

Legal 500

Country Comparative Guides 2025

Thailand

Intellectual Property

Contributor

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This country-specific Q&A provides an overview of intellectual property laws and regulations applicable in Thailand.

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Thailand: Intellectual Property

1. What different types of intellectual property rights exist to protect: (a) Inventions (e.g. patents, supplementary protection certificates, rights in trade secrets, confidential information and/or know-how); (b) Brands (e.g. trade marks, cause of action in passing off, rights to prevent unfair competition, association marks, certification marks, hallmarks, designations of origin, geographical indications, traditional speciality guarantees); (c) Other creations, technology and proprietary interests (e.g. copyright, design rights, semiconductor topography rights, plant varieties, database rights, rights in trade secrets, confidential information and/or know-how).

The types of the Intellectual Property Rights (IPR) and the IPR-related rights in Thailand are patents, petty patents, product design patents, trademarks, copyrights, Geographical Indications (GI), trade secrets, semiconductor topography rights, and plant varieties.

In this document, unless indicated otherwise, the term "trademarks" also means the service mark, the sound mark, the collective mark and the certification mark.

In this document, unless indicated otherwise, the term "patents" also means the invention patent, the petty patent and the product design patent.

2. What is the duration of each of these intellectual property rights? What procedures exist to extend the life of registered rights in appropriate circumstances?

Invention patents: 20 years from the application filing date, not renewable. The application filing date is deemed the registration (grant) date upon registration. Payments of the annuities starts from the 5th year of the registration.

Petty patents: 6 years from the application filing date, extendable for 2 additional periods of 2 years each.

Product design patents: 10 years from the application filing date, not renewable.

Trademarks: 10 years from the registration date, renewable for a period of 10 years each. The application filing date is deemed the registration date upon registration. Each renewal can be requested within 3 months before the expiry date or within the grace period of 6 months after the expiry date.

Copyrights: The literary work is valid for the lifetime of the author plus 50 years from the death of the author. The photographic work, the audio-visual work, the cinematographic work, the sound recording work and the sound and video broadcasting work is valid for 50 years from the creation date. The applied artistic work is valid 25 years from the creation date.

There is no validity limit for the validity of GIs, trade secrets, semiconductor topography rights, and plant varieties.

3. Who is the first owner of each of these intellectual property rights and is this different for rights created in the course of employment or under a commission?

Invention patents, petty patents, product design patents: The inventor or the designer is the first owner. If the inventor or the designer creates these IPRs in the course of employment or under a commission, the first owner is the employer unless agreed otherwise.

Trademarks: The creator who creates the trademark or the person who first files an application for its registration is the first owner. If the creator creates the trademark in the course of employment or under a commission, the employer owns the trademark unless agreed otherwise.

Copyrights: The author. If the author creates the copyright work in the course of employment or under a commission, the first owner of the copyright work is the author unless agreed otherwise.

4. Which of the intellectual property rights described above are registered rights?

Patents, trademarks and GIs are registered rights. Invention patents and petty patents must be registered with the Thai Patent Office (TPO). Product design patents

must be registered with the Design Office (DO).
Trademarks must be registered with the Trademark Office (TMO). GIs must be registered with the GI Office (GIO).

Copyrights are valid and protected by the operation of law and without registration with the Copyrights Office (CO).

5. Who can apply for registration of these intellectual property rights and, briefly, what is the procedure for registration?

Patents

The patent applicant must be a Thai national or a national of a country which allows Thai nationals or juristic persons whose head offices are registered in Thailand to apply for a patent, or a person domiciled in Thailand or carrying out industrial or commercial activities in Thailand or in a country which is a member of an international patent convention of which Thailand is a member.

