

MINISTERIAL REGULATIONS

No. 21 (B.E. 2542)

Issued under the Patent Act B.E. 2522

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By virtue of the power granted under Sections 4, 17, 20, 33, 59 and 65 of the Patent Act B.E. 2522 and Sections 65 quarter, 65 quinquies and 65 decies of the Patent Act B.E. 2522 as amended by the Patent act (No.3) B.E. 2542, the Minister of Commerce hereby issues the Ministerial Regulations as follows:

Clause 1 The following shall be repealed:

- (1) Ministerial Regulations No. 11 (B.E. 2535) issued under the Patent Act B.E. 2522;
- (2) Ministerial Regulations No. 13 (B.E. 2535) issued under the Patent Act B.E. 2522.

PART 1

APPLICATIONS FOR PATENTS FOR INVENTIONS

Clause 2 In applying for a patent for an invention, the applicant shall file the application, in the form prescribed by the Director-General, with the competent officer or send the application by registered mail to the competent officer at any of the following places:

- (1) The Department of Intellectual Property, Ministry of Commerce;
- (2) Any provincial commercial office or governmental office prescribed by the Director-General.

The application under the first paragraph shall be filed together with a description of the invention, claims and an abstract. And if it is necessary for the better understanding of the invention, the applicant shall also submit drawings together with the application.

For the purpose of this Clause, in the case where the claimed invention relates to a new microorganism, a description shall mean a certificate of deposit of such microorganism and/or a document describing the nature and characteristics of such microorganism issued by any one of the genebanks announced from time to time by the Department of Intellectual Property

The applicant shall submit the documents prescribed in the second paragraph in triplicate or in such number as may be prescribed by the Director-General but not exceeding five copies. In the case where the applicant is required to submit any document other than stated above, the applicant shall submit such document in the same number of copies, except it is permitted by the Director-General

Clause 3 The description shall state the title of the invention as it appears in the application and shall:

- (1) state the nature and purposes of the invention;
- (2) specify the technical field to which the invention relates;
- (3) indicate the related background art which can be regarded as useful for the understanding, searching and examination of the invention and cite the relevant documents, if any;
- (4) disclose the invention in a full, clear and concise manner in terms that will enable a person of ordinary skill in the art to which it pertains to make and use the invention;
- (5) briefly describe the figures in the drawings, if any;
- (6) set forth the best mode contemplated by the inventor for carrying out the invention by providing, where necessary, examples, the related background art and drawings;
- (7) show in what way the invention is applicable in industry, handicrafts, agriculture or commerce if that is not obvious from the nature of the invention.

The manner and order specified in the preceding paragraph shall be followed except when a different order would result in a better understanding but in every case the appropriate heading shall be given.

Clause 4 Claims shall state in clear and concise manner, consistent with the description under Clause 3, those features of the invention for which protection is sought.

If there are drawings, the claim may refer to a technical features of the invention by stating the reference number or symbol indicated in the drawings in the parenthesis following the statement describing such technical feature

If a single claim cannot adequately cover all the technical features of the invention, two or more independent claims of the same category may be made in a single application

Dependent claims, if desired, shall follow the independent claim and shall state the additional features claimed. References to independent or dependent claims shall be made in the alternative only.

For the purpose of this clause, an independent claim shall mean a claim which does not refer to features contained in other claims and dependent claims shall mean those which, while including additional features, refer to features contained in independent claims or in other dependent claims

Clause 5 An application containing claims as described below shall be construed as relating to a single invention:

(1) in addition to an independent claim for a product for which protection is sought, other independent claims setting forth the process a manufacture and use of the product.

(2) In addition to an independent claim for a process for which protection is sought, claims for the means and/or apparatus for carrying out process

Clause 6 The abstract shall, in accordance with rules prescribed by the Director-General, consist of a summary of the disclosure as contained in the description, claims and any drawings, if any; and the summary shall briefly indicate each main technical feature and shall be drafted in a way which allows better understanding of the technical problem and its solution through the invention and the use of the invention.

Clause 7 The drawings shall be clear, consistent with the description and in compliance with the principles on drawings.

For the purpose of this Clause, drawings shall also mean plans and charts

Clause 8 In an application for a patent for an invention the essential features or particulars of which have been disclosed at an international exhibition or official exhibition or at an exhibition in Thailand sponsored or authorized by a government agency, the applicant shall set forth the date of the disclosure, and/or date of the opening of the exhibition The applicant shall file together with the application a certificate issued by government, service or authority responsible for organizing or

authorizing the exhibition, as the case may be, stating the essential features or particulars of the invention were disclosed or that the invention was displayed.

The certificate under the first paragraph shall also state the opening date of the exhibition and the date of disclosure or display.

Clause 9 An application in respect of inventions for which a foreign application for a patent or petty patent has been made shall contain the following information:

- (1) the filing date of the application for a patent or petty patent;
- (2) the number of the application;
- (3) the symbol, if any, of the International Patent Classification which has been allocated to the application;
- (4) the name of the country and receiving office where the application for a patent or petty patent was filed;
- (5) the date of each request for a search or examination and the name of the country and office where the request was filed;
- (6) the result of the search or examination in the event a report or result has been received from the office or institution that did the search or examination;
- (7) the status of the application as required in the application form. If a patent or petty patent granted, the number of such patent or petty patent shall also be indicated.

Clause 10 In applying for a patent for an invention for which a patent or petty patent has been applied in a foreign country within twelve months following the first filing date in the foreign country and the applicant desires to claim the first foreign filing date as the filing date in the country under Section 19 bis, the applicant shall submit another application in the form prescribed by the Director-General at the time of the application or before the publication of the application which shall be not later than sixteen months following the first foreign filing date. In such a case, the applicant shall also submit a copy of the application for a patent or petty patent filed in the foreign country which indicates the filing date and the details of the application and is certified by the patent office where the application was filed.

