

The Ministerial Regulation
(B.E. 2535 (1992))
Issued under the Trademark Act, B.E. 2534 (1991)¹

By virtue of the provision of Section 5 Section 11 Section 29 Section 30 Section 35 Section 40 Section 41 Section 43 Section 48 Section 51 Section 52 Section 54 Section 57 Section 59 Section 68 Section 71 Section 772 Section 80 Section 81 Section 86 Section 92 Section 94 of the Trademark Act B.E. 2534, the Minister of Commerce issues this Ministerial Regulation, as follows.

Chapter 1
General Provisions

Clause 1 In this Ministerial Regulation:

"Application" means an application to register a trademark, a service mark, a certification mark, a collective mark and all other applications and the meaning shall cover objections, counter-objections and other petitions.

"Certificate" means a certificate of registration of a trademark, a certificate of registration of a service mark, a certificate of registration of a certification mark and a certificate of registration of a collective mark.

"Register" means the register of trademarks, the register of service marks, the register of certification marks and the register of collective marks.

Clause 2² All application forms shall be as prescribed by the Director-General.

In filling the information in the applications form, it shall be in Thai language in full by using typewriter or printer, and the applicant shall also subscribe his signature thereon.

The application form shall be submitted to the Registrar at the Department of Intellectual Property, Ministry of Commerce, or the Provincial Commercial Office, or other work unit designated by the Director-General, or by registered reply post addressed to the Registrar, Department of Intellectual Property, Ministry of Commerce, or by any other method prescribed by the Director-General, together with fees therefore, except prescribed otherwise by other provisions herein.

¹ Published in Governmental Gazette, Vol.109, Part 23, page 1, dated 17 March 1992

² Clause 2 amended by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued under Trademark Act, B.E. 2534 (1991)

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In the event of sending the application form by registered reply post under paragraph three, it shall be regarded that the day the application form reaches the Department of Intellectual Property is the date of submission thereof.

Clause 3 In the case where it is necessary to attach an identity card with the application,

(1) if the applicant is a natural person, a photocopy of the citizens identity card or other identity card issued by the official authority, an Alien Identity Certificate or a passport may be used;

(2)³ If the applicant is a juristic person, a photocopy of the juristic person's updated certification document issued within the previous six months by the person duly authorized to certify the document shall be used, unless it is a juristic person established under a foreign law who has submitted documents under clause 5, with the certification message that it is a juristic person incorporated overseas.

Clause 4 With regard to the submission of an application which is done by an agent or an authorized person, a photocopy of the letter of appointment of the agent or the letter of power of attorney and the identity card of the agent or the authorized person shall be attached as well.

Clause 5 Certification of signatures or certification of appointment of an agent or granting of power made overseas shall be as below:

(1) If it is the certification of signatures only, the authorized officer of the Thai embassy or Thai consul who is based in the country where an agent is appointed or power is granted, shall be the person making the certification.

(2) If it is certification of signatures or certification of appointment of an agent, or granting of power, the head of an office under the Ministry of Commerce, who is based in the country where an agent is appointed or power is granted, a notary public, or a person specified by the local laws to be authorized to act as a witness in the documents, shall be the person making the certification.⁴

In the case where the letter of appointment of the agent or assignment of attorney under paragraph one was done in Thailand and the person appointing the agent or the

³ Clause 3(2) amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁴ Clause 5 paragraph one amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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person assigning power of attorney is not resident in Thailand, a photocopy of the passport or a photocopy of the letter of certification of temporary residence or other evidence which shows the Registrar that at the time of appointment of the agent or the assignment of power of attorney that person was really in Thailand.

Clause 6 With regard to the sending of original documents in support of applications, if it is a case of submission of several applications at the same time by the same applicant, the documents in support of the first application must be originals. As for the other applications, photocopies of the said documents shall be sent, with a statement specified the application number that the original documents are attached.

