

Guía de Negocios Reino de Tailandia

DATOS BASICOS

Nombre oficial:	Reino de Tailandia
Capital:	Bangkok (10 millones aproximadamente de habitantes)
Superficie:	514.000 Km ²
Población:	62.400.000
Tasa de crecimiento población:	1,2%
Forma de Gobierno:	Monarquía Constitucional
Jefe de Estado:	El Rey Bhumibol Adulyadej
Idioma nacional:	Thai o siamés
Religión:	Budismo (95%) e Islam (4%)

Principales indicadores económicos (expresados en millones de dólares)

P.B.I. a precios corrientes:	(1997) 168.080
	(1998) 116.000
	(1999) 125.189
	(2000) 120.200
	(2001) 113.970
	(2002) 119.148 (ESTIMADO)
Tasa de Crecimiento real del P.B.I.:	(1997) -0,4%
	(1998) -8,0%
	(1999) 4,2 %
	(2000) 4,9%
	(2001) 1,6%
	(2002) 2,0% (ESTIMADO)
Ingreso per cápita U\$S:	(1997) U\$S 2.789
	(1998)U\$S 1.899

(1999) U\$S 2.016

(2000) U\$S 1.935

(2001) U\$S 1.826

(2002) U\$S 1.849

Inflación:

(1997) 6,3%

(1998) 8,1%

(1999) 0,3%

(2000) 2,1%

(2001) 1,8%

(2002) 2,0%

Tasa de desempleo:

(1996) 2,6%

(1997) 3,5%

(1999) 4,2%

(2000) 3,6%

(2001) 4%

Tipo de Cambio media anual (Baht/U\$S)

(1996) U\$S 25,27

(1997) U\$S 33,33

(1998) U\$S 41,36

(1999) U\$S 37,84

(2000) U\$S 40,16

(2001) U\$S 44,53

(2002) U\$S 43,00

Balanza Comercial Global (en millones de U\$S)

AÑO	EXPORTACIONES	IMPORTACIONES	SALDO

1997	56.678	61.345	-4.667
1998	54.433	42.955	11.478
1999	56.684	50.406	6.278
2000	69.872	62.181	7.691
2001	65.376	61.824	3.552
2002	68.902	64.313	4.589

ASPECTOS GENERALES

El Reino de Tailandia esta situado geográficamente en el corazón del Sudeste Asiático entre el Océano Indico (mar de Andaman) y el Golfo de Tailandia, cubriendo un área de 514.000 kilómetros cuadrados. Al oeste limita con Myanmar, con Laos, al este Camboya y Malasia al sur. El país se puede dividir en cinco regiones o áreas distintivas: la zona montañosa al norte, la seca al noreste, el fértil delta central, la costa este y la península sur. La capital, Bangkok, esta situada en el río Chau Phraya a pocos kilómetros del Golfo de Tailandia.

CLIMA: El clima es tropical con temperaturas promedio en el verano de 33 a 37 grados centígrados y humedad del 73 al 82% con sensación térmica de 42 a 44 grados centígrados.

SISTEMA DE MEDIDAS Y PESO: Tailandia utiliza el sistema métrico decimal. Sin embargo para las mediciones de la tierra se utiliza el RAI, donde una hectárea es equivalente a 6,25 rai. Cuando se compra oro, generalmente se utiliza el baht, que no es igual a la moneda, donde 1 baht es igual a 15,2 gramos.

SISTEMA ELECTRICO: la corriente es de 220 volts, 50 Hz.

POBLACION: el grupo étnico mayoritario es el Thai, seguido por comunidades cuyos orígenes étnicos son chinos, indios y de los países fronterizos. El idioma oficial es el tailandés siendo el inglés utilizado para negocios en las principales ciudades. La población es en su mayoría rural, concentrada en las áreas de cultivo de arroz en la región central, noreste y norte del país.

Tailandia esta dividida en 76 provincias administradas por gobernadores y divididas en distritos, subdistritos, “tambon” (grupos de villas) y villas. La ciudad de Bangkok esta dividida en 36 distritos.

Tailandia continúa industrializándose y la población urbana –que representa el 18% del total de la población, principalmente en la ciudad de Bangkok y alrededores- continúa creciendo. La educación representa el 25% de los gastos del gobierno.

Transporte y comunicaciones

1) Tailandia cuenta con 40.000 Km. de carreteras. La primera etapa para la construcción de 4.000 Km. de rutas nacionales fue anunciada en el año 1999. La construcción de carreteras en zonas rurales cuenta con el apoyo de los miembros del parlamento, dado que la mayoría de sus miembros provienen de las provincias. Sin embargo, la construcción de nuevas autopistas mantiene una alta prioridad, debido principalmente a factores de prestigio y un poderoso “lobby” de los fabricantes de automóviles. Las medidas gubernamentales de restricciones en el presupuesto y la falta de interés de inversores extranjeros en el tema afectó la construcción de rutas nacionales haciendo más lento la concreción de proyectos.

En abril del año 2002, India, Myanmar, y Tailandia anunciaron un acuerdo para la construcción de una carretera regional para unir los tres países y abaratar costos en el transporte de mercaderías. La misma tendrá una longitud de 1.400 Km. y se espera que concluyan las obras en el año 2004. Los recursos para su construcción serán financiados con préstamos del Banco Mundial, del Banco de Desarrollo Asiático y de inversores privados.

Por otro lado en octubre del año 2001, los gobiernos de Tailandia y Myanmar acordaron realizar mejoras en la ruta de Myawadi-Moulmein, que une ambos países, para incrementar el comercio fronterizo. La inversión es de aproximadamente u\$s 6,8 a u\$s 15,8 millones, aunque los trabajos comenzarían a mediados del 2002, las tensiones entre ambos gobiernos atrasaron el comienzo del proyecto.

2) También en la costa este la construcción de dos puertos de aguas profundas, ubicados en Laem Chabang y Map Ta Phut, redujo la presión en el congestionado puerto de Bangkok,

que manejaba el 90% del total de carga hasta el año 1998. En junio del 2002 fue anunciada la construcción en el puerto de Bangkok de depósitos para carga y contenedores, con nuevas instalaciones y métodos de servicios más eficientes.

3) En marzo del 2001 Tailandia y Laos firmaron un acuerdo para la construcción del segundo puente en el río Mekong como parte de un ambicioso plan para incrementar la actividad económica entre los dos países. Tendrá 2.000 metros de largo y se conectará con una carretera hasta el centro de Vietnam. El Banco de Japón para Cooperación Internacional proveerá los u\$s 45 millones de financiamiento y el préstamo será otorgado en partes iguales a ambos países. Las obras se estiman que estarán completadas en el año 2005.

4) Los planes para desarrollar el segundo aeropuerto internacional en Bangkok estuvieron bajo consideración desde 1960. El actual aeropuerto internacional de Don Muang necesita urgentemente ser modernizado e incrementar sus espacios para mejores servicios. Finalmente la construcción del nuevo aeropuerto situado en Bang Phli, Samut Prakan, comenzó en el 2002. Tendrá una superficie de 32 Km. cuadrados y estará operando a finales del año 2005.

5) En julio 2002 el Ministro de Finanzas anunció un plan de privatizaciones de empresas estatales de transportes que tendrá que estar completadas para el 2004. Las empresas son: Expressway and Transit Authority, State Railway of Thailand, Transport Company y Mass Communications Organization of Thailand.

Breve reseña política

La Legislatura Nacional está compuesta por 500 miembros en la Cámara de Diputados y 200 en la de Senadores. En el caso de los Diputados 400 son elegidos por Distritos Electorales y 100 por la lista de partidos políticos a nivel nacional. Las próximas elecciones para Diputados tendrán lugar en el año 2005 y para Senadores en el 2006.

El Sr. Thaksin Shinawatra, líder del partido Thai Rak Thai (TRT) obtuvo la mayoría de los votos en las elecciones generales del 6 de enero del 2001. El TRT, formado dos años anteriores a las elecciones, montó una agresiva campaña populista para captar la mayor cantidad de votos logrando 248 posiciones en el parlamento. El Partido Democrático (DP) liderado por el saliente Primer Ministro Chuan Leekpai logró ocupar 128 asientos.

Thaksin Shinawatra, actual Primer Ministro y fundador del Partido Político Thai Rak Thai (TRT), muy conocido por sus negocios en el sector de las telecomunicaciones, lo llevaron a ubicarse como uno de los hombres más ricos de Tailandia. No tuvo un pasado político activo y se puede destacar su participación en el gobierno del General Chavalit Yongchaiyudh como Vice Primer Ministro en los años 1996 y 97.

Composición del Gabinete de Tailandia:

Primer Ministro	Thaksin Shinawatra
Vice Primer Ministros	Chavalit Yongchaiyudh Somkid Jatusripitak Suwit Khunkitti Chaturon Chaisang Korn Dabbaransi Purachai Piumsombun Wissanu Krea-Ngam
Ministro de: Defensa	Thamarak Isarangura
Finanzas	Suchart Jaovisidha
Relaciones Exteriores	Surakiart Sathirathai
Turismo y Deportes	Sontaya Kunplome
Desarrollo Social y Servicios Humanos	Anurak Chureemas
Agricultura y Cooperativas	Sora-at Klinpratoom
Transporte	Suriya Jungrungreangkit

Recursos Naturales y Medio Ambiente	Prapat Panyachatraksa
Información y Tecnología de Comunicación	Surapong Suebwonglee
Energía	Prommin Lertsuridej
Comercio	Adisai Bodharamik
Interior	Wan Muhamad Noor Matha
Justicia	Pongthep Thepkanjana
Trabajo	Suwat Liptapanlop
Cultura	Uraivan Thienthong
Ciencia y Tecnología	Pinij Jarusombat
Educación	Pongpol Adireksarn
Salud Pública	Sudarat Keyuraphan
Industria	Somsak Thepsuthin
Presidente del Banco Central	Pridiyathorn Devakula

Estructura Económica

La economía de Tailandia basada tradicionalmente en exportaciones de productos agrícolas, se fue transformando en una de las más diversificadas del sudeste asiático. En la década de los 70' la activa promoción para atraer inversiones extranjeras creó un sector industrial basado en sustitución de importaciones. En la década de los 80' las exportaciones se orientaron hacia el sector manufacturero, basado en mano de obra intensiva tales como textiles y vestimenta. Luego de los años 90' Tailandia experimenta un rápido crecimiento en bienes de alta tecnología tales como accesorios para computadoras y autopartes.

La incertidumbre de los consumidores continúa deprimiendo los progresos económicos en Tailandia. Algunos sectores en distintas áreas muestran signos de recuperación mientras otros se mantienen deprimidos.

De acuerdo al Departamento de Investigación Económica los consumidores se mantienen cautos en el momento de incrementar sus gastos personales, debido principalmente a las inquietudes en el mercado laboral.

El país se ha movido a través de los años desde una política de sustitución de importaciones a una estrategia basada en el libre mercado (aunque continúa con una persistente tendencia proteccionista).

Tailandia ha experimentado altas tasas de crecimiento real del PBI desde hace 30 años. El promedio cercano al 8% por año de crecimiento en los años 60's, 7,9% por año en 1975-79 y 9,1% entre 1987-95. A partir de 1996 comenzó a decrecer llegando a 5,5% para luego caer a un 1,4% en 1997. En 1999 comienza una incipiente recuperación llegando la economía a crecer un 4,2% y un 4,9% en el 2000, principalmente por un fuerte crecimiento de las exportaciones del sector manufacturero.

Las exportaciones fueron el motor principal del crecimiento económico del país durante varias décadas atrás, pero particularmente comenzó en los últimos años de los 80's. El total de exportaciones de bienes y servicios aumentó en volumen a un promedio del 15,2% por año entre 1989 y 1995. En 1996 cayó la competitividad de los productos tradicionales con mano de obra intensiva, tales como los productos textiles, calzados y juguetes.

Con la depreciación del baht en 1997 y en los primeros 6 meses de 1998 se esperaba una recuperación del sector exportador, pero en términos del dólar el incremento fue del 3,8% a fines del 97 y se contrajo un 6,8% en 1998.

En el año 2000 y por una fuerte demanda del mercado norteamericano, en particular de computadoras y sus componentes, el valor de las exportaciones aumentaron un 19,6% totalizando los u\$s 69.872 millones.

El alto porcentaje de componentes importados incorporados a los productos de exportación y una leve recuperación de la demanda interna, generó un incremento paralelo en los valores de los bienes importados. La balanza comercial y en cuenta corriente mantuvieron un superávit desde 1997 cercano al 9,6% y 7,5% del PBI respectivamente.

El Gobierno comenzó también a trabajar activamente para su política de sustitución de importaciones. Las empresas estatales que importan aproximadamente u\$s 1.400 millones en bienes por año, debieron reducir las mismas en alrededor del 10% en el 2001 y a cambio recibieron determinados incentivos.

En el año 2002 las exportaciones se expandieron 5,8% con relación al año anterior, a pesar de la caída en los valores de las mismas.

El **sector agrícola** por su lado fue disminuyendo su participación en el PBI, cayendo del 19,4% en 1983 al 11,2% en el 2000 y al 8,6% en el 2002. El número de trabajadores en el sector continúa decreciendo año a año, con solamente el 41% de la fuerza laboral en el 2002, comparado con el 52% en el año 1995. La disminución de la participación del sector agrícola en PBI se debe a un efecto natural de crecimiento que experimentaron otros sectores de la economía, tales como la construcción y las manufacturas. También demuestra una bajo nivel de inversiones, bajos ingresos y caída de los precios de los productos agrícolas que se mantuvo también en el 2002.

La administración del actual Primer Ministro ha promovido activamente el desarrollo del sector agrícola incluyendo incentivos como la moratoria de las deudas de los granjeros y políticas orientadas a mejorar los rendimientos, calidades y exportaciones de bienes agrícolas. Por ejemplo una de las medidas adoptadas para mejorar los rendimientos y las exportaciones

fue información que los villeros podían obtener a través de internet, logrando así una planificación más efectiva.

La participación del **sector manufacturero** en el PBI se encuentra entre un 30 al 35%, y la tasa de crecimiento promedio entre 1987 a 1995 fue del 13,5% por año. Durante la crisis económica de 1997 este sector se vio afectado por una sobrecapacidad, baja tecnología y dependencia de componentes importados. Los únicos sectores que registraron una casi plena utilización en el 2001 y 2002 fueron las actividades químicas y el sector de pulpa de madera.

De acuerdo al Banco Central de Tailandia el crecimiento del sector manufacturero en términos de volumen del año 2001 al 2002 fue el siguiente:

Producción manufacturera: 4,2%

Vehículos y equipamientos: 6,5%

Circuitos integrados: 2,7%

Productos derivados del petróleo: 5,1%

El promedio de **inflación** entre 1992 a 1997 fue del 5%. En 1999 alcanzó solamente el 0,3% debido a la estabilidad de la moneda local y la caída de los precios internacionales. En el año 2000 fue del 2,1% principalmente por efecto de factores externos como los altos precios del petróleo y los altos costos de importación por la depreciación del baht. Los factores internos que impulsaron ese índice inflacionario fueron la subutilización de la capacidad industrial, las condiciones favorables del clima que permitieron un incremento en los precios de los productos agrícolas y la demanda interna que se mantuvo en niveles relativamente bajos.

La inflación fue del 1,8% en el año 2001, habiendo sido estimada en varias oportunidades en un 2%. Para el año 2002 se había pronosticado un índice inflacionario del 2,2% pero promedió el 0,7%, a pesar del aumento en los precios del petróleo y en los alimentos, consecuencias de las tensiones geopolíticas. También se vieron afectados los precios de los alimentos por factores climáticos donde las inundaciones azotaron a toda la región.

La actividad del **sector de la construcción** se contrajo un 4% en el año 2000 comparado con una caída del 8% en 1999 y del 34,7% en el 98. El 60% de las 13.000 compañías constructoras registradas son o insolventes o se han disuelto temporariamente. En general las firmas tailandesas son relativamente pequeñas, habiendo sufrido la influencia de las más grandes y eficientes empresas europeas, asiáticas y australianas a mediados de los años 90 y durante el auge inmobiliario.

De acuerdo a la trayectoria de los indicadores del sector en el 2002, estos sugieren que esta en vías de recuperación. Muchas de las compañías han reestructurado sus deudas y lograron consolidarse nuevamente en la industria.

Hay por el momento 200 a 300 grandes empresas constructoras con un buen posicionamiento en el mercado y algunas líderes se han asociado con otras extranjeras.

En cuanto al **sistema financiero** el Ministerio de Finanzas y el Banco Central de Tailandia (BOT) son las principales instituciones con responsabilidad en la formación de las políticas y supervisión del sistema financiero.

El Banco Central supervisa a los bancos, firmas financieras e implementa las reformas necesarias.

La actual Administración propuso “aliviar” muchas de las funciones de supervisión del Banco Central delegándolas bajo la órbita del Ministerio de Finanzas. De esa manera el BOT podrá canalizar todos sus esfuerzos en manejar técnicamente la política monetaria.

La economía de Tailandia comenzó a mostrar signos de recuperación a fines del año 2002, con el cumplimiento de las políticas económicas del gobierno que lograron gran parte de sus objetivos.

Alcanzar un crecimiento económico es el objetivo primario de las autoridades y

también el que recibe mayores presiones, aun más que la estabilidad económica.

El impacto económico del ataque terrorista del 11 de septiembre a los EE.UU. en el caso de Tailandia tuvo como consecuencia inmediata pero sin mantenerse por mucho tiempo, una caída de las exportaciones y una disminución del turismo hacia este país.

El crecimiento económico en el año 2001 fue del 1,6% . La recesión que está abarcando a las economías a nivel mundial afectará la situación fiscal de Tailandia, aumentará la tasa de desempleo y podría generar malestar en la red de seguridad social.

El Gobierno de Tailandia espera alcanzar un presupuesto equilibrado a partir del año 2006. El crecimiento económico, para lograr ese objetivo, deber estar entre un 4 a 5% anual en los próximos 5 años, de no ser así el país podría enfrentar el riesgo de una crisis en su deuda pública.

Antes del conflicto en medio oriente y la epidemia de la "neumonía atípica" que afecta a toda la región, los países asiáticos enfrentaban problemas en sus exportaciones hacia EE.UU., Europa y Japón. Ahora se verán agravados con pronósticos de aumentos en las tasas de desempleo, especialmente en los sectores de manufacturas, turismo y en la industria del transporte aéreo. La situación inclusive puede empeorar dado que la guerra forzó a los trabajadores asiáticos, que se encontraban en Medio Oriente, a retornar a sus países.

El crecimiento de la economía de Tailandia podría alcanzar el 4,5% en el 2003 y no el 5,2% como fue pronosticado en un principio. Esto se debe fundamentalmente al impacto de la epidemia del SARS en la región.

Solamente la industria del turismo, que contribuye con el 6% del PBI de Tailandia, esta siendo afectada de manera contundente por el SARS y se prevé, que continuará en los próximos meses profundizándose la crisis.

Los fuertes incrementos de las exportaciones en los primeros dos meses del corriente año decayeron en el mes de marzo y no se espera que se recuperen hasta el segundo semestre. Las inversiones privadas también cayeron en los meses de febrero y marzo. Solamente se espera un incremento en la demanda por estímulos dirigidos por el gobierno, pero las inversiones privadas y las exportaciones no crecerán al mismo ritmo.

