

## Patent Assignment in Thailand

**It is possible to assign a registered patent or a pending patent application in Thailand. This article gives a summary of the basis on which pending patent applications and registered patents are assigned in Thailand.**

### Patent Assignment

A patent holder can assign his pending patent application or registered patent by signing a deed of assignment with the assignee. The assignment can be for the whole or only part of the right, title and interest in the patent. It can be with or without consideration.

If the patent is jointly owned, each joint owner can assign only the right, interest and ownership that he holds in the patent.

### Patent Check

Before the signing of the patent assignment agreement, it is advisable for the assignee to carry out a patent check with the TPO for the complete and correct details of the patent application or the patent registration to be assigned.

### Recordal of Patent Assignment

To be valid and enforcement, the patent assignment must be recorded with the Thailand Patent Office (“TPO”). To record the assignment of a patent registration or a patent application, the following documents are required:

- (1) a deed of assignment ("DoA") signed by the assignor and the assignee and notarized by a notary public
- (2) a notarized power of attorney ("PoA") from the assignee
- (3) for a patent registration, complete assignment recordal application form made in the Thai language in the form prescribed by the TPO
- (4) for a pending patent application, a patent application amendment form made in the Thai language in the form prescribed by the TPO.

It normally takes the TPO around 6 months to 1 year from the assignment filing date to complete the recordal of the assignment.

### Taxes

The consideration received by the assignor is an assessable income for the income tax and is subject to the value-added tax (“VAT”) of Thailand.

If the assignor is a resident of Thailand, a 3% withholding tax and the 7% VAT will be chargeable on the consideration.

If the assignor is not a resident of Thailand but the assignee is a resident of Thailand, then a 15% withholding tax and the 7% VAT will be payable on the consideration. The 15% withholding tax may be reduced to 10% under the double tax treaty (if any) between Thailand and the residence country of the assignor.

The assignee is obligated to withhold the withholding tax and collect the VAT and remit them

to the Thai Revenue Department.

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