

**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

THAILAND

The present document reproduces the text¹ of the Trademarks Act B.E. 2534 (1991), as notified by Thailand under Article 63.2 of the Agreement (see document IP/N/1/THA/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

THAÏLANDE

Le présent document contient le texte¹ de la Loi B.E. 2534 (1991) sur les marques de fabrique ou de commerce, notifiée par la Thaïlande au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/THA/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

TAILANDIA

En el presente documento se reproduce el texto¹ de la Ley de Marcas de Fábrica o de Comercio de 1991 (2534 e.b.), notificada por Tailandia en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/THA/1)

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

TRADEMARKS ACT

B.E. 2534 (1991)

H.M. KING BHUMIBOL ADULYADEJ

Given on the 28th day of October

B.E. 2534 (1991)

being the 46th year of the present reign.

By royal command of His Majesty King Bhumipol Aduldej it is hereby proclaimed that:

Whereas it is proper to amend the law on trademarks,

IT IS HEREBY ENACTED by the King's Most Excellent Majesty with the advice and consent of the national legislature as follows:

Section 1. This Act shall be cited as the Trademarks Act B.E. 2534.

Title

Section 2. This Act shall come into force at the expiration of ninety days from the date of publication in the Government Gazette.*

*Act comes into force
90 days after publication*

Section 3. The following shall be repealed:

Previous laws repealed

- (1) Trademarks Act B.E. 2474
- (2) Trademarks Act (No.3) B.E. 2504.

All laws, regulations and other rules insofar as they are provided for herein or are contrary to or inconsistent with the provisions hereof shall be superseded by this Act.

Section 4. In this Act:-

Definitions

“mark” means a photograph, drawing, device, brand, name, word, letter, numeral, signature, or any one or combination thereof but not including industrial designs under the law on patents;

“trademark” means a mark used or proposed to be used on or in connection with goods to distinguish the goods with which the trademark of the proprietor of such trademark is used from goods under another person's trademark;

* Published in the Government Gazette Vol. 108, Part 199 on 15th November, 1991 and in force on 13th February, 1992.

“service mark” means a mark used or proposed to be used on or in connection with services to distinguish the services using the service mark of the proprietor of such service mark from services under another person’s service mark;

“certification mark” means a mark used or proposed to be used by the proprietor thereof on or in connection with goods or services of another person to certify the origin, composition, method of production, quality or other characteristics of such goods or to certify as to the nature, quality, type or other characteristics of such services;

“collective mark” means a trademark or service mark used or proposed to be used by companies or enterprises of the same group or by members of an association, cooperative, union, confederation, group of persons or any other state or private organization;

“licensee” means a person licensed under this Act by the proprietor of a registered trademark or service mark to use such trademark or service mark;

“Registrar” means the person appointed by the minister to be registrar to act pursuant hereto;

“Director General” means the Director-General of the Commercial Registration Department;

“Board” means the Trademark Board;

“Minister” means the minister in charge under this Act.

Section 5. The Minister of Commerce shall be in charge of the execution of this Act and shall have the power to appoint the Registrar, issue ministerial regulations prescribing fees no higher than those given in the schedule annexed hereto and prescribing other matters and issue notifications in order to carry out the provisions of this Act.

*Minister of Commerce
in charge*

Such regulations and notifications shall take effect upon publication in the Government Gazette.

CHAPTER I

TRADEMARKS

Part 1

Trademark Applications

Section 6. To be registrable, a trademark must

- (1) be distinctive;
- (2) not be prohibited under this Act;
- (3) not be the same as or similar to a trademark registered by another person.

*Requisites for
registrability*

Section 7. A distinctive trademark is one which enables the public or users to distinguish the goods with which the trademark is used from other goods.

Distinctive marks

A trademark having one or more of the following essential particulars shall be deemed distinctive:-

- (1) a personal name, a surname not being such according to its ordinary signification, a name of a juristic person or a tradename represented in a special manner;
- (2) a word or words having no direct reference to the character or quality of the goods and not being a geographical name designated by the Minister by notification;
- (3) stylized letters, numerals or words;
- (4) the signature of the applicant for registration or some predecessor in his business or the signature of another person with his or her permission;
- (5) a representation of the applicant or of another person with his or her permission or of a dead person with the permission of his or her ascendants, descendants and spouse, if any;
- (6) an invented device.

Names and words not included under (1) or (2) if used as trademarks with goods which have been widely sold or advertised in accordance with the rules prescribed by the Minister by notification and if it is proved that the rules have been duly met shall be deemed distinctive.

*Acquired distinctiveness
may be proved*

Section 8. Trademarks of the following description shall not be registrable:-

Prohibited marks

- (1) state arms or crests, official emblems, the royal standard, official and national flags of Thailand;
- (2) national emblems and flags of foreign states, emblems and flags of international organizations of which Thailand is a member or which are widely known, unless permission is given by the competent officer of the foreign state or international organization;
- (3) royal names and royal monograms;
- (4) representations of the King, Queen or royal descendants;
- (5) royal and official seals and seals of office;

- (6) emblems and insignia of the royal orders and decorations;
- (7) emblems of the Red Cross or appellations “Red Cross” or “Geneva Cross”;
- (8) a mark identical with or similar to a medal, diploma or certificate or any other mark awarded at a trade exhibition or competition held by the Thai government or a Thai government department or enterprise, a foreign government or international organization unless such medal, diploma, certificate or mark has been actually awarded to the applicant for goods and is used in combination with the trademark;
- (9) trademarks similar to those under (1) (2) (3) (5) (6) or (7);
- (10) any mark which is contrary to public order, morality or public policy;
- (11) a mark which is the same as a generally famous mark, registered or not, or so similar thereto that the public might be confused as to the proprietor or origin of the goods;
- (12) other trademarks designated by the Minister by notification.

*Famous marks not
registrable by others*

Section 9. Application for registration of a trademark may be made for specific goods in one class or in different classes but the particular kinds of goods for which protection is desired shall be clearly specified.

Goods must be specified

An application may not cover goods in more than one class.

One class per application

The classification of goods shall be as prescribed by the Minister by notification.

*Minister may select
International
Classification*

Section 10. For a trademark to be registrable, the applicant or his agent shall have an office or address in Thailand for communication by the Registrar.