Las autoridades del Ministerio de Finanzas consideran que el crecimiento de la economía en general se mantendrá en los mismos niveles que el año 2002, dado el impacto negativo del SARS en toda la región.

El Banco Mundial por su parte pronostica un crecimiento de la economía tailandesa para el 2004 del 5%. Para los países en general del Sudeste Asiático el pronóstico es del 4% para este año y del 4,7% para el 2004.

Perfiles regionales

La región del norte se puede dividir en dos partes: la región superior y la inferior.

La *región superior* bordea con Myanmar y Laos y cubre aproximadamente el 60% de la región norte abarcando 9 provincias. Montañas con grandes forestaciones dominan la mayor parte del área donde las tierras cultivables serían de casi el 15% de la superficie. La mayor explotación económica es la turística, industrias de servicios, particularmente hoteles, complejos habitacionales para turistas y una pequeña industria de artesanías regionales son el motor de la economía en esa región.

Aparte del sector turístico se puede mencionar el desarrollo de generación de energía, contando con importantes plantas de energía hidroeléctricas.

En cuanto a manufacturas, la región norte es rica en minerales tales como caolín, zinc,

piedra caliza, cemento y lignito, y conocida la región por las manufacturas de productos de cerámicas y de zinc.

En términos de actividad económica, la ciudad de Chiang Mai al norte de Tailandia, es considerada como el principal centro de la economía.

También esa ciudad podría ser el centro de alta tecnología si el Consejo Nacional de Desarrollo Económico y Social (NESDB) aportara los medios para desarrollar esos objetivos.

El Consejo expuso cuatro estrategias principales para mejorar la competitividad de 17 provincias del norte. De esa manera el norte se convertiría en un centro de información tecnológica con una importante industria de desarrollo de software.

La *región inferior*, esta conformada por ocho provincias, de tierras fértiles y cultivables, donde la agricultura es la principal actividad económica y se concentra principalmente en arroz, maíz y azúcar.

La región sur se caracteriza por diferentes y diversificados sectores de actividad económica.

La producción de caucho, aceite de palma, pesca, turismo son algunos de los principales rubros de la economía del sur de Tailandia. Las exportaciones de productos del mar tanto congelados y procesados crecieron aproximadamente un 1% en el 2002 con relación al año anterior.

El turismo en esa parte del país se incrementó un 5,9% en el 2002 con relación al año 2001.

La economía en la región del sur continuará experimentando crecimientos por los siguientes motivos:

-políticas fiscales que implementará el gobierno para el desarrollo de la región.

- inversiones privadas
- continua promoción del turismo

Desarrollo e inversiones en la Región del Mekong

El Banco de Desarrollo Asiático (ADB), la mayor fuente de recursos monetarios para el desarrollo de proyectos a lo largo del río Mekong, ha identificado recientemente cinco "corredores económicos" en la subregión del Mekong. Aparte del corredor este-oeste y norte-sur, las otras rutas incluyen construcciones viales desde Kunming a través de Hanoi a Hai Phong y desde Bangkok a la ciudad de Ho Chi Minh vía Phnon Penh. El corredor este-oeste conectará la ciudad costera de Danang en Vietnam a través del sur de Laos y el noreste de Tailandia con la costa sudeste de Myanmar.

De acuerdo a funcionarios del ADB, los recursos monetarios para las construcciones viales de Laos estarán disponibles en el corriente año y para el corredor vertical estará finalizado para el año 2005. Agregaron que el ADB está en condiciones de respaldar económicamente la construcción de rutas en Vietnam y ofrecer ayuda para el mantenimiento y expansión de las rutas en Tailandia, pero por razones políticas, no pueden hacer lo mismo con Myanmar.

El ADB cree que habría una alta posibilidad que Tailandia, a través del Exim Bank, ofrezca ayuda crediticia para la construcción de carreteras en Myanmar. El sector privado de Tailandia ha presionado al gobierno local para que apoye los proyectos viales en Myanmar, aunque todavía no se conoce la decisión del Gabinete de Tailandia sobre la aprobación de otro préstamo para ese país.

Como tantos otros proyectos de desarrollo, la infraestructura en carreteras aporta condiciones positivas, por ejemplo para las comunicaciones y el transporte de mercaderías, reduciendo costos y tiempos y por otro lado la parte negativa, cambios en el medio ambiente,

reformas en proyectos sociales y agrícolas con el consecuente cambio de hábitos y desplazamientos de pequeños propietarios hacia otros lugares.

El mejor argumento que esgrime el ADB es el desarrollo que se realizó de carreteras interconectadas en el norte de Tailandia, que contribuyó no sólo al crecimiento económico sino también a las inversiones y turismo.

Los Ministros de Relaciones Exteriores de Camboya, Myanmar, Tailandia, Laos y Vietnam han coincidido en la necesidad de acelerar el desarrollo de la Región del Mekong, en reuniones mantenidas dentro del marco de la 33 ava. Reunión del ASEAN.

Los cinco países del sudeste asiático comparten el río Mekong con la provincia de Yunan en China, con una extensión total de 2,3 millones de Km. cuadrados y una población de aproximadamente 240 millones de personas.

El Canciller de Myanmar, Win Aung comentó que el desarrollo de la región del Mekong se detuvo en 1997 con la crisis financiera regional, pero urgió a renovar los esfuerzos para continuar con los proyectos.

Agregó que se deberán mantener conversaciones con Japón y otros países, como por ejemplo de la Unión Europea, para recibir financiamiento que permita el desarrollo de la región.

Los países que más impacientes aguardan cursos de acción en este tema son Camboya, Laos y Myanmar.

En 1996 se creó el Comité "Asean-Mekong Basin Development Cooperation (AMBDC)", que entre otros temas deberán continuar con las conversaciones sobre la propuesta de construcción de vías férreas desde Singapur hasta la provincia de Kunming, al sur de China.

El Comité mantiene informados a funcionarios de China, Japón y Corea del Sur para interesarlos en los distintos proyectos y conseguir los fondos necesarios para los mismos.

El Banco de Desarrollo Asiático (ADB) afirma que la región del Mekong tiene un potencial en términos de recursos naturales y abundante mano de obra, pero por otro lado el medio ambiente de las ciudades, las diferencias en los ingresos, los desarrollos de infraestructura y recursos humanos son un serio obstáculo para el crecimiento.

El ADB estima que solamente para los sectores de transporte y energía son necesarios u\$s 10.000 millones en inversiones.

RESERVAS INTERNACIONALES Y TIPO DE CAMBIO

A fines del año 1996 las reservas excluido el oro ascendían a más de u\$s 37.700 millones, pero un tercio de las mismas fueron utilizadas para defender la estabilidad del baht en el mercado de cambios en la crisis de 1997. El nivel de reservas recién se estabilizó entre u\$s 32.000 – 35.000 millones entre los años 1999-2001.

En agosto del año 2002 las reservas internacionales alcanzaron los u\$s 38.500 millones, comparado con los u\$s 33.000 millones de diciembre del 2001. Con fuertes inversiones especulativas en la moneda local, atraídas por la tasa diferencial positiva de interés con respecto al dólar estadounidense, hizo posible el nivel de reservas a mediados del 2002.

El baht se fue apreciando frente al dólar desde comienzos del 2002 y se mantuvo a un promedio de u\$s 1 = baht 43,5 hasta septiembre del mismo año, comparado con un tipo de cambio de u\$s 1=baht 44,5 a fines del 2001.

El Banco Central de Tailandia, cuyos objetivos es mantener la estabilidad en el tipo de cambio y en el nivel de reservas extranjeras, ha expresado su preocupación por la pérdida de competitividad en las exportaciones por el fortalecimiento del baht, debiendo realizar compras

de divisas para prevenir futuras apreciaciones de la moneda local.

POLITICA ECONOMICA EXTERNA

La política macroeconómica tailandesa está orientada a mejorar los niveles de competitividad, a incrementar la participación del sector externo y a la defensa del libre comercio. El Reino de Tailandia es una democracia estable, con una larga historia en materia de políticas económicas caracterizadas por su nivel de apertura externa, por una política fiscal conservadora y por un gobierno que permite que el sector privado haga lo que sabe hacer mejor, es decir negocios.

Las tendencias dominantes son hacia la liberalización, descentralización y privatización. Es intención del gobierno tailandés acelerar el programa de privatizaciones de empresas estatales de energía, transportes e infraestructura, aunque aún se encuentran demoradas y bajo estudio.

En 1995, el ASEAN (Asociación de Naciones del Sudeste Asiático) se convirtió en el socio comercial más importante de Tailandia. ASEAN incluye a Malasia, Singapur, Indonesia, Filipinas, Vietnam y Brunei. El desarrollo comercial refleja los beneficios obtenidos desde la formación del ASEAN Free Trade Area (AFTA), establecida en 1993. Vietnam se unió al ASEAN en 1995 y Laos y Myanmar en 1997. Las exportaciones en Asia y dentro de ASEAN han crecido más rápidamente que con Europa. EE.UU. es el principal destino de las exportaciones de Tailandia, le sigue Japón y Singapur es el tercer destino y el más importante dentro del ASEAN.

El objetivo del AFTA es promover la competitividad del ASEAN en el mercado internacional, establecer un mercado amplio sin barreras internas, reducir costos y fomentar inversiones.

También dentro del ASEAN se estableció el Asean Industrial Cooperation (AICO), con el propósito de asentar las bases para el desarrollo de inversiones bajo una política uniforme para el área.

Tailandia firmó el acuerdo del GATT (General Agreement on Tariffs and Trade) en 1982 y ratificó su acuerdo con la OMC (Organización Mundial del Comercio) en 1994. Actualmente Tailandia se beneficia de los privilegios acordados bajo el Sistema Generalizado de Preferencias (GSP), el cual permite la importación de productos con tarifas reducidas. Este sistema fue introducido por EE.UU. en 1967 para ayudar a los países en desarrollo a exportar más productos a ese país.

Tailandia, como miembro del ASEAN, también forma parte del APEC (Asia Pacific Economic Cooperation), cuyo principal objetivo es el de desarrollar y reforzar el sistema abierto multilateral de comercio y reducir barreras para comercializar productos, ampliar servicios y fomentar inversiones.

Uno de los conceptos que ayudó en parte a la economía del país fue la creación del “TEAM THAILAND”, que incrementó el desarrollo en las estrategias comerciales internacionales.

El Team está compuesto por 30 representantes del sector público y privado quienes organizan talleres de trabajo para promocionar y dar a conocer la política en materia económica de Tailandia, que en su primera etapa comenzó en países europeos.

El concepto es básicamente unificar los mensajes en los temas relativos al comercio internacional, aplicando una estrategia dirigida hacia un mismo objetivo.

En los últimos años el país no pudo maximizar los beneficios del comercio exterior, debido principalmente a que cada Ministerio (Comercio, Industria, Relaciones Exteriores, Agricultura, etc.) han trabajado en forma aislada.

También se nombró a tres prominentes personalidades para que se desempeñen como Representantes de Comercio Exterior de Tailandia, que tienen a su cargo, entre otros temas, las Negociaciones Comerciales Internacionales.

COMERCIO GLOBAL

Las exportaciones aumentaron en 1997 debido a la depreciación del baht que comenzó en Julio de 1997. Las ventas de productos manufacturados, los que representan más del 80% de las exportaciones totales, aumentaron drásticamente durante el segundo semestre del mismo año, con productos tales como plásticos, computadoras y partes, circuitos integrados y partes, y productos fabricados con materias primas tailandesas. El valor de exportación de los productos agrícolas disminuyó debido a la caída en los precios del caucho y la tapioca. A pesar del aumento del precio mundial del arroz, las ventas se vieron limitadas debido a la cantidad disponible.

En los pasados años las exportaciones, valuadas en dólares, fueron decreciendo continuamente, principalmente por la depreciación de la moneda local (baht) que perdió un 40% del valor frente al dólar (los niveles promedios del baht antes de la crisis de julio del 97 oscilaba entre 25 y 26 baht por dólar).

Las importaciones en el año 98 disminuyeron en valor debido al tipo de cambio y donde se hicieron más evidentes fue en el sector de las materias primas.

Una gran parte de las exportaciones de este país son ensamblajes de partes que a su vez dependen de la importación de determinados productos, por lo tanto una disminución de las compras en el exterior significa para este país un menor ritmo de crecimiento en las exportaciones.

El Departamento de Promoción de Exportaciones (DEP) es el encargado de desarrollar y planear estrategias de mercado para el correcto desenvolvimiento de las exportaciones y su promoción. El DEP funciona como un centro de información con capacidad para proveer asistencia en diferentes áreas concernientes a las exportaciones. Tiene un área permanente para exhibición de productos tailandeses, una extensa base de datos de empresas locales con descripción de los productos que exportan y cuenta con un Instituto Internacional de Trading. Para competir en el mercado internacional, el DEP asesora a las empresas sobre la importancia de elaborar productos de calidad que les permita obtener certificados bajo las normas ISO.

Principales productos exportados por Tailandia en el año 2001:

- máquinas para el procesamiento automático de datos y sus partes: u\$s 7.829 millones
- circuitos integrados electrónicos: u\$s 3.512 millones
- automóviles, partes y accesorios: u\$s 3.253 millones
- indumentaria: u\$s 2.918 millones
- langostinos, camarones y langostas frescas o congeladas: u\$s 2.187 millones
- piedras preciosas y artículos de joyería: u\$s 1.779 millones
- polímeros de etileno, polipropileno, etc.: u\$s 1.662 millones
- arroz: u\$s 1.583 millones
- aparatos electrónicos (radios, tv.) y sus partes: u\$s 1.548 millones
- caucho: u\$s 1.325 millones

Principales destinos de las exportaciones en el año 2001:

- EE.UU.: u\$s 13.277 millones
- Japón: u\$s 10.006 millones
- Singapur: u\$s 5.305 millones
- Hong Kong: u\$s 3.311 millones
- China: u\$s 2.873 millones
- Malasia: u\$s 2.733 millones

- Reino Unido: u\$s 2.337 millones
- Holanda: u\$s 2.036 millones
- Taiwan: u\$s 1.925 millones
- Alemania: u\$s 1574 millones

Principales productos importados por Tailandia en el año 2001:

- maquinarias eléctricas y sus partes: u\$s 7.280 millones
- maquinarias para uso industrial: u\$s 6.051 millones
- petróleo: u\$s 5.756 millones
- circuitos integrados electrónicos: u\$s 5.418 millones
- productos químicos: u\$s 4.815 millones
- componentes de computadoras y accesorios: u\$s 3.761 millones
- hierro y acero: u\$s 2.368 millones
- artículos de joyería incluidos barras de plata y oro: u\$s 1.912 millones
- manufacturas de metal: u\$s 1906 millones
- otros metales: u\$s 1.617 millones

Principales orígenes de las importaciones en el año 2001:

- Japón: u\$s 13.831 millones
- EE.UU.: u\$s 7.159 millones
- China: u\$s 3.696 millones
- Malasia: u\$s 3.067 millones
- Singapur: u\$s 2.844 millones
- Taiwan: u\$s 2.589 millones
- Alemania: u\$s 2.553 millones
- Corea del Sur: u\$s 2.112 millones
- Emiratos Arabes: u\$s 1.525 millones
- Australia: u\$s 1.373 millones

Fuente: Departamento de Aduanas.

El total exportado por Tailandia en el año 2001 ascendió a u\$s 65.183 millones y las importaciones a u\$s 61.795 millones con un saldo comercial de u\$s 3.388 millones.

Principales productos exportados por Tailandia en el año 2002:

- aparatos para el procesamiento de datos, u\$s 7.464,2 millones;
- circuitos integrados, u\$s 3.452,8 millones
- automóviles, partes y accesorios, u\$s 2.920,3 millones;
- indumentaria, u\$s 2.724,1 millones;
- piedras preciosas y joyería, u\$s 2.169,5 millones;
- aparatos de TV y radios, u\$s 2.102,0 millones;
- arroz, u\$s 1.631,7 millones;

Principales países de destino (año 2002):

- EE.UU., u\$s 13.514,8 millones;
- Japón, u\$s 10.006,2 millones;
- Singapur, u\$s 5.555,2 millones;
- Hong Kong, u\$s 3.701,3 millones;
- China, u\$s 3.555,4 millones;
- Malasia, u\$s 2.835,9 millones;

Principales productos importados por Tailandia en el año 2002:

- máquinas eléctricas y sus partes, u\$s 7.550,4 millones;
- maquinarias para uso industrial, u\$s 6.394,9 millones;
- petróleo, u\$s 5.749,3 millones;
- circuitos integrados, u\$s 5.449,7 millones;
- productos químicos, u\$s 5.236,2 millones;
- partes para computadoras y accesorios, u\$s 3.662,0 millones;

Principales países proveedores (año 2002):

- Japón, u\$s 14.811,6 millones;
- EE.UU., u\$s 6.147,8 millones;
- China, u\$s 4.897,5 millones;
- Malasia, u\$s 3.618,4 millones;
- Singapur, u\$s 2.886,1 millones;
- Taiwán, u\$s 2.885,6 millones;

Fuente: Departamento de Aduanas.

En el año 2002 las exportaciones totalizaron u\$s 68.902,9 millones y las importaciones u\$s 64.313,5 millones con un saldo de u\$s 4.589,4 millones.

VER CUADROS ESTADÍSTICOS**COMERCIO BILATERAL**

En el año 1997, a pesar de la crisis económica que comenzó en julio, nuestras exportaciones totalizaron u\$s 172,8 millones y las ventas de Tailandia hacia nuestro país u\$s 76,7 millones, con un superávit para la Argentina de u\$s 96,1 millones.

En el año 1999 las exportaciones argentinas hacia este mercado ascendieron a u\$s 215,97 millones con una importante participación de productos tales como:

-harina de semillas o frutos oleaginosos de u\$s 81,15 millones en el año 1998 a u\$s 107,32 millones en 1999.

-semillas y frutos oleaginosos de u\$s 37,50 millones en el 98 a u\$s 49,42 millones en el 99.

-aceites lubricantes y líquidos para frenos hidráulicos de u\$s 100.000 en 1998 a u\$s 12,67 millones en 1999.

-frutos del mar de u\$s 2,19 millones en el 98 a u\$s 5,43 millones en el 99.

En el año 2000 se registra un record de las exportaciones Argentinas al Reino de Tailandia llegando a u\$s 226,10 millones. Las exportaciones de este país hacia la República Argentina alcanzaron los u\$s 85,88 millones.

En cuanto a la composición de los principales productos se pueden mencionar:

-Harina de semillas o frutos oleaginosos, u\$s 110,5 millones con una participación en el total importado por Tailandia del 36,98%.

-Semillas y frutos oleaginosos, u\$s 79,90 millones siendo un 26,78% del total importado.

-Cueros crudos y cueros, u\$s 10,3 millones participando con un 2,61% del total importado.

-Langostinos, camarones frescos o congelados u\$s 8,4 millones con un 6,3% de participación sobre el total importado.

-Tubos y caños. U\$s 2,4 millones participando con un 1,48% del total.

Las importaciones de Tailandia desde la República Argentina ascendieron en el año 2001 a u\$s 378,2 millones, significando un record histórico.

