

**Expectations and Potential of IP System
in ASEAN Nations and IP Strategy
in the Region
THAILAND**

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Roadmap

- 1. Initiatives for Technology Promotion**
- 2. Situation and Challenges of IP System**
- 3. Activities Responding Expectations**

1. Initiatives for Technology Promotion

Ground of Thai Intellectual Property Promotion

1. The Constitution of the Kingdom of Thailand B.E. 2550 (2007)

Section 86(2) to promote inventions or discoveries leading to new knowledge, preserve and develop traditional knowledge and Thai wisdom and protect intellectual property

2. Government's Policies

Clause 3. Economic Policy, 3.3 Economic Restructure Policy, 3.3.4 Marketing, Trade and Investment:

1) promote a free and fair enterprise policy for preventing monopolistic practices, promote and develop roles of organisations concerned with consumer protection in public and private sectors, revise laws and measures in the interest of fairness to consumers and **create entrepreneurs' confidence in the protection of intellectual property and prevention of infringement vis-à-vis Thai products in foreign countries.**



Department of Intellectual Property: Vision, Mission, Strategy

| | | |
|-----------------|--|---|
| Vision | Achieving Excellency in Protecting Intellectual Property and Promoting Intellectual Property Exploitation | |
| Mission | <ul style="list-style-type: none">- Protecting IP rights domestically and internationally.- Promoting knowledge and the creation as well as commercial exploitation of intellectual property. | |
| Strategy | 1. Developing systems for protecting intellectual property rights domestically and internationally and formulating measures for the prevention and suppression of intellectual property infringement | 2. Developing Intellectual Property management systems through promoting IP-related knowledge and encouraging creations, IP-networking and commercial exploitation of intellectual property |

Initiatives for Technology Promotion

1. MOU on the development of intellectual property works related to science, technology, and innovation between the Department of Intellectual Property (DIP) and the National Science and Technology Development Agency (NSTDA)

2. Innovation Thailand (Google and DIP)

1. MOU between DIP and NSTDA

- ▶ **The National Science, Technology, and Innovation Policy and Plan No. 1 (2012 – 2021) contains 5 strategies;**

Strategy 1: Strengthening societies, communities, and locals with science, technology, and innovation

Strategy 2: Increasing capacity, potentiality, and flexibility of several sections including agriculture, production, and service with science, technology, and innovation



1. MOU between DIP and NSTDA

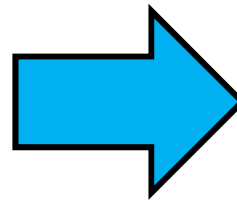
Strategy 3: Harnessing security on energy, natural resource, and environment with science, technology, and innovation

Strategy 4: Improving and developing the national human capital with science, technology, and innovation

Strategy 5: Supporting & promoting the development of infrastructure and the factors relevant to science, technology, and innovation to increase the national competitive capacity

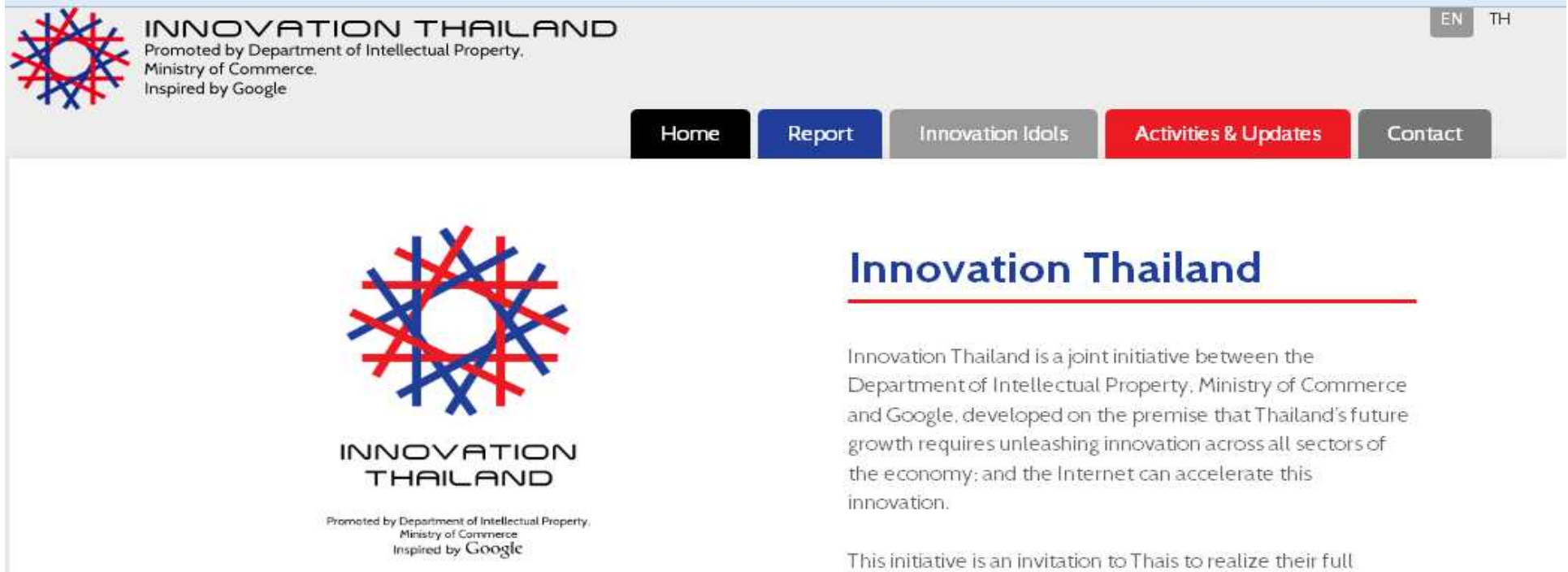
- ▶ **MOU between DIP and NSTDA** aims to **promote the development of intellectual property works related to science, technology, and innovation** , which will support the strategies 1-5 under the National Science, Technology, and Innovation Policy and Plan No. 1

