

Registration of licensing agreement in Thailand

Department of Intellectual Property, Thailand

<http://www.ipthailand.go.th>

Consideration criteria

Licensing Agreement to use the patent is the contract, with which the patent/petty patent owners grants the specific right to the licensee. The permission shall not exceed the protection period as prescribed by law.

- The protection period of invention patent lasts 20 years.
- The protection period of petty patent lasts 6 years, or upon the petty patent renewal application according to Article 65 paragraph 2 of the laws.

Conditions of application submission

1. To register a licensing agreement, the applicant shall submit the form as determined by the Director-General, together with a licensing contract to use the invention patent/petty patent.
2. Authorization
 - 2.1 In case the applicant of the patent does not reside in the Kingdom of Thailand, he shall authorize the patent agent/patent attorney registered with the Director-General of the Department of Intellectual Property to act on his behalf. In this regard, the power of attorney shall be presented to the Director-General in accordance with the following regulations;
 - (i) If the authorization is done outside the Kingdom of Thailand, the signatures in the authorization letter or power of attorney shall be certified by the authorized official of the Thai embassy or consulate or Director of the office of the Ministry of Commerce located in the country where the principal or power grantor resides, or the person authorized to act on behalf of the said officials or the person authorized to certify the signature according to the law in that country, or
 - (ii) In case the authorization is done in the Kingdom of Thailand, the applicant shall submit a copy of passport or temporary residence certificate of the principal or power grantor, or any evidence indicating that at the time the authorization was made, the principal or power grantor was in Thailand.
 - 2.2 The Power of Attorney shall be attached with the revenue stamp of 30 Baht/patent agent or patent attorney/application.

Proceeding according to the official's instruction

1. In case that the official finds a correctable defect in the application, the official shall notify the applicant or his patent agent/patent attorney for the correction. The applicant shall

finish the correction within 90 days of the notification reception date. After such period, without the correction, the applicant shall be deemed to have abandoned the application, except the Director-General extends the period for correction as deemed appropriate due to any necessity.

2. After the applicant corrected the application, the applicant shall submit the correction application and the fee to the Department of Intellectual Property or the provincial office of the Ministry of Commerce. The corrected application shall enter the consideration and initial inspection processes respectively, similarly to the re-submission of the application.
3. In case of application submission via the website of the Department of Intellectual Property, the inspecting official shall check the completeness of information and details in the patent/petty patent application, request or other applications based on information and details appearing in the e-patent filing system. In this regard, the applicant shall present the application and supporting documents to the Department of Intellectual Property within 15 days of application number reception date and patent/petty patent application filing date via internet. The inspection of application submitted via internet shall be in accordance with the Notification of the Department of Intellectual Property Re: Principles and conditions for submission of patent/petty patent application, requests or other applications via internet.

Notes:

1. The working process starts after the inspection of the documents is completed, as specified in the manual of the public service.
2. In case the application or documentary evidence is not correct or incomplete, the official shall record the defect of the document or indicate the required additional documentary evidence (Record of conditions on application reception). The applicant shall correct the document and/or submit the additional document within 90 days of the application filing date. If the applicant fails to submit all additional documents within the specific period of time, the applicant shall be deemed to have abandoned the application. The official shall return the application to the applicant and inform the reason of the return and his appeal right.
3. Any person fee paid to the Department of Intellectual Property shall not be refunded in all cases, except

- (i) The law stipulates that the fee must be refunded, or
 - (ii) The applicant double-paid or overpaid the fee, by which the faulty payment resulted from the mistake of the state official, not the payer. In this regard, the Department of Intellectual Property shall consider the refund case by case.
4. In case the applicant is required to submit many additional documentary evidences, the applicant shall submit all additional documentary evidences in the same time.
 5. In case the applicant submits the copy of the documentary evidence, the applicant shall certify the copy of the documentary evidence.
 6. In case the applicant submits the document in foreign language, the applicant shall submit the document with Thai translation and the correct translation certification of the translator.
 7. In case the applicant or the authorized patent agent/patent attorney does not submit the application by himself, and granted power to the other person to submit the application, the application submitter shall present a sub power of attorney or temporary power of attorney, so that he is eligible to submit the application and sign in the record of conditions on application reception. If it appears that the application and the documentary evidence is not correct or incomplete, and the application submitter is not authorized to sign on the said record, the official shall not receive the application.
 8. The working period does not include the time period when the applicant follows the official's instruction or corrects the application, or the period of temporary suspension of registration.

Relevant laws

- The Ministerial Regulation No.25 (B.E. 2542) issued by virtue of the Patent Act B.E. 2522 (Dated 24 September 1999).
- The Patent Act B.E. 2522 as amended by the Patent Act (No. 2) B.E. 2535 and the Patent Act (No. 3) B.E. 2542

Translation tool for patent documents

The World Intellectual Property Organization (WIPO) has developed a new "artificial intelligence"-based translation tool for patent documents, handing innovators around the world the highest-quality service yet available for accessing information on new technologies. WIPO Translate now incorporates cutting-edge neural machine translation technology to render highly technical patent documents into a second language in a style and syntax that more closely mirrors common usage, out-performing other translation tools built on previous technologies.