Chart of Procedures for Registration of Invention Patent

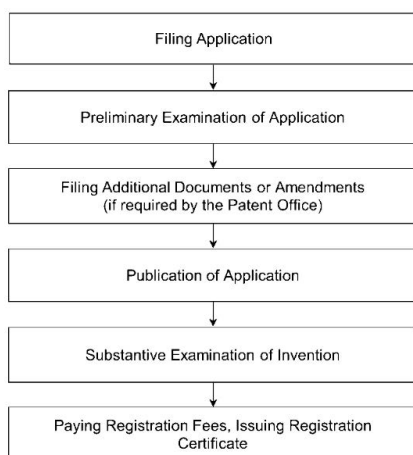


Chart of Procedures for Registration of Petty Patent

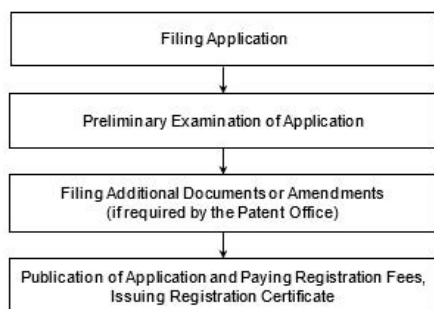
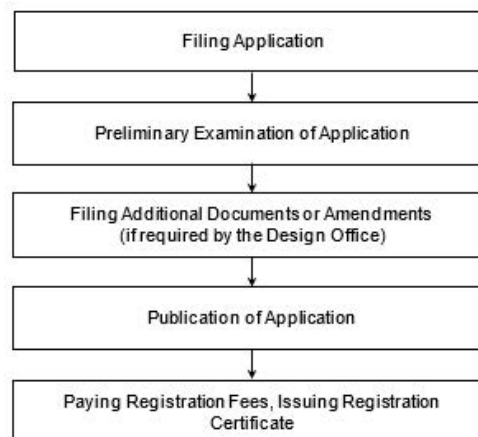


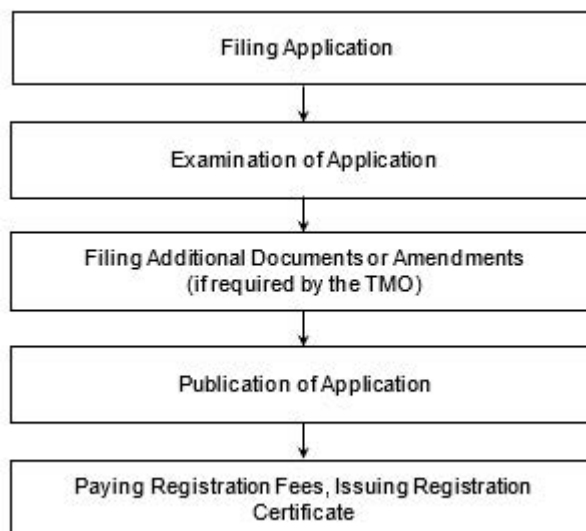
Chart of Procedures for Registration of Product Design Patent



Trademarks

The owner of the trademark can apply for its registration with the TMO. The applicant or the attorney of the applicant must be domiciled in Thailand.

Chart of Procedures for Registration of Trademark

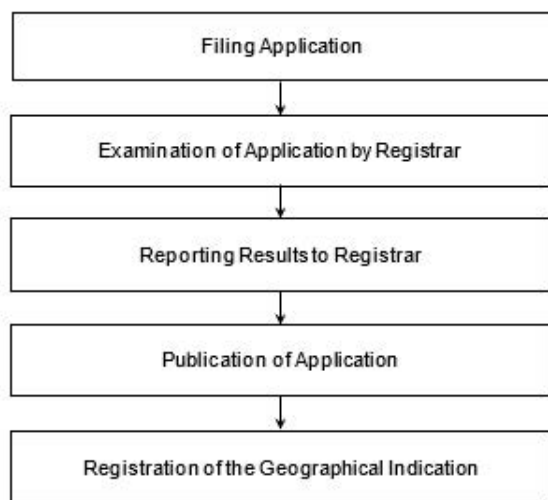


GIs

Persons who can register GIs are: (1) a government agency, a state agency, a state enterprise, a local government organization or other public body with the status of a juristic person, whose area of responsibility embraces the geographical origin of the goods; (2) a natural person, a group of persons or a juristic person, who engages in trade in connection with the goods for which the GI is used and has a residence in the geographical area of the goods; (3) a group or

organization of consumers consuming the goods for which the GI is used.