2. Innovation Thailand



2. Innovation Thailand

Website of Innovation Thailand
www.innovationthailand.org



The screenshot shows the homepage of the Innovation Thailand website. At the top left is the logo, a stylized circular emblem made of red and blue lines, with the text "INNOVATION THAILAND" and "Promoted by Department of Intellectual Property, Ministry of Commerce. Inspired by Google" below it. To the right are language selection buttons for "EN" and "TH". A navigation menu contains buttons for "Home", "Report", "Innovation Idols", "Activities & Updates" (highlighted in red), and "Contact". The main content area features a large version of the logo on the left and a heading "Innovation Thailand" on the right, followed by a paragraph: "Innovation Thailand is a joint initiative between the Department of Intellectual Property, Ministry of Commerce and Google, developed on the premise that Thailand's future growth requires unleashing innovation across all sectors of the economy; and the Internet can accelerate this innovation." Below this is the start of another paragraph: "This initiative is an invitation to Thais to realize their full".

2. Innovation Thailand

What is Innovation Thailand?:

- ▶ Innovation Thailand Project is a joint initiative between **Google** and the Department of Intellectual Property (**DIP**), Ministry of Commerce.
- ▶ The project is developed on the premise that **Thailand's future growth requires unleashing innovation across all sectors of the economy**; and the Internet can accelerate this innovation.
- ▶ The project aims to **1. stimulate Thais to realize their full potentiality in innovation** and **2. find out key innovation drivers**, which will be a basis for Thailand's innovation development.



2. Innovation Thailand Project

- ▶ The project has two key components

2.1 Innovation Thailand Idols --- To find examples of home grown innovation. Seven Thai Innovation Idols are identified.

2.2 Innovation Thailand Report --- To Identify critical innovation drivers that will enable an increased economic growth, an enhanced national competitiveness in technology and innovation, and a culture of continuous innovation.

2.1 Innovation Thailand Idols



Nutch Poovarawan

Social Enterprise for play-based
learning
Cubic Creative



Tavatchai Kanchanarin

Mobile real-time emergency
response video monitoring solution
Phramongkutklao Hospital, Royal
Thai Army Medical Department



Passakon Prathombutr

Diagnostic hardware with sensors to
monitor speed, direction and stability
National Electronics & Computer
Technology Center (NECTEC)

2.1 Innovation Thailand Idols



Somyos Sundaravibhat

Online sign language translation
service

Thai Telecommunication Relay
Service (TTRS)



Pongsri Preechamongmit

Promotion and export of traditional
handicrafts online

Hyacinth Weaving Craft Group
"Ban San Pamuang"



Wootinun Sung-ong

Promotion and export of Thai culture
online

Tuff Company Group (Tuff Co., Ltd.)