*Address for service in
Thailand*

Section 11. Applications for trademark registration shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

*Formal requirements
for applications*

Section 12. In considering trademark applications, the Registrar shall have the following powers:-

*Registrar's powers in
dealing with applications*

- (1) in writing to ask or summon the applicant to give an oral statement or submit a written statement or submit any document or evidence concerning the application for examination or consideration;

(2) require the applicant to translate any document or evidence in a foreign language into Thai within such period or time as he may find reasonable;

(3) invite anyone to give information, explanations, advice or opinions.

If an applicant does not, without sufficient reason, comply with an order of the Registrar under (1) or (2), the application shall be deemed to be abandoned.

Section 13. Subject to Section 27, the Registrar shall not register a trademark applied for upon finding that:-

Confusing similarity with registered marks in same class or, if goods alike, in different classes

(1) it is the same as a trademark already registered by someone else or,

(2) it is so similar to another's registered trademark that the public might be confused or misled as to the proprietor or origin of the goods,

provided the application is for goods of the same class or for goods of a different class found by the Registrar to be of the same character.

Section 14. In the event registered or pending trademarks of the same proprietor covering goods of the same class or of different classes but of the same character so resemble one another that the public might be confused or misled as to the proprietor or origin of the goods if used by different persons, the Registrar shall require the trademarks to be registered as associated trademarks and shall in writing promptly notify the applicant.

Association of resembling marks

Section 15. If, in the opinion of the Registrar,

Correction of applications within 90 days

(1) any unessential part of a trademark applied for is not registrable under Section 6, or

(2) any application for registration is contrary to Section 9 or Section 10 or is not in accordance with the rules and procedures prescribed in Ministerial Regulations under Section 11,

the Registrar shall require and in writing promptly notify the applicant to amend the application within ninety days from the date of receipt of the order.

Section 16. If, in the opinion of the Registrar, the entire trademark or any essential part thereof is not registrable under Section 6, the Registrar shall refuse registration and shall in writing promptly inform the applicant of the order giving the grounds therefor.

Rejection for non-registrability of essential part of mark

Section 17. If, in the opinion of the Registrar, a trademark considered as a whole is registrable under Section 6 but contains one or more parts which are common to the trade for some types or classes of goods such that no applicant should have exclusive right thereto or which are not distinctive, the Registrar may

Registration subject to disclaimer

(1) order the applicant, within ninety days from receipt of the order, to disclaim exclusive right to use of such part of the trademark;

(2) order the applicant, within ninety days from receipt of the order, to make such other disclaimer as the Registrar may consider needful for the purpose of defining the proprietor's rights under such registration.

Pursuant to the first paragraph, the Registrar shall have the power to declare by notification what is common to the trade with respect to certain types or classes of goods.

The Registrar shall in writing promptly inform the applicant of any order under the first paragraph giving the grounds therefor.

Section 18. The applicant shall be entitled to appeal orders of the Registrar under Sections 14, 15, 16 and 17 to the Trademark Board within ninety days from receipt thereof. Decisions of the Trademark Board shall be final.

Registrability rulings appealable to Board within 90 days

If the Board decides that an order of the Registrar under Section 14 is correct, the Registrar shall take further action with respect to such application.

If the Board decides that an order of the Registrar under Section 15 or 17 is correct, the applicant shall comply with the order of the Registrar within ninety days from receipt of the decision of the Board.

If the Board decides that an order of the Registrar under Section 14, 15, 16 or 17 is incorrect, the Registrar shall take further action with respect to such application.

Section 19. If an applicant does not appeal under Section 18, para. one, and does not comply with an order of the Registrar under Section 15 or 17, as the case may be, or if the applicant appeals under Section 18, para. one, but does not comply with Section 18, para. three, the application shall be deemed abandoned.

Application abandoned if no appeal filed

Section 20. Subject to Sections 21, 22, 23, 24, 25, 26, 35 and 41, where several applicants file applications for registration of trademarks which in the opinion of the Registrar are the same or so similar that the public might be confused or misled as to the proprietor or origin of the goods and the applications cover goods in the same class or goods in different classes having, in the opinion of the Registrar, the same character, the prior applicant shall be entitled to be registered as the proprietor.

*Rival claimants:
prior applicant
entitled to
registration*

Section 21. If, in the opinion of the Registrar, the same or similar trademarks under Section 20 are all registrable under Section 6 and the applications are in conformity with the provisions of this Act, the Registrar shall order the applicants to comply with Section 24 and shall promptly inform the applicants in writing.

*Rival claimants: to
come to terms or appeal
determination of
similarity within
90 days.*

An applicant who does not agree that his trademark is the same as or similar to other trademarks under Section 20, shall be entitled to appeal the order of the Registrar under para. one to the Board within ninety days from receipt of the order, Sections 18 and 19 applying *mutatis mutandis*.

Section 22. If, in the opinion of the Registrar, one or more of the same or similar trademarks under Section 20 come within Section 15 (1) or (2) or Section 17 but others are registrable under Section 6 and the applications are in compliance with the provisions of this Act, the Registrar shall order the applicants of the trademarks within Section 15 (1) or (2) or Section 17 to comply with Section 15 or 17 as the case may be and shall hold the duly registrable applications in abeyance. The Registrar shall promptly inform the applicants in writing and the provisions of Section 21, para. two, shall apply *mutatis mutandis*.

*Pending applications
of rival claimants given
time to be amended*

If it appears that an applicant whose trademark is found by the Registrar to come within Section 15 (1) or (2) or Section 17 complies with the order of the Registrar under Section 15 or appeals under Section 18, para. one, and the Board decides the order of the Registrar is incorrect, the Registrar shall order the applicant and the applicants whose applications have been held in abeyance under para. one to comply with Section 24 and shall promptly inform the applicants thereof in writing.

If it appears that all of the applicants whose trademarks have been found by the Registrar to come within Section 15 (1) or (2) or Section 17 abandon their applications under Section 19: –

(1) if there are other applications held in abeyance under para. one, the Registrar shall order the applicants to comply with Section 24 and shall promptly inform the applicants in writing;

(2) if there is only one application held in abeyance under para. one, the Registrar shall order the advertisement of that application under Section 29.

Section 23. If the Registrar finds that all of the applications for the same or similar trademarks under Section 20 come within Section 15 (1) or (2) or Section 17, the Registrar shall order the applicants to comply with Section 15 or Section 17 as the case may be and shall hold the applications in abeyance. The Registrar shall promptly inform the applicants in writing and Section 21 para. two shall apply *mutatis mutandis*.

