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## The DIP's Study into an International Industrial Design Registration System

One of Thailand's keen ambitions is to become a member of the Hague Agreement Concerning the International Registration of Industrial Designs, a key international treaty created for the purpose of protecting intellectual property. The treaty and its mechanisms, collectively known as the Hague System, have instituted an international system that facilitates the registration of industrial designs in several countries by allowing applicants to file a single application in one language with one set of fees to protect their industrial designs in states that adhere to the Hague Agreement. This system reduces the time and resources that are required to register an industrial design.

In 2011, the Department of Intellectual Property (DIP) in Thailand conducted an in-depth study into the benefits that Thai businesses and designers would derive from Thailand becoming a party to the Hague Agreement. The study confirmed that Thailand's adherence to and involvement in the treaty would, indeed, benefit Thai businesses—both large corporations and SMEs—for the reason that it would increase their competitive capabilities as they relate to foreign corporations and would facilitate their expansion into the global market. Following the completion of this study, however, there were no significant developments in Thailand's progress toward becoming a member of this treaty—until now.

With Thailand's commitment to the ASEAN IPR Action Plan 2011-2015, under which the target has been set for at least seven ASEAN countries to become members of the Hague Agreement by 2015, in the third quarter of this year, the DIP began a nine-month study into a viable management system for international industrial design applications under the Hague Agreement, as established by the Geneva Act of 1999. The study's ultimate goal is to prepare and

make ready the DIP's facilities and personnel for the management and examination of international applications. In particular, the study sets out to:

1. create a process and management system for industrial design applications under the Hague Agreement which are appropriate for Thailand by taking into account all of the relevant factors, including the estimated amount of international applications, manpower required for management, and types of entities and industries that will use the international application route;
2. evaluate the potential of the design industry in Thailand in fully exploiting the benefits of this international registration system of design;
3. educate and prepare DIP personnel for the effective management and examination of international applications; and
4. educate all businesses in the design industry and all designers on the use of the international registration system for protection of their designs.

The methodology used in this study is not limited only to reviewing literature and data in the international registration system for industrial design. The scope also extends to looking at the standards and practices of the industrial design offices of countries that are already members of the Hague Agreement, reviewing its own current process and management system for national industrial design applications, conducting interviews with various corporations and organizations in the design industry to gain input and recommendations on the management system and examination process (to help minimize foreseeable difficulties), and organizing focus groups to obtain feedback on its proposed management system.

A conclusive study that takes heed of the objectives and proposed methods established at the outset will allow the DIP to implement an effective, internationally-compatible industrial design registration system that is suitable for Thailand and its available resources. However, we cannot leap to the conclusion that Thailand will soon become a member of the Hague Agreement. The ongoing study may reveal certain changes that the DIP needs to implement before accession to the Hague Agreement can be made, and these changes may lead to a significant delay in the further actions required for the accession. This is a subject for discussion at a later time. For the time being, we remain cautiously optimistic that the study will yield a positive result, and we will update readers on any developments in a future issue of *Informed Counsel*. 🦊