Prawut Wongseenin

Open source mapping solution
Department of Special
Investigation (DSI)

TUFF Company : Thai Boxing



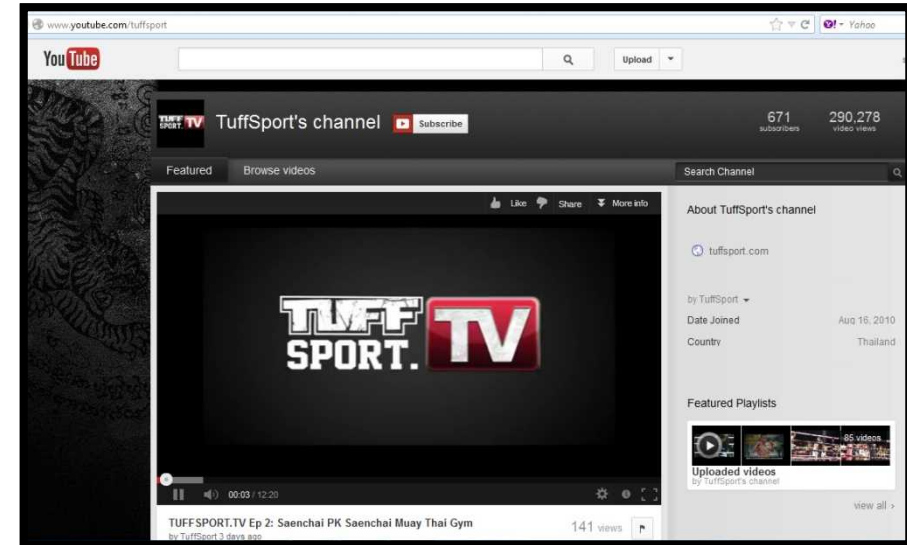
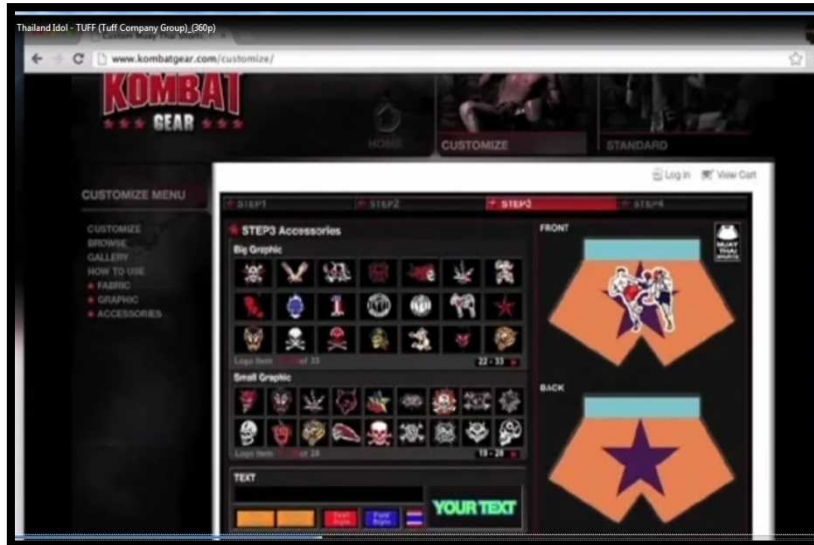
Innovation

**Creative
Product & Service**

Technology



How technology can help TUFF Company?



- ▶ Internet as a platform to communicate brand identity
- ▶ Software enabling customers to design boxing trunks and Muay Thai shorts online as they wish.
- ▶ Tuff Company is investing in R&D to produce rapidly drying boxing shorts.
- ▶ TUFF Sport TV on the Internet

2.2 Innovation Thailand Report

Objective: To Identify critical innovation drivers which will be a basis for national innovation development.

Source of information: Two stakeholder sessions were held to be forums for innovators and relevant persons to share their opinions on the current state of Thai innovation and its challenges as well as identify key elements in driving Thailand to be the innovative country.



INNOVATION
THAILAND



2.2 Innovation Thailand Report

According to the Innovation Thailand report, several key innovation drivers are identified;

- ▶ **Access & Infrastructure:** Improving Internet access and IT infrastructure
- ▶ **Education & Human Capital:** Enhancing education and developing human capital to ensure that young people and workers have the skills to be competitive in the global market
- ▶ **Regulatory Environment:** Providing transparent and predictable regulations and effective protection for digital content
- ▶ **Distributed Access to Capital:** Multiplying accesses to funding for Thai entrepreneurs

2. Situation and Challenges of IP System

1. Backlog of Applications

Backlog of Applications

- Big numbers of backlog on trademark and patent applications
- Limited personnel, especially technical position

Solution

- Shorten some application procedures to minimize workload
- Hire more technical assistance to support examiners



