

NOTIFICATION OF TOTAL PROVISIONAL REFUSAL OF PROTECTION

Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I. Office making the notification:

Department of Intellectual Property of Thailand

II. Number of the international registration:

1614895 (ENN,36/2021)

National application No.

210136818

III. Name of the holder:

Comit? International Olympique

IV. Information concerning the type of provisional refusal:



Total provisional refusal based on an ex officio examination



Total provisional refusal based on an opposition



Total provisional refusal based on both an ex officio examination and an opposition

Where the refusal is based on an opposition, please indicate the name and address of the opponent:

(i) Name of the opponent:

(ii) Address of the opponent:

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services. Please note that if there is no response to a provisional refusal within time limit, the Registrar shall further proceed for publication and granting a protection for the registrable remaining goods and services in accordance with the Ministerial Regulations Re: Registration of Mark under The Madrid Protocol B.E.2560(2017), Clause25(1).

VI. Grounds for refusal [(where applicable, see item VII)]:

- The following lists of goods/services in this application do not comply with the Thailand Trademarks Act (No. 3) B.E.2559, section 9 because of broad/vague identification.

The applicant shall clarify with more concise or precise words/ texts, but not to broaden beyond those terms in the original application.

Broad/Vague identification

Class 9

“Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for sound, image or data recording, transmission, reproduction or processing; downloadable or recorded media, software, blank digital or analog recording and storage media; mechanisms for coinoperated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, diving masks, earplugs for diving, nose clips for divers and swimmers, diving gloves, breathing apparatus for underwater swimming; fire-extinguishing apparatus; recorded content; media content; software including game software, application software including communication, networking and social networking software, data and file management software and database software, media and publishing software, office and business applications; artificial intelligence and machine learning software; software for monitoring, analyzing, controlling and running physical world operations; system software and system support software; firmware and device drivers, operating systems, utility, security and cryptography software; Web application and server software including e-commerce and e-payment software; communication apparatus such as computer networking and data communication equipment, point-to-point communication apparatus, broadcasting apparatus, antennas being communication apparatus; data storage devices and media; duplication apparatus such as photocopiers, image scanners, printers; calculators, ticket dispensers, payment terminal apparatus, cash dispensers and money sorting devices, including mechanisms for coin-operated apparatus; peripherals adapted for use with computers and other smart devices; computers and computer hardware; computer components and parts; audio/visual and photographic devices, including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices; interface cables for information (IT), audiovisual (AV) and telecommunications technologies; magnets, magnetizers and demagnetizers; scientific and laboratory apparatus for treatment using electricity; apparatus and instruments for accumulating and storing electricity, apparatus and instruments for controlling electricity, photovoltaic apparatus for producing electricity; electrical and electronic components including electric cables and wires, electrical circuits and printed circuit boards, antennas as components; optical apparatus, amplifiers and correctors, including optical amplifiers, lasers, spectacles [optics], sunglasses and contact lenses; corrective eyewear, sunglasses; safety, security, protection and signaling apparatus, including alarms and warning equipment, access control devices, signalling apparatus, clothing for protection against accidents and fire; diving equipment, namely, diving helmets, weight belts for diving, diving suits, diving suits, gloves for divers, diving goggles, divers' masks, ear plugs for divers, diving

snorkels; navigation, guidance, tracking, targeting and map making devices; measuring, detecting, monitoring and controlling devices, including testing and quality control devices, measuring devices including time measuring instruments (except clocks and watches), weight measuring instruments, distance and dimension measuring instruments, speed measuring instruments, temperature measuring instruments, electricity measuring instruments; controllers, voltage and power regulators; data recorders; sensors, detectors and monitoring instruments; scientific, research and laboratory apparatus; educational simulators.”

Class 14

“Precious metals and their alloys; jewelry, precious and semiprecious stones; timepieces and chronometric instruments; precious stones, pearls and precious metals; jewelry articles; time measuring instruments; coins, commemorative coins, non-monetary coins, statues and figurines, made of or coated with precious or semi-precious metals or precious stones; jewelry boxes and watch boxes; key rings and key chains and charms thereof.”

