

## Ministerial Regulation for Madrid System in Thailand Has Been Enacted

Thailand has finally enacted the Ministerial Regulation Regarding the International Trademark Registration under the Madrid System (“**Madrid Regulation**”). It was published in the Royal Gazette on 18<sup>th</sup> December 2017 and become effective retroactively from 7<sup>th</sup> November 2017, which is the effective date of Madrid Protocol in Thailand.

Since 7<sup>th</sup> November 2017, an international trademark application under the Madrid System is allowed to be filed with the Trademark Office in Thailand (“**TMO**”) under the current law and trademark owners in other member states may designate Thailand in their international applications to seek protection in Thailand.

According to the Ministerial Regulation, an international trademark application under the Madrid System to be filed with the TMO must be based on either a trademark registration in Thailand (basic registration) or a pending trademark application filed with the TMO. Importantly, the international application must cover only goods or services listed in the basic application or registration. After receiving the international application, the Department of Intellectual Property (“**DIP**”) will certify the information in the application before forwarding it to the WIPO.

Thailand has opted for the 18 months timeframe for notification of refusal in Thailand and beyond for an opposition where the DIP may notify the WIPO of a notification of refusal after the expiry of the 18-month time limit.

An international trademark application under the Madrid System must be filed online only. No hard copy of an application form is accepted by the TMO. The DIP has already implemented its e-filing system for international trademark applications under the Madrid System. An applicant or its agent who would like to file an international application must create an account with the DIP and verify the identity and his/her e-signature before using the e-filing system.

DIP will organize its official opening ceremony for its Madrid Application Receiving Office on 10<sup>th</sup> January 2018. Partners of LawPlus Ltd. are invited to join the ceremony.

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