



GEOGRAPHICAL INDICATIONS PROTECTION SYSTEM

THAILAND



OCTOBER 2015



Filing requirements

A geographical indication intended to be registered for goods, namely, naturally exist goods, agricultural products, handicraft and industrial products. It must not be of any of the following descriptions:

- (1) being a generic name for the goods for which such geographical indication is intended to be used;
- (2) being a geographical indication which is repugnant to public order, good moral of the public or public policy.

A geographical indication of a foreign country eligible for protection shall be supported by clear evidence that it is the geographical indication eligible for protection under the law of that country and has been in continual use up to the date of application for its registration in Thailand.

Persons eligible to apply for registration of a geographical indication are as follows:

- (1) Government agency, a State agency, a State enterprise, a local government organisation or other public body ascribed the status of a juristic person, whose area of responsibility embraces the geographical origin of the goods;
- (2) a natural person, a group of persons or a juristic person, who engages in trade in connection with the goods for which a geographical indication is used and has a residence in the geographical indication of the goods;
- (3) a group or organisation of consumers consuming the goods for which a geographical indication is used.

The applicant who is not of Thai nationality and intends to apply for registration of a geographical indication of a foreign country must also be of any of the following qualifications:

- (1) being of a nationality of a country which is a party to an international convention or agreement concerning the protection of geographical indications, to which Thailand is also a party;
- (2) being domiciled or having a real place of business in Thailand or a country which is a party to an international convention or agreement concerning the protection of geographical indications, to which Thailand is also a party.

An application for registration of a geographical indication shall consist of details as to the quality, reputation or other characteristics of the goods, the geographical origin and other details prescribed in the Ministerial Regulation.

Examination

Upon receipt of an application for registration of a geographical indication, the competent official shall conduct the examination thereof to ensure whether it is in conformity with the rules prescribed in “Geographical Indications Protection Act B.E. 2546 (2003)” and prepare an examination report and opinion for submission to the Registrar within one hundred and twenty days as from the date of receipt of the application.

In conducting the examination of the application, the competent official may also call upon the applicant or persons concerned to give statements or produce additional evidence to the competent official.

In the case where it is necessary for consulting opinions of experts in the field related to the matter requiring the determination, the Registrar shall refer the matter to the experts for consideration and giving opinions thereon.



In the case where the application fails to be in conformity with the rules, the Registrar shall issue an order dismissing the application within thirty days as from receipt of the examination report and shall serve on the applicant a notification in writing of the reasoned order within fifteen days as from the date thereof.

Registration and opposition

Within ninety days as from the date of publication, an interested person may file an opposition to the registration of the geographical indication intended to be registered.

The submission of the opposition under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

If no opposition has been filed or an opposition has been filed but the Registrar or the Board or the Court, as the case may be, has given a final decision or has delivered final judgment dismissing the opposition, the Registrar shall register the geographical indication, for which registration is sought, within fifteen days as from the date following the expiration of ninety days of opposition or the date of the Registrar's receipt of such decision or judgment.

When the Registrar has effected registration of the geographical indication, the protection of such geographical indication shall take effect as from the date of filing of the application.

In the case where the application is in conformity with the rules and the Registrar thinks it appropriate to proceed with registration with or without conditions, the Registrar shall issue an order for publication of the acceptance of the application for registration, in accordance with the procedures prescribed in the Ministerial Regulation.

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