If it appears that such applicants have complied with the order of the Registrar under Section 15 or 17 or have appealed under Section 18, para. one, and the Board has decided that the order of the Registrar is not correct, the Registrar shall order the applicants to comply with Section 24 and shall promptly inform the applicants in writing. But if it appears that only one of the said applicants has complied with the order of the Registrar under Section 15 or 17 or has appealed under Section 18, para. one, and the Board has decided that the order of the Registrar is not correct, the Registrar shall order the advertisement of that trademark application under Section 29.

Section 24. Within ninety days from the date of receipt of the order of the Registrar under Section 21, para. one, Section 22, para. two or three (1) or Section 23 para. two, the applicants shall agree as to which one shall be the sole proprietor of the trademark and any of the applicants shall inform the Registrar in writing within such period whether or not agreement has been reached.

90 days to come to terms. Multiple owners of similar marks not allowed by agreement

Section 25. In the event the Registrar has been informed within the period specified in Section 24 as to which applicant is allowed by agreement to register, the Registrar shall order that application advertised under Section 29.

If informed within the period prescribed in Section 24 that no agreement has been reached or if not informed within the said period, the Registrar, under Section 29, shall order the advertisement of the trademark of the first applicant or of the first among those who have not abandoned their applications, as the case may be.

Section 26. In the event the Registrar has already given notice to the applicants to comply with Section 24 and another applicant files an application for a trademark which the Registrar finds to be the same as those of the other applicants or so similar thereto that the public might be confused or misled as to the proprietor or origin of the goods, the goods being of the same class or of the same character in a different class, the Registrar shall refuse registration and shall promptly inform the applicant in writing, Section 21, para. two, applying *mutatis mutandis*.

After rival claimants notices issued, later resembling applications rejected

Section 27. If of the opinion there has been honest concurrent user or special circumstances which make it proper to do so, the Registrar may allow the registration by more than one proprietor of a trademark which is the same as or similar to a registered trademark under Section 13 or to pending trademarks under Section 20 in respect of goods of the same class or goods of a different class but found by the Registrar to be of the same character subject to such conditions and limitations as to the mode or place of user or such other conditions and limitations as the Registrar may think fit to impose. The Registrar shall promptly so inform the applicants and registered trademark proprietor in writing giving the grounds.

*Honest concurrent user
or special circumstances
may justify resembling
marks*

The applicant or registered trademark proprietor shall be entitled to appeal an order of the Registrar under para. one to the Board within ninety days from the date of receipt thereof.

Decisions of the Board under para. two shall be final.

Section 28. If a trademark first filed for registration in a foreign country is filed in Thailand within six months from its first filing, the first foreign filing date shall be deemed the filing date in Thailand, provided the country of first filing grants similar rights to persons who have their real principal place of business in Thailand and to Thai nationals.

*Six months priority
filing date allowed
under certain
circumstances*

For the purpose of this Section, the country of first filing shall be one in which the applicant has his real principal place of business or his domicile or of which the applicant is a national.

PART 2

TRADEMARK REGISTRATION AND THE EFFECT OF REGISTRATION

Section 29. When an application for registration of a trademark is considered acceptable, the Registrar shall order the application to be advertised.

*Registrable marks
to be advertised*

When an order under the first paragraph is given, the Registrar shall so inform the applicant in writing and shall require the payment of the advertisement fee within thirty days of receipt of the notice. If the applicant does not pay the fee within the prescribed time, the application shall be deemed abandoned.

Advertisement of applications shall be in accordance with the procedures prescribed in Ministerial Regulations.

Section 30. If, after a trademark application has been ordered advertised under Section 29, para. one, it appears to the Registrar that the trademark is not registrable under Section 6 or the application is not in accordance with the provisions of this Act making necessary the cancellation of the advertisement order and provided the trademark is not already registered, the Registrar shall cancel such order and shall promptly inform the applicant in writing giving the grounds.

*During
advertisement marks
may be found
unregistrable*

In the event a cancellation order is given after advertisement under Section 29, the cancellation order shall be advertised in the manner prescribed in Ministerial Regulations.

Section 31. The applicant shall be entitled to appeal a cancellation order under Section 30, para. one to the Board within ninety days from receipt thereof.

*Revocation of
advertisement
appealable within
90 days*

In the event the applicant does not appeal under para. one, the Registrar shall order the return of the advertisement fee to the applicant.

If the Board decides that the cancellation order of the Registrar is correct, the Board shall also order the return of the advertisement fee to the applicant.

If the Board decides the cancellation order of the Registrar is not correct, the Registrar shall:-

(1) if the order was given under Section 30, para. one, prior to advertisement under Section 29, proceed with advertisement of the trademark;

(2) if the cancellation order was advertised under Section 30, para. two, proceed to advertise the trademark again without charge to the applicant for the advertisement.

Decisions of the Board under paragraphs three and four shall be final

Section 32. If the Registrar's cancellation order under Section 30 is given after an opposition is filed under Section 35, the Registrar shall promptly notify the opposer in writing.

*Revocation of
advertisement
during opposition*

Section 33. In cases under Section 32, if the Registrar has not yet decided the opposition, it shall be held in abeyance until the expiration of the period for appeal under Section 31, para. one or until a decision of the Board is given under Section 31, paragraphs three or four, as the case may be.

If the Board decides the cancellation order of the Registrar under Section 30 is correct, the Registrar shall dismiss the opposition and shall promptly inform the opposer in writing. Such order shall be final.

If the Board decides the cancellation order of the Registrar under Section 30 is not correct, the Registrar shall proceed to decide the opposition.

Section 34. In cases under Section 32, if an appeal has been taken under Section 37 against the Registrar's decision in an opposition, the Registrar shall inform the Board and Section 33 shall apply *mutatis mutandis*.

*Effect of
revocation of
advertisement
during appeal*

Section 35. Upon advertisement of a trademark application under Section 29, any person who is of opinion he has better title to the trademark than the applicant or that the trademark is not registrable under Section 6 or that the application is not in conformity with this Act may, within ninety days from the date of advertisement under Section 29, file a notice of opposition with the Registrar stating the grounds of the opposition.

*Opposition allowed
within 90 days of
advertisement.
Grounds: better title,
non-registrability*

Oppositions under the first paragraph shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 36. If an opposition is filed under Section 35, the Registrar shall promptly send a copy thereof to the applicant and the applicant shall, within ninety days from the date of receipt thereof, file a counterstatement stating the grounds on which he relies in support of his application.

*90 days to file
counterstatement*

If the applicant does not do so, the application shall be deemed abandoned.

