

## UPDATE: THAILAND WILL BECOME A PCT MEMBER THIS YEAR

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Based on recent developments, it is highly likely that Thailand will become a member of the Patent Cooperation Treaty (PCT) during the second half of this year.

In March 2009, the Council of State completed its review of the draft of the Ministerial Regulation to support the accession to the PCT. This included a clarification of the procedures for setting up a receiving office and accepting PCT applications. The Department of Intellectual Property (DIP) is now waiting to receive the reviewed draft from the Council of State. The DIP will then affirm the reviewed draft and submit it to the Cabinet for approval. After approval by the Cabinet, the DIP will submit its request for Thailand's accession to the

PCT to the Ministry of Foreign Affairs. The Ministry of Foreign Affairs will be responsible for depositing an instrument of accession to the PCT to the World Intellectual Property Organization. Ninety days after the deposit date, Thailand will officially become a Contracting Party of the PCT.

The DIP has been closely monitoring the progress being made by the Council of State in its review in anticipation of receiving the reviewed draft. Once the DIP receives the draft—which should happen in the near future—the remaining procedures described above should be completed within one month. Thailand's accession to the PCT could therefore take place as early as July or August 2009, and the DIP may possibly begin accepting PCT applica-

tions by October or November 2009.

However, it is important to note that the PCT national phase filing will not be retroactive for foreign applications that had already been filed in a foreign country before the effective date. PCT procedures for claiming priority will benefit applicants only if the first foreign application is filed after the effective date. Therefore, applicants must continue to be aware of the need to comply with the current requirements when claiming priority based on international applications filed before the PCT becomes effective in Thailand. ❖