

THAILAND Speaker: Prof. Somchai Ratanachueskul

※番号は、質問者を表し、同一質問者は同一番号になっています。

Q1: Thank you for the presentation, I am referring to the issues in the Patent Act on page 20, can you explain what changes in content? What will be allowed? Will there be allowing additional disclosure?

A1: What Disclosure?

Q1: Number 4, allowing later changes in content – can you explain what types of changes.

A1: Unfortunately, this is still in process of discussion.

Q2: I remain in the same slide, I understand that Thailand also has a problem with backlog on patent examination. Specially, on your point No. 5 – this is outsourcing the examination to private examinations. I was wondering how much opposition to this point you had in Thailand. In Brazil this has been discussed for quite a long time, but patent examiners have this conscious that all parts of the examination are related to sovereignty and that if they start to give up this idea on parts of the examination – such as novelty analysis – they would be opening a door that could never be closed again. So there is a lot of opposition in Brazil and I would like to know if there is any opposition in Thailand or if it is almost accepted.

A2: Slightly opposed. We all realized we have a backlog problem. DIP realizes that they need to solve the problem. They also have a problem of budget. They are getting more budgets; however the backlog is still bad. Then, outsourcing to universities is still interesting.

Q3: My question is about this slide 20. About revoking pre-grant opposition? What is the basis for that?

A3: I disagree with that decision. But the point is reducing the time frame of patent prosecution.

Q3: So the point is that it can delay the process.

A3: Yes.

Q4: I was checking the list of the laws in your country; it is interesting that you have a specific law for “optical production” and there are many different ones for “copyright law”. Also, I would like to know where the industrial designs are.

A4: Industrial designs are within Patent Law.

Q4: We regard industrial design quite different. That is interesting. We consider not only functionality but also appearance.

A4: The Film and Video Act is based on pressure from the United States. In our Copyright Law, the copyright owner has to register to the police first to get remedies against infringers. But if it is within the film and video universe, they can act by themselves (the police).

Q4: About the protection of layout designs and integrated circuits? In Indonesia, we have not granted protection yet to anything.

A4: I am also not aware of any grants in my country as well.

Comment1: Well, that is because it is quite useless anyway.

Q5: I want to ask why some countries have one single law and some other have different laws based on subject-matter.

A5: The reason behind this, besides the legal issue, is that it is very difficult to amend laws. Having a new one is easier. Many legal lecturers comment that there are so many laws to learn, but this is because it is easier to have a new one than amending the old one. But sometimes for special subject matter we need different law.