

Thailand's Trademark Registration Procedures

Search for a Trademark

1. It is recommended that the applicant filing for the registration of trademark search for a trademark which he would like to register in order to determine whether it is the same or similar to other person's trademark.

2. The searcher of trademark must pay a searching fee of 100 baht per hour. The search can be done by a searcher at the Application Request Service and Examination Division (3rd floor), the Trademark Bureau, the Department of Intellectual Property, or at the on-line trademark services at www.ipthailand.org.

Application for Registration

1. General Services

1. The applicant for the registration must prepare and completely fills in all the information in the following documents, as prescribed by the laws:

1.1 One original registration application form (Gor. 01) with the signature of the authorized person and a photo of the trademark. The photo should be no larger than 5 centimeters in width and length (a fee of 100 baht will be charged for each additional centimeter). Five copies of the completed Gor. 1 forms are also required.

1.2 Five copies of the trademark photos of the same size as affixed in the Gor.1 form.

1.3 In case of applying as a juristic person, an original of certification of juristic person no longer than 6 months must be submitted, while applying as a natural person, a copy of the personal identification card is required together with a certified signature.

If an applicant resides outside the country, a notary public must be used to certify the documents.

1.4 If another person is authorized to file a document, a copy of the power of attorney (Gor.18) with a stamp duty of 30 baht per each authorized person (with crossed-out stamp), as well as a copy of authorized person's personal identification card and certified signature must be submitted.

2. All of the documents must be submitted to an official with a fee of 500 baht per goods or services.

3. The application for the registration of trademark can be submitted at:

3.1 The Application Request Service and Examination Division, Trademark Bureau, the Department of Intellectual Property

3.2 The Provincial Commercial Offices

3.3 Via registered mail to the Trademark Registrar, the Department of Intellectual Property, with a payment of the fee by money order, payable to the trademark registrar

3.4 Via the internet at in the on-line trademark service www.ipthailand.org

2. Internet Services for Trademark Registration

2.1 The registration of a trademark can be applied via an internet service through the following steps:

2.1.1 Enter the website www.ipthailand.org. Then, click the trademark registration system in the on-line services menu to go into on-line services menu system.

2.1.2 Click "Member Sign Up Here". A registration application form will be appeared. Fill in all information completely similar to applying for an e.mail membership. (Use only English language or Numbers to enter the Username and Password). Then, click OK, which will return to the first screen.

2.1.3 Fill in your Username and Password, then click OK to enter to the system.

2.1.4 The trademark servicing menu will be appeared, then click User Menu and choose "Trademark Registration Application Gor. 01".

2.1.5 Fill in all information on the trade registration form completely and attach the picture file surnamed "jpeg" no smaller than 30K. Then, specify type and goods/services item which is applying for protection, as well as the

2. The examining official and the registrar will then examine whether the trademark applying for the registration meets the qualifications as prescribed by the laws, that is:

- must be distinctive
- must not be prohibited under the law, and
- must not be the same as or similar to a trademark registered by another person

This examination process will take about 3 months.

3. After examination process, the official will notify the applicant of the results as follows:

- In case of acceptance of registration, the registrar will publish the application for 90 days to open the opportunity for objections.
- In case of unaccepted registration, if a registrar perceives that the trademark is not distinctive, is prohibited under the law, or is the same as or similar to a trademark registered by another person, the applicants can appeal the registrar's order to the Trademark Board within the specified period.
 - To make necessary amendments and changes.
 - Notify the applicant that the requested trademark is being applied by another individual and that prior agreement between the applicant and the other applicant is required before registration.

Notification of Amendment on the Application

A registration applicant must correct the application, such as an incorrect word, incomplete information, or unsigned documents. The fee charged is 100 baht per application before registration and 200 baht per application after registration, by using form Gor. 06.

Notification of the need for Prior Agreement

1. If an agreement between the applicant and the other applicant has been made as to the right on trademark and is notify to the official, the official will proceed with the publication of the application.
2. If the applicant and the other applicant cannot come to an agreement prior to the registration, the first-to-file applicant will receive the right.

