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Graphical User Interfaces

The advent of mobile computing has resulted in widespread use of portable technology in Thailand. The affordability of portable devices, combined with an insatiable thirst for the latest technological triumph to hit the market, has led to unparalleled access to various means of communication and a perpetual stream of cutting-edge innovations.

One innovation in particular, the Graphical User Interface (GUI), has gained significant ground in recent years. A GUI is a type of visually-enhanced interface that allows a user to interact with an electronic device through use of computer-generated items, such as screen displays, icons, and visual images.

Given the popularity of GUIs and the fiercely competitive nature of the technology market, it is imperative that GUI owners focus on securing adequate intellectual property (IP) protection for their creations. The potential benefits of conducting business in the GUI market could easily be offset by a failure to assert IP rights over a GUI.

Having noted the importance of securing IP protection for GUIs, we will now discuss how such protection can be obtained.

A design, as defined in Section 3 of the Thai Patent Act B.E. 2522 (1979), as amended in 1992 and 1999, is “any configuration of a product or composition of lines or colors which gives a special appearance to a product and can serve as a pattern for a product of industry or handicraft.”

Although Thai law has yet to define a GUI or explicitly address the legal protection criteria applicable to GUIs, in practice, protection can be sought for a GUI by making an application for a patent design with the Department of Intellectual Property (DIP). A design patent application for a GUI abides by the same formalities and requirements as other design patent applications.

To qualify as a design patent, a design must be new and industrially applicable. The term of protection for a design patent is ten years from the date the application is filed in Thailand. This term cannot be extended. The design system in Thailand is a substantive examination system. As Thailand operates an “absolute novelty” and “first-to-file” patent system, new designs should be kept as confidential as possible until a design patent application date has been obtained. A design that has been disclosed to the public and/or patented or registered elsewhere prior to filing a Thai application is not patentable in Thailand.

An applicant should consider the following factors when seeking protection of a GUI:

- ▶ The title of a GUI design application should be “A Pattern or a Design for a Display Screen.”
- ▶ Dashed lines in drawings submitted to the Thai Patent Office are not permitted. All lines appearing in drawings

must be solid.

- ▶ The drawings must not be contained within a frame.
- ▶ Shadowed areas or reflections are not allowed in the drawings.
- ▶ Words, numbers, letters, and any commonly-used symbols, such as telephone and mail symbols, must be disclaimed.
- ▶ There is no need to show how the design functions or show the product design in its intended environment.
- ▶ An explanatory letter describing functions of symbols should accompany the set of drawings submitted to the Thai Patent Office.

The following are samples of GUIs previously published in the *Royal Thai Government Gazette*:



Publication No.: 126884
 Title: [Pattern for a Display Screen](#)
 Publication Date: August 28, 2013
 Class: 14-03



Publication No.: 134648
 Title: [Pattern for a Display Screen](#)
 Publication date: June 10, 2014
 Class: 14-03



Publication No.: 100619
 Title: [Pattern for a Communication Device](#)
 Publication date: March 26, 2010
 Class: 14-03



Publication No.: 100618
 Title: [Pattern for a Communication Device](#)
 Publication date: March 26, 2010
 Class: 14-03

From past experience, GUIs that have a suitable product name, a statement of novelty, and distinctiveness, as well as an appropriate drawing, are capable of being protected under the Thai Patent Law.

While such new, emerging technology will create challenges for legal practitioners and policy makers, revising the law to clarify the protection that is available for GUIs would boost Thailand’s attractiveness as a hub for technology investment and foster significant economic growth in the country. 🏡