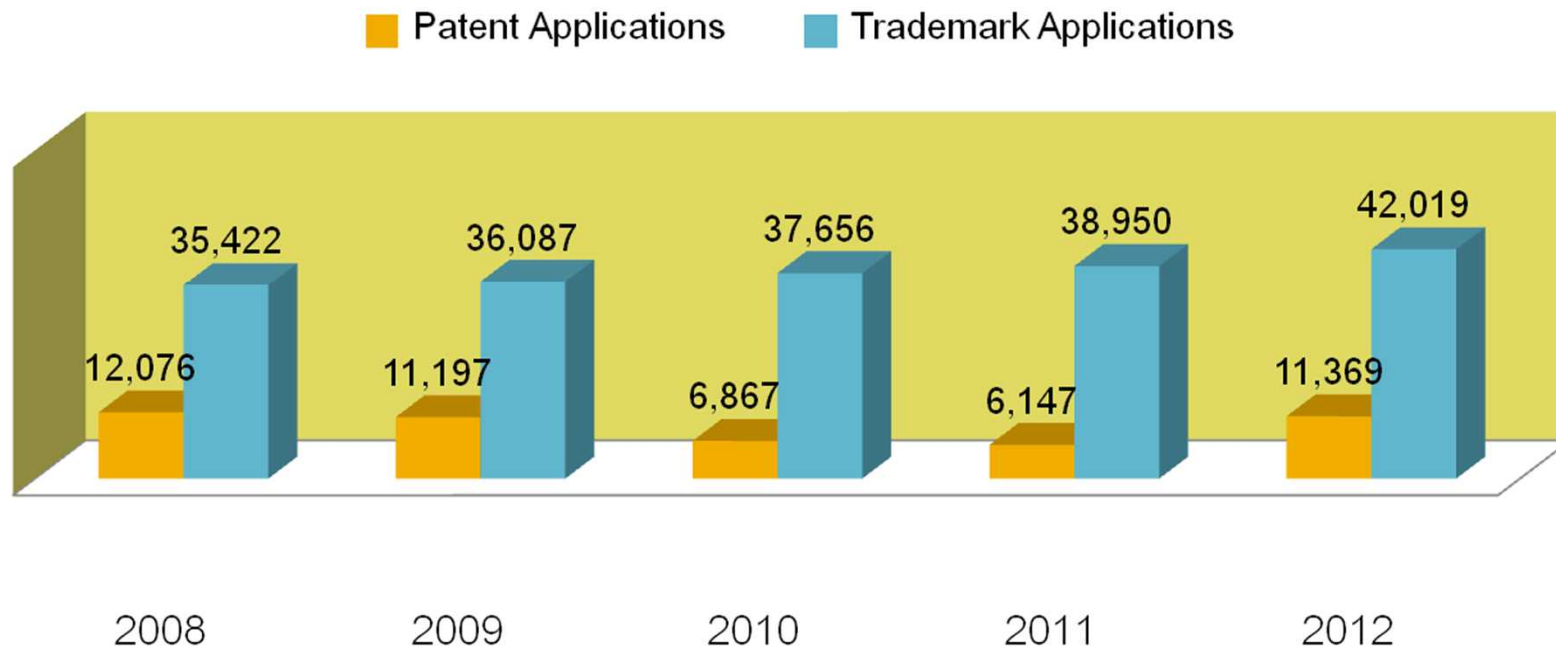
1. Backlog of Applications



▶ Backlog of Applications

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- ▶ Limited personnel, especially technical position