Clause 7 With regard to the sending of duplicates or photocopies of documents in support of applications, the applicant shall certify that those duplicates or photocopies are true copies.

Clause 8 With regard to the sending of documents in support of an application which are in a foreign language, the applicant shall translate into Thai certified by the translators as being true translations.

Clause 9⁵ Certificates and substitutes of certificates shall be in the forms annexed hereto as follows:

(1) Form Kor. Mor.1 shall be used for the certificate of registration of a trademark or service mark;

(2) Form Kor. Mor.2 shall be used for the certificate of registration of a certification mark;

(3) Form Kor. Mor.3 shall be used for the certificate of registration of a collective mark;

(4) Form Kor. Mor.4 shall be used for the substitute of a certificate of registration of a trademark or service mark;

(5) Form Kor. Mor.5 shall be used for the substitute of a certificate of registration of a certification mark; and

(6) Form Kor. Mor.6 shall be used for the substitute of a certificate of registration of a collective mark.

⁵ Clause 9 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Chapter 2 Trademarks

Part 1 Application for Registration

Clause 10⁶ When applying for registration, the applicant shall submit an application form and attach his or her identity card.

Clause 11⁷ The graphical representation of the trademark shown in the application for registration must be clear.

If the trademark for which registration is sought is a combination of colors, the applicant shall describe the colors contained in the trademark, and how each of the colors is positioned.

If the trademark for which registration is sought contains shapes or configurations of an object, the trademark shall show all essential shapes or configurations of the object. The applicant may also describe the shape or configuration of that object.

Clause 11*bis*⁸ If the trademark for which registration is sought is a sound or contains sound as an element, the applicant shall clearly describe that sound and submit a clear recording of the sound for which registration is sought. The applicant may also submit musical notes, sound graphs, or any other things that show the characteristics of that mark.

Clause 12 If the trademark which is applied for registration is in a foreign language, its pronunciation and meaning shall be stated in Thai as well, unless that foreign language text is not capable of being translated. The applicant shall certify in the application for registration that the pronunciation and translation are correct.

If the trademark for which registration is sought is in the Chinese language, the pronunciation of that trademark shall be written out in Mandarin and Teochew Chinese.⁹

⁶ Clause 10 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁷ Clause 11 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁸ Clause 11*bis* amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁹ Clause 12 paragraph two added by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 12*bis*¹⁰ In case the applicant for registration of trademark wishes to exercise the rights under Section 28*bis*, he shall submit the application for registration and the application for exercising the rights under Section 28*bis* by attaching thereto the following documents or evidences:

(1) evidences showing that the applicant for registration has brought the good(s) bearing trademark applying for the registration for display in an international exhibition;

(2) In the case that the Thai Government is the party certifying the organizing of the said international exhibition, the certificate of organizing international exhibition issued by the Government of Thailand. In the case that the authority, state enterprise or any other government unit is the party organizing the international exhibition, the certificate of organizing international exhibition issued by a work unit of the authority, state enterprise or any other government unit of Thailand, or of member countries to the convention or international agreement on protection of trademark to which Thailand is a member;

(3) copy of application for registration of trademark already submitted abroad for the first filing , which has duly been certified correct by the person with duty to effect the registration of trademark in such country (if any);

(4) copy of translation of documents under (1), (2) and (3) in case the said documents are in foreign language.

The international exhibition under paragraph one means an exhibition organized with the objective of displaying or proposing the goods for sale to persons attending the exhibition, and there are participants in the said exhibition from two countries or more.

Clause 12*ter*¹¹ If documents and evidences under section 12*bis* cannot be submitted together with the application form for registration, the applicant shall send a request for an extension in accordance with the form promulgated by the Director-General, and apply for registration and the exercise of rights under Section 28*bis*. In this case, the Registrar shall have the authority to allow an extension for a period not exceeding 60 days from the date of submission of the application for registration.¹²

In case the applicant for registration fails to send the documents or evidences within the period specified in paragraph one, the Registrar shall continue considering the said application for registration, by regarding that the applicant for registration does not wish to exercise the rights under Section 28*bis*.

