevant governmental agencies throughout the country

# Case Study: Rue-Si Dutton



# Challenges

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- **Lack of Unified Law for Protecting all TKs and TCEs**
- **No Central TK and TCE Database**
- **Several Governmental Units in charge of TK and TCE such as Ministry of Public Health, Ministry of Culture, and the Department of Intellectual Property, Ministry of Commerce**

**THANK YOU**

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**For Your Attention**