In the event the applicant acts under para. one, the Registrar shall promptly send a copy of the counterstatement to the opposer. Before giving a decision, the Registrar may require the opposer and applicant to give additional statements, written explanations or evidence.

Section 37. The Registrar shall in writing promptly inform the applicant and opposer of his decision and the grounds thereof.

*Appeal to Board
within 90 days allowed
against an opposition
decision*

The applicant or opposer shall be entitled to appeal the decision of the Registrar to the Board within ninety days from the date of receipt thereof. The Board shall decide the appeal promptly.

Section 38. When the Board has given its decision, the decision and the grounds thereof shall in writing be notified promptly to the applicant and opposer.

The applicant or opposer shall be entitled to appeal the decision of the Board by filing a case in court within ninety days of the date of receipt of the decision.

*Appeal to court after
appeal to Board
allowed within 90 days*

A case may be filed in court under para. two after the steps prescribed in Section 37, para. two, have been taken.

Section 39. In the event no appeal against the decision of the Registrar is taken within the period prescribed in Section 37, para. two or no appeal has been taken against the decision of the Board within the period prescribed in Section 38 para. two, the decision of the Registrar or of the Board, as the case may be, shall be final.

*Without appeal,
decision is final*

Section 40. In the event there is no opposition under Section 35 or by a final decision or judgment the applicant is entitled to registration, the Registrar shall order the registration of the trademark.

*Registration fee
payable within
30 days of notice*

When an order to register a trademark has been given under the first paragraph, the Registrar shall so inform the applicant in writing and the registration fee shall be paid within thirty days of receipt of the notice. If the applicant does not pay the fee within the prescribed period, the application shall be deemed abandoned.

Registration of trademarks shall be in the manner prescribed in Ministerial Regulations.

Section 41. In the event an opposer under Section 35 applies for registration of a trademark which is the same as or similar to the trademark opposed and by a final decision or judgment the opposer has better title than the opposed applicant and if the opposer's trademark is registrable under Section 6 and the application conforms to the provisions of this Act, the Registrar shall register such trademark in the manner prescribed in Ministerial Regulations without need to advertise the opposer's trademark again.

*Opposer's resembling
trademark
application not
required to be
advertised*

Section 42. A trademark when registered shall be deemed registered as of the date of application for registration or as of the priority date under Section 28.

*Registration term
begins on
application date*

Section 43. Upon registration of a trademark, the Registrar shall issue to the applicant a certificate of registration in the form prescribed in Ministerial Regulations.

*Registration
certificate*

If a registration certificate is materially damaged or lost, the trademark proprietor may apply to the Registrar for a replacement.

The issue of a replacement registration certificate shall be in accordance with the rules and in the form prescribed in Ministerial Regulations.

Section 44. Subject to Sections 27 and 68, a person who is registered as the proprietor of a trademark shall have the exclusive right to use it for the goods for which it is registered.

Exclusive right of trademark owner

Section 45. A trademark registered without limitation of color shall be deemed to be registered for all colors.

Registration covers all colors

Section 46. No person shall be entitled to bring legal proceedings to prevent or to recover damages for the infringement of an unregistered trademark.

Except for passing-off no legal proceedings unless mark is registered

The provisions of this Section shall not affect the right of the proprietor of an unregistered trademark to bring legal proceedings against any person for passing off goods as those of the proprietor of the trademark.

Section 47. No registration under this Act shall interfere with any bona fide use by a person of his own personal or surname or the name of his place of business or that of any of his predecessors in business or the use by any person of any bona fide description of the character or quality of his goods.

Saving of right to one's name or business name or descriptive use of words

PART 3

CHANGES IN REGISTRATION OF TRADEMARKS

Section 48. The right to a pending trademark application may be transferred or inherited.

Pending applications may be assigned or inherited

The transfer of the right to an application under the first paragraph shall be notified to the Registrar prior to registration by the transferor or transferee.

In the event of the death of the applicant, any heir or the administrator of the estate shall, prior to registration, notify the Registrar in order to give effect to the right to inherit the application.

The transfer or inheritance of rights to trademark applications under para. one shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 49. The right to a registered trademark may be transferred or inherited with or without the business concerned in the goods for which the trademark is registered.

Assignment of registered marks with or without goodwill

Section 50. Associated trademarks may be transferred or inherited only when transferred or inherited together.

Assignment of associated marks

Section 51. The transfer or inheritance of a registered trademark must be registered with the Registrar.

Assignment must be registered

Applications to register the transfer or inheritance of the right to a trademark under the first paragraph shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 52. The proprietor of a registered trademark may request the Registrar to amend only the following particulars of registration:

Amendment of registered marks limited to:-

- (1) the specification of goods by way of cancelling certain items;
- (2) the name, nationality, address and occupation of the proprietor of the trademark and his agent if any;
- (3) the office or address for communication by the Registrar;
- (4) other particulars as may be prescribed in Ministerial Regulations.

*restriction of goods,
name and address,
address for service,
other particulars as prescribed*

Applications to amend the particulars of registration under the first paragraph shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

PART 4

RENEWAL AND CANCELLATION OF TRADEMARK REGISTRATION

Section 53. The registration of a trademark is valid for ten years from the date of registration under Section 42 and may be renewed under Section 54.

Registration valid for 10 years and renewable

In calculating the period of validity of a trademark registration under the first paragraph, the amount of time taken by court proceedings under Section 38 shall not be included.

Time taken for court proceedings after opposition not counted.

Section 54. The proprietor of a trademark may, within 90 days before the expiration of the trademark registration, apply to the Registrar to renew the registration. When an application for renewal is filed within the prescribed period, the trademark shall continue to be deemed registered until the Registrar orders otherwise.

Renewal allowed 90 days before expiration

The renewal of trademarks shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 55. In the event the proprietor of a trademark has applied for renewal within the period prescribed in Section 54, para. one, and the Registrar finds the application in accordance with the rules and procedures prescribed in Ministerial Regulations under Section 54, para. two, the Registrar shall renew the registration for a further period of ten years from the date of expiration of the registration or of the last renewal thereof, as the case may be.

Renewal term 10 years

If the proprietor of a trademark has applied for renewal under Section 54, para. one, but the Registrar finds the application is not in accordance with the rules and procedures prescribed in Ministerial Regulations under Section 54 para. two, the Registrar shall require the proprietor to correct the application within thirty days from the date of receipt of such order and so inform the proprietor promptly in writing. If the proprietor does not comply with the order within the time prescribed, the Registrar shall order the cancellation of the trademark registration.