¹⁰ Clause 12*bis* added by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued under Trademark Act, B.E.2534 (1991)

¹¹ Clause 12*ter* added by Ministerial Regulation No.4 (B.E. 2543 (2000)) Issued under Trademark Act, B.E. 2534 (1991)

¹² Clause 12*ter* paragraph one amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 12^{quarter}¹³ Regarding specification of the list of good(s) in the application, the applicant shall separately specify the list of good(s) for which protection is sought, based on the class of goods, in accordance with the Ministry of Commerce's Notification.

Clause 13¹⁴ To apply for an amendment to the particulars in the application for registration, the following actions shall be taken:

(1) in the case of a minor amendment to the trademark, an application form showing the trademark for which amendment is sought shall be submitted;

(2) in the case of amendment of other registration particulars, an application form shall be filled together with at least one copy of each documents, and evidences of the amendment of the particulars.

Clause 14¹⁵ If the applicant wishes to amend any material part of the trademark for which registration is sought, or wishes to make additions to the list of goods, the applicant shall submit a new application for registration.

Clause 15¹⁶ Regarding the publication of application for registration, the Registrar shall do so by publishing it in the "Publication of Application for Registration" and shall also paste such publication at a public place at the Department of Intellectual Property, Ministry of Commerce.

Clause 16 With regard to publication under Clause 15, the following particulars shall be displayed:

(1) application number and the date of submission of the application;

(2)¹⁷ trademark;

(3) class(es) and list of good(s)

(4) name of the applicant and his/her agent, if any;

(5) conditions or restrictions, if any;

(6) date of the publication;

(7) other particulars deemed appropriate by the Registrar

¹³ Clause 12^{quarter} added by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

¹⁴ Clause 13 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

¹⁵ Clause 14 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

¹⁶ Clause 15 amended by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued Under Trademark Act, B.E.2534 (1991)

¹⁷ Clause 16(2) amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 17¹⁸ Regarding the publication of an order cancelling the order for publication of an application form for registration, the Registrar shall act in accordance with clause 15.

Clause 18 With regard to the publication of the cancellation of an order under Clause 17, the following particulars shall be displayed:

- (1) application number;
- (2) date of publication of the application for registration;
- (3) date on which the Registrar issued the order of cancellation, together with the reasons for cancellation;
- (4) other particulars deemed appropriate by the Registrar.

Part 2

Transfer or Inheritance of the Rights in an Application for Registration

Clause 19 With regard to the transfer of the rights in an application for registration, the following shall be complied with:

(1) in case where either the transferor or the transferee wants to apply to transfer the rights in an application for registration, the transferor or the transferee shall submit an application as well as attach the following documents:

- (A) the transfer agreement signed by the transferor and the transferee;
- (B) the identity cards of the transferor and the transferee.

(2) in the case where transferor and the transferee jointly submit an application to transfer the rights in an application for registration, by sign their names before the Registrar, the transferor and the transferee shall attach the documents under (1) (B) to that application.

Clause 20 With regard to the inheritance of the rights in an application for registration in the case where the applicant died intestate or no interested person has submitted a petition to the court to appoint an administrator for the applicant's estate, the heir applying to inherit the estate shall submit an application as well as attach the following documents or evidences:

- (1) a photocopy of the death certificate or any documents or evidences which shows that the applicant has passed away;
- (2) a letter from the heir applying to inherit the estate which confirms that:

¹⁸ Clause 17 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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- (A) the deceased died intestate;
- (B) no one has submitted a petition to the court to appoint an administrator for the applicant's estate;
- (C) the total number of heirs and the relationship between the deceased and the heirs of the deceased;
- (3) an agreement among the heirs on the division of the assets which are connected with the trademarks of the deceased, as well as evidence of being heirs;
- (4) the identity card of the heir applying to inherit the estate.