Class 16

“Paper and cardboard; printing products (printed matter); stationery and office requisites (excluding furniture); adhesives for stationery or household purposes; drawing materials and materials for artists; instructional material except apparatus; plastic sheets, films and bags for packaging and wrapping; printing type, printing blocks; works of art, figurines of paper and cardboard, architects' models; decoration and art materials and media, including artistic, craft and modelmaking equipment; bags and articles for packaging, wrapping and storage of paper, cardboard or plastic; stationery and educational supplies, including writing and stamping instruments, correcting and erasing instruments; printing and bookbinding apparatus and machines (office equipment); printed educational materials, printed educational media; photo albums and collectors' albums; printed matter including books; paper and cardboard including paper and cardboard for industrial use; disposable pads of paper or cellulose for house training pets, bags of paper for disposable diapers, disposable napkins of paper.”

Class 18

“Leather and imitations of leather; luggage and allpurpose carrying bags; umbrellas and parasols; whips, harness and saddlery; collars, leashes and clothing for pets; luggage, bags, wallets, carrying cases, bags for carrying animals; leather and imitation leather, imitation animal skins; saddlery, whips and apparel for animals.”

Class 21

“Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes (except paintbrushes); brush-making materials; articles for cleaning purposes, namely, thin cloths for cleaning, thick cloths for cleaning, cleaning tow, steel wool for cleaning, chamois leather for cleaning, cleaning pads, brooms, toilet and bathroom sponges and brushes, squeegees (cleaning instruments), abrasive pads for kitchen use, buckets; glassware, porcelain and earthenware; kitchen utensils and containers; statues, figurines, plaques and works of art of porcelain, terracotta or glass; unworked and semiworked glass, for non-specific use; brushes and brush-making materials; dustbins; tableware, kitchen utensils and containers for kitchen or household use; coin banks (piggy banks); cosmetic and toilet utensils; dental floss,

toothpicks; indoor aquaria and indoor terrariums (vivariums); insect traps, fly catchers, rat traps, mouse traps, electric devices for attracting and killing insects; clothing stretchers, shoe brushes, non-electric shoe polishers, shoe horns, shoe trees.”

Class 24

“Lodens with the protected designation "M?nchener Loden" [Germany]; textiles, with the exception of lodens and substitutes thereof; coverings of textile and of plastic for furniture (fitted and not fitted); curtains; wall decorations of textile materials; kitchen linen and table linen.”

Class 25

“Traditional costumes with the protected designation "M?nchener Trachten" [Germany]; lodens with the protected designation "M?nchener Loden" [Germany]; clothing, footwear, headwear, with the exception of traditional costumes and lodens; parts of clothing, footwear and headwear, with the exception of traditional costumes and lodens.”

Class 28

“Games and toys; gymnastic and sporting articles; appliances for gymnastics; sporting articles and equipment; camouflage screens for hunting, scent lures for hunting or fishing, decoy calls for hunting, fishing tackle, rods for fishing, landing nets for anglers, cases for fishing rods, floats for fishing, fishhooks, fishing lines; water wings, swimming belts, swimming aids in the nature of floats for recreational use, flotation devices in the nature of swimming boards for recreational use, foam floats for swimming, inflatable floats for swimming, webbed gloves for swimming, swimming jackets, swimming boards, swimming straps; party balloons, party poppers and artificial Christmas trees; fairground rides, scaling or climbing installations for playgrounds, see-saws for playgrounds; toys, games and playthings; board games and machines for gambling.”