WIPO has initially "trained" the new technology to translate Chinese, Japanese and Korean patent documents into English. Patent applications in those languages accounted for some 55% of worldwide filings in 2014. Users can already try out the Chinese-English translation facility on the public beta test platform. The high level of accuracy of the Chinese-English translation is the result of the training of the neural machine translation tool, which compared 60 million sentences from Chinese patent documents provided to WIPO's PATENTSCOPE database by the State Intellectual Property Office of the People's Republic of China with their translations as filed at the United States Patent and Trademark Office.

WIPO plans to extend the neural machine translation service to French-language patent applications, with other languages to follow. The PATENTSCOPE database integrates with other translation engines freely available on the internet and continues to use existing statistical-based translation technology for languages where it performs well. WIPO has shared its translation software with other international organizations, including the United Nations conference management service, Food and Agriculture Organization, International Telecommunication Union, International Maritime Organization, World Trade Organization, and The Global Fund to Fight AIDS, Tuberculosis and Malaria.

Neural machine translation is an emerging technology. It is based on huge neural network models that "learn" from previously translated sentences. The specificity of neural machine translation (compared to previous "phrase based" statistical methods) is that it produces more natural word order, with particular improvements seen in so-called distant language pairs, like Japanese-English or Chinese-English. In a recent test, WIPO Translate's neural-based machine translation service substantially out-performed both the previous statistical-based model on distant language pairs, as well as other non-WIPO translation services. Since this WIPO tool is trained and focused uniquely on patent documents, instead of a more-disparate array of texts, it gives higher-quality renderings.

For further information, contact:

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Patent protection system in Viet Nam

National Office of Intellectual Property, Vietnam

<http://www.noip.gov.vn>

Statistics have shown that recent numbers of invention applications in the world in general and in Vietnam in particular gradually increased. This means patents and IP protection titles become more significant while the international market is turning into a knowledge-based market in which creativity rights of human beings play a significant role and are indicators of quality and characteristics of a product of an enterprise and a country to distinguish from those of other enterprises and countries, indicating that enterprises, research institutes and inventors to be aware of IP protection in the process of economic modernization and international integration. IPR is significantly important to small and medium-sized enterprises, research institutes, universities because those stakeholders have great potential and motivation of creativity.

Invention protection is relatively complicate and relates to different aspects such as research activities, civil law and the industry. The introduction of invention protection system will enable invention holders to use more effectively.

Industrial property protection system for invention will facilitate applicants to practice their rights effectively as a part of contributions to innovation and economic development. Under our national economy conditions, NOIP has taken part in all phases from receiving applications to handling disputes related to such inventions. Therefore, NOIP is not only a State management agency on invention but also an office establishing invention databases and providing such services as provision of patent information in technology fields as requested, provision of consultancy before filing applications and support for applicants during examination at NOIP and apply those inventions into industry. At present, NOIP has more than 60 officials working directly in patent.

NOIP is making its best in improving efficiency and productivity to meet demand of applicants through promoting examiners in both quantity and quality, putting works at NOIP into automation and expanding international relations to take use of foreign aids in experiences and knowledge in this field. NOIP is also taking into consideration the possibility of getting supports from experts outside who have knowledge, professional skills in technology fields to deal with a shortage of human resources and technical knowledge.

Patent protection in Vietnam was first in force as defined in the Decree 31/CP dated 23 January 1981 and Regulations on technical innovation, rationalization of production and patent. Accordingly, in Vietnam technical solutions shall be granted with Certificate for Inventors or Patent Certificate if they meet such

protection conditions as novelty, inventive step and susceptibility of industrial application. This Decree came into effect until 11 February 1989 (as the birthdate of Ordinance of industrial property protection). In this period, Vietnam only granted Certificate of Patent Author.

On 28 December 1988, the Decree 200-HDBT on protection of utility solutions was signed, therefore, technical solutions shall be granted with Utility Solution Certificate if they meet such protection conditions as novelty (in national phase), susceptibility of industrial application.

The Ordinance of industrial property protection revoked Certificate of Inventors for patent protection. Since then, patents and other industrial property subject matters are considered a property and an object of property right. This is reaffirmed in Civil Code 1995 and IP Law 2005. According to IP Law 2005, legal provisions on patent protection in Vietnam are almost in conformity with international standards provided in TRIPS Agreement.

Meaning of patent protection

Patent protection has a significant importance to nation, enterprises and inventors.

For the nation, patent protection under international standards shall contribute to attract foreign investment and encourage foreign technology transfer into Vietnam. In addition, the patent protection system also establishes a healthy business environment for all business sectors irrespective of State or private enterprises. Effective patent protection will encourage people to create more invention.

For enterprises (or investors in creating inventions), exclusive rights to invention within time limit, normally 20 years since the filing date allow them to prevent competitors from copying their inventions. The enterprises shall do business with more advantages than their competitors and solely exploit their inventions to make up for costs which have been invested in creation, continuously investing in other inventions and promoting technology potentials. Enterprises also benefit from granting licenses for others to utilize their patents through licensing contracts. Basically, the more value of the product basing on inventions, the more meaningful the protection for enterprises is. In order to create such inventions, it will take much time, efforts and money for research and development. Therefore, patent protection is an effective solution for enterprises to protect their investment achievements.