Clause 21 With regard to inheritance of the rights in an application for registration in the case where there is an estate administrator, in accordance with a court order or in the case where the applicant for registration had made a will leaving the rights in the application to any particular person, the estate administrator or the recipient of the will to those rights shall submit an application as well as attach the following documents or evidences:

- (1) a photocopy of the death certificate or any documents or evidences which shows that the applicant has passed away;
- (2) a photocopy of the will or a duplicate copy of the court order appointing the estate administrator;
- (3) the identity card of the estate administrator or of the recipient of the will.

Clause 22¹⁹ (Repealed)

Part 3 Registration

Clause 23 When the Registrar issues an order for registration of any particular case, a registration number shall be issued and the register shall be prepared with the following particulars:

- (1) application number and the date of submission of the application;
- (2) registration number and the date of registration;
- (3) date of publication of the application for registration;
- (4) name, nationality, address and occupation of the trademark owner;
- (5) name, nationality, address and occupation of the agent;
- (6) office or place of contact in Thailand;

¹⁹ Clause 22 repealed by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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- (7)²⁰ trademark;
- (8) class(es) and list of good(s);
- (9) conditions, restrictions and disclaim in accordance with Section 17;
- (10) period of validity of the registration, the date of commencement and the date of expiry of the registration;
- (11) other particulars which are, deemed appropriate by the Registrar.

Part 4

Objections to Registration and Counter-Objections

Clause 24 With regard to objections to registration, the objector shall submit an objection together with the following documents or evidences:

- (1) a photocopy of the objection;
- (2) his/her identity card;
- (3) documents or evidences in support of the objection.

Clause 25 With regard to counter-objections to registration, the applicant for registration shall submit a counter-objection together with attach the following documents or evidences:

- (1) photocopies of the counter-objection according to the number of objectors;
- (2) documents or evidences in support of the counter-objection.

Clause 26 If the documents and evidence ancillary to the opposition under clause 24(3) or the counterstatement under clause 25(2) cannot be submitted, the opposer or the applicant shall prepare a request for an extension, and submit it together with the opposition or the counterstatement. The applicant may apply for extension up to, but no more than, 60 days from the date of submitting a request for an extension.²¹

In a case where the objector or the applicant for registration fails to send the documents or evidences within the deadline under paragraph one, the Registrar shall consider the application for registration without having to wait for the said documents or evidences.

²⁰ Clause 23(7) amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

²¹ Clause 26 paragraph one amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Part 5
Registration in Favor of an Objector

Clause 27 In a case where the objector has submitted an application for registration of a trademark which is the same as or similar to the trademark which he/she is objecting to and a final ruling or judgment or order has been issued that the objector has a greater right to use of the trademark, the Registrar shall register in favor of the objector in accordance with Clause 23 without having to publish the objector's application again.

Clause 28 The Registrar shall publish the acceptance of registration of the objector at a public place at the Department of Intellectual Property, Ministry of Commerce, by showing the following particulars:²²

- (1) brief information on the application for registration by the original applicant for registration;
- (2) brief information on the objection by the objector and the reasons for the objection;
- (3) the following information on the application for registration by the objector:
 - (A) name of the objector;
 - (B) application number and the date of submission of the application;
 - (C)²³ trademark of the objector;
 - (D) class(es) and list of good(s) submitted for registration with the trademark.
- (4) the result of the final ruling, judgement or order connected with that objection.

Part 6
Certificates and Substitute Certificates of Registration

Clause 29²⁴ If the certificate is materially damaged or lost, the trademark owner may apply for substitute of the certificate by submitting an application form attached with the damaged certificate or a letter from the trademark owner or its agent confirming that the certificate is lost.

