



# THAILAND

## **Department of Intellectual Property**

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## **Primary Legislation**

Trademark Act B.E. 2534 (1991)  
Trade Secrets (2002).  
Copyright Act B.E. 2537 (1994)  
Patent Act B.E. 2522 (1979)  
Geographical Indications Protection Act B.E. 2546 (2003)  
Plant Variety Protection Act B.E. 2542 (1999)

| Population | GDP          | GDP per capita | GDP Growth | Economic sectors by total GDP, 2023 (East Timor, 2017) |                              |          | % of total ASEAN merchandise trade | Inward FDI         |
|------------|--------------|----------------|------------|--------------------------------------------------------|------------------------------|----------|------------------------------------|--------------------|
| Millions   | USD Millions | USD            | 2025       | Agriculture, Natural Resources                         | Manufacturing & Construction | Services | 2023                               | USD Billions, 2023 |
| 70.223     | 526,412      | 7,532          | 1.8        | 10.5                                                   | 31                           | 58.5     | 16.3                               | 8.1                |

| Paris Convention | Bern Convention | WIPO Copyright Treaty (WCT) | WIPO Performances and Phonograms Treaty (WPPT) | Hague Agreement | Patent Cooperation Treaty (PCT) | Madrid Protocol |
|------------------|-----------------|-----------------------------|------------------------------------------------|-----------------|---------------------------------|-----------------|
| Yes              | Yes             | Yes                         | No                                             | No              | Yes                             | Yes             |

Sources

International Monetary Fund

World Bank

ASEANstats

## TRADEMARKS

Trademarks in Thailand are governed primarily by the Trademark Act 1991, as amended by Trademark Act (No. 2) 2000 and Trademark Act (No. 3) 2016. The Department of Intellectual Property (DIP), Ministry of Commerce, administers trademark registration and maintenance.

### *Types of marks*

The law protects:

- Trademarks;
- Service marks;
- Certification marks;
- Collective marks; and
- Trademark and service mark licenses.

Thailand follows the Nice Classification system for goods and services.

### *Registration requirements*

A trademark may be registered if:

- It is distinctive;
- It is not prohibited under the Trademark Act; and
- It is not identical or confusingly similar to an existing registered mark.

Distinctiveness can be established through stylized words, invented terms, devices, shapes, colours or sounds. Marks that reference royal insignia, official emblems, flags or are contrary to public order or morality are prohibited.

***International protection***

Thailand acceded to the Madrid Protocol on August 7, 2017, enabling trademark owners to file a single international application designating Thailand or other member states.

***Application process***

Applications must:

- Be filed in Thai language with specimens of the mark;
- Include class of goods/services;
- Be submitted by the proprietor or authorized agent with a local address; and
- Attach translations for non-Thai documents.

Both single-class and multi-class applications are accepted. Priority rights under international conventions can be claimed within six months of the first foreign filing.

***Fast-track examination***

Two expedited programmes allow issuance of a first office action within six months (or four months for stricter conditions) at no extra cost. Conditions include limits on goods/services and compliance with DIP's description manual.

Businesses seeking urgent protection should consider Thailand's fast-track examination programmes. These programmes can reduce the time for a first office action to as little as four months if strict conditions are met, such as e-filing and limiting goods or services. For companies planning regional expansion, the Madrid Protocol offers a cost-effective route to secure protection in multiple jurisdictions through a single application. When selecting marks, applicants should avoid descriptive terms and prohibited elements, as these are common grounds for refusal. Early clearance searches and careful attention to distinctiveness requirements can prevent delays and objections.

***Term and renewal***

A registered trademark is valid for 10 years from the filing date and renewable for successive 10-year periods. Renewal applications can be filed within three months before expiry or within six months after expiry (with surcharge). A fast-track renewal process introduced in 2021 allows completion within 45 minutes for qualifying applications.

Owners of well-known marks should note that while Thailand abolished the formal recordation system in 2015, prior recordation can still influence examination of new applications. Businesses expanding into Thailand should also leverage priority rights under international conventions by filing within six months of the first foreign application. This strategy helps secure early protection and avoid conflicts with competing applications.