Class 35

“commercial management services; commercial administration; office task services (office functions); advertising, marketing and promotional services; product presentation and demonstration services; organization of trade shows and commercial exhibitions; promotion services for the sale of goods and services of others, through advertisements, promotional contests, discounts and bonuses in the form of promotional lotteries, discounts, reduction points, and value-added offers in relation to the use of payment cards; distribution of advertising, marketing and promotional material; advertising, marketing and promotional consultancy, advisory and assistance services; provision and rental of advertising space, time and media; retail and wholesale services; business assistance and management services and administrative services; accountancy, book keeping and auditing; administrative support and data processing services; data processing, systematization and management; human resources management and personnel recruitment services; business analysis and information services and market studies; retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, florescent nucleotides, oligonucleotides, peptides,

proteins, amino acids, organic molecules and markers for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic products and substances, chemical testing reagents, saline solution and paper coated with reagents, all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for research; retail and wholesale services in relation to nonmedicated cosmetics and toiletry preparations, perfumery products, essential oils, body cleaning and beauty care preparations including make-up, soaps and gels, cosmetic bath products, deodorants and antiperspirants, skin, eye and nail care products, hair preparations and treatments, hair removal and shaving preparations, cleaning and fragancing preparations, including household fragrances; retail and wholesale services in relation to pharmaceutical products, medical and veterinary preparations, sanitary products for medical use, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, fungicides, herbicides, pharmaceutical products for diagnosis, diagnostic substances for medical use, radiopharmaceuticals for clinical and medical use, disposable paper or cellulose diaper-pants, diapers and napkins; retail and wholesale services in relation to machines, machine tools, power-operated tools, motors and engines, except for land vehicles, apparatus, equipment and instruments for electricity production, namely electrical and wind energy generators generating electricity, wind turbines linked to wind farms, turbine-powered production installations, namely installations for electricity production and parts and components of all the aforesaid goods, solar powered energy electricity generators, machines and machine systems, including parts and accessories for electricity production, transformation and conversion dynamos, electric motors of all kinds, steam and gas turbines and their parts, electrical generators and their parts, aircraft engines, compressors, laundry washing and drying machines, dishwashers, waste grinders and compactors, electrical tools, electric motors, electric generators, garden tools, electric lawnmowers, garden vaporizers for disinfectants and insecticides, hand-held electric tools and implements, blenders, centrifuges, hand-held mixers, food processors; retail and wholesale services for the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, computer software, blank digital or analog recording and storage media, computers and computer peripherals, recorded content; media content, software, including games software, applications software, including communication, networking and social networking software, data and file management software and database software, software for media and publishing software, applications for offices and businesses, applications software for the web and servers, including e-commerce and e-payment software, communication apparatus such as computer networking and data communications equipment, point-to-point communications apparatus, radio broadcasting apparatus, antennas as communications apparatus, data storage devices and media, calculators, ticket dispensers, payment terminal apparatus, cash dispensers and money sorting devices including mechanisms for prepayment apparatus, peripherals adapted for use with computers and other smart devices,

computers and computer hardware, components and parts for computers, audio/visual and photographic devices including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices, spectacles (optical), sunglasses, safety, security, protection and signaling devices, including alarms and warning equipment, access control devices, measuring devices, including time measuring instruments (not including clocks and watches), instruments for measuring weight, instruments for measuring distance and dimensions, instruments for measuring speed, instruments for measuring temperature, instruments for measuring electricity, controllers, regulators of voltage and power, data recorders, sensors, detectors and monitoring instruments; retail and wholesale services for the sale of surgical, medical, dental and veterinary apparatus and instruments, prosthetics and artificial limbs, eyes and teeth, orthoses, mobility aids, orthopedic articles, suture materials, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, systems featuring medical apparatus and accessories for administering measured doses of pharmaceutical preparations, medical diagnosis devices, namely, bone densitometers, ultrasound imaging machines for medical diagnosis, imaging devices for screening and diagnostic applications for planning operations and surgery, and parts and accessories therefor, mobile x-ray devices, x-ray film viewers, CAT scans for medical diagnosis, laser apparatus for medical treatment, ultrasound diagnosis equipment, acoustic apparatus, medical apparatus for measuring bone density; retail and wholesale services in relation to vehicles, apparatus for locomotion by land, air or water, electric motors and diesel engines for land vehicles, bicycles, tires and inner tubes for bicycles, automatic vehicles, electric bicycles, tires, inner tubes for vehicle tires, wheels and rims [for automobiles]; retail and wholesale services in relation to precious metals and their alloys, jewelry, precious and semi-precious stones, timepieces and chronometric instruments, gemstones, pearls and precious metals, and imitations thereof, time measuring instruments, other articles of precious metals and precious stones, and imitations thereof including statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, jewelry boxes and watch boxes, key rings and key chains, and charms therefor, medallions, medals; retail and wholesale services in relation to paper and cardboard, printed matter, photographs [printed], instructional material with the exception of apparatus, bags, sachets, films and sheets of plastic and paper for packaging, works of art and figurines of paper and cardboard, decoration and art materials and media, including arts, crafts and modelling equipment, bags and articles for packaging, wrapping and storage of paper, cardboard or plastics, educational equipment, photo albums and collectors' albums, printed matter including books, disposable paper products; retail and wholesale services for leather and imitations of leather, luggage, bags, wallets and all-purpose carrying bags, umbrellas and parasols, collars, leashes and clothing for animals; retail and wholesale services in relation to non-metallic building materials, non-metallic rigid pipes for building, asphalt, pitch, tar and bitumen, thermoplastic building and construction materials, namely thermoplastic molded and extruded materials used as substitutes for wood, metal or glass, for supporting or covering, plastic panels for building and construction; retail and wholesale services for the sale of household or kitchen