*30 days to correct
faulty renewal
applications*

In case of necessity making the proprietor unable to comply with the order of the Registrar within the period prescribed under para. two, the Registrar is empowered to extend the period as may be necessary under the circumstances.

Extension available

Section 56. In the event a proprietor does not apply for renewal of the trademark registration within the period prescribed under Section 54, para. one, the registration of the trademark shall be deemed cancelled.

*Cancellation for
non-renewal. No grace
period*

Section 57. The proprietor of a trademark may request the Registrar to cancel his trademark registration but in the event the trademark is the subject of a registered license agreement, the consent of the licensee shall be required unless the license agreement provides otherwise.

*Voluntary cancellation
with consent of licensee*

Requests for cancellation of a registered trademark under para. one shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 58. If it appears to the Registrar that the proprietor of a registered trademark has not complied with the conditions or restrictions prescribed by the Registrar upon registration, the Registrar is empowered to order the cancellation of the trademark registration.

*Cancellation by
Registrar for
non-observance
of conditions*

Section 59. If the proprietor or his agent ceases to have in Thailand the office or address as registered, the Registrar shall cancel the trademark registration.

*Cancellation for no
longer having registered
address in Thailand*

If the Registrar has reason to believe that the proprietor of a registered trademark or his agent has ceased to have the office or address in Thailand as registered, the Registrar shall notify the proprietor or his agent in writing at the registered office or address to give a written explanation to the Registrar within fifteen days or receipt of the Registrar's notice.

Procedure

If no reply is received within the period prescribed in para. two, the Registrar shall advertise that the trademark is to be cancelled in accordance with the procedures prescribed in Ministerial Regulations.

If still no reply is received within fifteen days from the date of advertisement under para. three, the Registrar shall order the cancellation of the trademark registration.

Section 60. An order to cancel a trademark registration under Section 55, para. two, Section 58 or 59, para. one, stating the grounds therefor, shall be promptly notified in writing to the proprietor.

The proprietor of the trademark may appeal the Registrar's order under the first paragraph to the Board within ninety days from the date of receipt thereof. If no appeal is filed within the period prescribed, the order of the Registrar shall be deemed final.

*Cancellation orders
appealable to Board
within 90 days*

Decisions of the Board under para. two shall be final.

No appeal to court

Section 61. An interested person or the Registrar may petition the Board to order the cancellation of any trademark if it appears that at the time of registration the trademark was not distinctive under Section 7 or was proscribed under Section 8.

*Petitions to Board for
cancellation: on
grounds of
unregistrability*

Section 62. Any person who is of the opinion that any trademark is contrary to public order or morality or to public policy may petition the Board to cancel the trademark registration.

*on grounds of public
policy*

Section 63. An interested person or the Registrar may petition the Board to cancel any trademark registration if it is proved that at the time of registration the proprietor of the trademark had no bona fide intention to use the trademark with the goods for which it was registered and in fact there was no bona fide use whatsoever of the trademark for such goods or that during the three years prior to the petition for cancellation there was no bona fide use of the trademark for the goods for which it was registered unless the proprietor can prove that the non-use was due to special circumstances in the trade and not to an intention not to use or to abandon the trademark for the goods for which it was registered.

on grounds of non-use

*Special circumstances
a defense*

Section 64. On receipt of a petition under Section 61, 62, or 63, the Board in writing shall notify the proprietor and licensees, if any, to submit a reply to the Board within sixty days from the date of receipt of the notification of the Board.

*Proprietor and
licensees have 60
days to reply*

Section 65. Orders of the Board to cancel or not to cancel a trademark registration under Section 61, 62, or 63 shall be promptly notified in writing to the petitioner for cancellation, the proprietor of the trademark and licensees if any.

The petitioner for cancellation, proprietor of the trademark or licensees shall be entitled to appeal the order of the Board under para. one to the court within ninety days from the date of receipt thereof. If no appeal is filed within the period prescribed, the order of the Board shall be deemed final.

*Appeal to court
allowed within 90 days*

Section 66. An interested person or the Registrar may petition the court to cancel any registered trademark upon a showing that at the time of filing the legal action the trademark had become common to the trade for certain kinds or classes of goods to the extent that to the trade or in the public eye the trademark had lost its meaning as a trademark.

*Cancellation by
court for becoming
common to the trade*

Section 67. Within five years of the date of the Registrar's order to register a trademark under Section 40, an interested person may petition the court to cancel a trademark registration upon a showing that he has better title than the person registered as its proprietor.

*Cancellation by court
on grounds of better
title. 5 year limitation
on suits*

If the petitioner shows better title for only some of the goods of the class in which the mark has been registered, the court shall restrict the registration to the goods for which better title has not been shown.

PART 5

TRADEMARK LICENSING

Section 68. The proprietor of a registered trademark may license another person to use the trademark for all or some of the goods for which the trademark is registered.

*Trademarks can be
licensed*

Trademark license agreements under the first paragraph shall be in writing and registered with the Registrar.

*Licenses must be
registered*

Applications to register a license agreement under para. two shall be in accordance with the rules and procedures prescribed in Ministerial Regulations and shall show at least the following particulars:

*License agreements
must provide for
quality control and
specify goods*

(1) terms and conditions between the trademark proprietor and licensee to insure effective control by the registered proprietor of the trademark over the quality of the goods of the licensee;

(2) the goods for which the trademark is to be licensed.

Section 69. If of the opinion that a license agreement under Section 68 will not cause the public to be confused or misled and is not contrary to public order or morality or to public policy, the Registrar shall order registration of the agreement and for this purpose may impose conditions or restrictions. But if of the opinion that the license agreement will confuse or mislead the public or is

*Registrar may reject
misleading or
objectionable license
agreements or impose
conditions*

contrary to public order or morality or to public policy, the Registrar shall refuse to register the license.

Orders of the Registrar under para. one shall be promptly notified in writing to the proprietor of the trademark and persons who have applied to be registered as licensees. In the event the Registrar has imposed conditions or restrictions or has refused registration, the said persons shall also be informed of the reason therefor.

The proprietor of the trademark or licensee applicant shall be entitled to appeal the order of the Registrar under para. one to the Board within ninety days from the date of receipt of the Registrar's notification. If no appeal is filed within the prescribed time, the order shall be deemed final.

*Orders appealable
within 90 days*

Decisions of the Board under para. three shall be final.

