

## OCTOBER 2008 Thailand: Patent litigation statistics revealed

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In Thailand, relatively few patent and petty patent infringement cases are tried each year. From 2000 until July 2008, a total of 40,823 intellectual property cases were tried before the Central Intellectual Property and International Trade Court, but only 155 of these involved patent infringement. In examining the statistics for patent case filings during this period, certain trends are immediately apparent.

By breaking the statistics down into patent and petty patent infringement civil cases and criminal patent cases, we observe a steady climb in the number of cases filed from 2000 until 2003-2004. For example, there was a continual increase in the number of civil cases of patent infringement from 2 cases in 2000, to 7 cases in 2003, to a peak of 10 civil cases in 2004. Since then, the number declined to 6 and 3 in 2005 and 2006 respectively, before rising to 4 in 2007. To date, no patent infringement cases have been filed in 2008. Similarly, a high of 19 criminal patent infringement cases was reached in 2003, which represents a remarkable increase from 3 cases in 2000, 11 in 2001, and 16 in 2002. The number of patent criminal cases then dropped to 13 in 2004 and remained fairly steady at 14 in 2005 and 12 in 2006. Since then, the number has dropped in consecutive years to 7 in 2007 and 5 in 2008.

In each of these categories, then, the number of cases increased from 2000 through 2003 or 2004, followed by a continual decrease until the present. This decrease can be explained primarily by the level of complexity involved in pursuing patent infringement cases and the difficulty in obtaining successful outcomes. As Thai patent law continues to evolve based on expected future accession to the Patent Cooperation Treaty, these trends warrant close observation.



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