

Thailand's Accession to the Madrid Protocol

On 7th August 2017, Thailand deposited its instrument of accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“**Madrid Protocol**”) with the World Intellectual Property Organization (“**WIPO**”) and became the 99th member of the Madrid System.

The Madrid Protocol will come into force for Thailand on 7th November 2017 making Thailand the 7th ASEAN member joining the Madrid system for the international registration of trade marks (after Brunei Darussalam, Cambodia, Lao PDR, Philippines, Singapore and Vietnam) as a member of the Madrid system for the International Registration of trademarks and leaving Indonesia, Malaysia and Myanmar the only 3 ASEAN countries yet to join the Madrid system.

The Declarations of Thailand's Accession to Madrid Protocol (“**Declaration of Accession**”) includes declarations under Articles 5(2)(b) and (c) of the Madrid Protocol where Thailand has opted for 18 months timeframe for notification of refusal in Thailand and beyond for an opposition and Rule 20bis(6)(b) of the Common Regulations where recording of licenses in the International Register will have no effect in Thailand.

Under the Declaration of Accession, the individual fee for designating or subsequently designating Thailand is THB14,400 per class whereas the individual fee for renewal of such international registration in Thailand is THB18,000 per class.

Thailand has already enacted the Trademark Act (No. 3) B.E. 2559 (A.D. 2016) (“**Amended TMA**”) to allow the country to accede to the Madrid Protocol. The Amended TMA has come into force since 28th July 2016 except for the sections on the international trademark registration system under the Madrid Protocol which will be adopted once a Royal Decree is issued to implement Section 31 of the Amended TMA.

The Department of Intellectual Property (“**DIP**”) is in process of drafting a Royal Decree for the effective date of the international trademark registration sections of the Amended TMA and will have to submit the draft Ministerial Regulations regarding international registration through the Madrid System for its implementation to the Minister of Commerce for his signature well before 7th November 2017. It is expected that the international trademark registration sections of the Amended TMA and the Ministerial Regulation will both become effective on 7th November 2017 as well.

The DIP is also forming and preparing a new team of Trademark Registrars who will be responsible for taking charge of filing international applications at WIPO and examining international registrations from WIPO that designate Thailand.

AUTHOR



Kowit Somwaiya
Managing Partner | **Bangkok**
kowit.somwaiya@lawplusltd.com



Paramee Kerativitayanan
Associate | **Bangkok**
paramee.kerativitayanan@lawplusltd.com

LawPlus Ltd.

Unit 1401, 14th Floor, Abdulrahim Place 990

Rama IV Road, Bangkok 10500, Thailand

Tel: +662 636 0662

Fax: +662 636 0663

LawPlus Myanmar Ltd.

Unit No. 520, 5th Floor, Hledan Centre

Corner of Pyay Road and Hledan Road, Kamayut Township,

Yangon, Myanmar

Tel: +95 (0)92 6111 7006

and +95 (0)92 6098 9752