Chart of Procedures for Registration of GI



6. How long does the registration procedure usually take?

Invention Patents: A smooth invention patent application takes around 3-5 years from the application filing date to reach registration.

Petty Patents: A smooth petty patent application takes around 1.5 years from application filing date to reach registration.

Product Design Patents: A smooth product design patent application takes around 2 years from filing to reach registration.

Starting from 2022, patent and petty patent applications for inventions in medical science and public health, future food and green innovation are eligible to the target patent fast-track examination program announced by the DIP.

Starting from 2024, design patent applications for green innovations are eligible to the target design patent fast-track examination program announced by the DIP.

Trademarks: A smooth trademark application takes around 18 to 24 months from the application filing date to reach registration.

Starting from 2022, trademark applications that cover no more than 50 items of goods and services are eligible to the fast examination under the First Action Fast Track (FAFT) examination process announced by the DIP, subject to some conditions. The application eligible for

the FAFT examination will receive the first office action order from the TMO within 6 months from its filing date.

Starting from 2022, applications for trademarks for urgent use are eligible to the fast examination under the accelerated examination application for urgent use (AEUU) announced by the DIP, subject to some conditions. The application eligible for the AEUU examination will receive the first office action order from the TMO within 4 months from its filing date.

GIs: A smooth GI application takes around 1-2 years from the application filing date to reach registration.

7. Do third parties have the right to take part in or comment on the registration process?

Patents: Interested third parties can file an opposition with the TPO against a published patent application within 90 days from its publication date.

Trademarks: Interested third parties can file an opposition against a published trademark application with the TMO within 60 days from its publication date. The grounds of the opposition can include a better right of the opponent in the trademark, the trademark is not registrable, or the application does not comply with the trademark law.

GIs: Interested third parties can file an opposition with the GIO against a published GI application within 90 days from its publication date.

8. What (if any) steps can the applicant take if registration is refused?

Patents: The applicant can file an appeal with the Patent Board (PB) against the refusal order of the Director-General (DG) within 60 days from receipt of the refusal order. If the PB sustains the refusal order of the DG, the applicant can file a lawsuit with the Intellectual Property and International Trade Court (IPIT Court) against the PB's decision within 60 days from receipt of the PB's decision.

Trademarks: The applicant of the application refused by the Trademark Registrar on any refusal grounds can file an appeal against refusal order with the Trademark Board (TMB) within 60 days from receipt of the refusal order. If the TMB sustains the refusal order of the Registrar, the applicant can file a lawsuit with the IPIT Court against the TMB's decision within 90 days from receipt of the TMB's decision.

GIs: The applicant of the GI application refused by the GIO can file an appeal against the GIO's refusal order with the GI Board (GIB) within 90 days from receipt of the refusal order. If the GIB sustains the GIO's refusal order, the applicant can file a lawsuit against the GIB's decision with the IPIT Court against the GIB's decision within 90 days from receipt of the GIB's decision.