### ***Licensing***

Trademark licenses must:

- Be in writing;
- Identify goods/services and quality control provisions; and
- Be registered with the DIP.

Unregistered licenses are not recognized for defending against non-use cancellation actions.

### ***Enforcement***

Trademark infringement can be addressed through civil and criminal actions.

Remedies include:

- Preliminary search and seizure orders,
- Injunctions to cease infringement;
- Criminal penalties: up to B400,000 (US\$12,200) fine and four years' imprisonment for forgery; up to B200,000 (US\$6,100) fine and two years' imprisonment for imitation; and
- Civil damages under the Civil and Commercial Code.

Thailand's Intellectual Property and International Trade Court (IP&IT Court) has exclusive jurisdiction over trademark disputes. For more details on IP enforcement in Thailand, please see the enforcement section later in this chapter.

## PATENTS

Patents in Thailand are governed by the Patent Act 1979, as amended by Patent Act (No. 2) 1992 and Patent Act (No. 3) 1999. The DIP administers patent registration.

### *Types of patents*

Thailand provides protection for:

- Invention patents
- Petty patents
- Design patents (industrial designs)

Pharmaceutical products or processes are patentable if they do not involve methods of diagnosing or treating diseases. Naturally occurring microorganisms and their components, animals, plants and extracts are excluded. Excluded subject matter includes scientific or mathematical theories, methods for diagnosis or treatment and inventions contrary to public order or morality.

Computer programs are not patentable, although inventions involving computer programs or AI-related processes may qualify if they meet patentability criteria.

### *Patentability criteria*

To be patentable, an invention must be:

- New;
- Involve an inventive step; and
- Capable of industrial application.

Petty patents protect inventions that are new and industrially applicable but lack an inventive step. Design patents protect new product designs capable of industrial production.

### *Application routes*

Patent rights can be obtained through:

- National filing under the Patent Act;
- International filing under the Patent Cooperation Treaty (PCT); or
- Filing under the Paris Convention.

Thailand is a member of the PCT and the Paris Convention. PCT applications must enter the national phase in Thailand to obtain domestic protection. Priority rights under the Paris Convention allow filing in Thailand within 12 months for inventions and six months for designs from the first foreign filing date.

Choosing the right filing route is important in developing a patent strategy. The PCT national phase is often preferred for inventions with global potential, while the Paris Convention route may suit applicants targeting fewer jurisdictions. Accurate Thai translations of specifications and claims are essential to avoid examination delays. Applicants should also monitor priority

deadlines closely – 12 months for inventions and six months for designs – to preserve rights. For incremental innovations, petty patents provide a practical option with shorter timelines and less stringent requirements and also serve as valuable enforcement tools when other patent rights are unavailable.

### ***Term of protection***

The following terms of protection apply to patents in Thailand:

- Invention patents: 20 years from the filing date.
- Design patents: 10 years from the filing date.
- Petty patents: 6 years from the filing date, extendable twice for two years each.

Terms are non-renewable for invention and design patents.

### ***Licensing and compulsory licenses***

Patent licenses must be in writing and registered with the DIP. Conditions that unfairly restrict competition or require royalties after patent expiry are void. Compulsory licenses may be granted in cases of non-use, dependency on another patent or public interest under TRIPS provisions.

When drafting patent license agreements (or technology transfer agreements involving granted patents), parties should ensure compliance with ministerial regulations to avoid clauses that unfairly restrict competition. Provisions such as tying arrangements or royalty obligations beyond the patent term are void and can delay registration. Early legal review of license terms can prevent costly disputes and maintain enforceability.

### ***Enforcement***

Patent infringement can be addressed through civil and criminal actions. Remedies include:

- Preliminary search and seizure orders;
- Injunctions to stop infringement;
- Civil damages for actual loss and expenses; and
- Criminal penalties: up to two years' imprisonment and fines up to B400,000 (US\$12,200) for invention or design patents; up to one year and B200,000 (US\$6,100) for petty patents.

The IP&IT Court has exclusive jurisdiction over patent disputes. For more details on IP enforcement in Thailand, please see the enforcement section later in this chapter.