utensils and containers, cookware and crockery, except forks, knives and spoons, combs and sponges, brushes (except paint brushes), glassware, porcelain and earthenware, kitchen utensils and containers, articles for cleaning, statues, figurines, works of art, made of materials such as porcelain, terracotta or glass, included in this class, household utensils for cleaning, air fragrancing apparatus, glasses, containers for liquids and bar accessories, money boxes, cosmetic and toiletry utensils; retail and wholesale services in relation to clothing, footwear, headwear, parts of clothing, footwear and headwear articles, fashion accessories; retail and wholesale services in relation to games and toys, video game apparatus, gymnastic and sporting articles, sporting articles and equipment, hunting and fishing equipment, swimming equipment, tabletop games and gambling devices; retail and wholesale services in relation to preserved, frozen, dried and cooked fruits and vegetables, milk, cheese, butter, yogurt and other milk products; retail and wholesale services in relation to coffee, tea, cocoa and coffee substitutes, chocolate, ice cream, sorbets and other edible ices, ice [frozen water]; retail and wholesale services in relation to beers, non-alcoholic beverages, mineral and aerated waters, fruit beverages and fruit juices, syrups and other non-alcoholic preparations for making beverages.”

Class 38

“Telecommunication services; telephone and mobile telephone services; electronic communication and provision of access to the Internet; provision of access to content, websites and portals; providing and rental of telecommunication installations and equipment.”

Class 41

“Teaching; training; entertainment services; editing printed matter and writing texts; education, entertainment and sports services; organization of conferences, exhibitions and competitions; audio, video and multimedia production, and photography services; sports and fitness; education and instruction services; rental services relating to equipment and facilities for education, entertainment, sports and culture; library services and rental of media; rental of sports equipment and facilities; rental of audiovisual and photographic equipment and facilities; translation and interpretation; ticket booking and prebooking services regarding activities and events in the fields of education, entertainment and sports.”

A trademark considered as a whole is registrable under the Trademark Act Section 6 but under Section 17 If, in the opinion of the Registrar, a trademark considered as a whole is registrable under Section 6 but contains one or more parts which are common to the trade for some types or classes of goods such that no applicant should have exclusive right thereto or which are not distinctive, the Registrar shall make either of the following:

(1) order the applicant to disclaim exclusive right to such part or parts of the trademark.

This applicant should disclaim the exclusive right to use the term “MUNCHEN” and the number “1972” because “MUNCHEN” is a geographical name and “1972” is common term. The disclaimer does not mean deletion of the aforementioned words from the mark but merely waiver of the exclusive right over the words for reasons stated in the preceding.

VII. Information relating to the possibility to request a review or file an appeal:

(i) Time limit for requesting review or appeal (ninety days from the date of provisional refusal):

June 21, 2023

(ii) Authority to which such request for review or appeal should be made:

Trademark Board, Department of Intellectual Property of Thailand

(iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

The appeal, amend or comply with the registrar's order shall be appoint an representative in Thailand and use Thai language. The representative list is available at the following address

<https://www.ipthailand.go.th/th/component/zoo/item/list-of-law-relevant-representatives-in-thailand.html>



Please note that any form(s) filed with the International Bureau of the World Intellectual Property Organization in response to this refusal, will not be treated as a request for a review of this refusal unless the above has been complied with.