9. What are the current application and renewal fees for each of these intellectual property rights?

Patents:

- Application fees
 - National application and PCT national phase application fee / registration fee: THB500 / THB500
 - Petty patent application fee / registration fee: THB250/THB500
 - Product design patent application fee / registration fee: THB250 / THB500
- Renewal (annuity) fees

INVENTION PATENT			DESIGN PATENT			PETTY PATENT		
Year	THB	Year	THB	Year	THB	Year	THB	Year
5 ^a	1,000	13 ^a	8,200	5 ^a	500	5 ^a	750	
6 ^a	1,200	14 ^a	10,000	6 ^a	650	6 ^a	1,500	
7 ^a	1,600	15 ^a	12,000	7 ^a	950	5 ^a - 6 ^a	2,000*	
8 ^a	2,200	16 ^a	14,200	8 ^a	1,400	1 st renewal	6,000	
9 ^a	3,000	17 ^a	16,600	9 ^a	2,000	2 nd renewal	9,000	
10 ^a	4,000	18 ^a	19,200	10 ^a	2,750			
11 ^a	5,200	19 ^a	22,000	5 ^a - 10 ^a	7,500*			
12 ^a	6,600	20 ^a	25,000					
		5 ^a - 20 ^a	140,000*					

* Optional one lump sum payment

Trademarks:

- Application fees
 - THB1,000 per item (for 1 to 5 items of goods/services in each class)
 - THB9,000 per class (for more than 5 items of goods/services in each class)
- Registration fees
 - THB600 per item (for 1 to 5 items of goods/services in each class)
 - THB5,400 per class (for more than 5 items of goods/services in each class)
- Renewal fees
 - THB2,000 /item (if goods / services are not more than 5 items each class)
 - THB18,000 /class (if goods / services are more than 5 items in each class)

GIs: Application filing fee: THB500.

10. What are the consequences of a failure to pay any renewal fees and what (if any) steps can be taken to remedy a failure to pay renewal fees?

Patents: If the patentee fails to pay the renewal (annuity) fee within the first 60-day period of the relevant year, the patentee must pay the annuity fee plus a surcharge at 30% of the annuity fee within 120 days from the end of the first 60-day period. Otherwise, the DG of the DIP can ask the PB for cancellation of the patent.

Trademarks: The TMO will cancel the trademark registration from the Trademark Register if the trademark owner fails to pay the renewal fee within the period of 3 months before the expiry date or within the grace period of 6 months from the expiry date. In case of renewal during the grace period, the trademark owner must pay the renewal fee plus a surcharge at 20% of the renewal fee.

A request for renewal of a trademark registration that covers no more than 30 items of goods and services and no amendment to any item of the goods and services is eligible to the renewal fast track process announced by the DIP. The request is considered and approved within 30 minutes from the time of its filing.

11. What are the requirements to assign ownership of each of the intellectual property rights described above?

Patents: An assignment agreement made in writing signed by the parties and registered with the PTO for the invention patent and the petty patent or the DO for the product design patent.

Trademarks: An assignment agreement made in writing signed by the parties and registered with the TMO. The assignment agreement must include the application or registration details of the assigned trademark. The signatures of the parties in the assignment agreement need notarization if signed outside Thailand. The assignment agreement in a foreign language must be translated into Thai. The parties must sign and file a request for registration (recordation) of the assignment with the TMO. If the parties are represented by an attorney (a trademark agent), the POA for the attorney, if made outside Thailand, must be notarized.

Copyrights: An assignment agreement made in writing. Registration with the Copyrights Office is not required.

12. Is there a requirement to register an assignment of any of these intellectual property rights and, if so, what is the consequence of failing to register?

Failure to register the trademark assignment agreement, the TMO will result in the assignment agreement being void.

13. What are the requirements to licence a third party to use each of the intellectual property rights described above?

Patents: A recordation of the patentee's consent to the patent license in the Patent Register with the TPO and a patent license agreement signed by the parties and recorded in the Patent Register with the TPO. The signatures of the parties in the license agreement must be notarized. The license agreement in a foreign language must be translated into Thai.

The DG of the DIP may allow use of a patent by a third party, subject to (1) the prior recordation of the patentee's consent to use / license of the patent in the Patent Register and (2) the terms and conditions of the license, including the terms of use and the license fee, as agreed between the licensor and the licensee.