## **COPYRIGHT**

Copyright in Thailand is governed by the Copyright Act 1994, as amended most recently by the Copyright Act (No. 5) 2022. The DIP oversees copyright recordal.

***Acquisition of rights***

Copyright protection arises automatically upon creation of a qualifying work. Registration is not required, but voluntary recordal with the DIP is available and can serve as prima facie evidence of (i) subsistence and (ii) ownership in court or for reporting infringement to online platforms or other administrative enforcement agencies. Recordal requires an application form, a notarized power of attorney for foreign applicants and a copy of the copyright work, all in Thai language.

***Works protected***

Only original works are protected under the Copyright Act. These include:

- Literary works (including computer programs);
- Artistic works;
- Dramatic works;
- Musical works;
- Audiovisual works;
- Cinematographic works;
- Sound recordings;
- Sound and video broadcasting works; and
- Other works of a literary, scientific, or artistic nature.

Copyright does not extend to ideas, methods, systems, concepts, principles, discoveries, or daily news. Government documents such as constitutions, regulations and judgments are also excluded.

***Duration of protection***

The term of protection varies:

- For works by identifiable individuals: life of the author plus 50 years.
- For works by juristic persons: 50 years from first publication.
- For audiovisual works, films, sound recordings, broadcasting works and applied art: 50 years from creation or first publication.

***Rights of copyright owners***

Copyright owners have exclusive rights to reproduce, adapt, communicate to the public, rent, assign, or license their works. Moral rights include the right to be identified as the author and to prevent distortion or modification that harms reputation. The first-sale doctrine applies, meaning rights end after a legitimate sale.

***Assignment and licensing***

Assignments must be in writing and specify a term. If unspecified, the term is 10 years. Licenses may include conditions but cannot restrict fair competition under ministerial regulations.



### ***Enforcement***

Copyright infringement can be addressed through civil and criminal actions . Remedies include:

- Civil actions for damages and injunctions;
- Criminal penalties: imprisonment up to four years and fines up to B800,000 (US\$24,400);
- Additional liability for circumvention of technological protection measures or removal of rights management information; and
- ISP injunctions for online infringement

As in most jurisdictions, online infringement has become a major challenge, particularly for copyright works and counterfeit goods sold through e-commerce platforms. The amended Copyright Act provides a mechanism for rights holders to obtain preliminary injunctions against internet service providers hosting infringing content. To succeed, applicants must present clear evidence of ownership and infringement and follow up promptly with legal action. Monitoring online marketplaces and social media for unauthorized use of trademarks and copyright material is now an essential part of IP enforcement strategy in Thailand.



The IP&IT Court has exclusive jurisdiction over copyright disputes. Statutes of limitation are three years from awareness of infringement for civil actions and three months for criminal complaints. For more details on IP enforcement in Thailand, please see the enforcement section later in this chapter.

## INDUSTRIAL DESIGNS

Industrial designs in Thailand are protected under the Patent Act 1979, as amended. The DIP administers design patent registration and enforcement.

### *Definition and scope*

A design patent protects the form or composition of lines or colours that give a special appearance to a product and can serve as a pattern for industrial production.

### *Patentability requirements*

To qualify for protection, a design must:

- Be new and not previously disclosed anywhere before the filing date in Thailand;
- Be capable of industrial application;
- Not be contrary to public order or good morals; and
- Not fall under categories prescribed by royal decree.

Designs that have been published or displayed publicly prior to filing are not considered novel and cannot be patented.

### ***Application process***

Applicants must file a design patent application with the DIP. The application should include:

- Drawings or representations of the design;
- A description of the design;
- Required forms and fees; and
- A notarized power of attorney for foreign applicants.

Design patent applications are published under an early publication system, and any interested party may oppose the grant within 90 days of publication. Substantive examination focuses on novelty and industrial applicability.

### ***Term of protection***

Design patents are valid for 10 years from the filing date and are not renewable.

