

The updated information on patent law provisions and practices of Thailand

(i) Certain aspects of the applicable national or regional patent law, available at: http://www.wipo.int/scp/en/annex_ii.html

Prior Art

1. Inventions widely known or used in Thailand before the filing date (priority date).
2. Printed publications and other documents publicly disclosed before the filing date (priority date).
3. Thai and foreign patents and petty patents granted before the filing date (priority date).
4. Contents of Thai and foreign patent and petty patent applications published before the filing date (priority date).
5. Contents of foreign patent applications and petty patent applications filed more than 18 months before the filing date *but not granted. and a patent or petty patent has not been granted for such inventions.*

Novelty

The invention does not form part of the state of the art. The state of the art consists of inventions widely known or used in Thailand before the filing date (priority date); printed publications and other documents publicly disclosed before the filing date (priority date); Thai and foreign patents and petty patents granted before the filing date (priority date); the contents of Thai and foreign patent and petty patent applications published before the filing date (priority date); and the contents of foreign patent and petty patent applications filed *more* than 18 months before the filing date (priority date) *but not granted. and a patent or petty patent has not been granted for such inventions.*

Exceptions and Limitations of the Rights

1. Acts committed before patent grant unless the application was already published, ~~or~~ *and* the person concerned knew, or had been informed in writing, that the application had been filed.
2. Acts for purposes of study, research, experimentation or analysis.

3. Continued prior use by a person who, in good faith before the filing date ~~(priority date)~~, had used the invention, or acquired equipment for that purpose.
4. Preparation of prescribed medicines by pharmacist or medical practitioner, and acts concerning those medicines.
5. Acts for registering pharmaceutical products for production, distribution or importation after patent expiration.
6. Certain uses concerning foreign vessels, aircraft or land vehicles which temporarily or accidentally enter national territory.
7. Certain acts concerning products produced or sold with consent of patent owner.

~~8. Expropriation by the Prime Minister with the approval of the Cabinet, for the purposes of national defense or security, subject to remuneration.~~

~~9.~~ 8. Compulsory licenses.

(iv) Compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors, available at: https://www.wipo.int/scp/en/confidentiality_advisors_clients/national_laws_practices.html

Requirements/qualifications for patent advisors

In Thailand, there are two types of professionals who can represent clients before the patent office: patent attorneys and patent agents. A patent attorney must be a qualified lawyer, ~~must hold a bachelor's degree, must have attended a training program arranged by the Department of Intellectual Property, and must have completed a course on intellectual property laws, arranged by an institution or any other agency which has been approved by the Department of Intellectual Property.~~ Under the Patents Act **and the Ministerial Regulations**, a patent agent **must hold a bachelor's degree, does not have to have a law degree, but must meet all of the other requirements of a patent attorney. must have attended a training program and must have completed a course on Patent Agent arranged by the Department of Intellectual Property.**

Summary

Thailand's Criminal Code imposes broad secrecy obligations on professionals and this applies equally to patent attorneys and to patent agents. Any breach of the secrecy obligations may cause the professional to face criminal prosecution and compensation claims from clients. At the same time, it is not clear whether professionals who are not registered in Thailand can also prevent disclosure of secret information obtained through their professional duties in court proceedings.

~~Thailand's Criminal Code imposes secrecy obligations on various professionals which apply inter alia to patent attorneys and to patent agents. At the same time, it is not clear whether professionals who are not registered in Thailand can also prevent disclosure of secret information obtained through their professional duties in court proceedings. (Proposed to be eliminated due to duplicate content with the paragraph above)~~

3 February 2020