After a period of 3 years from the patent registration date or 4 years from the patent application filing date of a patent, whichever comes first, a person can file a request with the DG of the DIP for permission to use such patent if there is no production of the product under the patent or no use of the process under the patent in Thailand or there is no sale of the product produced under the patent or no use of the process under the patent in Thailand or if sale of the product or use of the process is insufficient to meet the demand of the public or is for an excessively high price, provided that he can prove that he has requested for a license of such patent with the patentee for appropriate terms and conditions and sufficient remunerations but the parties could not reach an agreement within an appropriate period.

Trademarks: A trademark license agreement made in writing signed by the parties and registered with the TMO. The signatures of the parties must be notarized. The agreement must include the registration details of the licensed trademark, the quality control measures, the goods or services covered under the license. A non-registered trademark cannot be licensed. If the agreement does not specify that the license is exclusive, it will be assumed that the license is non-exclusive. The license

agreement in a foreign language must be translated into Thai. The parties must sign and file a request for registration (recordation) of the license with the TMO.

Copyrights: A copyright license agreement made in writing. Registration of the license agreement with the CO is not required. The parties are free to negotiate and agree the terms and conditions of the license agreement, subject to some restrictions under the laws on unfair contract terms trade competition.

14. Is there a requirement to register a licence of any of these intellectual property rights and, if so, what is the consequence of failing to register?

Please see answer to Question 13 above. Failure to register a trademark license agreement with the TMO will result in the license agreement being void. Use of the licensed trademark under such un-registered license agreement will not be recognized as use of the trademark in Thailand and, as a result, the registration of the licensed trademark will be vulnerable to non-use cancellation.

15. Are exclusive and non-exclusive licensees given different rights in respect of the enforcement of the licensed IP, and if so, how do those rights differ?

An exclusive license gives the exclusive right to the licensee in relation to using and otherwise commercializing the licensed IPR subject to the other terms and conditions of the license agreement. The exclusive license does not prevent the owner of the IPR himself from using the licensed IPR during the term of the exclusive license.

A non-exclusive license does not prevent the owner of the IPR from using the licensed IPR or granting another non-exclusive license of the same IPR to another licensee.

None of the exclusive license and the non-exclusive license gives to the licensee the right of IPR enforcement action against an IPR infringer. Such right remains with the IPR owner. The parties to the license agreement may agree that the licensee will assist and collaborate with the licensor in relation to the exercise of the licensor's right of action against the IPR infringement by a third party.

16. Are there criminal sanctions for infringement of any intellectual property rights, and if so, what are they and how are they invoked?

Criminal sanctions are available against IPR infringement. The owner of the IPR can file a criminal case against the infringer with the IPIT Court directly. Alternatively, the IPR owner can file a complaint for the relevant authorities [the police, the Department of Special Investigation (DSI), the Customs Department (CD), etc. for them to raid premises of the infringer, seize infringing goods and arrest the infringer. After interrogation of the infringer and witnesses and examination of the evidence of the infringement, the authorities will forward the case to the Public Prosecutor (PP) for filing a criminal lawsuit with the IPIT Court against the infringer if the relevant authorities and the PP are of a view that there is a ground of action against the infringer.

17. What other enforcement options are available for each of the intellectual property rights described above? For example, civil court proceedings, intellectual property office proceedings, administrative proceedings, alternative dispute resolution.

Criminal proceedings as discussed under our answer to Question 16 above. Fines and imprisonment penalties are imposed on the infringer who is found guilty by the IPIT Court. The IPR owner can ask the IPIT Court for permission to act as a co-plaintiff with the PP.

Civil proceedings by filing a civil complaint with the IPIT Court against the infringer are also available. The civil proceedings consist of determining the issues of the dispute, witness hearings (where cross-examinations and re-examinations of witnesses are possible). Mediation proceedings prior the witness hearings are possible. The witness hearings will take place only if the parties cannot settle the case at the mediation proceedings stage. The IPIT Court normally awards compensations for proven damages caused by the infringing acts of the infringer and sometimes awards punitive damages against the infringer. The IPIT Court also awards interim and final (permanent) injunction orders against the infringement acts.