### ***Eligible applicants***

Applicants may include:

- Thai nationals or juristic persons with a principal office in Thailand;
- Nationals of countries with reciprocal agreements or that are parties to international treaties for patent protection; and
- Foreign applicants domiciled or operating an industrial or commercial enterprise in Thailand or a treaty member country.

### ***Enforcement***

Design patent infringement can be addressed through civil and criminal actions. Remedies include:

- Civil actions for damages and injunctions; and
- Criminal penalties: imprisonment up to two years and fines up to B400,000 (US\$12,200).

The IP&IT Court has exclusive jurisdiction over design patent disputes. For more details on IP enforcement in Thailand, please see the enforcement section later in this chapter.

## **ENFORCEMENT**

Thailand provides civil and criminal remedies for infringement of trademarks, patents, copyrights, industrial designs and trade secrets. Enforcement actions are governed by the respective IP laws, Penal Code and the Civil and Commercial Code, with jurisdiction vested in the Intellectual Property and International Trade Court (IP&IT Court).

### *Civil remedies*

Rights holders may file civil actions seeking:

- Preliminary search and seizure orders;
- Injunctions to stop infringement;
- Compensation for actual damages, loss of profit, notional licensee fee and necessary enforcement/legal expenses; and
- Confiscation or destruction of infringing goods to prevent resale.

For patents, the burden of proof may shift to the defendant if the patentee proves that the defendant's product is identical or similar to a product derived from the patented process.

### *Criminal remedies*

Criminal penalties apply to wilful infringement of IP rights:

- **Trademarks:** Forgery can result in imprisonment up to four years and fines up to B400,000 (US\$12,200); imitation up to two years and B200,000 (US\$6,100).
- **Patents and designs:** Infringement of invention or design patents can lead to imprisonment up to two years and fines up to B400,000 (US\$12,200); petty patent infringement up to one year and B200,000 (US\$6,100).
- **Copyright:** Infringement can result in imprisonment up to four years and fines up to B800,000 (US\$24,400). Repeat offenses within five years may attract double penalties.
- **Trade Secrets:** Criminal liability applies for malicious disclosure causing loss of secrecy, with penalties up to one year's imprisonment and fines up to B200,000 (US\$6,100).

Directors or managers of juristic persons may be liable for offenses committed under their authority unless proven otherwise.

### *Procedures*

Civil actions require proof of damages for monetary recovery. Criminal actions typically begin with a complaint to the police, followed by raids and seizure of infringing goods. Private criminal actions may also be filed directly with the court.

Effective enforcement requires planning and resources. Rights holders should prepare strong evidence of infringement and budget for costs such as investigator fees and police coordination during raids. In deciding between civil and criminal actions, consider the urgency and deterrent effect – criminal complaints often lead to faster seizure of infringing goods, while civil actions allow recovery of damages. For online infringement, preliminary injunctions against internet service providers can be a powerful tool to prevent further harm while litigation proceeds.



Rights holders should also conduct thorough investigations to confirm infringement and gather admissible evidence. In practice, this often involves engaging private investigators and coordinating with the DIP and police authorities. A well-prepared strategy can determine whether civil or criminal action is more appropriate – criminal complaints typically lead to faster raids and seizure of infringing goods, while civil actions allow recovery of damages. Businesses should also anticipate costs for raids, legal fees and incentives for officials, as provided under Thai law and police regulations.

### ***Specialized court***

The IP&IT Court was established in 1997 as Southeast Asia's first specialized IP court. It has exclusive jurisdiction over IP disputes. It handles both civil and criminal cases and can issue emergency search and seizure orders and preliminary injunctions, including against internet service providers in cases of online copyright infringement.

### *Statutes of limitation*

IP-related statutes of limitation in Thailand are as follows:

- Civil actions: With the exception of trade secrets disputes, which have a statute of limitation of three years, other intellectual property disputes in Thailand are subject to a statute of limitation of one year from the date the rights holder becomes aware of both the infringement and the identity of the infringer. However, in all cases, legal action must be initiated within 10 years of the date of the infringing act.
- Criminal complaints: Three months from awareness of the offense and offender.