Principales productos importados por Tailandia desde la República Argentina en el año 2001:

- 1) harinas de semillas o frutos oleaginosos: u\$s 172 millones
- 2) semillas y frutos oleaginosos: u\$s 143 millones
- 3) cueros crudos y cueros: u\$s 16,8 millones
- 4) fibras textiles: u\$s 10,3 millones
- 5) hierro y acero: u\$s 8,7 millones
- 6) langostinos y camarones, frescos o congelados: u\$s 7,2 millones
- 7) tubos y caños: u\$s 4,9 millones
- 8) productos químicos: u\$s 4,1 millones
- 9) partes para computadoras y accesorios: u\$s 2,2 millones

10) productos medicinales y farmacéuticos: u\$s 1, 5 millones

Las exportaciones de Tailandia hacia la República Argentina ascendieron en el año 2001 a u\$s 78 millones.

Principales productos exportados por Tailandia hacia la República Argentina en el año 2001:

- 1) automóviles, partes y accesorios: u\$s 14 millones
- 2) conservas de pescado: u\$s 13,2 millones
- 3) aparatos de aire acondicionado y sus partes: u\$s 6,4 millones
- 4) tejidos: u\$s 6 millones
- 5) maquinarias para procesamiento automático de datos: u\$s 3,8 millones
- 6) productos de caucho: u\$s 3,7 millones
- 7) calzados y sus partes: u\$s 3,3 millones
- 8) frutas en conserva: u\$s 2,6 millones
- 9) indumentaria: u\$s 2,0 millones
- 10) textiles: u\$s 1,9 millones

Las importaciones de Tailandia desde la República Argentina ascendieron en el año 2002 a u\$s 348,1 millones

Principales productos importados por Tailandia desde la República Argentina en el año 2002:

- 1) harinas de semillas o frutos oleaginosos: u\$s 156,9 millones
- 2) semillas y frutos oleaginosos: u\$s 138,2 millones
- 3) cueros crudos y cueros: u\$s 17,6 millones
- 4) langostinos y camarones, frescos o congelados: u\$s 10,2 millones
- 5) tubos y caños: u\$s 6,1 millones
- 6) productos químicos: u\$s 3,5 millones

- 7) productos medicinales y farmacéuticos: u\$ 2,7 millones
- 8) desperdicios de metales: u\$ 2,0 millones
- 9) hierro y acero: u\$ 1,6 millones
- 10) aceites vegetales: u\$ 1,2 millones
- 11) máquinas para uso industrial: u\$ 0,9 millones

Las exportaciones de Tailandia hacia la República Argentina ascendieron en el año 2002 a u\$ 15,4 millones.

Principales productos exportados por Tailandia hacia la República Argentina en el año 2002:

- 1) productos químicos: u\$ 3,1 millones
- 2) caucho: u\$ 2,8 millones
- 3) productos de caucho: u\$ 1,9 millones
- 4) tejidos: u\$ 1,3 millones
- 5) azúcar: u\$ 1,0 millones
- 6) máquinas y sus partes: u\$ 0,8 millones
- 7) conservas de pescado: u\$ 0,5 millones
- 8) maquinarias para procesamiento automático de datos: u\$ 0,4 millones
- 9) altoparlantes y sus partes: u\$ 0,3 millones
- 10) indumentaria: u\$ 0,3 millones

VER CUADROS ESTADISTICOS

El excelente nivel alcanzado en todos los aspectos de la relación bilateral, encuentra su materialización en el permanente incremento de la relación comercial bilateral.

Las exportaciones argentinas crecieron de u\$ 163,2 millones en el año 1998 a u\$ 348,1 millones en el año 2002, decreciendo con respecto al año 2001 que fueron de u\$ 378,2

millones.

En términos relativos, Argentina se constituyó en el primer socio comercial de Tailandia en Latinoamérica y nuestras exportaciones a este país, o sea nuestra presencia comercial, superan a las que realizan países tan significativos en la comunidad internacional como Suecia, Canadá, España, Israel, Sud Africa, Nueva Zelanda, Dinamarca, Rusia, Noruega, Austria, Irlanda, entre otros.

En el mismo sentido, Tailandia no sólo se constituyó durante el año 2001 en el primer mercado para las exportaciones argentinas al Sudeste de Asia, sino que nuestros intereses económico-comerciales (medidos por nuestras exportaciones) con este país superan a los que mantenemos con países tan significativos en la comunidad internacional de naciones como Reino Unido, Francia, Austria, Dinamarca, Bélgica, Finlandia, Grecia, Irlanda, Noruega, Polonia, Portugal, Rusia, Suecia, Suiza, Canadá, Colombia, Bolivia, Ecuador, Venezuela, Australia y Nueva Zelanda, entre otros (de acuerdo a datos del INEC para el año 2001):

[ACCESO AL MERCADO](#)

Sistema arancelario

La estructura de los derechos de importación en Tailandia se puede resumir de la siguiente manera:

1. materias primas básicas y necesarias y bienes sujetos a tratamiento especial: 0 – 1%
2. bienes primarios y maquinarias: 5%
3. bienes intermedios: 10%
4. bienes finales: 20%
5. bienes suntuarios: más del 30%

Una lista completa de los productos con los aranceles que abonan se pueden consultar en:

www.cuastoms.go.th

Autorizaciones previas o Licencias de Importación: Algunos productos, por razones técnicas o de seguridad, necesitan una autorización previa o una licencia de importación que deben obtener en los organismos competentes. Entran dentro de este esquema los siguientes productos:

-farmacéuticos y químicos, plantas y animales, explosivos y juguetes, etc.

ESTRUCTURA DE COMERCIALIZACION

-Requisitos básicos para la importación de muestras de mercancías, impresos publicitarios y catálogos comerciales

Para el ingreso de muestras de mercancías, impresos publicitarios y catálogos comerciales es necesario cumplir con las formalidades aduaneras como si se tratara de importaciones de mercancías normales.

1) Importación de muestras de mercancías.

Se puede importar de acuerdo al Parte 4, Título 14 del Decreto sobre Aranceles Aduaneros B.E. 2530, posición arancelaria 9914.000.005/KGM

"Mercancías sólo para ser utilizadas como muestras y que no tengan valor comercial, y no se pueden vender al público. "

* No pagan derechos de importación.

2) Importación de impresos publicitarios, catálogos comerciales y similares.

Se pueden importar según Parte 2 del Decreto sobre Aranceles Aduaneros B.E. 2530, posición arancelaria 4911.100.009/KGM :

" Impresos publicitarios, catálogos comerciales y similares. "

Arancel de importación: 20% / 1,90 baht por kilo

Fuente: Departamento de Aduana, Tailandia

Canales de distribución

Dependiendo del producto las importaciones pueden ser realizadas por el usuario final o las efectúan empresas de comercialización especializadas en un sector en particular. Muchas de estas empresas tienen un buen sistema de almacenamiento y una importante cadena de distribución al comercio minorista. También se encargan de efectuar la reexportación a otros países de la región. Se puede decir que en Tailandia existen todas las posibilidades de distribución, ya sea a través de agentes, representantes, tradings, empresas importadoras, etc.

Para algunos productos alimenticios la importación está a cargo de empresas manufactureras que tienen a su cargo la preparación del producto final y el envasado.

Los principales bienes de consumo son vendidos en supermercados, mercados al aire libre, almacenes, mini mercados, grandes tiendas, shopping centers, restaurantes y estaciones de servicio.

En razón de la fuerte competencia, los principales factores que tienen en cuenta los importadores son la buena relación precio-producto, calidad del producto garantizada en forma regular y buen servicio post-venta, particularmente en maquinarias y bienes manufacturados en general.

También existe una tendencia creciente a que los supermercados realicen directamente las importaciones de la mayor parte de sus productos de venta masivos.

En alimentos existe un crecimiento notable de los supermercados por sobre los negocios chicos (“provision shops” o “mini-markets”) y los mercados tradicionales al aire libre (“wet markets”). Los negocios chicos de alimentos han decrecido en los últimos años.

El crecimiento exponencial de los supermercados ha creado un clima de alta competencia que ha generado una verdadera “guerra de precios”. Las marcas propias de cada supermercado aún se encuentran en niveles promedios relativamente bajos, pero debido a su

incidencia en el control del precio por parte de los supermercados, su utilización es cada vez más frecuente. La creciente importación directa de los productos de mayor salida les permite a los supermercados reducir costos a través de la eliminación de intermediarios.

No obstante existe una tendencia nueva a abrir locales en barrios donde su clientela tradicional se encuentra principalmente en las clases medias-altas locales y las familias de extranjeros profesionales, donde en estos casos sus productos son más “occidentales” que los ofrecidos en otros barrios donde predominan las familias tailandesas.

Los Hoteles son clientes muy importante de los importadores/distribuidores, en particular en el rubro alimentación para abastecer a sus restaurantes.

Tailandia además de recibir aproximadamente 10 millones de turistas al año, los hoteles tienen restaurantes que son muy frecuentados por la población residente, tanto para almuerzos de negocios como de placer.

Compras gubernamentales

El gobierno de Tailandia puede realizar compras directas o a través de licitaciones nacionales o internacionales. En este último caso la empresa extranjera deberá contar con un agente local para la presentación de ofertas y todo trámite relacionado con la licitación.

Etiquetado

Todos los productos que ingresan al mercado de Tailandia deben ser etiquetados en idioma inglés o tailandés, con el nombre del país de origen, los datos del importador y otras descripciones del producto. Estas etiquetas pueden ser pegadas sobre etiquetas que originalmente son en otro idioma. No obstante por razones de claridad de mensaje si la etiqueta del producto ingresa en idioma inglés se pega encima de la misma otra en idioma tailandés.

Por ejemplo para el caso del etiquetado para el ingreso de vinos las mismas deben contener la siguiente información en idioma tailandés o inglés:

- 1) Nombre del vino.
- 2) País de origen del producto (por ejemplo, Product of Argentina)
- 3) Nombre y dirección del productor
- 4) Nombre y dirección del importador
- 5) Bodega
- 6) Volumen (por ejemplo 750 ml.)
- 7) Contenido de alcohol (% por vol.)
- 8) Mensaje de advertencia en idioma tailandes, “stating the harm of drinking alcohol on driving”, en letra de por lo menos 2 mm de tamaño.

Si las etiquetas originales no contienen la información completa, se acepta el reetiquetado en la parte posterior de la botella.

Marcas y patentes (ver anexos)

VIAJES DE NEGOCIOS

-ASISTENCIA MEDICA

La asistencia médica en la ciudad de Bangkok para el extranjero es realmente buena. Los ciudadanos tailandeses gozan de un seguro social de salud, pero quienes no son ciudadanos de este país deben pagar las consultas médicas y demás servicios hospitalarios. Son, pues, dos realidades médico-asistenciales realmente opuestas. Varias son las clínicas privadas, pudiendo citar entre las más importantes y realmente equiparables a hoteles de cinco estrellas, el Samitivej Hospital y el Bumrungrad Hospital. Los profesionales son competentes en general y se han formado la mayor parte en el exterior, principalmente en el Reino Unido. El idioma inglés es, por lo tanto, accesible en este medio sanitario lo que facilita la relación médico-

paciente.

-FARMACIA

Los principales fármacos de urgencia y para otros tratamientos prolongados se encuentran en el mercado local. Generalmente, una vez efectuada la consulta médica, es en el mismo hospital donde se entregan las medicinas prescritas. Los precios son accesibles y una consulta con un buen profesional puede estimarse en 10 u\$s.

-MEDIOS DE LOCOMOCION

Tailandia en general y Bangkok en particular, son realidades de tránsito ciudadano extremadamente caóticas. La polución ambiental llega a niveles que ha hecho alarmar a la Organización Mundial de la Salud. La gran cantidad de automotores, unidos a los colectivos públicos, a las motos y a los tradicionales TUK-TUKs - así denominados por el ruido de sus tubos de escape - contribuyen a incrementar el problema mencionado. Taxis son frecuentes y económicos, aproximadamente un dólar cada dos Km. La oferta de vehículos para compra en el mercado es abundante y buena, para todos los precios y monopolizada básicamente por el mercado japonés. Las líneas aéreas están casi todas representadas en el medio local y THAI AIRWAYS es la que ofrece las mayores posibilidades de vuelo dentro de la región y otras partes del mundo. El país está conectado internamente entre sus principales ciudades con buena frecuencia de vuelos, siendo las terminales aéreas bien mantenidas y con buena atención a los pasajeros. Los pasajes a islas y principales ciudades tailandesas son accesibles.

-AUTOMOVILES

Considerando el gravísimo problema de tráfico antes mencionado el seguro automotor contra todo riesgo para un auto mediano es de 750 dólares por año. Las naftas son económicas en todas sus variedades.

-ESPARCIMIENTO

La vida social en Bangkok se desarrolla fundamentalmente en los grandes hoteles. También hay numerosos restaurantes estilo europeo y de cocina tradicional thai. Existen algunos clubes de golf y de encuentro social, siendo sus cuotas generalmente elevadas. En los grandes centros comerciales, varios edificados con muy buen gusto en los últimos tiempos, hay un sector de cines con las últimas novedades norteamericanas, europeas y lo poco que produce el cine tailandés. Las películas son subtituladas en Thai, con sonido original. Las expresiones de Teatro son casi inexistentes, siendo el Centro Cultural Thai el lugar donde la cultura local y foránea puede presentarse con nivel. Grandes orquestas y ballet se presentan aquí, entre ellos Julio Boca y el Ballet Argentino. En deportes el país ofrece posibilidades de una gran gama para su desarrollo dada la existencia en su geografía de montañas, lagos y una gran cantidad de islas. Los precios de los hoteles son accesibles, en el orden de los 150 dólares un fin de semana de tres días dos noches con media pensión y transfers.

CONTACTOS UTILES

Centros de Promoción de Exportaciones Regionales

Export Promotion Center, Chiang Mai

29/19 Singharaj Road, Chieng Mai 50200

Tel.: (66) 5321 6350-1, 5322 1376

Fax: (66) 5321 5307

Export Promotion Center, Khon Kaen

68/4 Kiang Muang Road, Khon Kaen, 40000

Tel.: (66) 4322 1472

Fax: (66) 4322 1476

Export Promotion Center, Surat Thani

148/59 Surat-Nakornsri Road, Bang Kung,
Surat Thani, Bangkok 84000
Tel.: (66) 7728 6916, 7728 7108
Fax: (66) 7728 8632

Export Promotion Center, Hat Yai

7-15 Jootee-Uthit 1 Road, Hat Yai, Songkhla 90110
Tel.: (66) 7423 4349, 7423 1744
Fax: (66) 7423 4329

Export Promotion Center, Chanthaburi

30/31-32 Trirat Road, Chanthaburi, 22000
Tel.: (66) 3932 5962-3
Fax: (66) 3932 5962

Gobierno

Departamento de Promoción Industrial. Department of Industrial Promotion
(dependiente del Ministerio de Industria)

Tel.: (66) 2202 4415-6
Fax: (66) 2246 0031
Home Page: www.dip.go.th

Industrial Estate Authority of Thailand (dependiente del Ministerio de Industria)

Tel.: (66) 2253 0561, 2253 5758
Fax: (66) 2253 4086
Home Page: www.ieat.go.th

Thai Industrial Standards Institute (dependiente del Ministerio de Industria)

Tel.: (66) 2202 3300

Fax: (66) 2202 3415

Home Page: www.tisi.go.th

Ministry of Commerce (MOC)

Tel.: (66) 2282 6171-9

Fax: (66) 2280 0775

Home Page: www.moc.go.th

Department of Foreign Trade (dependiente del MOC)

Tel.: (66) 2225 1315-29

Fax: (66) 2224 7269, 2225 4763

Home Page: www.thaitrade.com

Department of Export Promotion (dependiente del MOC)

Tel.: (66) 2513 1909-15, 2511 5066-77

Fax: (66) 2512 1079, 2513 1917

Home Page: www.thaitrade.com

Ministry of Finance (MOF)

Tel.: (66) 2273 9021

Fax: (66) 2293 9408

Home Page: www.mof.go.th

Autoridad de Turismo de Tailandia. The Tourism Authority of Thailand

Tel.: (66) 2694 1222

Fax: (66) 2694 1329

Home Page: www.tat.or.th

Metropolitan Electrical Authority

Tel.: (66) 2254 9550

Fax: (66) 2253 1424, 2254 1355

Home Page: www.mea.or.th

Metropolitan Waterworks Authority

Tel.: (66) 2504 0123

Fax: (66) 2503 9490

Provincial Electrical Authority

Tel.: (66) 2589 0100-1

Fax: (66) 2589 4850-1

Home Page: www.pea.or.th

Departamento de Aduanas. The Customs Department (dependiente del Ministerio de Finanzas)

Tel.: (66) 2249 0431, 2671 7555-7

Home Page: www.customs.go.th

The Industrial Finance Corporation

Tel.: (66) 2253 7111, 2253 9666

Fax: (66) 2253 9677, 2254 8098

Banco Central de Tailandia. Bank of Thailand

Tel.: (66) 2283 5353

Fax: (66) 2280 0449, 2280 0626

Home Page: www.bot.or.th

Export-Import Bank of Thailand

Tel.: (66) 2271 3700, 2278 0047

Fax: (66) 2271 3204

Home Page: www.exim.go.th

Communications Authority of Thailand

Tel.: (66) 2573 0099

Home Page: www.cat.ot.th

Telephone Organization of Thailand

Tel.: (66) 2505 1000

Fax: (66) 2574 9533

Home Page: www.tot.or.th

Ministry of Transport and Communications

Tel.: (66) 2283 3000

Fax: (66) 2281 3959

Home Page: www.motc.go.th

Organizaciones

Federation of Thai Industries

Tel.: 0 2229 4255-83

Fax: 0 2229 4941-2

The Thai Bankers' Association

Tel.: 0 2264 0883-7

Fax: 0 2264 0888

The Foreign Bankers' Association

Tel.: 0 2236 4730

Fax: 0 2236 4731

Board of Trade of Thailand

Tel.: 0 2221 0555

Fax: 0 2225 3995

Bancos

Bangkok Bank

Tel.: 0 2231 4333

Home Page: www.bbl.co.th

Bank of Asia

Tel.: 0 2287 2211-3

Home Page: www.boa.co.th

Citibank (Thailand)

Home Page: www.mirror.citibank.com.sg/thailand

Ex-Im Bank of Thailand

Home Page: www.exim.go.th

Foreign Bankers Association

Home Page: www.fba.or.th

Krung Thai Bank

Home Page: www.ktb.co.th

Siam Commercial Bank

Home Page: www.scb.co.th

Thai Farmer's Bank

Tel.: 0 2470 1122, 2470 1199

Home Page: www.tfb.co.th

HSBC

Tel.: 0 2266 9070

Deutsche Bank

Tel.: 0 2651 5000

Bank of America

Tel.: 0 2251 6333

CUADRO I
EXPORTACIONES DE
TAILANDIA

AÑO 1997 (EN MILLONES DE u\$s)

<i>PRINCIPALES PRODUCTOS</i>	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$6.609,74
INDUMENTARIA	\$2.914,37
CIRCUITOS INTEGRADOS	\$2.275,36
ARROZ	\$1.953,00
CAUCHO	\$1.723,67
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.668,84
PESCADO ENLATADO	\$1.479,43
AUTOMOVILES. PARTES Y ACCESORIOS	\$1.452,73
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$1.415,66
APARATOS ELECTRICOS (RADIOS, TV, ETC.) Y SUS PARTES	\$1.307,49
POLIMEROS DE ETILENO, PROPILENOS, EN FORMA PRIMARIA	\$737,00
APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$935,50
AZUCAR	\$1.135,20
CALZADO Y SUS PARTES	\$1.151,60
PRODUCTOS PLASTICOS	\$820,00
TRANSFORMADORES ELECTRICOS Y SUS PARTES	\$715,50
CIRCUITOS IMPRESOS	\$630,80
SUBTOTAL	\$28.925,89
LOS DEMAS PRODUCTOS	\$27.752,09
TOTAL	\$56.677,98

IMPORTACIONES DE
TAILANDIA

AÑO 1997 (EN MILLONES DE u\$s)

PRINCIPALES PRODUCTOS	
MAQUINARIAS PARA USO INDUSTRIAL	\$7.648,62
MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$6.330,32
PETROLEO CRUDO	\$4.338,49
PRODUCTOS QUIMICOS	\$4.254,31
CIRCUITOS INTEGRADOS	\$3.691,41
HIERRO Y ACERO	\$3.040,50
PARTES DE COMPUTADORAS Y ACCESORIOS	\$2.858,19
MANUFACTURAS DE METAL	\$1.876,61
AERONAVES Y SUS PARTES	\$1.559,77
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.549,53
SUBTOTAL	\$37.147,75
LOS DEMAS	\$24.197,22
TOTAL	\$61.344,97

Fuente: Department of Business Economics. Ministerio de Comercio.