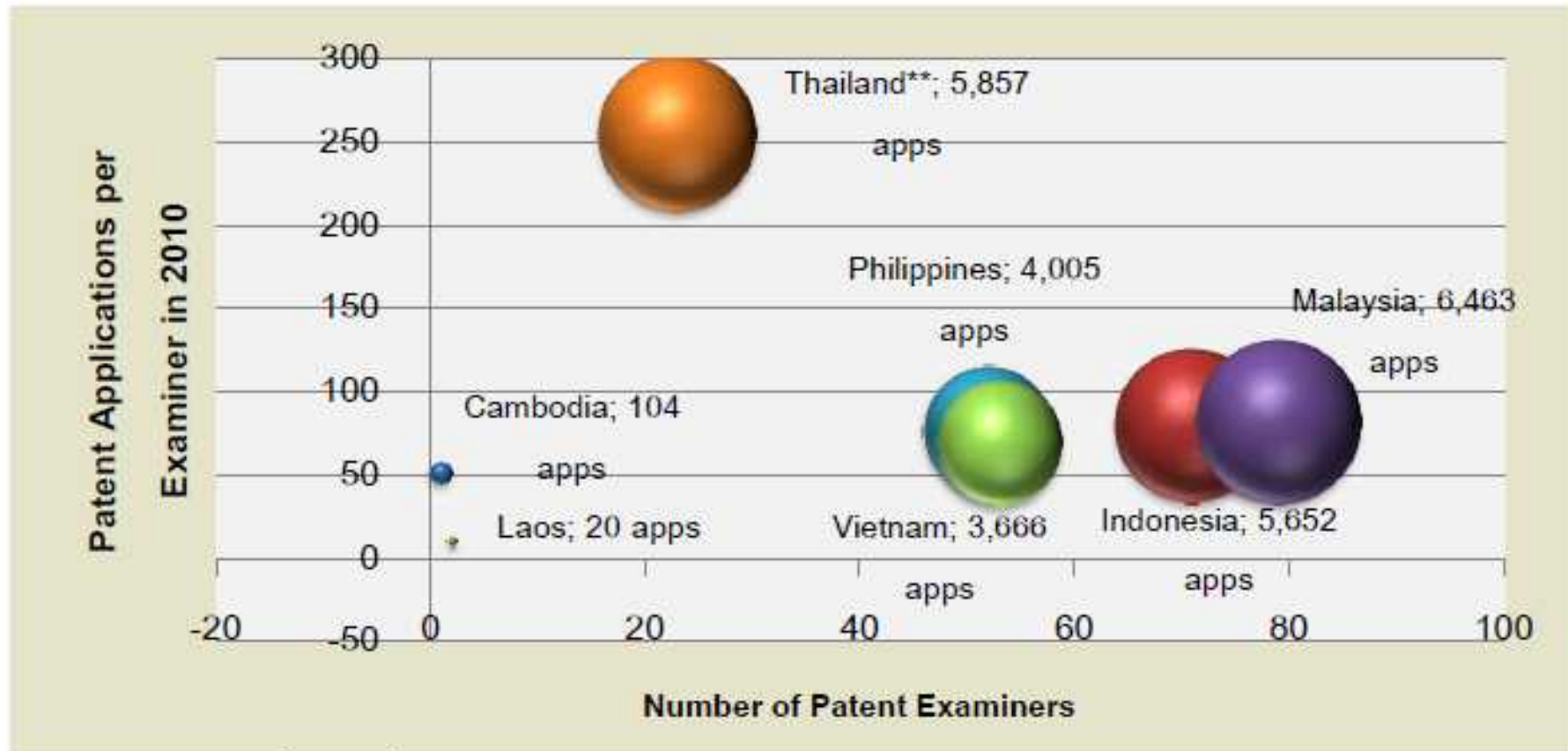
Patent and trademark applications 2008 - 2012