Customs enforcement action by filing a request with the CD for monitoring the import and export of infringing products, counterfeit goods or pirated goods at airports, seaports or border check points. If the CD seizes any suspected goods, the IPR owner will have to collaborate with the CD officers in examination of the suspected

goods and determining that they are infringing goods. If the CD finds that the suspected goods infringing IPR, the CD officers will forward the case to the PP for filing a criminal case against the infringer.

18. What is the length and cost of such procedures?

A typical criminal case takes around 18 to 24 months before the IPIT Court can issues a judgment. A typical civil case without a settlement at the mediation stage takes around 24 months for the IPIT Court can issue a judgement.

19. Where court action is available, please provide details of which court(s) have jurisdiction, how to start proceedings, the basics of the procedure, the time to trial, the format of the trial, the time to judgment and award of relief and whether any appeal is available.

The IPIT Court is the court that has jurisdiction over all IPR infringement cases. For a criminal case, the IPR owner can start the proceedings by (a) filing the criminal case directly with the IPIT Court, or (b) filing a complaint with the police or the DSI, the CD or other relevant authorities for them to take actions discussed in our answer to Question 16 above. Please see our answers to Questions 17 and 18 the basics of the procedures, the time to trial, the format of the trial and the time to judgement and awards of relief.

The judgment of the IPIT Court can be appealed to the Specialized Appeal Court, subject to some restrictions. The judgement of the Specialized Appeal Court can be appealed to the Supreme Court only if the latter grants permission for filing the appeal to the Supreme Court.

20. What customs procedures are available to stop the import and/or export of infringing goods?

IPR owners can take border measures against export or import of counterfeit goods and pirated goods by (1) recording the details of their trademarks or copyright works with the CD for the CD officers to seize and verify suspected goods which are imported, exported or in transit, and (2) if the CD officers seizes the suspected goods, inspecting the seized goods, and (3) in case the goods are confirmed to be infringing goods, filing a formal complaint with the CD within 3 days from receipt

of confirmation from the CD officers.

IPR owners may also file a request for inspection with the CD to inspect the suspected goods on a case-by-case basis. Upon receipt of the request and with no doubt as to the validity of the IPR ownership documents, the CD will impound the goods and notify the exporter, importer, shipping agent, and the IPR owner to inspect such suspected goods within 24 hours of receiving the notice. If the IPR owner fails to do so, the CD will release the impounded goods. If the goods are confirmed to be infringing, the IPR owner must file a formal complaint with the CD within 3 days after the inspection is completed.

21. Are any non-court enforcement options or dispute resolution mechanisms mandatory in respect of intellectual property disputes in any circumstances? If so, please provide details.

No.

22. What options are available to settle intellectual property disputes in your jurisdiction?

Amicable negotiations for a settlement are available. A private settlement agreement if breached is not readily enforceable. The non-breaching party must file a civil case in court against the breaching party for breach of contract. This option is a rare practice.

Arbitration proceedings under the arbitration law and the arbitration rules of established arbitration institutes are possible. The two major arbitration institutes are the Thailand Arbitration Institute (TAI) and the Thailand Arbitration Center (THAC).

Litigation proceedings in the IPIT Court as discussed above are the normal options. The criminal proceedings are more practical if the dispute arises from IPR infringement acts. The civil proceedings are used when the IPR owner seeks a permanent injunction order and/or a large sum of compensation from IPR infringers who committed infringement acts that caused a large sum of damages to the IPR owner.

23. What is required to establish infringement of each of the intellectual property rights described above? What evidence is necessary in this

context?