CUADRO II EXPORTACIONES DE TAILANDIA

AÑO 1998 (EN MILLONES DE u\$s)

PRINCIPALES PRODUCTOS	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$7.760,91
INDUMENTARIA	\$2.981,41
CIRCUITOS INTEGRADOS	\$2.271,98
ARROZ	\$2.101,77
CAUCHO	\$1.341,56
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.388,63
PESCADO ENLATADO	\$1.645,32
AUTOMOVILES. PARTES Y ACCESORIOS	\$1.654,92
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$1.412,67
APARATOS ELECTRICOS (RADIO, TV, ETC.) Y SUS PARTES	\$1.405,76
POLIMERO DE ETILENO, PROPILENOS, EN FORMA PRIMARIA	\$989,60

APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$780,40
PRODUCTOS DE HIERRO O ACERO	\$905,80
CIRCUITOS IMPRESOS	\$773,70
SUBTOTAL	\$27.414,43
LOS DEMAS PRODUCTOS	\$27.018,72
TOTAL	\$54.433,15

IMPORTACIONES DE TAILANDIA

AÑO 1998 (EN MILLONES DE u\$s)

PRINCIPALES PRODUCTOS	
MAQUINARIAS PARA USO INDUSTRIAL	\$4.096,04
MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$5.819,66
PETROLEO CRUDO	\$2.904,49
PRODUCTOS QUIMICOS	\$3.675,31
CIRCUITOS INTEGRADOS	\$3.605,34
HIERRO Y ACERO	\$1.708,50
PARTES DE COMPUTADORAS Y ACCESORIOS	\$2.033,57
MANUFACTURAS DE METAL	\$2.077,19
AERONAVES Y SUS PARTES	\$1.157,71
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.132,18
SUBTOTAL	\$28.209,99
LOS DEMAS	\$14.745,61
TOTAL	\$42.955,60

Fuente: Department of Business Economics. Ministerio de Comercio.

CUADRO III EXPORTACIONES DE TAILANDIA

AÑO 1999 EN MILLONES DE u\$s

PRINCIPALES PRODUCTOS	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$8.059,78

CIRCUITOS INTEGRADOS	\$2.953,68
INDUMENTARIA	\$2.916,65
AUTOMOVILES. PARTES Y ACCESORIOS	\$2.430,12
ARROZ	\$1.950,64
CONSERVAS DE PESCADO	\$1.743,04
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.580,89
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$1.277,70
APARATOS ELECTRICOS (RADIOS, TV, ETC.) Y SUS PARTES	\$1.248,24
POLIMEROS DE ETILENO, PROPILENOS, EN FORMA PRIMARIA	\$1.215,30
CAUCHO	\$1.161,25
PRODUCTOS DE HIERRO O ACERO	\$954,30
APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$895,50
PRODUCTOS DE CAUCHO	\$875,00
CALZADOS Y SUS PARTES	\$859,00
PRODUCTOS QUIMICOS	\$844,00
CIRCUITOS IMPRESOS	\$841,30
SUBTOTAL	\$31.806,39
LOS DEMAS	\$26.734,30
TOTAL	\$58.540,70

IMPORTACIONES DE TAILANDIA

AÑO 1999 EN MILLONES DE u\$s

PRINCIPALES PRODUCTOS	
MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$5.458,07
CIRCUITOS INTEGRADOS	\$4.464,26
MAQUINARIAS PARA USO INDUSTRIAL	\$4.007,70
PRODUCTOS QUIMICOS	\$3.979,90
PETROLEO CRUDO	\$3.914,38
HIERRO Y ACERO	\$2.491,93
MANUFACTURAS DE METAL	\$2.485,11
PARTES DE COMPUTADORAS Y ACCESORIOS	\$2.442,37
AERONAVES Y SUS PARTES	\$1.813,07
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.262,30
SUBTOTAL	\$32.319,07
LOS DEMAS	\$18.087,66

TOTAL	\$50.406,73
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Fuente: Department of Business Economics. Ministerio de Comercio.

**CUADRO IV
EXPORTACIONES DE
TAILANDIA**

AÑO 2000 EN MILLONES DE u\$s

<i>PRINCIPALES PRODUCTOS</i>	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$8.638,40
CIRCUITOS INTEGRADOS	\$4.484,00
INDUMENTARIA	\$3.135,50
AUTOMOVILES. PARTES Y ACCESORIOS	\$3.073,70
POLIMEROS DE ETILENO, PROPILENO, EN FORMA PRIMARIA	\$1.865,70
APARATOS ELECTRICOS (RADIOS, TV, ETC.) Y SUS PARTES	\$1.812,40
CONSERVAS DE PESCADO	\$1.794,80
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.675,10
ARROZ	\$1.640,10
CAUCHO	\$1.525,40
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$1.512,70
PRODUCTOS DE HIERRO O ACERO	\$1.400,20
PRODUCTOS QUIMICOS	\$1.180,70
CIRCUITOS IMPRESOS	\$1.137,80
APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$1.079,70
SUBTOTAL	\$35.956,20
LOS DEMAS	\$33.916,10
TOTAL	\$69.872,30

**IMPORTACIONES DE
TAILANDIA**

AÑO 2000 EN MILLONES DE u\$s

<i>PRINCIPALES PRODUCTOS</i>	
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MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$6.860,20
CIRCUITOS INTEGRADOS	\$6.441,80
PETROLEO CRUDO	\$6.105,50
MAQUINARIAS PARA USO INDUSTRIAL	\$5.546,10
PRODUCTOS QUIMICOS	\$4.911,80
PARTES DE COMPUTADORAS Y ACCESORIOS	\$3.667,80
HIERRO Y ACERO	\$2.615,10
MANUFACTURAS DE METAL	\$2.001,20
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.546,70
AERONAVES Y SUS PARTES	\$772,70
SUBTOTAL	\$40.468,90
LOS DEMAS	\$21.712,10
TOTAL	\$62.181,00

Fuente: Department of Business Economics. Ministerio de Comercio.

EXPORTACIONES DE TAILANDIA

AÑO 2001 EN MILLONES DE u\$s

<i>PRINCIPALES PRODUCTOS</i>	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$7.829,60
CIRCUITOS INTEGRADOS	\$3.512,20
AUTOMOVILES. PARTES Y ACCESORIOS	\$3.253,80
INDUMENTARIA	\$2.918,60
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$2.187,20
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.779,70
POLIMEROS DE ETILENO, PROPILENO, EN FORMA PRIMARIA	\$1.662,80
ARROZ	\$1.583,30
APARATOS ELECTRICOS (RADIO, TV, ETC.) Y SUS PARTES	\$1.548,80
CAUCHO	\$1.325,90
APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$1.160,50
PRODUCTOS DE HIERRO O ACERO	\$1.093,30
PRODUCTOS QUIMICOS	\$920,30

CONSERVAS DE PESCADO	\$754,00
CIRCUITOS IMPRESOS	\$691,80
SUBTOTAL	\$32.221,80
LOS DEMAS	\$33.154,20
TOTAL	\$65.376,00

IMPORTACIONES DE TAILANDIA

AÑO 2001 EN MILLONES DE u\$s

PRINCIPALES PRODUCTOS	
MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$7.280,80
CIRCUITOS INTEGRADOS	\$5.418,80
PETROLEO CRUDO	\$5.756,00
MAQUINARIAS PARA USO INDUSTRIAL	\$6.051,80
PRODUCTOS QUIMICOS	\$4.815,60
PARTES DE COMPUTADORAS Y ACCESORIOS	\$3.761,40
HIERRO Y ACERO	\$2.368,40
MANUFACTURAS DE METAL	\$1.906,90
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.462,10
AERONAVES Y SUS PARTES	\$1.363,90
SUBTOTAL	\$40.185,70
LOS DEMAS	\$21.639,00
TOTAL	\$61.824,70

Fuente: Department of Business Economics. Ministerio de Comercio.

EXPORTACIONES DE TAILANDIA

AÑO 2002 EN MILLONES
DE u\$s

PRINCIPALES PRODUCTOS	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE	\$7.464,20

	DATOS	
	CIRCUITOS INTEGRADOS	\$3.452,80
	AUTOMOVILES. PARTES Y ACCESORIOS	\$2.920,30
	INDUMENTARIA	\$2.724,10
	PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$2.169,50
	APARATOS ELECTRICOS (RADIO, TV, ETC.) Y SUS PARTES	\$2.102,00
	CONSERVAS DE PESCADO	\$2.016,40
	POLIMEROS DE ETILENO, PROPILENO, EN FORMA PRIMARIA	\$1.798,00
	CAUCHO	\$1.740,30
	ARROZ	\$1.631,70
	SEMICONDUCTORES, TRANSISTORES Y DIODOS	\$1.453,90
	PRODUCTOS DE HIERRO O ACERO	\$1.281,80
	PRODUCTOS DE CAUCHO	\$1.268,00
	PRODUCTOS QUIMICOS	\$1.195,20
	APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$1.113,90
	SUBTOTAL	\$34.332,10
	LOS DEMAS	\$34.570,80
	TOTAL	\$68.902,90

IMPORTACIONES DE TAILANDIA

AÑO 2002 EN MILLONES
DE u\$s

<i>PRINCIPALES PRODUCTOS</i>		
	MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$7.550,40
	MAQUINARIAS PARA USO INDUSTRIAL	\$6.394,90
	PETROLEO CRUDO	\$5.749,30
	CIRCUITOS INTEGRADOS	\$5.449,70
	PRODUCTOS QUIMICOS	\$5.236,20
	PARTES DE COMPUTADORAS Y ACCESORIOS	\$3.662,00
	HIERRO Y ACERO	\$3.016,80
	MANUFACTURAS DE METAL	\$1.925,20
	INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.517,60
	AERONAVES Y SUS PARTES	\$639,70
	SUBTOTAL	\$41.141,80
	LOS DEMAS	\$23.171,70
	TOTAL	\$64.313,50

Fuente: Department of Business Economics. Ministerio de Comercio.

EXPORTACIONES DE TAILANDIA

PRINCIPALES PAISES DE DESTINO

EN MILLONES DE u\$s

PAISES	AÑO 1999	AÑO 2000	INCREMENTO %
EE.UU.	\$12.654,30	\$14.873,80	17,5%
JAPON	\$8.261,30	\$10.339,20	25,2%
SINGAPUR	\$5.073,10	\$6.069,00	19,6%
HONG KONG	\$2.981,30	\$3.519,80	18,1%
MALASIA	\$2.124,20	\$2.848,40	34,1%
CHINA	\$1.860,90	\$2.836,60	52,4%
TAIWAN	\$2.043,60	\$2.452,00	20,0%
REINO UNIDO	\$2.089,70	\$2.387,30	14,2%
HOLANDA	\$2.198,60	\$2.271,00	3,3%
ALEMANIA	\$1.459,60	\$1.659,00	13,7%
INDONESIA	\$968,40	\$1.354,80	39,9%
BELGICA	\$844,40	\$1.142,70	29,2%
SUBTOTAL	\$42.559,40	\$51.753,60	21,6%
LOS DEMAS PAISES	\$15.981,30	\$18.118,70	13,4%
TOTAL	\$58.540,70	\$69.872,30	19,5%

IMPORTACIONES DE TAILANDIA

PRINCIPALES PAISES PROVEEDORES

EN MILLONES DE u\$s

PAISES	AÑO 1999	AÑO 2000	INCREMENTO %
JAPON	\$12.145,30	\$15.378,10	26,6%

EE.UU.	\$6.384,70	\$7.316,60	14,6%
SINGAPUR	\$2.952,80	\$3.428,10	16,1%
CHINA	\$2.472,20	\$3.389,70	37,1%
MALASIA	\$2.489,00	\$3.359,20	35,0%
TAIWAN	\$2.343,20	\$2.907,70	24,1%
COREA DEL SUR	\$1.754,90	\$2.173,40	23,9%
ALEMANIA	\$1.575,40	\$1.954,20	24,0%
EMIRATOS ARABES	\$863,90	\$1.775,50	105,5%
INDONESIA	\$1.096,10	\$1.292,40	17,9%
SUBTOTAL	\$34.077,50	\$42.974,90	26,1%
LOS DEMAS PAISES	\$16.329,23	\$19.206,10	17,6%
TOTAL	\$50.406,73	\$62.181,00	23,4%

Fuente: Department of Business
Economics. Ministerio de
Comercio.

AÑO 2001 EN
MILLONES DE u\$s

PRINCIPALES PRODUCTOS	
APARATOS PARA EL PROCESAMIENTO AUTOMATICO DE DATOS	\$7.829,00
CIRCUITOS INTEGRADOS	\$3.512,00
INDUMENTARIA	\$2.918,00
AUTOMOVILES. PARTES Y ACCESORIOS	\$3.253,00
POLIMEROS DE ETILENO, PROPILENO, EN FORMA PRIMARIA	\$1.662,00
APARATOS ELECTRICOS (RADIO, TV, ETC.) Y SUS PARTES	\$1.548,00
CONSERVAS DE PESCADO	\$754,00
PIEDRAS PRECIOSAS Y ARTICULOS DE JOYERIA	\$1.779,00
ARROZ	\$1.583,00
CAUCHO	\$1.325,00
LANGOSTINOS Y CAMARONES FRESCOS, ENFRIADOS O CONGELADOS	\$2.187,00
PRODUCTOS DE HIERRO O ACERO	\$1.093,00
PRODUCTOS QUIMICOS	\$920,00
CIRCUITOS IMPRESOS	\$691,00
APARATOS DE AIRE ACONDICIONADO Y SUS PARTES	\$1.160,00
SUBTOTAL	\$32.214,00
LOS DEMAS	\$33.162,00

TOTAL	\$65.376,00
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IMPORTACIONES DE TAILANDIA

AÑO 2001 EN
MILLONES DE u\$s

PRINCIPALES PRODUCTOS	
MAQUINARIAS ELECTRONICAS Y SUS PARTES	\$7.280,00
CIRCUITOS INTEGRADOS	\$5.418,00
PETROLEO CRUDO	\$5.756,00
MAQUINARIAS PARA USO INDUSTRIAL	\$6.051,00
PRODUCTOS QUIMICOS	\$4.815,00
PARTES DE COMPUTADORAS Y ACCESORIOS	\$3.761,00
HIERRO Y ACERO	\$2.368,00
MANUFACTURAS DE METAL	\$1.906,00
INSTRUMENTOS OPTICOS Y CIENTIFICOS	\$1.462,00
AERONAVES Y SUS PARTES	\$1.363,00
SUBTOTAL	\$40.180,00
LOS DEMAS	\$21.644,00
TOTAL	\$61.824,00

Fuente: Department of Business Economics. Ministerio de Comercio.

TRADEMARK ACT B.E. 2534
As Amended by the Trademark Act (No.2) B.E. 2543
H.M. KING BHUMIBOL ADULYADEJ
Given on the 28th day of October B.E. 2534
being the 46th year of the present Reign.

By royal command of His Majesty King Bhumibol Adulyadej it is hereby proclaimed that:

Whereas it is proper to amend the law on trademarks;

IT IS HEREBY ENACTED by the King's Most Excellent Majesty with the advice and consent of the National Legislature as follows:

Section 1 This Act shall be called as the "Trademark Act B.E. 2534."

Section 2 This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.⁽¹⁾

Section 3 The following shall be repealed:

(1) Trademark Act B.E. 2474

(2) Trademark Act (No.3) B.E. 2504.

All laws, regulations and other rules insofar as they are provided for herein or are contrary to or consistent with the provisions hereof shall be superseded by this Act.

Section 4⁽²⁾ In this Act:-

"mark" means a photograph, drawing, device, brand, name, word, letter, manual, signature, combinations of colors, shape or configuration of an object or any one or combination thereof;
"trademark" means a mark used or proposed to be used on or in connection with goods to distinguish the goods with which the trademark of the owner of such trademark is used from goods under another person's trademark;

"service mark" means a mark used or proposed to be used on or in connection with services to distinguish the services using the service mark of the owner of such service mark from services under another person's service mark;

"certification mark" means a mark used or proposed to be used by the owner thereof on or in connection with goods or services of another person to certify the origin, composition, method of production, quality or other characteristics of such goods or to certify as to the nature, quality, type or other characteristics of such services;

"collective mark" means a trademark or service mark used or proposed to be used by companies or enterprises of the same group or by members of an association, cooperative, union, confederation, group of persons or any other state or private organization;

"licensee" means a person licensed under this Act by the owner of a registered trademark or service mark to use such trademark or service mark;

"competent officer" means the person appointed by the Minister to act under this Act;

"Registrar" means the person appointed by the Minister to be registrar to act under this Act;

"Director General" means the Director-General of the Department of Intellectual Property;

"Board" means the Trademark Board;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5⁽¹⁾ The Minister of Commerce shall have the charge and control of the execution of this Act and shall have the power to appoint the Registrar and competent officers, issue ministerial regulations prescribing fees no higher than those given in the schedule annexed hereto and prescribing other matters and issue notifications in order to carry out the provisions of this Act.

CHAPTER I TRADEMARKS

Part 1 Trademark Applications

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⁽¹⁾ A distinctive trademark is one which enables the public or users to distinguish the goods with which the trademark is used from other goods.

A trademark having or consisting of any one of the following essential characteristics shall be deemed distinctive:-

- (1) a personal name, a surname not being such according to its ordinary signification, a name of juristic person or tradename represented in a special manner;
- (2) a word or words having no direct reference to the character or quality of the goods and not being a geographical name prescribed by the Minister in the Ministerial Notifications;
- (3) a combination of colors represented in a special manner, stylized letters, numerals or invented word;
- (4) the signature of the applicant for registration or some predecessor in his business or the signature of another person with his or her permission;
- (5) a representation of the applicant or of another person with his or her permission or of a dead person with the permission of his or her ascendants, descendants and spouse, if any;
- (6) an invented device.

Names and words not having the characteristics under (1) or (2) if used as trademarks with goods which have been widely sold or advertised in accordance with the rules prescribed by the Minister by notification and if it is proved that the rules have been duly met shall be deemed distinctive.

Section 8⁽¹⁾ 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;

(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.

An application may not cover goods of different classes.

The classification of goods shall be as prescribed by the Ministerial Notifications.