Application Statistics

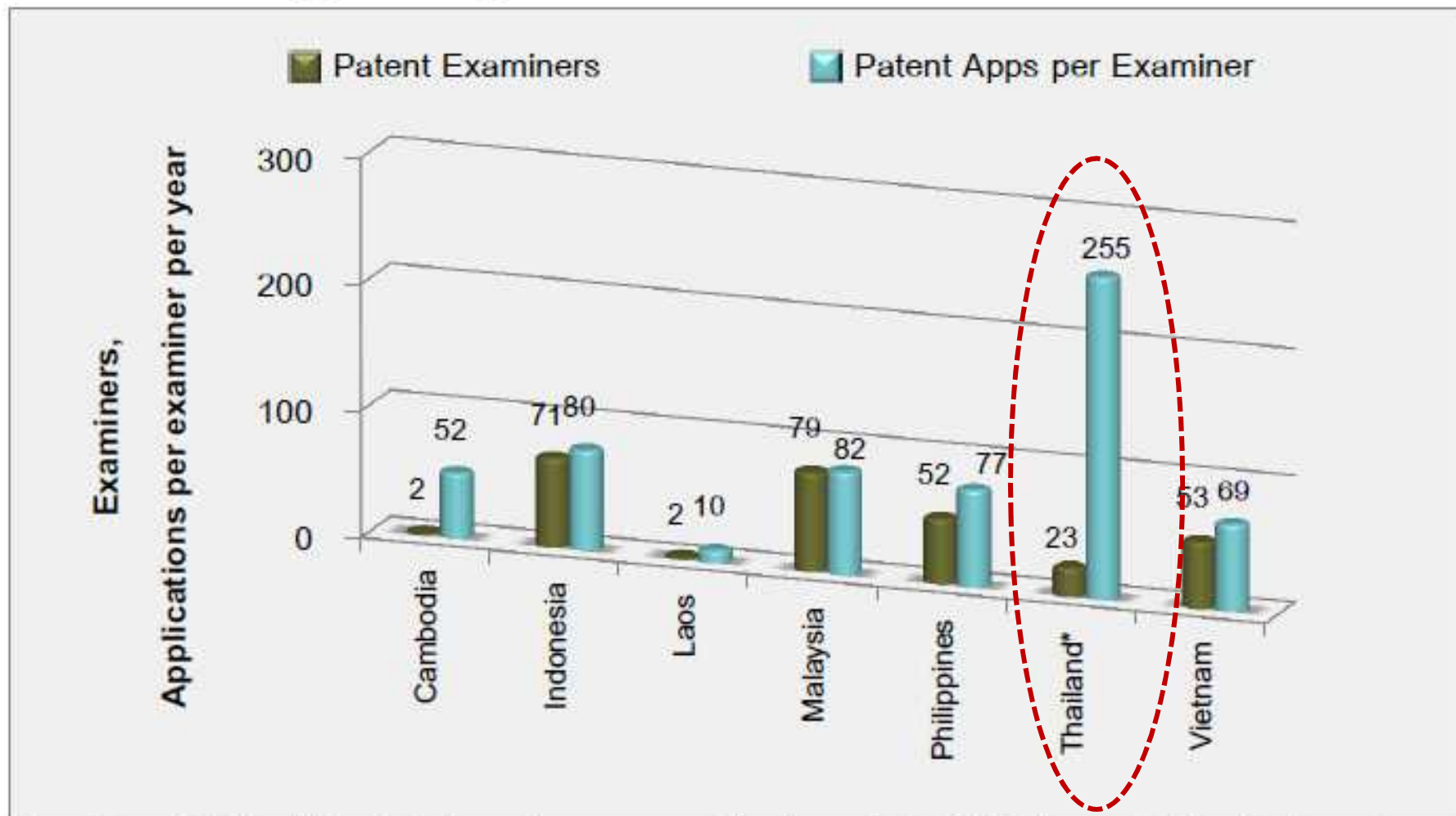
| Type of Applications | Fiscal Year | | percentage of changes |
|----------------------------|---------------|---------------|-----------------------|
| | 2011 | 2012 | |
| 1. Patent | 4,936 | 6,656 | +34.85 |
| 2. Petty Patent | 1,488 | 1,402 | -5.78 |
| 3. Design Patent | 2,082 | 3,311 | +59.03 |
| 4. Trademark | 40,216 | 42,019 | +4.48 |
| 5. Geographical Indication | 10 | 9 | -10.00 |
| 6. Copyright | 20,014 | 18,251 | -8.81 |
| 7. Traditional Knowledge | 51 | 89 | +74.51 |
| 8. Trade Secret | 254 | 219 | -13.78 |
| Total | 69,051 | 71,956 | +4.21 |

Workload of Patent Examiner



Source: Kenan Institute Asia

Patent Applications / Examiner



Note: Note: Thailand * - Only invention patent applications of the 2009 data, excluding design and petty patents. Number of examiners includes assistants. Data not available for Myanmar, China, and Singapore.