Patents: Where the subject matter of the patent is a product, any act of producing, using, selling, having in possession for sale, offering for sale, or importing the patented product without authorization of the patentee is a patent infringement act. Where the subject matter of the patent is a process, any using of the patented process, producing, using, selling, having in possession for sale, offering for sale or importing the product produced by the patented process without authorization of the patentee is a patent infringement act.

Trademarks: Counterfeiting a trademark registered in Thailand by another person or imitating a trademark registered in Thailand by another person to mislead the public into believing that it is the trademark of such other person is a trademark infringement act. Importing, selling, offering for sale or having in possession for sale any goods bearing a counterfeit or imitation trademark is a trademark infringement act. Giving or offering a service under a counterfeit or imitation service mark is a service mark infringement act.

Copyrights: The main copyright infringement acts are:

- (1) Any act of reproducing or adapting or communicating to the public any copyright work without authorization of the copyright owner is a copyright infringement act. Reproducing or adapting or communicating to the public or letting for hire of the original or a copy of an audio-visual work, a cinematographic work or a sound recording work without authorization from the copyright owner.
- (2) Making an audio-visual work, a cinematographic work, a sound recording or sound and video broadcasting work, or rebroadcasting or marking a sound and video broadcasting work to be heard or seen in the public for money or other commercial benefits of a sound and video broadcasting work without authorization from the copyright owner.
- (3) Reproducing or adapting or communicating to the public or letting for hire of the original or a copy of a computer program without authorization of the copyright owner.
- (4) Selling, having for sale, offering for sale, letting for hire, offering for letting for hire, selling by hire-purchase or offering for hire purchase, or communicating to the public, or distributing in the manner which may cause damage to the copyright owner or bringing into or importing into Thailand for profit any copyright infringing work knowingly or should have known of such copyright infringing work.

24. How does the court acquire any necessary information (fact or technical) and in what circumstances does it do so? In particular a) Is there a technical judge, a judge with technical experience, a court appointed expert, an expert agreed by the parties, and/or parties' expert witness evidence? b) What mechanisms are available for compelling the obtaining and protecting of evidence? Is disclosure or discovery available?

a) Is there a technical judge, a judge with technical experience, a court appointed expert, an expert agreed by the parties, and/or parties' expert witness evidence?

Thailand has the IPIT Court established under the Act on Establishing the Central Intellectual and International Trade Court and Procedures B.E. 2539 (A.D. 1996). The judges and the associate judges of the IPIT Court are specialized judges with the IPR expertise and technical knowledge. The Act and the Rules of the President of the Supreme Court issued under the Act allow parties' expert evidence and the online filing of case documents and the online witness hearings and witness hearings, inter alia.

b) What mechanisms are available for compelling the obtaining and protecting of evidence? Is disclosure or discovery available?

Before filing of a case or a scheduled witness hearing date, a party whose evidence may be lost or difficult to be later adduced may file a request with the IPIT Court for immediate witness hearing and taking such evidence. Upon receipt of the request, the IPIT Court may order the party who filed the request, the other party or third parties to attend the court for hearings and the evidence received from the hearings will be recorded, reported and preserved.

25. How is information and evidence submitted to the court scrutinised? For example, is cross-examination available and if so, how frequently is it employed in practice?

After the IPIT Court reviews the complaint and the answer and their evidence documents (exhibits) and summons meetings for mediation proceedings before determining the issues of the dispute, if the parties cannot settle the dispute during the mediation proceedings, the IPIT Court summons a meeting to determine the issues of the dispute and schedules witness hearing dates for parties to submit witness statements and adduce witnesses to

testify in court. Cross-examinations and re-examinations are possible and common. Consecutive hearings of witnesses on 3 to 4 consecutive hearing days are normal.

26. What defences to infringement are available?

In general, the alleged IPR infringer raises these defences:

Patents: The product or process is not the same as the product or the process under the patent of the patentee and therefore the infringer's product or process is not infringing the patent of the patentee. The patent of the patentee was registered illegally because the product or the process under the patent had been used by a third party in Thailand or abroad prior to its registration and filing date and therefore it lacked novelty, and its granted patent is subject to cancellation.