Section 10 For a trademark to be registrable, the applicant or his agent shall have an office or address for communication by the Registrar in Thailand.

Section 11⁽¹⁾ 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 12 In considering trademark applications, the Registrar shall have the following powers:-

(1) ask by a letter or summon the applicant to give an oral statement or submit a written statement or submit any document or evidence concerning the application for examination or consideration;

(2) require the applicant to translate any document or evidence in a foreign language into Thai within such period or time as he may deem appropriate;

(3) invite any person to give information, explanations, advice or opinions.

If the applicant does not, without sufficient reason, comply with an order of the Registrar under (1) or (2), the application shall be deemed to be abandoned.

Section 13 Subject to Section 27, where the Registrar finds that the trademark for which on application for registration is filed:

(1) is identical with a trademark already registered by another person; or

(2) is so similar to a registered trademark of another person that the public might be confused or misled as to the owner or origin of the goods, and such application is for goods of the same class or for goods of a different class found by the Registrar to be of the same character, he shall not register such trademark.

Section 14 In the event registered or pending trademarks of the same owner covering goods of the same class or different classes but the same character so similar to one another that the public might be confused or misled as to the owner or origin of the goods of used by different persons, the Registrar shall require the trademarks to be registered as associated trademarks and shall in writing notify the applicant without delay.

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 require and, without delay, in writing notify the applicant to amend the application within ninety days from the date of receipt of the order.

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, within ninety days from receipt of the order, to disclaim exclusive right to use of such part of the trademark;

(2) order the applicant, within ninety days from receipt of the order, to make such other disclaimer as the Registrar may consider necessary for the purpose of defining the rights of the owner under such registrations.

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 paragraph giving the grounds therefor.

Section 18 The applicant may appeal against the Registrar under Sections 14, 15, 16 and 17 to the Trademark Board within ninety days from receipt thereof. Decisions of the Trademark Board shall be final.

If the Board has decided that an order of the Registrar under Section 14 is correct, the Registrar shall proceed to process such application.

If the Board has decided that an order of the Registrar under Section 15 or 17 is correct, the applicant shall comply with the order of the Registrar within ninety days from receipt of the decision of the Board.

If the Board has decided that an order of the Registrar under Section 14, 15, 16 and 17 is incorrect, the Registrar shall proceed to process such application.

Section 19 If the applicant does not appeal under the first paragraph Section 18, and does not comply with an order of the Registrar under Section 15 or 17, as the case may be, or if the applicant files an appeal under the first paragraph of Section 18, but does not comply with Section 18, paragraph three, the application shall be deemed abandoned.

Section 20 Subject to Sections 21, 22, 23, 24, 25, 26, 35 and 41, where several applicants file applications for registration of trademarks which in the opinion of the Registrar are identical or so similar that the public might be confused or misled as to the owner or origin of the goods and the applications cover goods in the same class or goods in different classes having, in the opinion of the Registrar, the same character, the prior applicant shall be entitled to be registered as the owner.

Section 21 If, in the opinion of the Registrar, the identical or similar trademarks under Section 20 are all registrable under Section 6 and the applications are in conformity with the provisions of this Act, the Registrar shall order the applicants to comply with Section 24 and shall inform the applicants in writing without delay.

An applicant who does not agree that his trademark is identical with or similar to other trademarks under Section 20, may appeal against the order of the Registrar under the first

paragraph to the Board within ninety days from receipt of the order. In such case, Section 18 and 19 shall apply mutatis mutandis.

Section 22 If, in the opinion of Registrar, one or more of identical or similar trademarks under Section 20 fall under Section 15 (1) or (2) or Section 17 but others are registrable under Section 6 and the applications are in compliance with the provisions of this Act, the Registrar shall order the applicants of the trademarks which fall under Section 15 (1) or (2) or Section 17 to comply with Section 15 or 17, as the case may be, and shall delay the registration of the registrable trademarks and the processing of the duly filed applications. The Registrar shall, without delay, notify the applicants in writing. In such a case, the provisions of Section 21 paragraph two shall apply mutatis mutandis.

If it appears that an applicant whose trademark is found by the Registrar to fall under Section 15 (1) or (2) or Section 17 has complied with the order of the Registrar under Section 15 or has filed an appeal under Section 18 paragraph one and the Board has decided that the order of the Registrar is incorrect, the Registrar shall order the applicant and the applicants whose applications have been delayed under the first paragraph to comply with Section 24 and shall without delay notify the applicants thereof in writing.

If it appears that all of the applicants whose trademarks found by the Registrar to fall under Section 15 (1) or (2) or Section 17 have abandoned their applications under Section 19:-

(1) In the case where there are several applications which have been delayed under the first paragraph, the Registrar shall order the applicants to comply with Section 24 and shall without delay notify the applicants in writing;

(2) If there is only one application which has been delayed under the first paragraph, the Registrar shall order the publication of that application under Section 29.

Section 23 If the Registrar finds that all of the applications for identical or similar trademarks under Section 20 fall under Section 15 (1) or (2) or Section 17, the Registrar shall order the applicants to comply with Section 15 or Section 17, as the case may be, and shall without delay notify the applicants in writing and Section 21 paragraph two shall apply mutatis mutandis.

If it appears that two or more applicants have complied with the order of the Registrar under Section 15 or 17 or have appealed under Section 18 paragraph one and the Board has decided that the order of the Registrar is not correct, the Registrar shall order the applicants to comply with Section 24 and shall without delay notify the applicants in writing. But if it appears that only one of the said applicants has complied with the order of the Registrar under Section 15 or 17 or has appealed under Section 18 paragraph one and the Board has decided that the order of the Registrar is not correct, the Registrar shall order the publication of that trademark application under Section 29.

Section 24 Within ninety days from the date of receipt of the order of the Registrar under Section 21 paragraph one, Section 22 paragraphs two or three (1) or Section 23, the applicant shall agree as to which one shall be the sole of the trademark and any one of them shall inform the Registrar in writing within such period whether or not agreement has been reached.

Section 25 In the case where the Registrar has been informed within the period specified in Section 24 as to which applicant is allowed by agreement to register, the Registrar shall order the application of such applicant to be published under Section 29.

In the case where the Registrar has been informed within the period prescribed in Section 24 that no agreement has been reached or has not been informed within the said period, the Registrar, under Section 29, shall order the publication of the first applicant or of the first among those who have not abandoned their applications, as the case may be.

Section 26 In the case where Registrar has already notified the applicants in writing to comply with Section 24 and another applicant files an application for a trademark which the Registrar

finds to be identical with those of the other applicants or so similar thereto that the public might be confused or misled as to the owner or origin of the goods, the goods being of the same class or of the same character in a different class, the Registrar shall refuse registration and shall, without delay, inform the applicant in writing. In such a case, the provisions of Section 21 paragraph two shall apply *mutatis mutandis*.

Section 27 If the Registrar is of the opinion that there has been honest concurrent users to special circumstances which make it proper to do so, the Registrar may allow the registration by more than one owner of a trademark which is identical with or similar to a registered trademark under Section 13 or to trademarks applied for under pending applications under Section 20 in respect of goods of the same class or goods of a different class but found by the Registrar to be of the same character subject to such conditions and limitations as to the mode or place of user or such other conditions and limitations as the Registrar may think fit to impose. The Registrar shall without delay notify the applicants and registered trademark owner in writing giving the grounds thereof.

The applicant or registered trademark owner may appeal an order of the Registrar under the first paragraph to the Board within ninety days from the date of receipt thereof.

Decisions of the Board under paragraph two shall be final.

Section 28⁽¹⁾ A person who has filed a trademark application in a foreign country and files an application for the registration of the trademark in Thailand within six months from the first foreign application, he may claim the first foreign filing date as the filing date in Thailand if he possesses one of the following qualifications:

- (1) being a Thai national or a juristic person having its headquarters located in Thailand;
- (2) being a national of a country party to a convention or international agreement on trademark protection to which Thailand is also a party;
- (3) being a national of a country which accords the same rights to Thai nationals or juristic persons having their headquarters located in Thailand;
- (4) being domiciled or having a real and effective industrial or commercial establishment in Thailand or a country party to a convention or international agreement on trademark protection to which Thailand is also a party.

In the case where the first foreign application has been refused, or withdrawn or abandoned by the applicant, he may not claim the rights under the first paragraph.

In the case where a trademark application is filed in a foreign country for the same trademark which a previous application has been refused, or withdrawn or abandoned by the applicant within six months from the date of the first foreign application, the applicant may claim the rights under the first paragraph provided that:

- (1) no claim for the right of priority under the first paragraph has been made for the trademark application under paragraph three; and
- (2) the application under paragraph three may not be processed under the trademark law of the country where the application was filed; and
- (3) the refuse, withdrawal or abandonment of the application has not been disclosed to the public.

Section 28 bis⁽¹⁾ In the case where goods bearing a trademark are exhibited at an international exhibition held in Thailand or a country party to a convention or an international agreement on trademark protection to which Thailand is also a party and organized by a government agency, public enterprise or any other government unit of Thailand or the member country or recognized by the government of Thailand, the trademark owner may claim the rights under the first paragraph of Section 28 provided that he files a trademark application for the goods exhibited in such exhibition within six months from the date of introduction of the goods into the exhibition or the first foreign filing date, whichever is earlier.

In such a case, the application shall not be used to extend the time period prescribed in Section 28.

The organization of exhibitions of goods to be regarded as international exhibitions and the application under the first paragraph shall comply with the rules, conditions and procedures as prescribed in the Ministerial Regulations.

PART 2 TRADEMARK REGISTRATION AND THE EFFECT OF REGISTRATION

Section 29⁽²⁾ When an application for registration of a trademark is considered acceptable, the Registrar shall be order the application to be published.

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

Section 30 If, after the trademark application has been ordered published under Section 29 paragraph one, it appears to the Registrar that the trademark is not registrable under Section 6 or the application does not comply with the provisions of this Act making necessary to cancel the order and if the trademark has not been registered, the Registrar shall cancel such order and shall without delay notify the applicant in writing stating the grounds of such cancellation.

In the case where a cancellation order is made after the publication under Section 29, the cancellation order shall be published in the manner prescribed in the Ministerial Regulations.

Section 31⁽¹⁾ The applicant shall be entitled to appeal a cancellation order under Section 30 paragraph one to the Board within ninety days from the receipt of the notification.

In the case where the applicant does not appeal under the first paragraph or where the applicant has appealed the order under the first paragraph and it is decided by the Board that the order of the Registrar is correct, the Registrar shall proceed to process the application.

If the Board decides that the cancellation order of the Registrar is nor correct, the Registrar shall:-

(1) proceed with the publication of such application if the Registrar has made the cancellation order under Section 3 paragraph one before the publication of the application under Section 29;

(2) republish the application if the cancellation of the order of the Registrar has been published under Section 30 paragraph two. Decisions of the Board under paragraphs two and three shall be final.

Section 32 If the Registrar's cancellation order under Section 30 is given after an opposition is filed under Section 35, the Registrar shall notify the opposer in writing without delay.

Section 33⁽¹⁾ In cases under Section 32, if the Registrar has not made a decision on the opposition, the decision shall be delayed until the expiration of the period for appeal under Section 31 paragraph one or, until a decision of the Board is given under Section 31 paragraph two or three, as the case may be.

If the Board decides that the cancellation order of the Registrar under Section 30 is correct, the Registrar shall dismiss the opposition and shall inform the opposer in writing without delay. Such order shall be final.

If the Board decides that the cancellation order of the Registrar under Section 30 is not correct, the Registrar shall proceed to make a decision on the opposition.

Section 34 In cases under Section 32, if the Registrar has made a decision on the opposition and an appeal is made against the Registrar's decision under Section 37, the Registrar shall inform the Board and Section 33 shall apply mutatis mutandis.

Section 35 After the publication of a trademark application under Section 29, any person who thinks that he has better right in the 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, within ninety days from the date of publication under Section 29, file a notice of opposition with the Registrar stating the grounds of the opposition.

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

Section 36⁽²⁾ If an opposition is filed under Section 35, the Registrar shall send a copy thereof to the applicant without delay.

The applicant shall, within ninety days from the date of receipt of the copy of the opposition, file a counterstatement, in the form prescribed by the Director-General, stating the grounds on which he relies in support of his application. The Registrar shall send a copy of the counterstatement to the opposer without delay. If the applicant fails to comply with the requirement under paragraph two, he shall be deemed to have abandoned his application. In considering and determining the opposition, the Registrar may order the opposer and applicant to give additional statements, written explanations or evidence. If the applicant or opposer fails to comply with the order of the Registrar within ninety days from the date of receipt of the order, the Registrar shall proceed to consider and decide on the opposition on the basis of the existing evidence.

Section 37 The Registrar shall in writing notify the applicant and opposer of his decision with the grounds thereof without delay.

The applicant or opposer may appeal the decision of the Registrar to the Board within ninety days from the date of receipt of the notification. The Board shall decide the appeal without delay.

Section 38 When the Board has given its decision, the decision and the grounds thereof shall, without delay, in writing be notified to the applicant and opposer.

The applicant or opposer may appeal the decision of the Board to the court within ninety days from the date of receipt of the decision.

A case may be filed under paragraph two after the procedures prescribed in Section 37 paragraph two have been taken.

Section 39 In the case where no appeal against the decision of the Registrar is taken within the period prescribed in Section 37 paragraph two or no appeal has been taken against the decision of the Board within the period prescribed in Section 38 paragraph two, the decision of the Registrar or of the Board, as the case may be, shall be final.

Section 40 In the case where there is no opposition under Section 35 or there is an opposition under Section 35 leading to a final decision or judgement that the applicant is entitled to registration, the Registrar shall order the registration of the trademark.

When an order to register a trademark has been made under the first paragraph, the Registrar shall notify the applicant in writing and the registration fee shall be paid within thirty days of receipt of the notification. If the applicant fails to pay the fee within the prescribed period, the application shall be deemed abandoned.

The registration of trademarks shall be in accordance with the procedures prescribed in Ministerial Regulations.

Section 41 In the case where the opposer under Section 35 has also applied registration of a trademark which is identical with or similar to the trademark opposed and a final decision or judgement has been made to the effect that the opposer has better rights than the opposed applicant and if the opposer's trademark is registrable under Section 6 and the application conforms to the provisions of this Act, the Registrar shall register such trademark in accordance with the procedures prescribed in the Ministerial Regulations without need to publish the application of the opposer again.

Section 42⁽¹⁾ A trademark when registered shall be deemed registered as of the date of

application for registration. For the case under Section 28 or 28 bis, the date of application in Thailand shall be deemed to be the date of registration of such trademark.

Section 43 Upon registration of a trademark, the Registrar shall issue to the applicant a certificate of registration in the form prescribed in the Ministerial Regulations.

If a registration certificate is materially damaged or lost, the trademark may apply to the Registrar for a substitute thereof.

The issue of a substitute of a registration certificate shall be in accordance with the rules and in the form prescribed in the Ministerial Regulations.

Section 44 Subject to Sections 27 and 68, a person who is registered as the owner of a trademark shall have the exclusive right to use it for the goods for which it is registered.

Section 45 A trademark registered without limitation of color shall be deemed to be registered for all colors.

Section 46 No person shall be entitled to bring legal proceedings to prevent or to recover damages for the infringement of an unregistered trademark.

The provisions of this Section shall not affect the right of the owner of an unregistered trademark to bring legal proceedings against any person for passing off goods as those of the owner of the trademark.

Section 47 No registration under this Act shall interfere with any bona fide use by a person of his own personal name or surname or the name of his place of business or that of any of his predecessors in business or the use by any person of any bona fide description of the character or quality of his goods.

PART 3 CHANGES IN REGISTRATION OF TRADEMARKS

Section 48 The right to a pending trademark application may be assigned or transferred by succession.

The assignment of the right to an application under the first paragraph shall be notified to the Registrar prior to registration by the assignor or assignee.

In the event of the death of the application, any heir of the administrator of the estate shall, prior to registration, notify the Registrar in order to give effect to the right to inherit the application.

The transfer or inheritance of rights to trademark applications under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 49 The right to registered trademark may be assigned or transferred by succession with or without the business concerned in the goods for which the trademark is registered.

Section 50 Associated trademarks may be assigned or transferred by succession only when all of them are assigned or transferred together.

Section 51 The assignment or transfer by succession of a registered trademark shall be registered with the Registrar.

Applications to register the assignment or transfer by succession of trademark under the first paragraph shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 52 The owner of a registered trademark may request the Registrar to amend any of the following particulars of registration:

- (1) the specification of goods by way of canceling some items;
- (2) the name, nationality, address and occupation of the owner of the trademark and his agent, if any;
- (3) the office or address for communication by the Registrar;
- (4) other particulars as may be prescribed in the Ministerial Regulations.

Applications to amend the particulars of registration under the first paragraph shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

PART 4 RENEWAL AND CANCELLATION OF TRADEMARK REGISTRATION

Section 53 The registration of a trademark shall have a term of ten years from the date of registration under Section 42 and may be renewed under Section 54.

The term of a trademark registration under the first paragraph shall not include the period during which court proceedings are taken under Section 38.

Section 54 The owner of a trademark who wants to renew the term of his trademark registration shall apply to the Registrar within ninety days before the expiration of the term. When an application for renewal is filed within the prescribed period, the trademark shall be deemed registered until the Registrar orders otherwise.

The renewal of trademark registration shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 55 In the case where the owner of a trademark has applied for renewal within the period prescribed in Section 54 paragraph one, and the Registrar finds that the application complies with the rules and procedures prescribed in the Ministerial Regulations under Section 54 paragraph two, the Registrar shall renew the registration for a further period of ten years from the date of expiration of the registration or of the last renewal thereof, as the case may be.

In the case where the owner of a trademark has applied for renewal within the period prescribed in Section 54 paragraph one, but the Registrar finds that the application is not in compliance with the rules and procedures prescribed in the Ministerial Regulations under Section 54 paragraph two, the Registrar shall require the owner to correct the application within thirty days from the date of receipt of such order and notify, without delay the owner in writing. If the owner does not comply with the order within the time prescribed, the Registrar shall order the cancellation of the trademark registration.

In case of necessity making the owner unable to comply with the order of the Registrar within the period prescribed under paragraph two, the Registrar may extend the period as may be necessary under the circumstances.

Section 56 In the case where the trademark owner does not apply for renewal of the trademark registration within the period prescribed under Section 54 paragraph one, the registration of the trademark shall be deemed cancelled.

Section 57 The owner of a trademark may request the Registrar to cancel his trademark registration but in the case where the trademark is the subject of a registered license agreement, the consent of the license shall be required unless the license agreement provides otherwise.

Requests for cancellation of a registered trademark under the first paragraph shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 58 If it appears to the Registrar that the owner of a registered trademark violates or fails to comply with the conditions or restrictions prescribed by the Registrar upon registration, the Registrar may order the cancellation of the trademark registration.

Section 59 If the owner or his agent ceases to have in Thailand the office or address as registered, the Registrar shall order the cancellation of the trademark registration.

If the Registrar has a reasonable cause to believe that the owner of a registered trademark or

his agent has ceased to have the office or address in Thailand as registered, the Registrar shall notify the owner or his agent in writing at the register office or address to give a written explanation to the Registrar within fifteen days from the date of receipt of the notification.

If no reply is received within the period prescribed in paragraph two, the Registrar shall publish that the trademark is to be cancelled in accordance with the procedures prescribed in the Ministerial Regulations.