²² Clause 28 paragraph one amended by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued under Trademark Act, B.E.2534 (1991)

²³ Clause 28(3)(c) amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

²⁴ Clause 29 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 30 The issuance of a substitute certificate, regardless of what the case may be, shall be held to have the effect of cancelling the original certificate.

Clause 31 After the Registrar has issued a certificate or a substitute certificate for any case, that certificate or substitute certificate shall be sent to the applicant for registration at the office or place of contact in Thailand by AR Registered Mail or handed to the applicant for registration or his/her agent or the authorized person who comes to collect it.

Part 7

Transfer or Inheritance of the Rights to a Trademark

Clause 32 With regard to the transfer or inheritance of the rights to a registered trademark, Clause 19, Clause 20 and Clause 21 shall be applied *mutatis mutandis*, and the certificate shall also be attached.

Clause 33²⁵ After the Registrar has issued an order that an assignment or inheritance of rights to a trademark be registered, the Registrar shall record the registration in the register and issue a new certificate to the assignee. The previous certificate shall be cancelled.

Clause 33/1²⁶ For the assignment or inheritance of rights to trademark for some goods, if the Registrar has issued an order for registration, the following actions shall be undertaken:

- (1) record the registration in the register;
- (2) issue a registration number and prepare a new registration for the good(s) assigned or inherited;
- (3) issue a new certificate to the assignor and the assignee, and cancel the original certificate.

For the assignment or inheritance of rights under paragraph one, if a trademark license agreement has been registered, the Registrar shall also record the trademark license agreement in the register.

²⁵ Clause 33 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

²⁶ Clause 33/1 added by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Part 8 Amendments to Registration Particulars

Clause 34 Apart from that which has been provided for in Section 52, the owner of a registered trademark may apply for amendment to the registration particulars in the following matters:

- (1) cancellation of agent;
- (2) appointment or change of agent;
- (3) the nationalities, addresses and occupations of the persons licensed to use the trademark.

Clause 35²⁷ In applying to amend the registration particulars, the trademark owner shall submit an application form and attach one copy of each of the documents and evidence for each amendment of the particulars.

Clause 36²⁸ After the Registrar has registered an amendment of the particulars, the Registrar shall record the amendment in the register and notify the trademark owner in writing of the amendment.

Part 9 Renewal of Registration

Clause 37²⁹ In applying to renew the registration, the trademark owner shall submit an application form for renewal and separately specify the list of good(s) to be used with the trademark based on the class of goods.

Clause 38³⁰ (Repealed)

Clause 39³¹ If the Ministry of Commerce promulgates a notification changing the classes of goods, and if there are goods of different classes from those registered, the

²⁷ Clause 35 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

²⁸ Clause 36 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

²⁹ Clause 37 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³⁰ Clause 38 repealed by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³¹ Clause 39 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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trademark owner shall file an application form for registration renewal, and separately specify the list of good(s) to be used with the trademark, based on the class of goods, in accordance with the aforementioned notification of the Ministry of Commerce.

Clause 40³² After the Registrar has approved the renewal of the registration, the Registrar shall record the renewal in the register and issue the renewed certificate of registration to the trademark owner.

Part 10 Cancellation of Registration

Clause 41 The owner of a registered trademark may apply for cancellation of his/her own trademark by means of submitting an application to the Registrar together with attaching the certificate and the following documents or evidences:

(1) his/her identity card

(2)³³ If trademarks are licensed, all trademark license agreements shall be specified and attached with the consent of the licensees that the registration of the trademarks may be canceled, unless the agreements specify otherwise.

Clause 42³⁴ Upon the Registrar having permitted the withdrawal of any registration, he shall record the withdrawal in the register and shall also cancel the certificate and publish the said withdrawal at a public place at the Department of Intellectual Property, Ministry of Commerce.

Clause 43 With regard to a publication of a registration that will be revoked under paragraph three of Section 59, the Registrar shall proceed in accordance with Clause 15.

