



DESIGNS FILING REQUIREMENTS

# THAILAND



JULY 2015



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## RECEIPT OF THE APPLICATION

The application for registration of a design must be filed using the prescribed form. The filing language is Thai.

The application must be filed with the Department of Intellectual Property (DIP) Thailand or at any of its Provincial Commercial Offices. DIP accepts applications filed online.

If the applicant does not have local presence, representation is required, and the power of attorney must be submitted to the Office.

## FILING REQUIREMENTS

The application for a design shall comply with the requirements and procedures as prescribed by the Ministerial Regulations.

Every application for a design shall contain:

- A representation of the design;
- An indication of the product for which the design is to be used;
- A clear and concise claim;
- Other items prescribed in the Ministerial Regulations.

## STATEMENT OF NOVELTY

The design must be a new design for industry, including handicrafts.

The following designs are not new:

- (1) A design which was widely known or used by others in Thailand before the filing of the application;
- (2) A design which was disclosed or described in a document or a printed publication in Thailand or a foreign country before the filing of the application;
- (3) A design which was published before the filing of the application;
- (4) Any design so nearly resembling any of the designs identified in paragraphs (1), (2), (3) or constituting an imitation of any such designs.

The following shall not be registered:

- (1) Designs that are contrary to public order or morality;
- (2) Designs prescribed by a Royal Decree.

## PRIORITY

A person who has filed an application for a design in a foreign country may claim the first foreign filing date as the filing date in Thailand if the application is filed within six months following the first filing date in the foreign country.



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## EXAMINATION AND REGISTRATION

The substantive examination of design application shall be made ninety days after publication and there is no opposition to the registration. The design shall be examined if it meets the requirement of novelty.

When the Director General has considered the examination report and sees no reason to refuse the grant of the design, the Director General shall order that the design be registered.

The applicant shall be notified of the grant and required to pay the fee for the grant of a design within sixty days from the date of receipt of such notice. If the applicant fails to pay the fee within sixty days from the date of receipt of such notice, he shall be deemed to have abandoned his application.

## OPPOSITION

Where an application for a design has been published, any person claiming to be entitled to a design or alleging that the application does not comply with the provisions for the registration of designs may file an opposition to such application within ninety days following the publication of the application

Where an opposition has been made in accordance with the preceding paragraph, the competent officer shall send a copy of such notice to the applicant. The applicant shall file with the competent officer a counterstatement within ninety days following the receipt of the copy of the notice. If the applicant fails to file such counterstatement within said period, he shall be deemed to have abandoned his application.

## TERM OF PROTECTION

A design shall have a term of ten years from the date of filing of the application.

## CONTACT

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