If still no reply is received within fifteen days from the date of publication under paragraph three, the Registrar shall order the cancellation of the trademark registration.

Section 60 An order to cancel a trademark registration under Section 55 paragraph two, Section 58 or 59 paragraph one, stating the grounds therefor, shall be notified in writing to the proprietor without delay.

The trademark owner may appeal the Registrar's order under the first paragraph to the Board within ninety days from the date of receipt of the notification. If no appeal is filed within the period prescribed, the order of the Registrar shall be deemed final.

Decisions of the Board under paragraph two shall be final.

Section 61⁽¹⁾ An interested person or the Registrar may petition the Board to order the cancellation of any trademark if it appears that at the time of registration the trademark:

(1) was not distinctive under Section 7;

(2) contained or consisted of a prohibitory characteristics under Section 8;

(3) was identical with a trademark registered by another person for goods of the same class or of different class with the same character;

(4) was so similar to a trademark registered by another person that the public might be confused or misled as to the owner or origin of the goods for goods of the same class or of different class with the same character.

Section 62 Any person who is of the opinion that any trademark is contrary to public order or good morality or to public policy may petition the Board to cancel the trademark registration.

Section 63 Any interested person or the Registrar may petition the Board to cancel a trademark registration if it is proved that at the time of registration the owner of the trademark had no bona fide intention to use the trademark with the goods for which it was registered and in fact there was no bona fide use whatsoever of the trademark for such goods or that during the three years prior to the petition for cancellation there was no bona fide use of the trademark for the goods for which it was registered unless the owner can prove that such non-use was due to special circumstances in the trade and not to an intention not to use or to abandon the trademark for the goods for which it was registered.

Section 64 After the receipt of a petition under Section 61, 62, or 63, the Board shall, in writing, notify the owner and licensees, if any, to submit a reply to the Board within sixty days from the date of receipt of the notification of the Board.

Section 65 An order of the Board to cancel or not to cancel a trademark registration under Section 61, 62, or 63 shall, without delay, be notified in writing to the petitioner for cancellation, the owner of the trademark and licensee, if any.

The petitioner for cancellation, the trademark owner or licensees may appeal the order of the Board under the first paragraph to the court within ninety days from the date of receipt of the notification. If no appeal is filed within the prescribed period, the order of the Board shall be deemed final.

Section 66 Any interested person or the Registrar may petition the Court to cancel a registered trademark by showing that at the time of filing the legal action the trademark had become common to the trade for certain kinds or classes of goods to the extent that to the trade or in the public eye the trademark had lost its meaning as a trademark.

Section 67 Within five years from the date of the Registrar's order to register a trademark under Section 40, any interested person may petition the court to cancel a trademark

registration by showing that he has better rights in the trademark than the person registered as its owner.

If the petitioner can prove that he has better rights for only some of the goods of the class in which the mark has been registered, the court shall restrict the registration to the goods that the petitioner cannot prove that he has better rights than the trademark owner.

PART 5 TRADEMARK LICENSING

Section 68 The owner of a registered trademark may license another person to use the trademark for all or some of the goods for which the trademark is registered.

Trademark license agreements under the first paragraph shall be in writing and registered with the Registrar.

Applications to register a license agreement under paragraph two shall comply with the rules and procedures prescribed in the Ministerial Regulations and shall show at least the following particulars:

- (1) conditions or terms between the trademark owner and licensee to insure effective control by the registered owner of the trademark over the quality of the goods of the licensee;
- (2) the goods for which the trademark is to be used.

Section 69 In the case where the Registrar finds that Section 68 would not cause the public to be confused or misled and is not contrary to public order or morality or to public policy, the Registrar shall order registration of the agreement and for such purposes may impose conditions or restrictions. But if the Registrar finds that the license agreement will confuse or mislead the public or is contrary to public order or morality or to public policy, the Registrar shall refuse to register the license.

Orders of the Registrar under the first paragraph shall be promptly notified in writing to the owner of the trademark and persons who have applied to be registered as licensees. In the case where the Registrar has imposed conditions or restrictions or has refused registration, the said persons shall also be informed of the reasons such refuse.

The trademark owner or licensee applicant may appeal the order of the Registrar under the first paragraph to the Board within ninety days from the date of receipt of the notification. If no appeal is filed within the prescribed period, the order shall be deemed final.

Decisions of the Board under paragraph three shall be final.

Section 70 The use of the trademark on goods by the licensee in his business shall be deemed as the use by the trademark owner.

Section 71 The trademark owner together with the licensee may apply to the Registrar to amend the registration of a trademark license agreement in respect of the goods covered by the license or other conditions and restrictions included by the owner and Section 69 shall apply mutatis mutandis.

The application to amend the registration of a license agreement under the first paragraph shall comply with the rules and procedures prescribed in the Ministerial Regulations.

Section 72 The trademark owner together with the licensee may apply to the Registrar to cancel the registration of a license agreement.

Either the trademark owner or the licensee may apply to the Registrar to cancel the registration of a license agreement if it can be proved to have expired.

Any interested person or the Registrar may petition the Board to cancel the registration of a trademark license agreement if it is shown that:-

- (1) the use of the trademark by the licensee has confused or misled the public or is contrary to public order or morality or to public policy, or

(2) the trademark owner can no longer exercise effective control over the quality of the goods under the license.

Cancellation of trademark licenses under this Section shall comply with the rules and procedures prescribed in the Ministerial Regulations.

Section 73 After the receipt of an application under Section 72 paragraph two or three, the Registrar or Board, as the case may be, in writing shall notify the trademark owner or licensee, as the case may be, to submit a reply within a prescribed period of not less than fifteen nor more than sixty days from the date of receipt of the notification.

In considering applications under Section 71 and 72, the Registrar or Board, as the case may be, may require any person concerned to submit evidence or additional information.

Section 74⁽¹⁾ When an order is made under Section 72 paragraph two by the Registrar, the order together with the grounds thereof shall be promptly notified in writing to the trademark owner and licensees. The order shall take effect from the date of receipt of the notification.

The trademark owner and licensee may appeal the order of the Registrar under the first paragraph to the Board within ninety days from the receipt of the notification. If no appeal is submitted within the prescribed period, the order of the Registrar shall be deemed final.

Decisions of the Board under paragraph two shall be final.

Section 75 Orders of the Board under Section 72 paragraph three, together with grounds thereof shall be promptly notified in writing to the trademark owner, licensees, petitioning interested person and Registrar. Such orders shall take effect from the date of receipt of the notification.

The interested person or the Registrar may appeal the order to the Board to the court within ninety days from the date of receipt of the notification. If no appeal is submitted within the prescribed period, the order of the Board shall be deemed final.

Section 76 If a trademark registration is cancelled, the licensing of such a trademark shall also cease to have effect.

Section 77 If not otherwise provided in the license agreement, the trademark owner shall have the right to use the trademark himself and to license persons other than such licensee to use the mark.

Section 78 If not otherwise provided in the license agreement, the licensee shall have the right to use the trademark throughout the country for all the goods for which the trademark is registered and for the entire term of the trademark registration and its renewals.

Section 79 If not otherwise provided in the license agreement, the licensee may not transfer the license to third persons nor sublicense others to use the trademark.

CHAPTER II SERVICE AND CERTIFICATION MARKS

Section 80 The provision concerning trademarks shall apply to service marks *mutatis mutandis* and the word "goods" in those provisions shall mean "services"

Section 81 Except as otherwise provided in this Chapter, the provisions concerning trademarks shall apply to certification marks *mutatis mutandis*.

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.

Section 83 The Registrar may require the applicant for registration of a certification mark to amend the regulations on use of the certification mark as he may think fit within sixty days of the date of receipt of the order and shall in writing promptly notify the applicant of the order with the grounds therefor. Section 18 and 19 shall apply to appeals against orders of the Registrar mutatis mutandis.

Section 84 If the Registrar is of the opinion that the applicant for registration of a certification mark does not have sufficient ability to certify the characteristics of the goods or services as provided in the regulations on use of the certification mark or that registration of the certification mark would not be in the public interest, the Registrar shall refuse registration and shall in writing promptly notify the applicant of the order with the grounds of the refuse. Sections 18 and 19 shall apply to appeals against orders of the Registrar mutatis mutandis.

Section 85 In the publication of an application for registration of a certification mark, the Registrar shall indicate the essential elements of the regulations on use of the certification mark.

Section 86 The owner of a registered certification mark may apply to amend the regulations on use of the certification mark provided the public interest is not thereby affected.

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

Section 87 If the Registrar is that an amendment of the regulations under Section 86 are acceptable, the Registrar shall order the registration and the publication of the essential elements of the regulations as amended.

The Registrar shall in writing notify the owner of the certification mark of the order to advertise the amendment under the first paragraph without delay.

Section 88 If the Registrar is of the opinion that the regulations as amended under Section 86 are not acceptable, the Registrar shall refuse registration and in writing promptly notify the owner of the certification mark giving the grounds therefor,.

Section 89 The owner of the certification mark or any person who has been or will be prejudiced by an order of the Registrar under Section 87 or 88 may appeal the order to the Board within ninety days from the date of publication under Section 87 or from the date of receipt of the Registrar's order under Section 88, as the case may be.

The decision of the Board under the first paragraph shall be final.

Section 90 The owner of a registered certification mark may not use the mark on his own goods or services and may not license other persons to act as certified by authorizing the use of the certification mark.

Section 91 The authorization of others to use a certification mark for goods or services shall be in writing and signed by the owner of the certification mark.

Section 92 The right to a registered certification mark may be transferred when:-

(1) the transferred has been approved by the Registrar on a showing by the transferee that he has sufficient ability to certify the characteristics of the goods or services as indicated in the regulations on use of the certification mark,

(2) the transfer is in writing, and

(3) is registered by the Registrar.

In cases where the Registrar does not give approval or refuses to register the transfer, Section 84 shall apply mutatis mutandis.

Applications for approval to transfer rights and for registration of the transfer under the first paragraph shall comply with the rules and procedures prescribed in the Ministerial Regulations.

Section 93 The right to certification mark shall terminate when the owner dies or loses its

status of a juristic person.

CHAPTER III COLLECTIVE MARKS

Section 94 Except for the provisions of Chapter I, Part 5, the provisions concerning trademarks shall apply to collective marks mutatis mutandis.

CHAPTER IV TRADEMARK BOARD

Section 95⁽¹⁾ There shall be a committee called the Trademark Board composed of the Director-General of the Department of Intellectual Property as chairman, the Secretary General of the Juridical Council or his representative, the Attorney-General or his representative and no fewer than eight nor more than twelve other qualified persons in the fields of law or commerce with the experience in intellectual property or trademarks appointed by the Council of Ministers as members.

The qualified person members under the first paragraph, at least one third of such members shall be appointed from members of the private sector.

The Board may appoint any person to be secretary or assistant secretary.

Section 96⁽²⁾ The Board shall have the following powers and duties:-

- (1) to decide appeals against orders or decisions of the Registrar under this Act;
- (2) to consider and order on the petition for cancellation of trademarks, service marks, certification marks, collective marks or trademark license agreements under this Act;
- (3) to advise and counsel the Minister on the issue of Ministerial Regulations and notifications under this Act;
- (4) to consider other matters assigned by the Minister.

Section 97 Members of the Board appointed by the Council of Ministers shall serve for a term of four years.

The term for interim appointees, whether appointed as additional members or replacement members, shall be for the unexpired term of the previously appointed members.

A member whose term has expired may be reappointed.

Section 98 Apart from vacating office at the expiration of their term under Section 97, members of the Board appointed by the Council of Ministers shall vacate office upon:-

- (1) death,
- (2) resignation,
- (3) dismissal by the Council of Ministers,
- (4) being adjudged bankrupt,
- (5) being adjudged incompetent or quasi-incompetent,
- (6) imprisonment under a final sentence of imprisonment unless for an offence of negligence or a petty offence.

Section 99⁽¹⁾ A quorum for meetings of the Board shall consist of at least one-half of the total number of members.

If the chairman does not attend or is not at the place of meeting, the meeting shall elect one of the members chairman for the meeting.

Decisions of the Board shall be by majority vote, each member having one vote. In case of a tied vote, the chairman of the meeting shall have an additional casting vote.

The member of the Board who has certain interest in a matter under consideration under Section 96 (1) or (2) shall not attend the meeting on the matter.

Section 99 bis⁽²⁾ In performing its under Section 96 (1) and (2), the Board may appoint one or more specialized committees to examine appeals against orders or decisions of the Registrar under this Act. When the examination has been completed, the committee shall submit a report to the Board for issuing an order or rendering a decision.

The provisions of Section 99 shall apply to the meeting of specialized committees mutatis mutandis.

Section 100 The Board may appoint sub-committees to consider or do whatever may be assigned by the Board.

Section 99 shall apply to meetings of sub-committees mutatis mutandis.

Section 101⁽¹⁾ Appeals against orders and decisions of the Registrar and petitions for cancellation of trademarks, service marks, certification marks, collective marks and trademark or service mark license agreements under this Act shall be submitted to the Registrar in the forms prescribed by the Director-General.

The procedure for deciding appeals and petitions for cancellation of trademarks under the first paragraph shall be as prescribed by the Board.

Section 102 In the performance of its duties under this Act, the Board may inquire in writing or summon the Registrar, appellants or other persons concerned to give information, explanations or opinions or to submit relevant documents or other evidence for consideration.

CHAPTER V MISCELLANEOUS

Section 103 Any person shall be entitled, during office hours, to inspect the register of trademarks, service marks, certification marks and collective marks and files thereof, to obtain copies or certified copies of documents and apply for certification by the Registrar of particular of registration on payment of the fees prescribed in the Ministerial Regulations.

Section 104 Summonses, notices and other communications to an applicant, opposer, owner of a registered trademark, service mark, certification mark or collective mark, licensee or any other person pursuant to this Act shall be sent by registered acknowledgement mail to the office or address given in the application for registration or as registered, as the case may be. If the delivery by the means set forth in the first paragraph is not possible, service may be made by an officer or by again sending by registered acknowledgement mail. If service is by an officer, if the recipient is not present, the communication may be delivered to any person of legal age who lives or works in the office or at the address or it may posted in a conspicuous place at the office or address of the recipient.

Seven days after delivery by the means set forth in paragraph two have elapsed, the communication shall be deemed to have been received by the addressee.

Section 105 For the purpose of filing cases to the court or legal proceedings concerning trademarks, service marks, certification marks or collective marks under this Act, if the applicant or owner is not domiciled in Thailand, the office or address of the person or his agent given in the application or registration shall be deemed the domicile of such person.

Section 106 In the case where the Registrar petitions the Board to order the cancellation of a trademark, service mark, certification mark or collective mark or the cancellation of a trademark or service mark license agreement, the Registrar shall be exempt from the payment of fees under this Act.

Section 106 bis⁽¹⁾ In performing his duties under this Act, the Registrar or competent officer shall have the following powers:

(1) To enter the place of business, place of production, place of distribution, place of purchasing and place of storage of any business operator or person, or any place in which he has a reasonable ground for suspecting that a violation of the provisions of this Act is likely to occur, or to enter a vehicle of any person, or order the owner or operator of a vehicle to stop

or park to make inspection for the enforcement of this Act or to make a search or seizure of evidence or property forfeitable under this Act, or to arrest in the following circumstances:

(a) where a flagrant offence is being committed in a place or vehicle;

(b) a person having committed a flagrant offence has, while being pursued, taken refuge or there is a serious ground for suspecting that such person is concealing in the place or vehicle;

(c) where there is a reasonable ground for suspecting that evidence or property forfeitable under this Act is kept in the place or vehicle, having a legitimate reason to believe that by reason of the delay in obtaining a warrant of search the evidence or property is likely to be removed, concealed, destroyed or altered from its original conditions;

(d) when a person to be arrested is the owner of the place or vehicle and the arrest is made with a warrant of arrest or can be made without such a warrant.

For such purposes, he shall have the power to inquire or require the business operator, owner or operator of the vehicle or persons concerned to submit books of accounts, registration documents, other documents or evidence, and also order the persons in such a place or vehicle to act or perform as it is necessary.

(2) In cases where there is clear evidence to believe that any provision of this Act is violated, to seize or confiscate goods, vehicle, documents or other evidence in connection with such violation. In such a case, he shall report to the Director-General for his approval within three days and shall comply with the rules and procedures prescribed by the Director-General with the approval of the Council of Ministers.

Section 106 ter⁽¹⁾ In performing the duties under Section 106 bis, the Registrar and competent officer shall produce his identification to the persons concerned.

The identification card under the first paragraph shall be in the form prescribed by the Minister in the Government Gazette.

Section 106 quarter⁽¹⁾ In performing his duties under this Act, the Registrar and competent officer shall be the competent official under the Criminal Code.

CHAPTER VI PENALTIES

Section 107 Any person who makes a false statement to the Registrar or Board in an application, opposition or other document filed concerning an application for registration, amendment of a registration, renewal of a registration or cancellation of the registration of a trademark, service mark, certification mark or collective mark or a license pertaining to a trademark or service mark shall be liable to imprisonment not exceeding six months or a fine not exceeding ten thousand baht or both.

Section 108 Any person who counterfeits a trademark, service mark, certification mark or collective mark registered in Thailand by another person shall be liable to imprisonment not exceeding four years or a fine of not exceeding four hundred thousand baht or both.

Section 109 Any person who imitates a trademark, service mark, certification mark or collective mark registered in the Kingdom by another person in order to mislead the public into believing that it is the trademark, service mark, certification mark or collective mark of such other person shall be liable to imprisonment not exceeding two years or a fine of not exceeding two hundred thousand baht or both.

Section 110 Any person who:

(1) imports, distributes, offers for distribution or has in possession for distribution goods bearing a counterfeit trademark, service mark, certification mark or collective mark under Section 108 or an imitation trademark, service mark, certification mark or collective mark under Section 109, or

(2) gives or offers a service under a counterfeit service mark, certification mark or collective

mark under Section 108 or an imitation service mark, certification mark or collective mark under Section 109, shall be liable to the penalties provided in those Sections.

Section 111 Any person who:

- (1) represents as registered in Thailand a trademark, service mark, certification mark or collective mark which is not so registered,
- (2) distributes or has in possession for distribution goods bearing a trademark or certification mark under (1) which he knows to be falsely represented, or
- (3) gives or offers a service under a service mark, certification mark or collective mark under (1) which he knows to be falsely represented, shall be liable to imprisonment not exceeding one year or fine of not exceeding twenty thousand baht or both.

Section 112 Any person who violates Section 90 shall be liable to a fine not exceeding twenty thousand baht.

Section 112 bis⁽¹⁾ Any person who obstructs the Registrar or Competent officer in the exercise of his functions under Section 106 bis shall be liable to imprisonment not exceeding one year or a fine not exceeding twenty thousand baht or both.

Section 112 ter⁽²⁾ Any person who fails to provide convenience to the Registrar or competent officer in the exercise of his functions under Section 106 bis shall be liable to imprisonment not exceeding one month or a fine not exceeding two thousand baht or both.

Section 113 The penalty for an offence under this Act committed within five years from the date of passing the punishment for another offence under this Act shall be doubled.

Section 114⁽¹⁾ In the event an offender liable under this Act is a juristic person, if the offence is committed by an order, act, failure to give an order or failure to act as required by his duties as a director, manager or any person responsible for the operation of such juristic person, shall also be liable to the penalty prescribed for such offence.

