



Department of Intellectual Property

Ministry of Commerce Thailand

**Effective Utilization of
the Patent cooperation Treaty (PCT)
and
International Work Sharing Initiatives**

**Tokyo, Japan
November 26 to 28, 2013**

Thanomsak R.

Panun Y.

Statistics of Patent Application and Granted

Year		Number				
		2008	2009	2010	2011	2012
Application	Thai	951	1,062	922	893	1,068
	Foreigner	5,807	4,820	1,066	3,013	5,678
	Total	6,758	5,882	1,988	3,906	6,746
Granted	Thai	781	768	889	726	1,212
	Foreigner	1,404	1,242	1,215	1,427	1,903
	Total	2,185	2,010	2,104	2,153	3,115

Foreign Applications

Year	Number of Applications		
	2010	2011	2012
PCT national phase	28	2,150	4,939
Claiming priority rights (no PCT)	933	828	728
Not claiming any priority rights	105	35	11
Total	1,066	3,013	5,678

Number of Patent Examiners

Formality	17
Substantive	22

PATENT ACT B.E. 2522

SECTION 19 bis

The date of a first patent application outside the Kingdom may be claimed by the application according to Section 14 for a subsequent corresponding application filed in the Kingdom within a period of twelve months from such date.

**** Priority can be claimed if the application is filed in Thailand within 12 months from the first filing date in a foreign country**

PATENT ACT B.E. 2522

SECTION 27

In process of examination, examiner may instruct the applicant to appear before him in order to answer any question, or to hand over to him any document or item.

If the applicant has filed on application for a patent in any foreign country, he shall submit a report of the examination of the application in accordance with the rules and procedures prescribed by the Ministerial Regulations.

Searching/Examinations Results Admissible

Thai Application

- Searching Report by Examiner.
- Searches results from Domestics or Foreigner.
- External Examination Results .

Foreigner Application

- Searches results from Domestics or Foreigner.
- External Examination Results .

Substantive examination (1)

After the request for an examination of invention, the examiner will examine the document (including foreign documents) to determine whether the same or similar invention exists.

Should the invention fulfill the qualifications as specified by law, the examiner will notify the applicant to make the registration fee payment and grant the patent to the applicant.

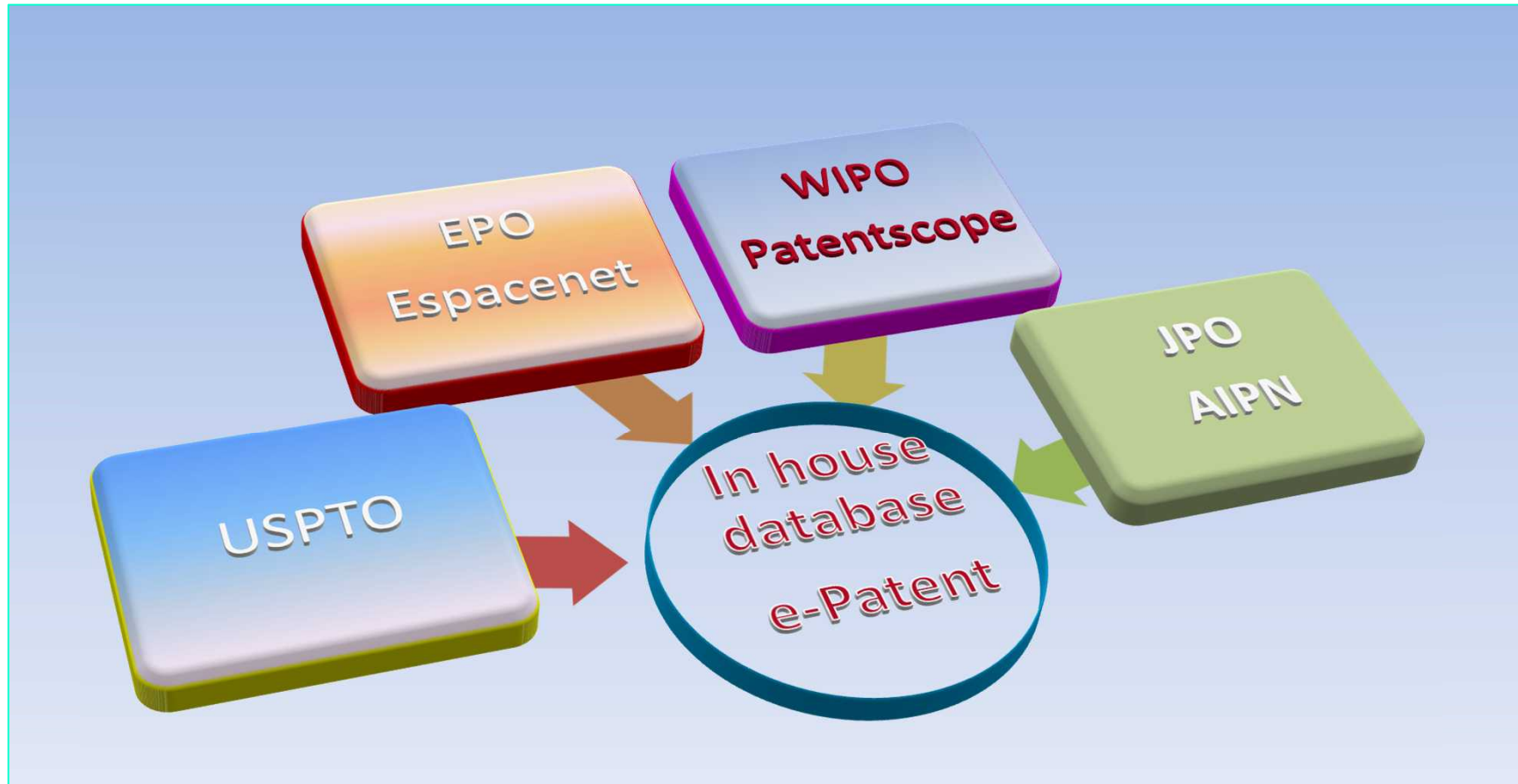
In the case that the invention application does not comply with the qualifications, then the application will be refused the grant of a patent .

Substantive examination (2)

1. Examiner will only Substantive examination for domestic patent application
2. For foreign patent application , the Examiner will issue an Office Action instructing the applicant to amend the specification and claims of the Thai application to conform to the corresponding patent, and file the amendment as a response of the Office Action e.g., USPTO, JPO, and EPO, etc.

The examination of the Thai application will be based on the patent(s) and Office Action(s), as the Examiner will verify whether the specification and claims of the Thai case conform to those of the documents.

Databases of prior art searches



The main challenges for substantive examination

- Improving the number of examiners, S&E tool and other facilities to accommodate.
- Increasing number of patent application, especially coming through the PCT route.
- Sharing search report or examination report with each other/guidelines on patent examination practices such as ASPEC (Asean Search Patent Examination Cooperation) , PPH (next year)

Thank you

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