### *Practical considerations*

Effective enforcement often requires significant resources for investigations, raids and legal proceedings. Rights holders should maintain proper documentation and consider effective maintenance of IP rights (both registered and unregistered) along with recordal of licensed use to strengthen enforcement actions.

Moreover, cross-border enforcement is increasingly relevant for businesses operating across ASEAN. Thailand's participation in international treaties such as the Madrid Protocol, the Patent Cooperation Treaty and the Paris Convention facilitates recognition of IP rights, but enforcement still requires local action. Coordination with authorities in neighbouring jurisdictions can be challenging, particularly for raids and evidence sharing. Rights holders should maintain complete documentation of registrations and consider regional strategies to address infringement that spans multiple countries.

#### ABOUT THE AUTHORS

**Darani Vachanavuttivong**, managing partner and managing director, intellectual property, at Tilleke & Gibbins is a formidable enforcer of intellectual property rights, including trademarks, copyrights and patents. She helps clients protect IPR in some of the toughest jurisdictions in the world – Thailand, Vietnam, Cambodia, Laos and Myanmar. Vachanavuttivong previously headed the firm's trademark registration group and is well-versed in writing patents, having represented numerous patent clients and having attended several high-level courses on drafting patent specifications, including the South East Asian Patent Drafting Training Course and the Patent Agent Training Course organized by the Department of Intellectual Property, Bangkok. She is



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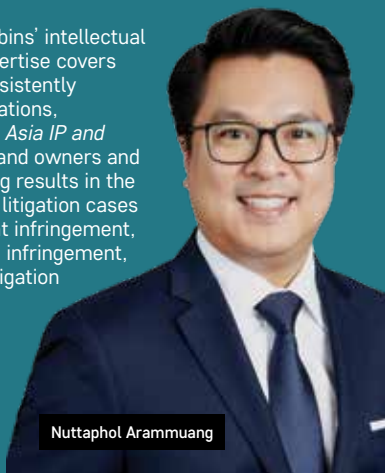
the managing director of the Tilleke & Gibbins intellectual property group, which is consistently recognized as the preeminent IP practice in Southeast Asia. She recently served as president of the ASEAN Intellectual Property Association (AIPA) and chair of the Asia-Pacific Sub-Committee of INTA's Global Advisory Council. She has also served terms as president and vice president of the Thailand group of the Asian Patent Attorneys Association; and as president of the Intellectual Property Association of Thailand.

**Alan Adcock** is a partner and director in the Tilleke & Gibbins intellectual property and regulatory affairs groups, helping to oversee the firm's client work in these areas across ASEAN. He is recognized as a leading intellectual property lawyer based on his handling of corporate IP matters, including licensing and acquisitions, and his knowledge in life sciences, fluency in Mandarin and outstanding client service. Adcock represents diverse clients, from pioneers in the life sciences to the biggest IP owners in the world, and helps them achieve the dual goals of profit and protection. He has extensive experience in IP acquisitions, strategic structuring, technology transfer and IP licensing and securitization agreements. He has handled various IP infringements and regulatory infractions involving labeling, advertising, clinical trials, product handling/warehousing, product registration, taxation and import/export violations across most of Asia. Adcock is also closely involved in Tilleke & Gibbins' leading patent and trade secret litigation practice, focusing mainly on the pharmaceutical, agrochemical and material science sectors.



Alan Adcock

**Nuttaphol Arammuang** is a partner in Tilleke & Gibbins' intellectual property practice in Bangkok. Arammuang's expertise covers a broad spectrum of IP matters, and he has consistently received accolades from prominent legal publications, including *Chambers Asia Pacific*, *The Legal 500*, *Asia IP* and *World Trademark Review*. Arammuang helps brand owners and intellectual property holders achieve outstanding results in the courtroom. Some of his past successes include litigation cases involving pharmaceutical patent disputes, patent infringement, design infringement, trademark and trade dress infringement, passing off, trademark invalidation, copyright litigation in the context of new media and technology, and obtaining preliminary injunctions and Anton Piller orders. Apart from contentious IP matters, Arammuang also advises clients on IP protection strategies and IP commercialization, including licensing, franchising and technology transfer.



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