Section 115 All goods which are imported for distribution or had in possession for distribution in violation of this Act shall be confiscated whether or not anyone has been convicted of the offence.

Section 116 If there is clear evidence someone is committing or is about to commit an act under Sections 108, 109 or 110, the owner of the trademark, service mark, certification mark or collective mark may apply to the court to stop or refrain from such act.

SCHEDULE OF FEES

		Baht
(1) An applications for registration of a trademark, service mark, certification mark or collective mark	<i>for each kind of goods or Service</i>	500
(2) Printing block for a trademark, service mark, certification mark or collective mark exceeding 5 cm in length or width (Fraction of a centimeter shall be counted as a centimeter.)	<i>per centimeter of excess</i>	100
(3) Opposition to application under (1)	<i>each</i>	1,000
(4) An application to assign a pending trademark, service mark, certification mark or collective mark	<i>per application</i>	1,000
(5) Registration of a trademark, service mark,	<i>for each kind of goods or service</i>	300
(6) A substitute of a certificate of registration	<i>each</i>	100
(7) Application to register assignment or transfer by succession of a trademark, service mark, certification mark or collective mark	<i>per application</i>	1,000
(8) Amendment of particulars in a trademark registration under (5)	<i>per application</i>	200

(9) Renewal of a registration under (5)	<i>for each kind of goods or service</i>	1,000
(10) Petition to the Board to cancel a registration under (5)	<i>each</i>	500
(11) Application to register a trademark or service mark license	<i>per application</i>	500
(12) Registration of a trademark or service mark license agreement	<i>per agreement</i>	1,000
(13) Amendment of particular in registration under (12)	<i>per application</i>	200
Application to cancel registration under (12)	<i>per application</i>	200
(14) Amendment of applications under (1) (7) or (11)	<i>per request</i>	100
(15) Application to amend certification mark regulations		
a) prior to registration of the mark	<i>per application</i>	100
b) after registration of the mark	<i>per application</i>	200
(16) Appeal		
a) against an order of the Registrar under Section 16, 17, 27 or a decision of the Registrar under Section 37	<i>each</i>	2,000
b) under other Sections	<i>each</i>	1,000
(17) Application to examine the register and files (Fraction of an hour shall be counted as one hour)	<i>per hour</i>	100
(18) Request for certified extract from the register of trademark, service mark, certification mark or collective mark	<i>per set</i>	200
(19) Request to make photocopies of documents	<i>per page</i>	10
(20) Application for certified copies of documents in the same matter		
a) of not more than 10 pages	<i>per page</i>	10
b) of more than 10 pages	<i>per document</i>	100
(21) Application for certification concerning particulars of registration	<i>each</i>	50
(22) Any other application	<i>per application</i>	100

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

BHUMIBOL ADULYADEJ, REX.

Given on the 11th day of March, B.E. 2522;

Being the 34th year of the present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that. Whereas it is deemed expedient to grant protection for inventions and designs; BE IT, THEREFORE, ENACTED BY THE KING, by and with the advice and consent of the National Legislative Assembly, acting as the National Parliament, as follows:
Section 1 This Act shall be called the "Patent Act B.E. 2522."
Section 2 This Act shall come into force after the expiration of one hundred and eighty days following the date of its publication in the Government Gazette.⁽¹⁾

CHAPTER I PRELIMINARY

Section 3⁽²⁾ In this Act:

"patent" means a document issued to grant protection for an invention or a design under the provisions in Chapters 2 and 3 of this Act;

"petty patent" means a document issued to grant protection for an invention under the provisions in Chapter 3 bis of this Act;

"invention" means any innovation or invention which creates a new product or process, or any improvement of a known product or process;

"process" means any method, art or process of producing, maintaining or improving the quality of a product, including the application of such process;

"design" means any form or composition of lines or colors which gives a special appearance to a product and can serve as a pattern for a product of industry or handicraft;

"patent owner" includes the transferee of a patent;

"petty patent owner" includes the transferee of a petty patent;

"Board" means the "Board of Patents";

"Competent Officer" means a person appointed by the Minister to act under this Act;

"Director-General" means the Director-General of the Department of Intellectual Property, including any person who is designated by him;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 4 The Minister of Commerce shall have the charge and control of the execution of the Act and shall have power to appoint competent officers and issue Ministerial Regulations prescribing fees not exceeding those fixed in the list attached to this Act, exempting any part or whole fee and prescribing other procedures for the execution of this Act.

The Ministerial Regulations shall become effective upon their publication in the Government Gazette.

CHAPTER II PATENT FOR INVENTIONS

PART I APPLICATIONS FOR PATENTS

Section 5 Subject to Section 9, a patent may be granted only for an invention in respect of which the following conditions are satisfied:

- (1) the invention is new;
- (2) it involves an inventive step; and

(3) it is capable of industrial application.

Section 6⁽¹⁾ An invention is new if it does not form part of the state of the art.

The state of art also includes any of the following inventions:

(1) an invention which was widely known or used by others in the country before the date of application for the patent;

(2) an invention the subject matter of which was described in a document or printed publication, displayed or otherwise disclosed to the public, in this or a foreign country before the date of the application for a patent;

(3) an invention for which a patent or petty patent was granted in this or a foreign country before the date of application;

(4) an invention for which a patent or petty patent was applied in a foreign country more than eighteen months before the date of the application and a patent or petty patent has not been granted for such invention;

(5) an invention for which a patent or petty patent was applied for in this or a foreign country and the application was published before the date of application.

A disclosure which was due to, or made in consequence of, the subject matter having been obtained unlawfully, or a disclosure which was made by the inventor, or made in consequence of, the inventor displaying the invention at an international exhibition or an official exhibition if such disclosure was done within twelve months before the filing of an application for the patent, shall not be deemed to be a disclosure under subsection (2) above.

Section 7 An invention shall be taken to involve an inventive step if it is not obvious to a person ordinary skilled in the art.

Section 8 An invention shall be taken to be capable of industrial application if it can be made or used in any kind of industry, including handicrafts, agriculture and commerce.

Section 9⁽¹⁾ The following inventions are not protected under this Act:

(1) naturally occurring microorganisms and their components, animals, plants or extracts from animals or plants;

(2) scientific or mathematical rules or theories;

(3) computer programs;

(4) methods of diagnosis, treatment or cure of human and animal diseases;

(5) inventions contrary to public order, morality, health or welfare.

Section 10⁽²⁾ The inventor shall have the right to apply for a patent and to be named as such in the patent.

The right to apply for a patent may be assigned or transferred by succession.

The assignment of the right to apply for a patent must be in writing and shall require the signatures of the assignor and assignee.

Section 11 The right to apply for a patent for an invention made in the execution of an employment contract or a contract for performing a certain work shall belong to the employer or the person having commissioned the work, unless otherwise provided in the contract.

The provision of the first paragraph shall apply in the circumstance where an employment contract does not require in employee to exercise any inventive activity, but the employee has made the invention using any means, data or report that his employment has put at his disposal.

Section 12 In order to promote inventive activity and to give a fair share to the employee in the circumstances provided for in the first paragraph of Section 11, the employee-inventor shall have a right to remuneration other than his regular salary if the employer benefits from the invention.

In the circumstances provided for in paragraph 2 of Section 11, the employee-inventor shall have a right to remuneration.

The right to remuneration may not be prevented by any contractual provision.

A request for remuneration under paragraph one and paragraph two of this Section shall be submitted to the Director-General in accordance with the rules and procedures prescribed in the Ministerial Regulations. The Director-General shall have the power to fix such remuneration as he deems fit taking into account his salary, the importance of the invention, benefits derived and expected to be derived from the invention and other circumstances and prescribed by the Ministerial Regulations.

Section 13 In order to promote inventive activity among government officials and employees of the government organization or enterprises, an government official or an employee of a government organization or enterprise shall have the same right as that of the employee under Section 12, unless otherwise provided by the Rules or Regulations of such department of the government or organization or enterprise.

Section 14⁽¹⁾ An applicant for a patent shall possess one of the following qualifications:

- (1) being a Thai national or a juristic person having its headquarters located in Thailand;
- (2) being a national of a country party to a convention or an international agreement on patent protection to which Thailand is also a party;
- (3) being a national of a country which allows Thai nationals or juristic persons having their headquarters to apply for patents in that country;
- (4) being domiciled or having a real and effective industrial or commercial establishment in Thailand or a country party to a convention or an international agreement on patent protection to which Thailand is also a party.

Section 15 When an invention is made by two or more persons jointly, they shall apply for a patent jointly.

If a joint inventor refuses to join in an application for a patent or cannot be found or reached or is not entitled to make an application for a patent, the application may be made by the other inventor on behalf of himself.

A joint inventor who did not join in an application for a patent may subsequently make a request to join in the application at any time before a patent is granted. Upon receipt of such request, the competent officer shall notify the applicant and the joint inventor of the date on which an investigation will take place. The applicant and each of the joint applicants shall be furnished with a copy of the request.

In the investigation under the preceding paragraph, the competent officer may require the applicant and joint applicants to appear before him and answer any question or hand any document or other items to him. After such investigation and when the Director-General has made his decision, the applicant and the joint inventor shall be notified of such decision.

Section 16 If two or more persons have separately and independently made the same invention and each of them has made an application for a patent, the applicant who is the first to file shall be entitled to a patent. If the application have been filed on the same date, the applicants shall agree whether a patent should be granted to one of them or all of them jointly. If no agreement has been reached within the period prescribed by the Director-General, they shall bring the case to the Court within ninety days after the expiration of the prescribed period. If they fail to do so within such period, they shall be deemed to have abandoned their applications.

Section 17⁽¹⁾ The application for the patent shall comply with the rules and procedures as prescribe in the Ministerial Regulations.

The application for a patent shall contain:

- (1) the title of the invention;
- (2) brief statement of its nature and purposes;
- (3) a detailed description of the invention in such full, concise and clear and exact terms as to enable any person ordinarily skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention and setting forth the best

mode contemplated by the inventor to carry out his invention;

(1) one or more clear and concise claims;

(2) other items prescribed in the Ministerial Regulations

In cases where Thailand acceded to an international agreement or cooperation on patents, the patent application which is in compliance with the requirements of such international agreement or cooperation shall be deemed to be a patent application under this Act.

Section 18 The application for patent shall relate to only one invention or to a group of inventions which are so linked as to form a single inventive concept.

Section 19⁽¹⁾ A person who has exhibited his invention in an exhibition which has been sponsored or authorized and held in Thailand by the government and applies for a patent for such invention within twelve months following the opening date of that exhibition shall be deemed to have filed his application on the opening date of the exhibition.

Section 19 bis⁽²⁾ A person under Section 14 who has filed a patent application for an invention in a foreign country may claim the first foreign filing date as the filing date in the country if the application is filed in the country within twelve months following the first filing date in the foreign country.

Section 20 The applicant may amend his application for a patent in accordance with the rules and procedures prescribed in the Ministerial Regulations, provided that such amendment does not enlarge the scope of the invention.

Section 21⁽¹⁾ All officers whose duties are connected with patent applications shall refrain from disclosing any detailed description of the invention or permitting any person to inspect to make a copy of the detailed description of invention by any means before the publication of such application under Section 28, unless it is authorized in writing by the applicant.

Section 22⁽²⁾ Before the publication of a patent application under Section 28, all persons who know that the application has been filed shall refrain from disclosing any information contained in the detailed description of the invention or committing any act which is likely to cause damage to the applicant, unless it is authorized in writing by the applicant.

Section 23 When secrecy is required for inventions which in the opinion of the Director-General are of interest to the national security, the Director-General shall order the applications for patents therefore to be kept in confidence unit it is otherwise ordered by him.

All persons, including the applicant, who know that the application has been ordered by the Director-General to be kept in confidence under the preceding paragraph, shall refrain from disclosing the subject matter or the detailed description of the invention to any other person, unless it is authorized by law.

PART II GRANT OF PATENT

Section 24 Before granting a patent to the applicant, the competent officer shall:

(1) examine the application as to its conformity with Section 17; and

(2) examine the application as to its conformity with Section 5, in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 25 In order to facilitate the examination of a patent application, the Director-General may request any government department, unit or organization or any foreign or international patent office of organization, to examine the application as to its conformity with Section 5, 6, 7, 8, and 9, or the detailed description of the invention as to its conformity with Section 17 (3). The Director-General may treat such examination as having been done by the competent officer.

Section 26 In the examination of an application if it appears that the application relates to several distinct inventions which are not so linked as to form a single inventive concept, the competent officer shall give a notice to the applicant requiring him to separate the application into a number of applications, each of which relates to a single invention.

If the applicant files any of the separated applications within one hundred and eighty days following the receipt of such notice under the preceding paragraph, he shall be deemed to have filed that application on the filing date of his first application.

The application shall be separated in accordance with the rules and procedures provided by the Ministerial Regulations.

If the applicant does not agree with the requirement to separate the application, he shall appeal to the Director-General within one hundred and twenty days. The decision of the Director-General shall be final.

Section 27 In the course of examination of an application, the competent officer may instruct the applicant to appear before him in order to answer any question, or to hand over to him any document or item.

If the applicant has filed an application for a patent in any foreign country, he shall submit a report of the examination of the application in accordance with the rules and procedures prescribed by the Ministerial Regulations.

If any document to be filed is in a foreign language, the applicant shall file such document accompanied by translation in Thai.

If the applicant fails to comply with the instruction of the competent officer under the preceding paragraph, or fails to submit the examination report within ninety days in accordance with the second paragraph of this Section, he shall be deemed to have abandoned his application. In case of necessity, the Director-General may extend such period as he deems appropriate.

Section 28⁽¹⁾ Where the competent officer has submitted the examination report to the Director-General,

(1) if it appears to the Director-General that the provisions of Section 17 have not been complied with, or the invention is not patentable under Section 9, the Director-General shall reject the application and the competent officer shall notify the applicant of the rejection by a return registered mail or by any other method prescribed by the Director-General within fifteen days from the date of rejection by the Director-General; or

(2) if it appears to the Director-General that the provisions of Section 17 have been complied with and it is not an unpatentable invention under Section 9, the Director-General shall, in accordance with the rules and procedures in the Ministerial Regulations, order the application to be published. Before the publication is made, the competent officer shall, by any method prescribed by the Director-General or by a return registered mail, notify the applicant to pay the publication fee. If the applicant fails to pay the fee within sixty days from the date of receipt of the notice, the competent officer shall once again notify the applicant by a return registered mail. If the applicant fails to pay the publication fee within sixty days from the date of receipt of such notice, he shall be deemed to have abandoned his application.

Section 29 After the publication of the application under Section 28, the applicant may request the competent officer to proceed with the examination as to its conformity with Section 5 either within five years after the publication of such application or, in cases where there is an opposition and an appeal is taken, within one year after the final decision has been made, depending on which period expires last. If the applicant fails to make such a request within said period, he shall be deemed to have abandoned his application.

If the Director-General requests any governmental department, unit or organization or any foreign or international patent office or organization to examine the application under Section 25, and there is some expense derived from such examination, such expense shall be paid by the applicant within sixty days after he has been notified by the competent officer. If the applicant fails to pay the expense within the said period, he shall be deemed to have abandoned his application.

Section 30 Where an application for a patent has been published under Section 28, if it

appears that it does not comply with the provisions of Section 5, 9, 10, 11 or 14, the Director-General shall refuse the grant of a patent. The Director-General shall refuse the grant of a patent. The applicant as well as the other party to the opposition proceedings under Section 31 shall be notified of such decision. The decision of the Director-General shall be published in accordance with the rules and procedures prescribed by the Ministerial Regulations.

Section 31⁽¹⁾ Where an application for a patent has been published under Section 28, any person who thinks that he, not the applicant, is entitled to a patent, or that the application does not comply with the provisions of Section 5, 9, 10, 11 or 14 may give notice to the competent officer of opposition to such application within ninety days following the publication of the application under Section 28.

Where an opposition has been made in accordance with the preceding paragraph, the competent officer shall send a copy of such notice to the applicant. The applicant shall file with the competent officer a counterstatement within ninety days following the receipt of the copy of the notice. If the applicant fails to file such counterstatement within said period, he shall be deemed to have abandoned his application.

A notice of opposition and counterstatement shall be supported by buttressing evidence.

Section 32 In an opposition proceeding, the opposing party and the applicant may introduce any evidence or make any additional statement to support the ground on which they rely in accordance with the procedures prescribed by the Director-General.

Where the Director-General has made his decision under Section 33 or Section 34, the applicant and the opposing party shall be notified of the decision with the reasons on which it is based.

Section 33 Where a request for examination is made under Section 29 by the applicant for an examination and the competent officer has made examination under Section 24, the competent officer shall submit his examination report to the Director-General.

When the Director-General has considered the examination report and sees no reason to refuse the grant of a patent, and there has been no opposition under Section 31 or there has been an opposition but the Director-General has decided that the invention belongs to the applicant, the Director-General shall order that the invention is to be registered and granted to the applicant. The competent officer shall notify the applicant that the fee must be paid for the grant of a patent within sixty days from the receipt of such notice.

When the fee has been paid in accordance with the preceding paragraph, the invention shall be registered and a patent granted to the applicant within fifteen days following the payment of the fee, but not before the expiration of period prescribed in Section 32. If the fee is not paid within the period prescribed in the preceding paragraph, the applicant shall be deemed to have abandoned his application. The patent shall be in the form prescribed by the Ministerial Regulations.

Section 34 Where there is an opposition and the Director-General has decided that the invention belongs to the opposing party, the Director-General shall reject the application.

Where the decision of the Director-General rejecting the application is not appealed by the applicant or is appealed and the Board or the Court has made a final decision, if the opposing party has filed an application for a patent within one hundred and eighty days after the rejection by the Director-General or from the date on which the final decision is made, as the case may be, he shall be deemed to have filed his application on the filing date of the applicant, and the publication of the application for a patent of the applicant made under Section 28 shall be deemed to be the publication of the application of the opposing party. In the latter case, no person may oppose the application of the opposing party on the ground that he has better rights in the invention than the opposing party.

Before granting a patent to the opposing party, the competent officer shall examine the application in accordance with Section 24. The provisions of Section 29 are also applicable to

the application of the opposing party.

PART III RIGHTS CONFERRED BY THE PATENT

Section 35⁽¹⁾ An invention patent shall have a term of twenty years from the date of filing of the application in the country. The term of a patent shall not include the period during which court proceedings are taken under Section 16, 74 or 77 sexies.

Section 35 bis⁽²⁾ Any act in violation of Section 36 committed before the grant of a patent shall not be deemed to be an infringement of the patentee's rights unless the act is in respect of the invention under the pending application already published under Section 28, the person so acting knowing of the filing of the patent application or having been informed in writing that a patent application has been filed for the invention, in which case the applicant shall be entitled to damages from the infringer. A complaint for such damages shall be filed with the court after the patent is granted.

Section 36⁽³⁾ No other person except the patentee shall have following rights:

- (1) where the subject matter of a patent is a product, the right to produce, use, sell, have in the possession for sale, offer for sale or import the patented product;
- (2) where the subject matter of a patent is a process, the right to use the patented process, to produce, use, sell, have in the possession for sale, offer for sale or import the product produced by the patented process.