Section 70. Use of the trademark on goods by the licensee in his business shall be deemed use by the trademark proprietor.

*Use by licensee
attributed to trademark
owner*

Section 71. The trademark proprietor together with the licensees may apply to the Registrar to amend the registration of a trademark license agreement in respect of the goods covered by the license or other conditions and restrictions included by the proprietor and Section 69 shall apply *mutatis mutandis*.

*Amendment of
licenses*

Applications to amend the registration of license agreements under para. one shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 72. The trademark proprietor together with the licensees may apply to the Registrar to cancel the registration of a license agreement.

*Voluntary cancellation
of licenses*

Either the trademark proprietor or the licensee may apply to the Registrar to cancel the registration of a license agreement which can be shown to have expired.

An interested person or the Registrar may petition the Board to cancel the registration of a trademark license agreement if it is shown that:-

*Cancellation of license
registration by third
parties*

(1) use of the trademark by the licensee confuses or misleads the public or is contrary to public order or morality or to public policy, or

(2) the trademark proprietor is no longer capable of exercising effective control over the quality of the trademarked goods.

Cancellation of trademark licenses under this Section shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 73. On receipt of an application under Section 72, para. two or three, the Registrar or Board, as the case may be, in writing shall notify the trademark proprietor or licensee, as the case may be, to submit a reply within a period prescribed of not less than fifteen nor more than sixty days from the date of receipt of the notification.

*15-60 days allowed
for reply to license
registration cancellation
petitions*

In considering applications under Sections 71 and 72, the Registrar or Board, as the case may be, may require persons concerned to submit evidence or additional information.

Section 74. Orders of the Registrar under Section 72, para. two, together with the grounds thereof shall be promptly notified in writing to the trademark proprietor and licensees. Such orders shall take effect from the date of receipt of the notification.

*License
cancellation appealable
to Board within 90 days*

The trademark proprietor and licensees shall be entitled to appeal an order of the Registrar under para. one to the Board within ninety days of receipt thereof. If no appeal is submitted within the prescribed period, the order of the Registrar shall be deemed final.

Section 75. Orders of the Board under Section 72, para. three, together with the grounds thereof shall be promptly notified in writing to the trademark proprietor, licensees, petitioning interested person and Registrar. Such orders shall take effect from the date of receipt of the notification.

*Third party cancellation
appealable to court within
90 days*

The interested person or the Registrar is entitled to appeal the order of the Board to the court within ninety days from the date of receipt thereof. If no appeal is submitted within the prescribed period, the order of the Board shall be deemed final.

Section 76. If a trademark registration is cancelled, the licensing thereof shall cease to have effect.

*Lapse of mark ends
licensing*

Section 77. If not otherwise provided in the license agreement, the trademark proprietor shall have the right to use the trademark himself and to license persons other than the licensee to do so.

*Licenses non-exclusive
unless otherwise
provided*

Section 78. If not otherwise provided in the license agreement, the licensee shall have the right to use the trademark throughout the country for all the goods for which the trademark is registered for as long as the trademark is registered and renewed.

*Licenses comprehensive
unless otherwise
provided*

Section 79. If not otherwise provided in the license agreement, the licensee may not transfer the license to third persons nor sub-license others to use the trademark.

*Licenses not
assignable unless
otherwise provided*

CHAPTER II

SERVICE AND CERTIFICATION MARKS

Section 80. The provisions relation to trademarks shall apply to service marks *mutatis mutandis* and the word “goods” in those provisions shall include “services”.

Trademark provisions applicable to service marks

Section 81. Except as otherwise provided in this Chapter, the provisions relating to trademarks shall apply to certification marks *mutatis mutandis*.

Trademark provisions applicable to certification marks

Section 82. The applicant for registration of a certification mark, in addition to complying with the provisions on registration of trademarks, shall:-

Rules on certification and proof of capacity to certify required

- (1) submit the rules on use of the certification mark together with the application for registration and
- (2) demonstrate an ability to certify the characteristics of the goods or services as provided in the rules under (1).

The rules under (1) shall indicate the origin, composition, method of production, quality or other characteristics which are to be certified including the rules, procedures and conditions for authorizing use of the certification mark.

Section 83. The Registrar may require the applicant for registration of a certification mark to amend the rules on use of the certification mark as he may think fit within sixty days of the date of receipt of the order and shall in writing promptly notify the applicant of the order with the grounds therefor. Sections 18 and 19 shall apply to appeals against orders of the Registrar *mutatis mutandis*.

Registrar may require amendment of certification rules

Section 84. If of the opinion that the applicant for registration of a certification mark does not have sufficient ability to certify the characteristics of the goods or services as provided in the rules on use of the certification mark or that registration of the certification mark would not be in the public interest, the Registrar shall refuse registration and shall in writing promptly notify the applicant of the order with the grounds therefor. Sections 18 and 19 shall apply to appeals against orders of the Registrar *mutatis mutandis*.

Grounds of refusal of certification marks

Section 85. On advertising an application for registration of a certification mark, the Registrar shall indicate the main points of the rules on use of the certification mark.

Highlights of certification rules to be advertised

Section 86. The proprietor of a registered certification mark may apply to amend the rules on use of the certification mark provided the public interest is not thereby affected.

*Certification rules
amendable*

Amendments under the first paragraph shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 87. If of the opinion an amendment of the rules under Section 86 should be registered, the Registrar shall order the registration and the advertisement of the main points of the amendment.

*Amendments to be
advertised*

The Registrar shall in writing promptly notify the proprietor of the certification mark of the order to advertise the amendment under para. one.

Section 88. If of the opinion an amendment of the rules under Section 86 should not be registered, the Registrar shall refuse registration and in writing promptly notify the proprietor of the certification mark giving the grounds therefor.

*Amendments may be
refused*

Section 89. The proprietor of the certification mark or any person who has been or will be prejudiced by an order of the Registrar under Section 87 or 88 shall be entitled to appeal the order to the Board within 90 days from the date of advertisement under Section 87 or from the date of receipt of the Registrar's order under Section 88, as the case may be.

*Refusal appealable by
owner or interested
party within 90 days*

The decision of the Board under para. one shall be final.

Section 90. The proprietor of a registered certification mark may not use the mark on his own goods or services and may not license other persons to act as certifier through use of the trademark.

*Power to certify not
licensable*

Section 91. Authorization to others to use a certification mark for goods or services shall be in writing signed by the proprietor of the certification mark.

