



Guide on Trademark Registration in Thailand

This guide has been prepared for the assistance of individuals willing to register their company's trademark in Thailand. Though it does not exhaustively cover the subjects it deals with, but it does intend to answer some of the important points. However, if any specific issue arises in practice, it will be necessary to refer to the laws and regulations of Thailand and seek proper legal advice.

Introduction

Thailand doesn't follow the NICE system for trademark registration. They actually have their own system for classification of goods and services. Hence, they do not need to follow any other. Well, there are presently 45 different classes of goods and services under the Thai classification. If you intend to get a trademark under multiple goods and services that may not be possible as then you will have to go through a separate registration process for each class.

Advantages of Trademark Registration in Thailand

- Legal protection against counterfeiting of your intellectual property
- Strengthens your ability to exercise the rights

Three Things to Remember

1. The applicant must have a fixed work station in Thailand
2. Foreigners/ Non-Thai resident applicants can register a trademark only when they appoint an agent
3. Trademark application must be accomplished in Thai language

Requisites When Applying for Trademark Registration in Thailand

According to the Thai law, the applicant must have a fixed place of business or may be an address in Thailand. However, a non-resident applicant can register a trademark by hiring an agent who is a Thai. All you need to do is grant him/her power of attorney.

Also, your trademark must be unique. The color combination should be represented in a distinctive manner. Numerals, invented word or stylized letters are preferable. Similarly, ensure that the trade is not prohibited by the Trademark Act in Thailand. When you are choosing your mark it should not have the following characteristics;

- Marks identical with other trademarks
- Marks contrary to public policy
- Representation of the National Flag, Royal Standard Flags or Royal names
- Mark that is identical with a medal or certificates
- It must not be same as any mark that is already registered

Do a Trademark Search

It is advised to do a trademark search in order to determine if your trademark is unique. The search is usually carried out at the Thai Department of Intellectual Property.

Licensing

For this, a valid trademark license agreement needs to be prepared, translated into the Thai language. This will be recorded with the Trademark Office in the Department of Intellectual Property, Ministry of Commerce in Thailand.

Typically, a registered trademark is valid for 10 years calculated from the date of filing the application. However, if you want to renew the trademark rights, then your agent will need to file the application within ninety days prior to the date of expiration. Contact us if you need any legal assistance. Our legal experts will be delighted to offer you with proper legal solutions.

Required Documents

- The trademark logo in the exact color
- Self-attested passport copy of the director(s)
- Copy of the company's affidavit plus its original set
- Duly signed power of attorney

Marks Prohibited for Registration

- Marks similar to well-known marks
- State arms, official seals, emblems, seal of ministries
- Royal standard flags, emblems or names representing king or queen
- Geographical indications that are protected under law and geographical indications
- Marks identical to medal, certificates or diploma
- Marks related to public policy or public order