The publication under paragraph one shall show the following particulars:

(1) application number and the registration number of the trademark;

(2) names of the trademark owner and the agent;

(3) office or registered place in Thailand;

(4) facts which lead the Registrar to believe that the trademark owner or the agent has closed the office or registered place in Thailand;

(5) other particulars as deemed appropriate by the Registrar.

³² Clause 40 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³³ Clause 41(2) amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³⁴ Clause 42 amended by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued under Trademark Act, B.E.2534 (1991)

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Clause 44 After the Registrar has ordered the cancellation of a registration, the particulars of the cancellation shall be recorded in the register and it shall be held that the certificate which had been issued is cancelled.

The order of cancellation under paragraph one shall be published at a public place at the Department of Intellectual Property, Ministry of Commerce.³⁵

Part 11

Application for Registration of a Trademark Licensing Agreement

Clause 45 In applying to register a trademark license agreement, the trademark owner and the applicant who is the licensee shall file an application form together with the trademark license agreement signed by the trademark owner and the applicant who is the licensee.³⁶

An application under paragraph one, apart from having to show the particulars under paragraph three (1) and (2) of Section 68, shall indicate that the applicant for registration as the licensee has the exclusive or sole right to use that trademark or that the trademark owner may permit other persons to use that trademark as well.

Clause 46³⁷ After the Registrar has ordered the registration of a trademark license agreement, the Registrar shall record the registration of the agreement in the register and return the trademark license agreement to the trademark owner.

Part 12

Amendments to the Registration Particulars of a Trademark Licensing Agreement

Clause 47³⁸ In applying for an amendment of a registered trademark license agreement, the trademark owner and the licensee shall jointly file an application form clearly specifying the amended parts, and attach the amended trademark license agreement signed by the trademark owner and the licensee.

³⁵ Clause 44 paragraph two amended by Ministerial Regulation No.4 (B.E.2543 (2000)) Issued under Trademark Act, B.E. 2534 (1991)

³⁶ Clause 45 paragraph one amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³⁷ Clause 46 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

³⁸ Clause 47 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 48³⁹ After the Registrar has ordered the registration of an amendment to the registered trademark license agreement, the Registrar shall record the amendment in the register and return the trademark license agreement to the trademark owner.

Part 13

Cancellation of Registration of a Trademark Licensing Agreement

Clause 49⁴⁰ In applying for cancellation of a registration of a trademark license agreement under paragraph one of section 72, the trademark owner and the licensee shall jointly file an application form attached with the trademark license agreement.

Clause 50 With regard to application for cancellation of registration of a trademark licensing agreement under paragraph two of Section 72, the trademark owner or the licensee shall submit an application as well as attach documents showing that the trademark licensing agreement has ended.

Clause 51 With regard to application for cancellation of registration of a trademark licensing agreement under paragraph three (1) and (2) of Section 72, the following shall be complied with:

(1) In the case where an interested party is the petitioner, the application shall be submitted to the Registrar together with the reasons for petitioning for cancellation of the trademark licensing agreement. After the Registrar has received the application, the application shall be presented to the Board;

(2) In the case where the Registrar is the petitioner, the Registrar shall submit the application to the Board together with the reasons for petitioning for cancellation of the trademark licensing agreement.

Clause 52⁴¹ After the Registrar has ordered the cancellation of the registration of a trademark license agreement under Clause 49, the Registrar shall record the cancellation in the register and the trademark license agreement, and then return the trademark license agreement to the trademark owner.

³⁹ Clause 48 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁴⁰ Clause 49 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁴¹ Clause 52 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 53⁴² Where an order of the Registrar, or an appeal decision of the Board, becomes final under section 74, or an order of the Board becomes final under section 75, or the court has issued a final judgement that the registration of a trademark license agreement be canceled, the Registrar shall demand that the trademark owner submit the trademark license agreement, and shall register the cancellation in the register and the trademark license agreement, and then return the trademark license agreement to the trademark owner.