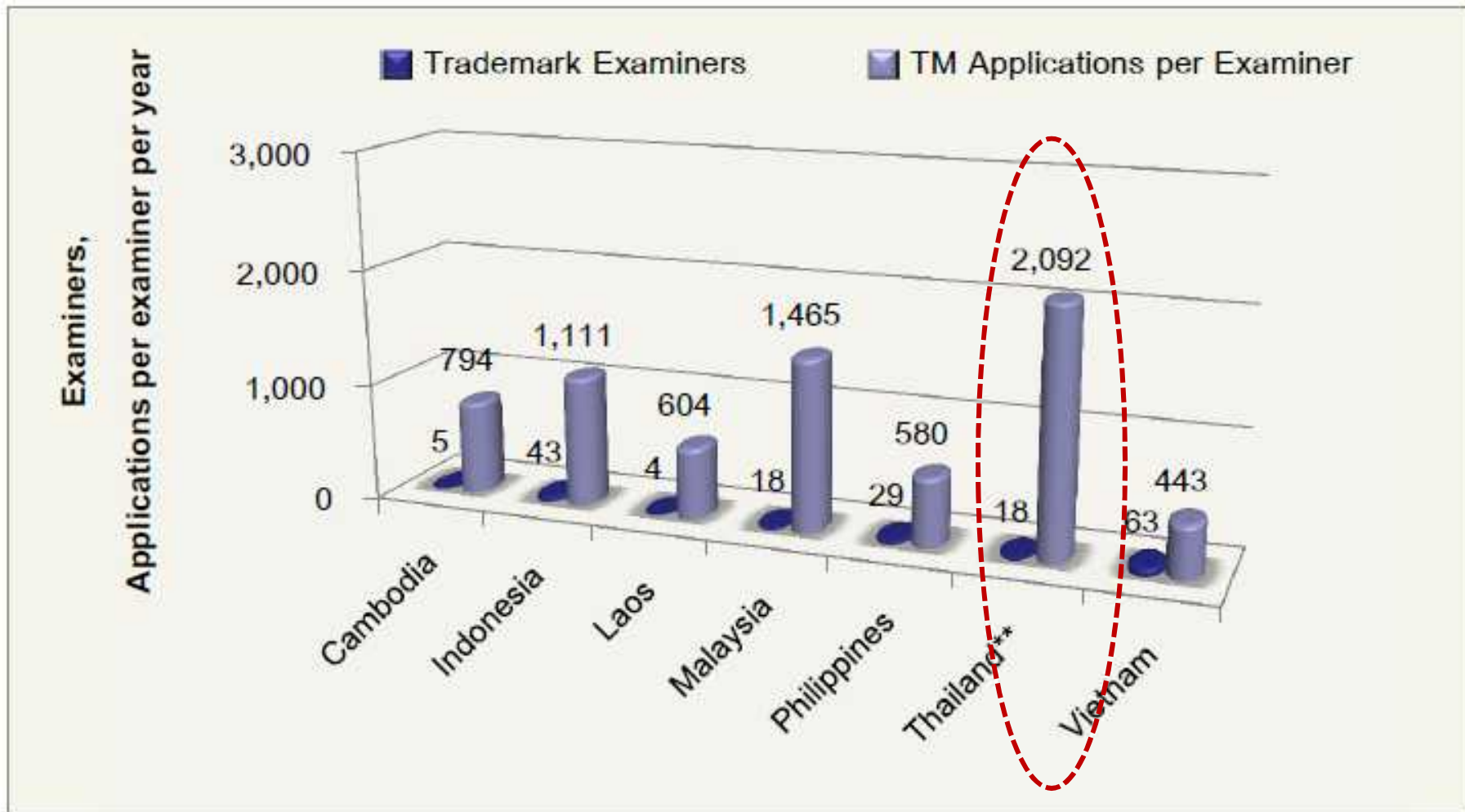
Source: Kenan Institute Asia

Workload of Trademark Examiner



Note: Size of the bubble = Number of applications. Data not available for Myanmar, China, and Singapore
Source: Kenan Institute Asia

Trademark Applications / Examiner



Note: Data not available for Myanmar, China, and Singapore.

Source: Kenan Institute Asia

DIP Personnel

| Position | Amount | | | % change | |
|-----------------------------|--------|------|------|-----------|-----------|
| | 2001 | 2006 | 2011 | 2001/2006 | 2006/2011 |
| 1. Government Officials | 159 | 200 | 230 | 25.2 | 15.6 |
| - Administrator | 13 | 15 | 17 | 15.4 | 13.3 |
| - Patent Examiner | 24 | 29 | 41 | 20.8 | 41.4 |
| - Trademark Examiner | 21 | 30 | 32 | 42.9 | 6.7 |
| - Legal Officer | 18 | 26 | 32 | 44.4 | 23.1 |
| - Supporting Staff & Others | 83 | 99 | 108 | 19.3 | 9.1 |
| 2. Permanent Employees | 45 | 42 | 36 | - 6.7 | - 14.3 |
| 3. Government Employees | 86 | 134 | 139 | 55.8 | 3.7 |
| Total | 290 | 375 | 405 | 29.3 | 8.0 |

2. Database and information system

Database and Info System

- Many complains regarding database infrastructure, esp patent database due to translation and technical terms



Solution

- Allocate budget of 2013 to improve the database system
- Request applicant to write technical terms in english for the benefit of searching and technology transfer

2. Situation and Challenges of IP System



IP Laws and Regulations

- Old pieces of legislation, not suitable for needs of industries
- Complex and burdensome application procedure



Solution

- Many IP legislations in the process of amendment; i.e., Copyright Act, Trademark Act, Trade Secret Act, Patent Act, etc.

