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## Update on Thailand's Intellectual Property Regime

Subsequent to the installation of a new government in Thailand on September 15, 2014, a number of important updates have been made to the country's intellectual property (IP) regime. Amidst the changes, General Chatchai Sarikalya, Commerce Minister, and Ms. Apiradee Tantraporn, Deputy Commerce Minister, were promoted and designated to take charge of the Ministry of Commerce, and thus, made responsible for directing the Department of Intellectual Property (DIP)—one of several departments within the ministry. In addition, after a one-year vacancy, the DIP has appointed a new Director General, Ms. Malee Choklumert, who came into office on October 1, 2014.

### The DIP's Backlog

Of the many policies shouldered by the new Director General, perhaps the most notable is her mandate to urgently rectify the protracted periods of pendency for IP registration which have beset the DIP for numerous years. Expediting the time spent on registering trademarks, designs, patents, and copyright is to be implemented as soon as possible by trademark registrars, patent examiners, and other relevant DIP officers.

A plan is in place to clear the current backlog of trademark and patent design applications by the first quarter of 2015. Records of copyright are set to be completed within a few days' time. For the backlog related to the granting of patents, the new Director General has recognized that it will take a relatively longer period of time to clear, due to the inherently complicated nature of patents and the low number of examiners—currently, there are only 41 examiners responsible for handling the more than 20,000 pending applications. In order to cope with this problem, the Director General has requested that more patent examiners be recruited, and she has thoroughly discussed the issue with the current patent examiners.

We are pleased to say that there have already been early signs of improvement since the new Director General took office.

### Amendment of Intellectual Property Laws

Among the various IP laws that have undergone revisions—including the Copyright Act, Trademark Act, Trade Secret Act, draft of the Anti-Camcorder Act, Computer Crime Act, Patent Act, and the draft of the Landlord Liability Act—progress has been most notable for the following three IP laws:

**Copyright Act:** Two sets of amendments to the Copyright Act were approved by the National Legislative Assembly (NLA) in November 2014 and are now awaiting the King's signature to be effective. The first set of amendments relate to copyright offenses, penalties for copyright infringement, and exemptions from copyright infringement for disabled people. The second set consists of a framework to account for technology changes, Rights Management Information, and Technological Protection Measures.

**Trademark Act:** Two sets of amendments to the Trademark Act are currently under review by the Cabinet. Upon passing this review, they will further proceed for consideration by the NLA. The first amendment provides additional mark protection for sounds and smells, allows multiple class applications, and provides for a grace period. The second amendment allows Thailand to become a member of the Madrid Protocol and to implement the Madrid System's procedures and requirements. The original plan for Thailand to become a member of the Madrid Protocol has not changed.

**Trade Secret Act:** Amendments to the Trade Secret Act were approved by the NLA in November 2014 and now await the King's signature to have effect. The main amendments relate to the Trade Secrets Board's composition, qualifications, terms of office, causes to vacate the position, methods to conduct meetings, and cancellations of prohibited conditions of being a Trade Secret Board member.

This progress is a good sign that Thailand is on track and ready to move forward into the ASEAN Economic Community. Any further updates on IP laws and practice in Thailand will continue to be reported in our future editions of *Informed Counsel*. 🦋