

THAILAND ACCEDES TO THE PARIS CONVENTION

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On January 10, 2008, the National Legislative Assembly unanimously decided that Thailand should become a party to the Paris Convention for the Protection of Industrial Property (Paris Convention) and the Patent Cooperation Treaty (PCT). Thailand will finally become a party to the Paris Convention, the 173rd state to do so. The Ministry of Foreign Affairs deposited its instrument of accession on May 2, 2008, and the Convention will become binding upon Thailand on August 2, 2008.

Thailand has been a member of the World Trade Organization (WTO) since 1995 and has benefited from the right of priority rules. Consequently, the nationals of WTO member states filing patent applications in Thailand can claim the priority of the corresponding patent filed in a member state within 12 months from the earliest priority date. Thai applicants

who firstly file a patent application in Thailand and then seek patent protection in other WTO countries can similarly claim priority from the Thai application.

The accession to the Paris Convention will have two primary advantages:

- Under the present situation, Thai nationals cannot benefit from the priority right if they seek protection in countries which are members of the Paris Convention but not of the WTO. As a result of the accession to the Paris Convention, Thai applicants will be able to enjoy the priority date of the application originated from Thailand in filing for patents overseas. The same advantage will apply to nationals from countries that are not members of the WTO, but are members of the Paris Convention, when filing applications in Thailand.

- The adherence to the Paris Convention is also a necessary and

mandatory step before the adhesion to the PCT. The PCT will lead to many changes for patent applicants, such as a longer period from the priority date for filing a patent application in the member states. The Department of Intellectual Property is now in the process of drafting a Ministerial Regulation to support the accession to the treaty and setting up a receiving office to serve as a registration center for applicants who wish to benefit from the PCT system. After the Council of State approves the draft Ministerial Regulation, the Ministry of Foreign Affairs will be able to submit Thailand's instrument of accession to the PCT to the World Intellectual Property Organization. ♦