IP Laws of Thailand

Department of Intellectual Property

Patent Act B.E. 2522 (1979) as amended by the Patent Act (No.2) B.E. 2535 (1992) and the Patent Act (No. 3) B.E. 2542 (1999)



Amending

Ministry of Public Health

Traditional Medicine and Practice Act B.E. 2542 (1999)

Trademark Act B.E. 2534 (1991) as amended by the Trademark Act (No. 2) B.E. 2543 (2000)



Amending

Copyright Act B.E. 2537 (1994)



Amending

Ministry of Agriculture

Plant Varieties Protection Act B.E. 2545 (2002)

Protection of Layout-Designs of Integrated Circuits Act B.E. 2543 (2000)

Trade Secret Act B.E.2545 (2002)



Amending

Geographical Indication Protection Act B.E. 2546 (2003)

Optical Disc Production Act B.E. 2548 (2005)



3. Activities Responding Expectations

3. Activities Responding Expectations

3.1 Prevention and Suppression of IP infringements

3.2 Development of IP Laws

3.3 Accession to International Treaties

3.1 Prevention and Suppression of IP Infringement

Prevention and Suppression of IP
infringement

Campaigns for non infringement

Suppression of infringement and
destruction of infringing products

Campaigns for non infringement



Campaigns for non infringement



Campaigns for non infringement



Suppression of Infringement

Statistics of Arrests Made in IP Infringement Cases 2010-2011

| Infringement | 2010 | | 2011 | |
|--------------------|-------|-----------------|-------|-----------------|
| | Cases | Seized articles | Cases | Seized articles |
| Copyright | 2,867 | 2,288,702 | 3,147 | 667,721 |
| Trade mark | 2,679 | 2,011,295 | 2,210 | 1,668,556 |
| Patent | 2 | 513 | 5 | 129 |
| Film and Video Act | 25 | 38,319 | 34 | 31,271 |
| Total | 5,573 | 4,338,829 | 5,396 | 2,367,677 |

Suppression of infringement

▶ Statistics of Arrests Made in IP Infringement Cases 2008-2009

| Infringement | 2008 | | 2009 | |
|--------------------|-------|-----------------|-------|-----------------|
| | Cases | Seized articles | Cases | Seized articles |
| Copyright | 3,215 | 2,465,679 | 3,781 | 3,099,592 |
| Trade mark | 2,697 | 946,262 | 3,826 | 2,168,887 |
| Patent | 1 | 1 | 5 | 46,461 |
| Film and Video Act | 10 | 4374 | 1 | 3,595 |
| Total | 5,923 | 3,416,316 | 7,613 | 5,318,535 |

Suppression of Infringement



Suppression of Infringement



Destruction of Infringing Products



Destruction of Infringing Products



Destruction of Infringing Products



Destruction of the Infringing Products



3.2 Development of IP laws

Copyright

- Protection of TPM and RMI and ISP liability limitation
- Clarification for the distribution of second hand copyright products.
- Penalization of Camcording (Anti-Camcording)
- Exceptions for blind and visually impaired person.

Patent & Designs

- (Patent) adoption of Doha Declaration in Patent Act
- (Patent) Improvement in examination process
- (Designs) Separation the provisions concerning Industrial Designs of the Patent Act.
- (Designs) Preparation for accession to the Hague Agreement

Trade Mark

- Extension for Scent and sound trade mark
- Adoption of multi-class application
- Preparation for the Madrid System
- Cancellation of associated trade mark
- Acceleration in registration process

3.3 Accession to International Treaties

International treaties

Madrid Protocol

(Initiative 14 : Accession to Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks by AMSS by 2015)

Hague Agreement

(Initiative 15 : Accession to the Hague Agreement Concerning the International Registration of Industrial Designs by at least 7 AMSS by 2015)

Madrid Protocol

Accession

The parliament already approved the Accession

Legislation

The amending trade mark act now under the consideration at the Council of States

Promotion

Publications, news
Seminars
Research
Study visits



Hague Agreement

Accession

The approval will be requested to the Parliament

Legislation

The amending Patent act regarding Designs will be amended

Promotion

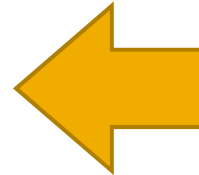
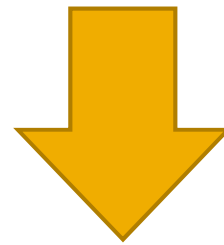
Publications, news
Seminars
Research
Study visits



The Way Forward



Thai IP System



AWGIPC



AEC : ASEAN IP System



...Q&A Session...

Thank you

Department of Intellectual Property

Ministry of Commerce

www.ipthailand.go.th