Clause 11 An inventor who does not wish his name to be revealed in the publication of an application or in the patent may so notify the Director-General at least thirty days prior to publication of the application or issue of the patent, as the case may be.

Clause 12 All applications and documents submitted with the application shall

- (1) contain all the information, accurate, clear and complete, required by the forms;
- (2) be printed or typed in Thai including descriptions, claims and abstracts;

In the case where the applicant has filed an application for a patent or petty patent in a foreign country, the applicant may request to submit the description of the invention, claims and abstract in the foreign language of the original application. In such a case, the applicant shall submit the description of the invention, claims and abstract in Thai which is accurate and corresponding to the original application within ninety days following the filing of the application.

If the applicant fails to submit the document in Thai within the prescribed period, he shall be regarded to have filed the application on the date on which the document in Thai is submitted.

(3) be signed by the applicant, opposer, respondent or appellant, as the case may be, or by the registered agent in the event a power of attorney has been granted under Clause 11 or 12

Clause 13 Where the applicant, opposing party, respondent or appellant is not a resident of Thailand, he shall appoint an agent registered with the Director-General to act for him in the country. The power of attorney shall be filed with the Director-General.

The power of attorney under the preceding paragraph shall be certified by the Thai diplomatic representative, commercial counselor, trade commissioner, commercial attach or consul of such country or be certified by an officer empowered by the law of the country in which the grantor resides to certify signatures.

Clause 14 If an applicant resident in the country wishes to be represented by an agent, he may appoint only an agent registered with the Director-General.

Clause 15 Any power of attorney or certification under clause 13(1) in a foreign language shall be accompanied by a Thai translation certified by the translator and agent to be accurate translation of such power of attorney and certification.

Clause 16 If the applicant wants to amend his application for a patent which does not enlarge the scope of the invention, he shall make a request before the publication of the application, except it is authorized by the Director-General.

PART 2

APPLICATIONS FOR PATENTS FOR DESIGNS

Clause 17 An application for a design patent shall be filed together with a representation of the design and a claim.

Clause 18 Applications shall be on the forms prescribed by the Director-General and shall:

- (1) state the number of design representations, and
- (2) designate the product for which the industrial design is to be used and its class under the classification published by the Minister.

Clause 19 The representation may consist of photographs or drawings which shall show all the features of the product for which protection is sought.

The representation shall be in black and white or if the design is in color, the representation shall also be in color.

Clause 20 A description of the design, not exceeding one hundred words, may be included with the application.

Clause 21 Only one claim shall be made in each application.

Clause 23 Clauses 2 paragraphs one and four, Clause 4 paragraph one, Clauses 7, 9, 11, 12, 13, 14, 15 of Part 1 on Applications for Patents for Invention shall apply, mutatis mutandis, to design applications.

PART 3

APPLICATIONS FOR PETTY PATENTS

Clause 24 Clause 1 to 16 of Part I on Applications for Patents for Inventions shall apply, mutatis mutandis, to applications for petty patents.

Clause 25 The number of claims in each application for a petty patent shall not exceed ten claims.

PART 4

FORMS OF PATENTS AND PETTY PATENTS

Clause 26 Patents for inventions shall be in Form PI/200-B attached to the Ministerial Regulations

Clause 27 Patents for designs shall be in Form PD/200-B attached to the Ministerial Regulations.

Clause 28 Petty patents for designs shall be in Form PP/200-B attached to the Ministerial Regulations.

Given on September 24, 1999

(sign) Paitoon Kaewtong

(Mr.Paitoon Kaewtong)

Deputy Minister of Commerce

Acting for the Minister of Commerce

(Government Seal)

Patent for Invention

By virtue of the power granted under the Patent Act B.E. 2522, the Director-General of the Department of Intellectual Property issues this Patent to:

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for the invention of which the description, claims, and drawings (if any) are herein contained:

Application Number
The Filing Date of the Application
The Name of the Inventor
The Title of the Invention

The patentee shall have all the rights and obligations under the Law on Patents.

Issuance Date

Expiry Date

(Signed)

Director-General, Department of Intellectual Property

Issuing Officer

SEAL

Competent Officer

DESCRIPTION

CLAIMS

DRAWINGS (IF ANY)

(Government Seal)

PD/200-B

Patent for Design

By virtue of the power granted under the Patent Act B.E. 2522, the Director-General of the Department of Intellectual Property issues this Patent to:

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for the product design of which the claim and design representations are herein contained:

Application Number
The Filing Date of the Application
The Name of the Creator
The Title of the Design

The patentee shall have all the rights and obligations under the Law on Patents.

Issuance Date

Expiry Date

(Signed)

Director-General, Department of Intellectual Property

Issuing Officer

SEAL

Competent Officer

DESIGN REPRESENTATIONS

CLAIM

(Government Seal)

PP/200-B

Petty Patent

By virtue of the power granted under the Patent Act B.E. 2522 as amended by the Patent Act (No.3) B.E. 2542, the Director-General of the Department of Intellectual Property issues this Petty Patent to:

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for the invention of which the description, claims, and drawings (if any) are herein contained:

Application Number
The Filing Date of the Application
The Name of the Inventor
The Title of the Invention

The owner of this petty patent shall have all the rights and obligations under the Law on Patents.

Issuance Date

Expiry Date

(Signed)

Director-General, Department of Intellectual Property

Issuing Officer

SEAL

Competent Officer

DESCRIPTION

CLAIMS

DRAWINGS (IF ANY)