Trademarks: The alleged infringing trademark is not identical with or confusingly similar to the infringed trademark of the trademark owner. The goods or the services of the infringer fall under classes different than those of the infringed trademark. The consumers of the alleged infringing goods or services are not the same groups of consumers, and they are not confused about the owners and the sources of the two trademarks and the goods or the services. The channels of distributions of the alleged infringing goods and the infringed goods are different. The alleged infringer acted in good faith in registering and/or using his trademark. The infringed trademark registration is subject to non-use cancellation because it was not used for 3 consecutive years.

Copyrights: A fair use of the copyright work that does not conflict with the normal exploitation of the copyright work by its owner and does not unreasonably prejudice against the legitimate right of the owner is the key defence. The other defence normally raised by the alleged infringer is a reasonable recitation, quotation, copy, emulation or reference in part of and from the copyright work with an acknowledgement of the copyright ownership given.

27. Who can challenge each of the intellectual property rights described above?

Interested parties and the relevant IPR Offices can challenge the IPR.

28. When may a challenge to these intellectual property rights be made (e.g. during any registration process or at any time during the

subsistence of the right)?

The challenges can be raised during the application process and after the IPR registration.

29. Briefly, what is the forum and the procedure for challenging each of these intellectual property rights and what are the grounds for a finding of invalidity of each of these intellectual property rights?

Trademarks

Opposition:

An opposition can be filed against a trademark application on the ground that the trademark is confusingly similar to a prior registered trademark within 60 days of its publication in the Trademark Journal.

Cancellation:

- i. A petition for cancellation of a registered trademark for non-use can be filed with the TMB if such trademark was not used for three consecutive years prior to the filing of the cancellation petition. The burden of proof of the non-use is on the petitioner.
- ii. A petition for cancellation of a registered trademark can be filed with the TMB on the grounds of the trademark was registered in bad faith or lacked distinctiveness or was contrary to the public order or the good morality of the Thai people.
- iii. A person who has a better right in a registered trademark can file a lawsuit with the IPIT Court for cancellation of the registered trademark within 5 years from the date when the Registrar ordered its registration.

Patents

Opposition:

Any interested party is eligible to file an opposition against an invention patent application or an industrial design patent application within 90 days from the date of its publication in the Patent Journal. The grounds for opposition include lack of novelty, lack of inventive step, lack of industrial applicability, non-patentable subject

matter, the applicant is ineligible, and/or does not have the right to apply for a patent as an applicant.

Invalidation:

An interested party may file invalidation action to challenge the patentability of a patent application if the interested party missed the opportunity to file the formal opposition within 90-day period. He may also file an action with the IPIT Court for cancellation of a granted patent on the ground of lack of novelty.

30. Are there any other methods to remove or limit the effect of any of the intellectual property rights described above, for example, declaratory relief or licences of right?

The owners of the registered IPR have absolute rights to use their IPR without limitation. The rights to use the IPR can be limited through a license agreement where the IPR owners, as a licensor, license their IPR to a licensee.

31. What remedies (both interim and final) are available for infringement of each of the intellectual property rights described above?

Interim and permanent injunction orders against the infringing acts. Compensations for damages suffered by the IPR owner from the infringing acts. Seizure, confiscation and destruction of infringing goods. Cease and desist of the infringing activities.

32. What are the costs of enforcement proceedings and is any kind of costs recovery available for successful parties? Is there a procedural mechanism enabling or requiring security for costs?

Costs vary per the types and sizes of the proceedings, the complexity of facts and issues of the cases, the locations of the infringing acts, etc. Successful parties may be granted costs of enforcement proceedings at the sole discretion of the court. In general, parties are ordered to bear their own court fees and legal fees. A security for costs is not a practice.

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