VIII. Date of the provisional refusal was pronounced:

March 23, 2023

IX. Corresponding essential provisions of the applicable law:

See the relevant provision of Thai trademark law and ministerial regulation are attached.

X. Signature of the official seal of the Office making the notification:

A handwritten signature in black ink. The signature is written in Thai script and is somewhat stylized, with the first part being more prominent and the second part being more fluid and connected.

Miss Suradsada Santhadkan
Authorized Officer's Signature

Email: madrid_dip@ipthailand.go.th

EXTRACT FROM TRADEMARK ACT B.E. 2534
AMENDED BY TRADEMARK ACT (NO. 2) B.E. 2543
AND TRADEMARK ACT (NO. 3) B.E. 2559

Section 6:

To be registrable, a trademark must

- (1) be distinctive;
- (2) not be prohibited under this Act;
- (3) not be the same as or similar to a trademark registered by another person.

Section 7:

A distinctive trademark is a trademark which enables the public or users to distinguish the goods with which the trademark is used from other goods. A trademark having or comprising any of the following essential characteristics shall be deemed distinctive.

- (1) a personal name, a surname of a natural person not being such by its ordinary signification, a full name of a juristic person in accordance with the law on such matter or a tradename represented in a special manner and having no direct reference to the character or quality of the goods;
- (2) a word or phrase having no direct reference to the character or quality of the goods and not being a geographical name prescribed by the Minister;
- (3) an invented word;
- (4) a stylized letter or numeral;
- (5) a combination of colors represented in a special manner;
- (6) the signature of the applicant or the predecessor in his or her business or the signature of another person with his or her permission;
- (7) the representation of the applicant or of another person with his or her permission or of a deceased person with the permission of his or her ascendants, descendants and spouse, if any;
- (8) an invented device;
- (9) a picture having no direct reference to the character or quality of the goods and not being a picture of a map or a geographical site prescribed by the Minister;
- (10) a shape which is not the natural form of the goods or a shape which is not necessary to obtain a technical result of the goods or a shape which does not give value to the goods;
- (11) a sound having no direct reference to the character or quality of the goods or a sound which is not the natural sound of the goods or a sound which does not result from the functioning of the goods.

A trademark having no characteristics under paragraph two (1) to (11), if used on goods which have been widely sold or advertised in accordance with the rules prescribed in a notification by the Minister and if it is proved that the rules have been duly met, shall be deemed distinctive.

Section 8:

Trademarks having or consisting of any of the following characteristics shall not be registrable:—

- (1) state arms or crests, royal seals, official seals, Chakkri emblems, emblems and insignia of the royal orders and decorations, seals of office, seals of ministries, bureaus, departments or provinces;
 - (2) national flags of Thailand, royal standard flags or official flags;
 - (3) royal names, royal monograms, abbreviations of royal names or royal monograms, or
 - (4) representations of the King, Queen or Heir to the Throne;
 - (5) names, words, terms or emblems signifying the King, Queen or Heir to the Throne or members of the royal family;
 - (6) national emblems and flags of foreign states, emblems and flags of international organizations, emblems of head of foreign states, official emblems and quality control and certification of foreign states or international organizations, names and monograms of foreign states or international organizations, unless permission is given by the competent officer of the foreign state or international organization;
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- (7) official emblems and emblems of the Red Cross or appellations "Red Cross" or "Geneva Cross";
- (8) a mark identical with or similar to a medal, diploma or certificate or any other mark awarded at a trade exhibition or competition held by the Thai government or a Thai government agency for public enterprise or any other government organ of Thailand, a foreign government or international organization unless such medal, diploma, certificate or mark has been actually awarded to the applicant for goods and is used in combination with the trademark;
- (9) any mark which is contrary to public order, morality or public policy;
- (10) a mark registered or not, which is identical with a well-known mark as prescribed by the Ministerial Notifications, or so similar thereto that the public might be confused as to the owner or origin of the goods;
- (11) trademarks similar to those under (1) (2) (3) (5) (6) or (7);
- (12) geographical indications protected under the law on geographical indications;
- (13) other trademarks prescribed by the Ministerial Notifications.