*Authorizations to use
certification marks
must be in writing*

Section 92. The right to a registered certification mark may be transferred when:-

(1) the Registrar has given his approval on a showing by the transferee that he has sufficient ability to certify the characteristics of the goods or services as indicated in the rules on use of the certification mark,

*Assignment of
certification marks
allowed if assignee
is capable*

(2) the transfer is in writing, and

(3) is registered by the Registrar.

In cases where the Registrar does not give approval or refuses to register the transfer, Section 84 shall apply *mutatis mutandis*.

Applications for approval to transfer rights and for registration of the transfer under the first paragraph shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 93. The right to a certification mark shall terminate when the proprietor dies or loses its status.

Rights to certification marks lapse on demise of owner

CHAPTER III

COLLECTIVE MARKS

Section 94. Except for the provisions of Chapter I, Part 5, the provisions on trademarks shall apply to collective marks *mutatis mutandis*.

Except for licensing, trademark provisions apply to collective marks

CHAPTER IV

TRADEMARK BOARD

Section 95. There shall be a committee called the Trademark Board composed of the Director General of the Trade Registration Department as chairman and the Supreme Public Prosecutor or his representative, Secretary General of the Juridical Council or his representative and no fewer than four nor more than eight other qualified persons appointed by the Council of Ministers as members.

Trademark Board composition

The Board may appoint any person to be secretary or assistant secretary.

Section 96. The Board shall have the following powers and duties:-

Powers of Board:

(1) to decide appeals against orders or decisions of the Registrar under this Act;

to review orders of Registrar

(2) to order the cancellation of trademarks, service marks and certification marks under this Act;

to cancel marks

(3) to advise and counsel the Minister on the issue of Ministerial Regulations and notifications under this Act;

to advise the Minister

(4) to consider other matters assigned by the Minister.

Section 97. Members of the Board appointed by the Council of Ministers shall serve for a term of four years.

Term of office 4 years

The term for interim appointees, whether appointed as additional members or replacement members, shall be for the unexpired term of the previously appointed members.

A member whose term has expired may be reappointed.

Section 98. Apart from vacating office at the expiration of their term under Section 97, members of the Board appointed by the Council of Ministers shall vacate office upon:-

Termination of office

- (1) death,
- (2) resignation,
- (3) dismissal by the Council of Ministers,
- (4) being adjudged bankrupt,
- (5) being adjudged incompetent or quasi-incompetent,
- (6) imprisonment under a final sentence of imprisonment unless for an offence of negligence or a petty offence.

Section 99. A quorum for meetings of the Board shall consist of at least one-half of the total number of members.

Procedure for meetings of the Board

If the chairman does not attend or is not at the place of meeting, the meeting shall elect one of the members chairman for the meeting.

Decisions of the Board shall be by majority vote, each member having one vote. In case of a tied vote, the chairman of the meeting shall have an additional casting vote.

Section 100. The Board may appoint sub-committees to consider or do whatever may be assigned by the Board.

Section 99 shall apply to meetings of sub-committees *mutatis mutandis*.

Section 101 Appeals to the Board under this Act shall be submitted to the Registrar on the forms prescribed by the Director General.

Appeals to Board filed through the Registrar

The procedure for deciding appeals shall be as prescribed by the Board.

Section 102. In the performance of its duties under this Act, the Board is empowered in writing to inquire of or summon the Registrar, appellants or other persons concerned to give information, explanations or opinions or to submit relevant documents or other evidence for consideration.

Inquiry powers of the Board

CHAPTER V

MISCELLANEOUS

Section 103. Any person is entitled, during office hours, to inspect the register of trademarks, service marks, certification marks and collective marks and files thereof, to obtain copies or certified copies of documents and apply for certification by the Registrar of particulars of registration on payment of the fees prescribed in Ministerial Regulations.

Register open to inspection and copying

Section 104. Summonses, notices and other communications to an applicant, opposer, proprietor of a registered trademark, service mark, certification mark or collective mark, licensee or any other person pursuant to this Act shall be sent by registered post with an acknowledgement of receipt to the office or address given in the application for registration or as registered, as the case may be.

Notices to be sent by registered mail

If delivery by the means set forth in the first paragraph fails, service may be made by an officer or by again sending by registered post with an acknowledgement of receipt. If service is by an officer, if the recipient is not present, the communication may be delivered to any person of legal age who lives or works in the office or at the address or it may be posted in a conspicuous place at the office or address of the recipient.

Alternative service

Seven days after delivery by the means set forth in para. two, the communication shall be deemed to have been received by the addressee.

Section 105. For the purpose of legal proceedings concerning trademarks, service marks, certification marks and collective marks under this Act, if the applicant or proprietor is not domiciled in Thailand, the office or address of the person or his agent given in the application or registration, shall be deemed the domicile of such person.

Address for service deemed domicile

Section 106. In the event the Registrar petitions the Board to order the cancellation of the trademark, service mark, certification mark or collective mark or the cancellation of a license agreement pertaining to a trademark or service mark, the Registrar shall be exempt from the payment of fees under this Act.

Registrar not liable for fees for cancellation of marks or licenses

CHAPTER VI

PENALTIES

Section 107. Whoever makes a false statement to the Registrar or Board in an application, opposition or other document filed concerning an application for registration, amendment of a registration, renewal of a registration or cancellation of the registration of a trademark, service mark, certification mark or collective mark or a license pertaining to a trademark or service mark shall be liable to imprisonment for not more than six months or a fine of not more than ten thousand baht or both.

*Penalty for
false statements*

Section 108. Whoever counterfeits a trademark, service mark, certification mark or collective mark registered in the Kingdom by another person shall be liable to imprisonment for not more than four years or a fine of not more than four hundred thousand baht or both.

*Penalty for
counterfeiting*

Section 109. Whoever imitates a trademark, service mark, certification mark or collective mark registered in the Kingdom by another person in order to mislead the public into believing that it is the trademark, service mark, certification mark or collective mark of such other person shall be liable to imprisonment for not more than two years or a fine of not more than two hundred thousand baht or both.

*Penalty for intentional
infringement*

Section 110. Whoever:-

(1) imports, sells, offers for sale or has for the purpose of sale goods bearing a counterfeit trademark, service mark, certification mark or collective mark under Section 108 or an imitation trademark, service mark, certification mark or collective mark under Section 109, or

(2) gives or offers a service under a counterfeit service mark, certification mark or collective mark under Section 108 or an imitation service mark, certification mark or collective mark under Section 109, shall be liable to the penalties provided in those Sections.