Chapter 3 Service Marks and Certification Marks

Clause 54 The provisions in Chapter 2 Trademarks shall be applied to service marks, *mutatis mutandis*, and the word "goods" in the said chapter shall include "services".

Clause 55 The provision of Part 1 to Part 10 of Chapter 2 Trademarks shall be applied to certification mark, *mutatis mutandis*.

Clause 56⁴³ In applying to register an amendment to the regulations governing the use of certification marks, the certification mark owner shall file an application form and the following documents or evidence:

- (1) amended regulations governing the use of certification marks, or only the amended parts from the original regulations;
- (2) documents or evidences showing the ability to give certify under the regulations for which amendment is sought; and
- (3) documents or evidences or clarification showing that the amendment of the regulations will not affect the public interest.

Clause 57⁴⁴ After the Registrar has registered an amendment to the regulations governing the use of certification mark, the Registrar shall record the amendment to the regulations in the register, and publish the essential elements of the amended regulations and give written notice thereof to the certification mark owner.

⁴² Clause 53 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁴³ Clause 56 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

⁴⁴ Clause 57 amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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Clause 58 With regard to application for permission to transfer the rights and application for registration of transfer of the rights to a certification mark, the transferor shall submit an application together with attach the following documents or evidences:

(1) the certificate;

(2) the agreement on the transfer of the rights to the certification mark signed by the transferor and the transferee or other documents or evidences showing the transfer of those rights;

(3) a letter certifying the ability of the transferee as well as the criteria and the procedures for guaranteeing the characteristics of the goods or the services as stated in the rules and regulations governing the use of the certification mark.

(4) the identity cards of the transferor and the transferee.

After the Registrar has issued an order approving the transfer of rights under paragraph one, the Registrar shall register the transfer of rights to the certification mark and record the registration in the register and issue a new certificate to the transferee. The previous certificate shall be cancelled.⁴⁵

Chapter 4 Collective Marks

Clause 59 The provision of Part1 to Part 10 of Chapter 2 Trademarks shall be applied to collective marks, *mutatis mutandis*.

Clause 60 With regard to application for registration of collective marks, an application shall be submitted by the following persons:

(1) In the case of a collective mark which is used or will be used by a group of persons or juristic persons, such that the group is combined in a manner that does not create a new juristic person separate from the original persons or juristic persons, the application may be submitted by all or any of the persons or juristic persons in the group. If it is a case of submission of an application by any of the persons or juristic persons in the group, the person(s) applying for registration shall state which person(s) or juristic person(s) use(s) or will use that collective mark.

(2) In the case of a collective mark which is used or will be used by the members of an association, a cooperative, a union, a federation, a group of persons or any other

⁴⁵ Clause 58 paragraph two amended by Ministerial Regulation No. 5 (B.E. 2560 (2017)) Issued under the Trademark Act, B.E. 2534 (1991)

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organization of the state or the private sector, that association, cooperative, union, federation, group of persons or any other organization of the state or the private sector shall be the person to submit the application for registration and the applicant for registration shall state whether the collective mark the registration of which is being applied for, is used or will be used by all the members or only by specified member(s).

With regard to application for registration under paragraph one, documents or evidences or explanation showing the relationship between the persons with the right to use that collective mark shall be attached.

Clause 61 With regard to application for amendment to registration particulars connected with a collective mark, application for renewal of a collective mark and application for cancellation of a collective mark, the joint applicant for that collective mark shall be the person to submit the application to the Registrar. In the case where the applicant is a person in the Clause 60 (1) and that person is unable to proceed, a majority of the persons in the group who have the right to use the collective mark may assign in writing any person in the group to proceed on behalf of the original applicant for registration.

Given on the 13th day of March, 1992

Amaret Sila-on
(Mr Amaret Sila-on)
Minister of Commerce

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