Section 9:

An application for registration of a trademark may be made for specific goods in one class or in different classes but the particular kinds of goods for which protection is sought shall be clearly specified. The classification of goods shall be as prescribed by the Ministerial Notifications.

Section 11:

Applications for trademark registration shall comply with the rules and procedures prescribed in the Ministerial Regulations.

In cases where Thailand acceded to an international convention or agreement concerning trademark protection, the trademark application which is in compliance with the requirement of such international convention or agreement shall be deemed to be a trademark application under this Act.

Section 13:

Subject to Section 27, the Registrar shall not grant registration to a trademark applied for if he finds that:

- (1) it is identical with a trademark registered by another person for use with goods in the same class or in different classes found to be of the same character
- (2) it is so similar to a trademark registered by another person that the public might be confused or misled as to the ownership or origin of the goods for use with goods in the same class or in different classes

Section 15:

If, in the opinion of the Registrar,

- (1) any unessential part of a trademark applied for is not registrable under Section 6, or
- (2) any application for registration is contrary to Section 9 or Section 10 or is not in accordance with the rules and procedures prescribed in the Ministerial Regulations issued under Section 11,

The Registrar shall order the applicant to amend the application within sixty days from the date of receipt of the order and shall notify the applicant in writing without delay.

Section 16:

If, in the opinion of the Registrar, the entire trademark or any essential part thereof is not registrable under Section 6, the Registrar shall refuse registration and shall, without delay, in writing notify the applicant of the order giving the grounds therefor.

Section 17:

If, in the opinion of the Registrar, a trademark considered as a whole is registrable under Section 6 but contains one or more parts which are common to the trade for some types or classes of goods such that no applicant should have exclusive right thereto or which are not distinctive, the Registrar shall make either of the following:

(1) order the applicant to disclaim exclusive right to such part or parts of the trademark within sixty days from the date of receipt of the order;

(2) order the applicant to enter such other disclaimers as the Registrar finds it necessary to define the rights of the owner of such trademark within sixty days from the date of receipt of the order.

For the purpose of implementing the provisions of the first paragraph, the Registrar shall have the power to declare by notification what is common to the trade with respect to certain types or classes of goods.

The Registrar shall, without delay, in writing notify the applicant of any order under the first

Section 18:

The applicant shall be entitled to appeal the order of the Registrar under Section 15, Section 16 and Section 17 to the Trademark Board within sixty days from the date of receipt of the Registrar's notification. Decisions of the Board shall be final.

Section 19:

If the applicant fails to appeal under Section 18 paragraph one and does not comply with the order of the Registrar under Section 15 or Section 17, as the case may be, or if the applicant appeals under Section 18 paragraph one but fails to comply with Section 18 paragraph two, the application shall be

Section 20:

Where several applicants file applications for registration of trademarks, if the Registrar finds that those trademarks have any of the following characteristics, he shall proceed with the application first filed and inform the subsequent applicants in writing to await the processing of the application filed before:

(1) the trademarks are identical whether for use with goods in the same class or in different classes found by the Registrar to be of the same character

(2) the trademarks are so similar as to cause public confusion as to the ownership or origin of goods, whether for use with goods in the same class or in different classes found by the Registrar to be of the same character.

Where the trademark first filed is not registered, the Registrar shall proceed with the application next filed and inform the applicant of that application and other applicants without delay.

Section 29:

When an application for registration of a trademark is considered acceptable, the Registrar shall be order the application to be published.

Paragraph two (repealed)

The publication of applications shall be in accordance with the procedures prescribed in the Ministerial Regulations.

Section 35:

Upon publication of a trademark application under Section 29, any person seeing that he or she has better title to trademark than the applicant, or that the trademark is not registrable under Section 6, or that the application is not in conformity with the provisions of this Act, may file an opposition, with grounds thereof, with the Registrar within sixty days from the date of publication under Section 29.