*Penalty for sale or
possession of goods or
giving services under
unlawful marks*

Section 111. Whoever:-

(1) represents as registered in the Kingdom a trademark, service mark, certification mark or collective mark which is not so registered,

*Penalty for falsely
representing a mark
as registered*

(2) sells or has for the purpose of sale goods bearing a trademark or certification mark under (1) which he knows to be falsely represented, or

Penalty for sale of goods or giving services under mark known to be falsely represented as registered

(3) gives or offers a service under a service mark, certification mark or collective mark under (1) which he knows to be falsely represented,

shall be liable to imprisonment for not more than one year or a fine of not more than twenty thousand baht or both.

Section 112. Whoever violates Section 90 shall be liable to a fine of not more than twenty thousand baht.

Penalty for misuse of certification mark

Section 113. The penalty for an offence under this Act committed within five years from the date of discharge of a sentence for another offence under this Act shall be doubled.

Double penalty for recidivism

Section 114. In the event an offender liable under this Act is a juristic person, the managing director, manager or representative of such juristic person shall also be liable to the penalty prescribed for such offence unless he can prove that he had neither knowledge of nor consented to the commission of the offence by the juristic person.

Company officers liable

Section 115. All goods which are imported, sold, offered for sale or had for the purpose of sale in violation of this Act shall be confiscated whether or not anyone has been convicted of the offence.

Confiscation of goods bearing unlawful marks

Section 116. If there is clear evidence someone is committing or is about to commit an act under Sections 108, 109 or 110, the proprietor of the trademark, service mark, certification mark or collective mark may apply to the court to enjoin such act.

Preventive injunction

PROVISIONAL MEASURES

Section 117. Trademarks which have been and continue to be registered under Trademarks Act B.E. 2474 on the date this Act comes into force shall be deemed trademarks under this Act.

Existing trademark registrations adopted

Section 118. The Trademark Board under the Trademarks Act B.E. 2474 in office on the date this Act comes into force shall, for not more than sixty days, continue to exercise their functions until there is a Trademark Board under this Act.

Old Trademark Board continues to function for up to 60 days

Section 119. All applications for trademark registration, applications to amend registrations, applications to transfer rights to trademarks and applications to renew trademarks submitted under the Trademarks Act B.E. 2474, if, prior to the date this Act comes into force, the Registrar:-

Pending marks not yet examined are processed under new Act but if already examined, under the old Act

(1) has given no order with respect thereto, shall be treated as having been submitted under this Act and further action shall be taken under this Act;

(2) has given any order with respect thereto, shall be further handled under the Trademarks Act B.E. 2474 until the matter becomes final.

Section 120. On applying for renewal of a trademark registered under the Trademarks Act B.E. 2474 in respect of all goods in any class, the proprietor shall clearly specify the kinds of goods for which protection is desired. In such case, the provisions of Section 9 shall apply *mutatis mutandis*.

On renewal coverage of all goods in class not allowed

Section 121. Appeals against orders or decisions of the Registrar and oppositions under the Trademarks Act B.E. 2474 which are pending prior to the date this Act comes into force shall be governed by the Trademarks Act B.E. 2474 until they become final.

Pending appeals and oppositions to be treated under the old Act

Section 122. Periods of time for submitting appeals, oppositions, counterstatements and notifications to the Registrar that agreement has been reached or legal proceedings filed under the Trademarks Act B.E. 2474 if unexpired prior to the date this Act comes into force shall be counted anew from the date this Act comes into force.

Unexpired time limits under old Act begin to run again under new Act

Section 123. All Ministerial Regulations, notifications, rules and orders issued under the Trademarks Act B.E. 2474 shall continue in effect insofar as they are not contrary to or inconsistent with this Act until the Ministerial Regulations and notifications issued under this Act take effect.

Consistent existing rules and regulations remain in force until replaced

SCHEDULE OF FEES

		Baht
(1)	Applications for registration of a trademark, service mark, certification mark or collective mark <i>for each kind of goods or service</i>	500
(2)	Advertisement of an application under (1) <i>per application</i>	200
(3)	Printing blocks for trademarks, service marks, certification marks or collective marks exceeding 5 cm. in length or width (Fractions of a centimeter shall be counted as a centimeter.) <i>per centimeter of excess</i>	100
(4)	Opposition to applications under (1) <i>each</i>	1,000
(5)	Applications to transfer pending trademarks, service marks, certification marks or collective marks <i>per application</i>	1,000
(6)	Registration fee for a trademark, service mark, certification mark or collective mark <i>for each kind of goods or service</i>	300
(7)	Replacement certificates of registration <i>each</i>	100
(8)	Applications to register transfer or inheritance of a trademark, service mark, certification mark or collective mark <i>per application</i>	1,000
(9)	Amendments of registered particulars under (6) <i>per application</i>	200
(10)	Renewal of a registration under (6) <i>for each kind of goods or service</i>	1,000
(11)	Petitions to the Board to cancel a registration under (6) <i>each</i>	500
(12)	Applications to register a trademark or service mark license <i>per application</i>	500
(13)	Registration of a trademark or service mark license agreement <i>per agreement</i>	1,000

		[<i>Maximum fees</i>]	Baht
(14)	Amendments of particulars in registrations under (13)	<i>per application</i>	200
(15)	Applications to cancel registrations under (13)	<i>per application</i>	200
(16)	Amendments of applications under (1) (8) or (12)	<i>per request</i>	100
(17)	Applications to amend certification mark rules		
	a) prior to registration of the mark	<i>per application</i>	100
	b) after registration of the mark	<i>per application</i>	200
(18)	Appeals		
	a) against an order of the Registrar under Sec. 16,17,27 or a decision of the Registrar under Sec. 37	<i>each</i>	2,000
	b) under other sections	<i>each</i>	1,000
(19)	Applications to examine the register and files (Fractions of an hour shall be counted as one hour)	<i>per hour</i>	100
(20)	Requests for certified extracts from the register of trademarks, service marks, certification marks or collective marks	<i>per set</i>	200
(21)	Requests to make photocopies of documents	<i>per page</i>	10
(22)	Applications for certified copies of documents in the same matter		
	a) of not more than 10 pages	<i>per page</i>	10
	b) of more than 10 pages	<i>per document</i>	100
(23)	Applications for certification concerning particulars of registration	<i>each</i>	50
(24)	Other requests	<i>per application</i>	100

[*NB: The marginal notes have been added for convenience and are not part of the Act.*]