

THAILAND

Additional information for the preparation of the documents pursuant to the 34th session of the SCP

1. A draft reference document on the exception regarding the use of articles on foreign vessels, aircraft and land vehicles.

PATENT ACT B.E. 2522 (1979), as amended by the Patent Act (No.2) B.E.2535 (1992) and the Patent Act (No.3) B.E.2542 (1999), provides an exception regarding the use of articles on foreign vessels, aircraft and land vehicles as follows:

Section 36

(5) The use of a device forming the subject of a patent in the body of a vessel or other accessories of a vessel of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such a vessel temporarily or accidentally enters the waters of Thailand, provided that such a device is used there exclusively for the needs of the vessel;

(6) The use of a device forming the subject of a patent in the construction or other accessories of an aircraft or a land vehicle of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such aircraft or land vehicle temporarily or accidentally enters Thailand;

2. A further study on Sufficiency of Disclosure (Part II), relating to inventions having an experimental nature in unpredictable art, such as chemistry and biotechnology, and any other areas that deserve special attention, as proposed in document SCP/31/8 REV.

PATENT AND PETTY PATENT EXAMINATION MANUAL B.E. 2562 (2019)

Chapter 5: Examination of applications for invention patents and petty patents in chemicals and pharmaceuticals.

- Sufficient Disclosure of Chemical Process Invention

For a chemical process invention, regardless of a process for preparing a substance or any other process, the description shall describe the raw materials, procedures and processing conditions adopted in the process. If necessary, the effect of the process on the property of the title substance shall be described in such a manner that a person skilled in the art is able to carry out the process of the described invention in order to solve technical problems in accordance with the invention's objective. As for the raw materials used in the process, the components, property and manufacturing process shall be described in such a manner that a person skilled in the art can carry it out.

- Sufficient Disclosure of Used Invention of Chemical Product

For a use invention of a chemical product, the description shall describe the chemical product to be used, the method for using the product and the effect to be achieved to enable a person skilled in the art to carry it out.

3. A document compiling information relating to the expedited examination programs of IP offices, including information on Prioritized Examination of COVID-19 related patent application.

Department of Intellectual Property of Thailand (DIP) has launched the "Target Patent Fast-Track Program" to expedite the patent or petty patent registration process of all research and innovations regarding medical science and public health invention which contributes to public health solutions. This program was announced in a notification on 3 May 2022 and made available to the public on 1 June 2022. DIP will consider Target Fast-Track request based on the following criteria and conditions:

(1) It must be a patent application that has been requested for substantive examination under Section 29 of the Patent Act B.E. 2522, or a petty patent application that has been filed for not less than 3 months;

(2) It must be a medical science and public health technology invention that would be beneficial to the public and commercially viable;

(3) An application must be first filed in Thailand or filed through DIP as the Receiving Office of International Patent Application;

(4) An application contains not more than 10 claims throughout the period of participation in the program;

(5) The applicant shall submit the application through the e-filing system;

(6) All the required supporting documents for an application must be completely submitted.

4. A compilation on how jurisdictions around the world address the issue of artificial intelligence (AI) inventorship through jurisprudence, legislation and practice.

Currently, Thailand has no legislative framework and relevant judicial decisions regarding the issue of AI inventorship.