Oppositions under the first paragraph shall comply with the rules and procedures prescribed in the Ministerial Regulations.

Section 45:

A trademark registered without limitation of color shall be deemed to be registered for all colors.

Section 79/6:

When an international application requesting protection in the Kingdom is notified by the International Bureau, it shall be deemed an application in the Kingdom and the Registrar shall proceed with it under this Act.

Where the Registrar finds that the trademark under paragraph one lacks registrable characteristics or the application does not conform with the provisions under this Act, the Registrar shall refuse registration and inform the International Bureau, with reasons, within the time and in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Where the Registrar sees that there may be an opposition lodged beyond the time prescribed in the Ministerial Regulations under paragraph two, he shall notify the International Bureau in writing within the time and in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations. Where there is an order refusing registration which results from the opposition, the Registrar shall notify the International Bureau in writing, with reasons for the opposition, within the time and in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Absent any notification whatsoever to the International Bureau under paragraph two or paragraph three, it shall be deemed that the Registrar allows registration of the trademark without need to publish the mark under Section 29.

The trademark, once registration is granted, shall enjoy the same protection as that afforded to a

Section 82:

The applicant for registration of a certification mark, in addition to complying with the provisions on registration of trademarks, shall:—

(1) submit the regulations on use of the certification mark together with the application for registration and

(2) demonstrate an ability to certify the characteristics of the goods or services as provided in the regulations under (1).

The regulations under (1) shall indicate the origin, composition, method of production, quality or other characteristics which are to be certified including the rule, procedures and conditions for authorizing use of the certification mark.

Ministerial Regulations

Re: Registration of Marks under the Madrid Protocol B.E. 2560

Clause 3:

Communications between an applicant and the Department of Intellectual Property shall be in Thai except that the International Bureau's notification to the applicant in Thailand for protection in other contracting parties shall be in English.

Clause 18:

As for examination of an international application, the same rules and procedures as those of a national application shall apply unless stipulated otherwise in this Ministerial Regulation.

Clause 20:

If that the Registrar considers that the mark applied for protection in Thailand is not registrable or that the application for registration does not conform with the provisions of the trademark law, the Registrar shall issue a notice of refusal and inform the International Bureau thereof before the expiry of the period of eighteen months from the date of the International Bureau's notification of designation of Thailand.

To amend the application or comply with the Registrar's notice, appeal or take any action as per the Registrar's notice under Paragraph one, the applicant shall appoint an agent in Thailand and proceed as aforementioned within sixty days from the date of the applicant's deemed receipt of the Registrar's notice under Clause 33.

Clause 25:

In case that the applicant does not comply with the Registrar's notice and does not appeal against such order within the prescribed period or that the applicant does not comply with the Registrar's notice in full, the Registrar shall further proceed as per the documents as available and may issue any of the following notices:

(1) In case of the application containing some terms of goods in relation to which the mark is registrable, the Registrar shall order publication of the application for such registrable terms.

(2) In case of the application not registrable, the Registrar shall order refusal of the said application and shall notify it to the International Bureau as well as the applicant's agent in Thailand, as the case may be. The Registrar shall also dismiss the application from the register.

Clause 33:

The notification of grant of protection, the notification of opposition, the notification of refusal, the notification of opposition decision, the notification of order, the notification of decision or the notification of court judgement, the certificate of registration, the notification of summons or any other notifications to the International Bureau, the applicant or the trademark owner shall be in the forms as notified in the Director General.

When the notification is issued in accordance with Paragraph one and the period of thirty days expires, the applicant or the trademark owner shall be deemed to have received such notification.

In case the International Bureau notifies that there are irregularities and such irregularities are caused by the Department of Intellectual Property, Ministry of Commerce, the Registrar shall cancel previous notifications and orders (if any) and issue new notifications and orders. The period of time under Paragraph two shall be counted from the date of sending new notifications.

Notice :

These are unofficial translations. Only the original Thai texts of Laws have legal effect.