Notification of Non-Declined Application

1. The official will proceed with the publication of the application.
2. In some cases, the official will notify the applicant to do the followings:
 - 2.1 File a request to surrender rights on some parts of the trademark which are commercially used in general, or are not distinctive.
 - 2.2 File an associated trademark for the item as there is similar or the same trademark that has been registered by the applicant due similar characteristics of the item:
 - If the applicant agrees to surrender the right, he must notify the registrar by submitting a document to indicate his surrender (Gor. 12) within 90 days from the date that he receives the order without any fee. On the other hand, if the applicant agrees to apply for an associated trademark, he is required to notify a registrar by submitting an application for associated trademark registration (Gor. 13) within 90 days without any fee.
 - If the applicant disagrees with the registrar's order, he can appeal the order with the Trademark Board by submitting an appeal form (Gor. 03 form) within 90 days from the date that he receives the order.

Notification of Declined Application

1. If the applicant does not appeal the registrar's order, the application will be removed from the system.
2. If the applicant wishes to appeal the registrar's order, he is required to appeal the order with the Trademark Board within 90 days from the date that he receives the order, as well as pay a fee of 1,000 baht or 2,000 baht for each appeal form (Form Gor. 03) depending on the appeal case (see the rates of fees under the Trademark Act).

3. Once the Trademark Board has issued a decision, the Board will notify the registrar as follows:

- If the Board's decision is to accept the registration, the registrar will proceed with the publication of the application.
- If the board's decision is not to accept the registration, the registrar will remove the application from the system. The Board's decision is deemed as final.

The Publication of the Application

1. If the registrar accepts the application for registration, he will issue an order to publish the application for a period of 90 days, which can be searched at the Application Request Service and Examination Division (3rd floor), the Trademark Bureau, the Department of Intellectual Property, at the Provincial Commercial Offices, or at www.ipthailand.org.

- If there is no objection within the 90 days period after the date of publication, the official will proceed with the trademark registration.
- If there is an objection for any reasons, such as the trademark lacks the qualifications for registration, the trademark does not belong to the applicant, or the registration does not comply with the law, the person who filed the objection must submit supporting evidence and reasons for the claim. The fee for the objection is 1,000 baht per application (Form Gor. 02)

2. The official will notify applicant of the objection to the application

- If the applicant does not wish to refute the objection, the registrar will remove the application from the system.
- If the applicant wishes to refute the objection, he is required to submit his counter objection to the registrar within 90 days from the date that he receives a copy of the objection.

3. The registrar will consider the objection, and then notify the disputed parties of the result.

4. The party which loses the benefit may appeal the registrar's decision by filing an appeal with the Trademark Board within 90 days from the date that he receives a registrar's decision. He is required to pay a fee of 2,000 baht per each appeal form (Form Gor. 03)

5. After the Trademark Board has issued a decision, the registrar will notify the decision to the disputed parties.

6. If the party which loses the benefit does not agree with the decision, he may file a petition with the court within 90 days from the date that he receives the decision of the Trademark Board.

The Registration of Trademark

1. A trademark which is distinctive and is not prohibited under the law, has passed the examination of the registrar and has been published, as well as has passed all the disputes and appeal processes, is a trademark which can be a registered. In such cases, the registrar will notify the applicant to pay for a fee within 30 days from the date that he receives the notification.

2. The application is required to bring the notification when paying the fee at the Application Request Service and Examination Division (3rd Floor), Trademark Bureau, the Department of Intellectual Property, at the Provincial Commercial Offices, or over the internet, within 30 days from the date that he receives the notification. Once the payment is made, 300 baht for each item of goods or services, the applicant will then receive the trademark registration certification as evident.

In this connection, the Department of Intellectual Property can send trademark registration certification to the applicant according to the address in the application form within 2 weeks after the fee payment. However, if the applicant wishes to receive the trademark registration certification on the day of making the fee payment, then the applicant or the authorized person is required to obtain it in person. In cases that a person has been authorized to obtain the trademark registration certification, a power of attorney (Form Gor. 18) with a stamp duty of 10 baht, as well as a copy of identification card of both the applicant and the authorized person's with certified signatures must be submitted

to the official at the Application Request Service and Examination Division so as to receive the certification. The official at the One-Stop-Service will then expeditiously issue the trademark registration certification to the applicant within 1 hour without any fee.

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