



27 May 2020

(20-3844)

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

THAILAND: TRADEMARK ACT B.E. 2534 (1991) AMENDED BY TRADEMARK ACT (NO. 2)  
B.E. 2543 (2000) AND TRADEMARK ACT (NO. 3) B.E. 2559 (2016)

<b>Notifying Member</b>	THAILAND
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**Details of the notified legal text**

<b>Title</b>	Trademark Act B.E. 2534 (1991) amended by Trademark Act (No. 2) B.E. 2543 (2000) and Trademark Act (No. 3) B.E. 2559 (2016)
<b>Subject matter</b>	Trademarks
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2020/IP/THA/20_3240_00_e.pdf">https://ip-documents.info/2020/IP/THA/20_3240_00_e.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/THA/T/1/Rev.1</a> ; <a href="#">IP/N/1/THA/T/1</a>

**Brief description of the notified legal text**

Trademark Act (No. 2) B.E. 2543: The reasons for enactment of this Act are as follows. The plurilateral trade negotiation at Uruguay Round where many countries had agreed on TRIPS and the establishment of World Trade Organization (WTO) had been achieved with success and came into force. Therefore, Thailand, as a member of WTO, has an obligation to implement the aforementioned agreement in order to achieve an efficient protection of intellectual property. Also, it is expedient to revise the conditions, characteristics and the prohibitions of registration of trademarks, the cancellation and the related procedures, the collection of publication's fee and the composition, power and duties of the Trademark Board, as well as to provide for the assignment of the officer under this Act and to enhance the power of Registrar in considering the opposition to the registration. It is, therefore, necessary to enact this Act.

Trademark Act (No. 3) B.E. 2559 (2016): The reasons for enactment of this Act are as follows. Nowadays, protection of trademarks at the international level extends to new types of marks which are not covered by the provisions of the Trademark Act B.E. 2534. Also, as Thailand would accede to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) the salient feature of which provides for the filing of a single international application for protection of trademarks, service marks, certification marks and collective marks in the member states, it is expedient to expand the scope of trademark protection and to amend the provisions of the relevant part of this Act to conform to the said Madrid Protocol. Besides, as packagings or utensils bearing another person's registered trademark, certification mark or collective mark are used deceptively thus causing damage to the public and the said trademark owner, it is expedient to penalize and determine penalty for the said act. It is also expedient to revise the registration procedure and time period for more clarity and explanation and to amend the official fees annexed to the Act for more appropriateness. It is, therefore, necessary to enact this Act.

<b>Language(s) of notified legal text</b>	English
<b>Entry into force</b>	28 July 2016  Trademark Act (No. 2) B.E. 2543 (2000): 30 June 2000  Trademark Act (No. 3) B.E. 2559 (2016): 28 July 2016 except provisions related to trademark registration under the Madrid Protocol which have entered into force since 7 November 2017.
<b>Other date</b>	

#### Notification details

<b>Submission date of notification</b>	15 May 2020
<b>Other information</b>	
<b>Agency or authority responsible</b>	The Department of Intellectual Property Ministry of Commerce Thailand

\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.