The preceding paragraph shall not apply to:

- (1) any act for the purpose of study, research, experimentation or analysis, provided that it does not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner;
- (2) the production of the patented product or use of the patented process, provided that the producer or user, in good faith and without knowing or having no reasonable cause to know about the patent application, has engaged in the production or has acquired the equipment therefore prior to the date of filing of the patent application in Thailand, Section 19 bis not applicable hereto;
- (3) the compounding of a drug specifically to fill a doctor's prescription by a professional pharmacist or medical practitioner, including any act done to such pharmaceutical product;
- (4) any act concerning an application for drug registration, the applicant intending to produce, distribute or import the patented pharmaceutical product after the expiration of the patent term;
- (5) the use of a device forming the subject of a patent in the body of a vessel or other accessories of a vessel of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such a vessel temporarily or accidentally enters the waters of Thailand, provided that such a device is used there exclusively for the needs of the vessel;
- (6) the use of a device forming the subject of a patent in the construction or other accessories of an aircraft or a land vehicle of a country party to an international convention or agreement on patent protection to which Thailand is also party, when such aircraft or land vehicle temporarily or accidentally enters Thailand;
- (7) the use, sale, having in possession for sale, offering for sale or importation of a patented product when it has been produced or sold with the authorization or consent of the patentee.

Section 36 bis⁽¹⁾ The scope of the rights of the patentee under Section 36 in respect of a patented invention shall be determined by the claims. In determining the scope of the claimed invention, the characteristics of the invention as indicated in the description and the drawings shall be taken into account.

The scope of protection for a patented invention shall extend to the characteristics of the

invention which, although not specifically stated in the claims, in the view of a person of ordinary skill in the pertinent art, have substantially the same properties, functions and effects as those stated in the claims.

Section 37⁽¹⁾ The patentee shall have the right to use the word “Thai Patent,” its abbreviation or any foreign word of the same meaning on the product, the container or package of the product, or in the advertisement of the product.

The indication under the first paragraph shall be accompanied by the patent number.

Section 38 The patentee may authorize any other person, by granting a license, to exercise the rights conferred to him under Section 36 and 37, and may assign his patent to any other person.

Section 39 In granting a license under Section 38,

(1) the patentee shall not impose upon the licensee any condition, restriction or any royalty term which is unjustifiably anti-competitive.

Conditions, restrictions or terms which is unjustifiably anti-competitive shall be prescribed in the Ministerial Regulations;

(2) the patentee shall not require the licensee to pay royalties for the use of the patented invention after the patent has expired in accordance with Section 35.

Conditions, restrictions or terms concerning royalties which are contrary to the provisions of this Section are null and void.

Section 40 Subject to Section 42, in the absence of any provision to the contrary between the parties, a joint owner of a patent may, separately, exercise the rights conferred under Section 36 and 37 without the consent of the other joint owner, but he may grant a license or assign the patent only when it is consented to all joint owners.

Section 41⁽¹⁾ The license contract and the assignment of a patent under Section 38 shall be in writing and registered in compliance with the requirements and procedures prescribed by the Ministerial Regulations.

If it appears to the Director-General that a clause in a license contract is contrary to the provisions of Section 39, the Director-General shall submit such contract to the Board. If it is held by the Board that the contract is contrary to the provisions of Section 39, the Director-General shall refuse the registration of such contract, unless it may be assumed under the circumstances of the case that the parties intended the valid part of the contract to be severable from the invalid part. In the latter circumstances, the Director-General may order the registration of the valid part of the contract.

Section 42 The transfer of a patent by succession shall be in compliance with the rules and procedures prescribed by the Ministerial Regulations.

PART IV ANNUAL FEES

Section 43⁽²⁾ A patentee shall pay annual fees as prescribed by the Ministerial Regulations beginning the fifth year of the term of the patent. The payment of the fees shall be made within sixty days following the beginning of the fifth year of the term of the patent and of every year thereafter.

If a patent is granted after the beginning of the fifth year of the term of the patent, the first annual fee shall be paid within sixty days following the grant of the patent.

If the patentee does not pay the annual fees within the period as prescribed in the first or second paragraph, the patentee shall be liable to pay a surcharge of thirty percent of the unpaid annual fee by paying the annual fee together with the surcharge within one hundred and twenty days following the expiration of the payment period prescribed in the first or second paragraph.

If the patentee fails to pay the annual fee and the surcharge within the period prescribed in the third paragraph, the Director-General shall prepare a report to the Board for canceling the patent.

If the patentee files within sixty days from the date of receipt of the cancellation order, a request to the Board that the failure to pay the annual fee within the period prescribed in the third paragraph and the surcharge was due to a cause of necessity, the Board may extend the payment period or cancel the patent as they deem appropriate.

Section 44⁽¹⁾ The patentee may request to pay all annual fees in advance by paying all of the annual fees in one payment instead of paying annually. In cases where all of the annual fees have been paid in advance by the patentee, and subsequently the list of the annual fees is revised or the patent is surrendered or cancelled, the patentee shall not be obliged to pay for any increase in the annual fees or shall not be entitled to refund the fees already paid by him.

PART V LICENSES OF RIGHT COMPULSORY LICENSES AND GOVERNMENT USE

Section 45 Any patentee may, in accordance with the rules and procedures as prescribed in the Ministerial Regulations, apply to the Director-General for an entry to be made in the register to the effect that any other person may obtain a license.

At any time after an entry has been made, the Director-General shall grant a license under the patent to any person who applies for such a license on such conditions, restrictions and royalty terms as agreed upon by the patentee and the applicant. If the patentee and the applicant cannot agree within the period as prescribed by the Director-General, the Director-General shall grant a license on such conditions, restrictions and royalty terms as he deems appropriate.

Any of the parties may appeal the decision of the Director-General made under the preceding paragraph to the Board within thirty days from the receipt of the decision. The decision of the Board shall be final.

The application for and grant of a license under the second paragraph shall comply with the rules and procedures as described by the Ministerial Regulations.

Where an entry is made pursuant to the first paragraph, the annual fees in respect of the patent after the date of the entry shall be reduced as prescribed by a Ministerial Regulations, by at least one half of the annual fees which would be payable if the entry had not been made.

Section 46⁽¹⁾ At any time after the expiration of three years from the grant of a patent or four years from the date of application, whichever is later, any person may apply to the Director-General for a license if it appears, at the time when such application is filed, that the patentee unjustifiably fails to exercise his legitimate rights as follows:

(1) that the patented product has not been produced or the patented process has not been applied in the country, without any legitimate reason; or

(2) that no product produced under the patent is sold in any domestic market, or that such a product is sold but at unreasonably high prices or does not meet the public demand, without any legitimate reason.

Whether it is an application under (1) or (2), the applicant for a license must show that he has made an effort to obtain a license from the patentee having proposed conditions and remuneration reasonably sufficient under the circumstances but unable to reach an agreement within a reasonable period.

The application for a license shall comply with the rules and procedures prescribed in the Ministerial Regulations.

Section 47⁽¹⁾ If the working of any claim in a patent is likely to constitute an infringement of a

claim in a patent of any other person, the patentee, desiring to exploit his own patent, may apply to the Director-General for a license under the patent of the other person under the following criteria:

- (1) the invention of the applicant involves an important technical advance of considerable economic significance in relation to the invention for which the license is applied;
- (2) the patentee shall be entitled to a cross-license on reasonable terms;
- (3) the applicant shall not assign his right in the license to other persons except with the assignment of his patent.

The applicant for a license must show that he has made an effort to obtain a license from the patentee having proposed conditions and remuneration reasonably sufficient under the circumstances but unable to reach an agreement within a reasonable period.

The application for a license shall comply with the rules and procedures prescribed by the Ministerial Regulations.

Section 47 bis⁽²⁾ If the working of any claim in the patent having obtained a license under Section 46 is likely to constitute an infringement of a claim in a patent of any other person, the applicant for a license under Section 46 may apply to the Director-General for a license under the patent of the other person under the following criteria:

- (1) the invention of the applicant involves an important technical advance of considerable economic significance in relation to the invention for which the license is applied;
- (2) the applicant shall not assign his right in the license to other persons.

The applicant for a license must show that he has made an effort to obtain a license from the patentee having purposed conditions and remuneration reasonably sufficient under the circumstances but unable to reach an agreement within a reasonable period.

The application for a license shall comply with the rules and procedure prescribed by the Ministerial Regulations.

Section 48⁽¹⁾ Where a compulsory license is granted under Section 46, 47 or 47 bis , the patentee shall be entitled to remuneration.

The licensee under Section 38 shall be entitled to remuneration where a compulsory license is granted under 46, 47 or 47 bis, provided that he has the exclusive right to grant licenses to other persons. In such circumstances, the patentee shall not be entitled to such remuneration.

Section 49⁽²⁾ In an application for a license made under Section 46, 47 or 47 bis, the applicant shall set forth the amount of remuneration, the conditions for the exploitation of the patent and the restrictions on the rights of the patentee and the exclusive licensee under paragraph 2 of Section 48, and a request for a license. In the application for a license under Section 47, the applicant shall also offer a license under his patent to the other party.

Where an application for a license is filed pursuant to Section 46, 47 or 47 bis, the competent officer shall notify the applicant the patentee and the exclusive licensee under paragraph 2 of Section 48 of the date on which the application shall be considered. The patentee and the exclusive licensee shall be furnished with a copy of the application.

In the consideration of an application for a license under the preceding paragraph, the competent officer may require the applicant, the patentee or the exclusive licensee under paragraph 2 of Section 48 to appear before him to give any statement, or to hand over to him any document or any other item. When the application has been considered by the competent officer and the Director-General has made his decision, the applicant, the patentee and the exclusive licensee shall be notified of the decision.

The decision of the Director-General made under the preceding paragraph is appealable to the Board within sixty days of receipt of the notice.

Section 50⁽¹⁾ Where it is decided by the Director-General that a license shall be granted to the applicant under Section 46, 46 bis or 47, the Director-General shall set forth the royalty and

the conditions for the exploitation of the patent and the restrictions on the rights of the patentee and the exclusive licensee under Section 48 paragraph 2 as agreed upon by the patentee and the applicant. If no agreement has been reached by the parties within the period prescribed by the Director-General, the Director-General shall fix the royalty and prescribed the conditions and restriction as he deems appropriate subject to the following requirements:

(1) the scope and duration of the license shall not be more than necessary under the circumstances;

(2) the patentee shall be entitled to further license others;

(3) the license shall not be entitled to assign the license to others, except with that part of the enterprise or goodwill particularly of the part under the license;

(4) the licensing shall be aimed predominantly for the supply of the domestic market;

(5) the remuneration fixed shall be adequate for the circumstances of the case.

The decision of the Director-General made under the first paragraph of the Section is appealable to the Board within sixty days from the date on which such decision is received.

The issuance of a licensing certificate shall comply with the form, rules and procedures prescribed in the Ministerial Regulations.

Section 50 bis⁽¹⁾ A license issued under Section 46 may be terminated if and when the circumstances which led to it cease to exist and are unlikely to recur provided that the termination does not affect the rights or interests of the licensee under the license.

The application for termination of a license under the first paragraph shall be in accordance with the forms, rules and procedures prescribed in the Ministerial Regulations, the provisions of Section 49 paragraphs two and three and Section 50 applying mutatis mutandis.

Section 51⁽²⁾ In order to carry out any service for public consumption or which is of vital importance to the defense of the country or for the preservation or realization of natural resources or the environment or to prevent or relieve a severe shortage of food, drugs or other consumption items or for any other public service, any ministry, bureau or department of the Government may, by themselves or through others, exercise any right under Section 36 by paying a royalty to the patentee or his exclusive licensee under paragraph 2 of Section 48 and shall notify the patentee in writing without delay, notwithstanding the provisions of Section 46, 46 bis and 47.

In the circumstances under the above paragraph, the ministry or bureau or department shall submit its offer setting forth the amount of remuneration and conditions for the exploitation to the Director-General. The royalty rate shall be as agreed upon by the ministry or bureau or department and the patentee or his licensee, and the provisions of Section 50 shall apply mutatis mutandis.

Section 52⁽³⁾ During a state of war or emergency, the Prime Minister, with the approval of the Cabinet, shall have the power to issue an order to exercise any right under any patent necessary for the defense and security of the country by paying a fair remuneration to the patentee and shall notify the patentee in writing without delay.

The patentee may appeal the order or the amount of remuneration to the court within sixty days from the receipt of the order.

PART VI SURRENDER OF PATENT OR CLAIMS AND CANCELLATION OF PATENT

Section 53⁽¹⁾ Any patentee may surrender his patent or any claim or claims there of in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In order to surrender a patent or any claims under the preceding paragraph, if the patent is jointly owned by two or more persons, the surrender shall be made with the consent of all patentees. If licenses have been granted under Section 38, 45, 46, 47 or 47 bis such surrender shall be made with the consent of all licensees.

Section 54 Any patent granted not in compliance with the provisions of Section 5, 9, 10, 11 or

Section 14 shall be invalid.

The invalidity of a patent may be challenged by any person. A petition to cancel an invalid patent may be submitted to the Court by any interested person or the public prosecutor.

Section 55⁽²⁾ The Director-General may request the Board to cancel a patent in any of the following circumstances:

(1) when a license has been issued under Section 50 and a period of two years has lapsed from the date of issuance of the license, the patentee, the licensee of the patentee or the holder of the license fails to produce the patented product or use the patented process without any legitimate reason, or no patented product or product derived from the patented process is sold or imported into the country or such a product is held at unreasonably high price, and the Director-General thinks that there is a good cause to cancel the patent;

(2) the patentee has licensed another person to use the rights contrary to the provisions of Section 41.

Before requesting the Board to cancel a patent, the Director-General shall order an investigation to be held, and notify the patentee and licensees of the order so that they may be given an opportunity to submit their statements. The submission of the statements shall be made within sixty days from the receipt of the order. The Director-General may require any person to appear before him to answer any question or to hand over any document or any other item to him.

After the investigation and where it appears that there is good ground to cancel the patent, the Director-General shall submit his report of the investigation to the Board to cancel the patent.

CHAPTER III PATENTS FOR DESIGNS

Section 56 A patent may be granted under this Act for a new design for industry, including handicrafts.

Section 57 The following designs are not new:-

(1) a design which was widely known or used by others in this country before the filing of the application for a patent;

(2) a design which was disclosed or described in a document or a printed publication in this or a foreign country before the filing of the application for a patent;

(3) a design which was published under Section 65 and Section 28 before the filing of the application for a patent;

(4) any design so nearly resembling any of the designs prescribed in (1), (2) or (3) as to be an imitation.

Section 58 The following are unpatentable:-

(1) designs that are contrary to public order or morality;

(2) designs prescribed by a Royal Decree.

Section 59 The application for a patent shall comply with the requirements and procedures as prescribed by the Ministerial Regulations.

Every application for a patent shall contain:-

(1) a representation of the design;

(2) an indication of the product for which the design is to be used;

(3) a clear and concise claim;

(4) other items prescribed in the Ministerial Regulations.

Section 60 An application for a patent shall relate to a design to be used with only one product.

A list of products shall be prescribed by the Ministerial and published in the Government Gazette.

Section 60 bis⁽¹⁾ A person under Section 14 who has filed a patent application for a design in

a foreign country may claim the first foreign filing date as the filing date in the country if the application is filed in the country within six months following the first filing date in the foreign country.

Section 61 When an application is published under Section 65 and 28, but before the registration of and grant of a patent for the design, if it appears that the application does not comply with the provisions of Section 56, 57 or Section 65 and 10, 11 and 14, the Director-General shall reject the application. The competent officer shall notify the applicant and the opposing party under Section 65 and 31 of that decision, and a copy of the decision shall be displayed at the place where the application is filed.

Where the Director-General rejects an application and the application is opposed under Section 65 and Section 31, the Director-General shall proceed to consider the opposition in accordance with section 65 and Section 32.

Section 62⁽¹⁾ A design patent shall have a term of ten years from the date of filing of the application in the country.

The term of a patent shall not include the period during which the court proceedings are taken under Section 65 and Section 16 or 74.

Section 62 bis⁽²⁾ Any act in violation of Section 63 committed before a grant of a patent shall not be deemed to be an infringement of the patentee's rights unless the act is in respect of the design under the pending application already published under Section 65 and Section 28, the person so acting knowing of the filing of the patent application or having been informed in writing that a patent application has been filed for the design, in which case the applicant shall be entitled to damages from the infringer. A complaint for such damages shall be filed with the court after the patent is granted.

Section 63⁽³⁾ No other person except the patentee shall have the right to use the patented design in the manufacture of a product or to sell, have in possession for sale, offer for sale or import a product, embodying the patented design, except the use of the design for the purpose of study or research.

Section 64 Any patent granted which is not in compliance with the provisions of Section 56, 58 or 65 and Section 10, 11 and 14 shall be invalid.

The validity of a patent may be challenged by any person. A petition to cancel an invalid patent may be submitted to the Court by any person who has an interest in the patent or by the public prosecutor:

Section 65 The provisions of Sections 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 28, 29, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, and 53 in Chapter II concerning patents for inventions shall apply, mutatis mutandis, to patents for designs in Chapter III.

CHAPTER III BIS PETTY PATENTS

Section 65 bis A petty patent may be granted for an invention in respect of which the following conditions are satisfied:

- (1) the invention is new;
- (2) it is capable of industrial application.

Section 65 ter No person shall apply for both a petty patent and a patent for the same invention.

Section 65 quarter The applicant for a petty patent or the applicant for an invention patent may request to convert his application for a petty patent to an application for an invention patent or an application for an invention patent to an application for a petty patent before the registration of the invention and the grant of the petty patent or before the publication of the application under Section 28, as the case may be. The applicant may claim the date of filing

of the original application to be the filing date of the converted application in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 65 quinquies Before the registration of an invention and grant of a petty patent, the competent officer shall examine the application for a petty patent as to its conformity with Section 65 decies and 17 and examine that the claimed invention is protectible under Section 65 decies and 9 and submit a report to the Director-General.

(1) If it is seen by Director-General that the application for a petty patent does not comply with Sections 65 decies and 17 or the claimed invention is not protectible under Section 65 decies and 9, the Director-General shall refuse the grant of a petty patent. The competent officer shall notify the applicant of such decision, by an acknowledgement registered mail or by any other method prescribed by the Director-General, within fifteen days from the date of the decision.

(2) If it is seen by the Director-General that the application for a petty patent is in compliance with Sections 65 decies and 17 and the claimed invention is protectible under Section 65 decies and 9, the Director-General shall order that the invention is to be registered and a petty patent granted to the applicant. The competent officer shall notify the applicant to pay for the fees for the grant of a petty patent and for the publication in accordance with the procedures and period of time prescribed in Sections 65 decies and 28 (2).

The petty patent shall be in the form prescribed by the Ministerial Regulations.

Section 65 sexies Within one year from the publication of the registration of the invention and the grant of a petty patent, any interested person may request the competent officer to examine whether or not the invention for which a petty patent has been granted satisfies the conditions under Section 65 bis.

After the receipt of the request under the first paragraph, the competent officer shall examine the application as to substance and submit the examination report to the Director-General.

When the Director-General has considered the examination report and thinks that the invention satisfies the conditions under Section 65 bis, he shall so inform the person requesting for the examination and the owner of the petty patent within fifteen days from the date of such decision.

In cases where the Director-General thinks that the invention does not satisfy the conditions under Section 65 bis, he shall order an examination of the case and notify the owner of the petty patent to submit a statement supporting his application within sixty days from the date of receipt of the order. The Director-General may summon any person to answer any question or to hand over to him any document or item. After the examination of the case if the Director-General thinks that the invention does not satisfy the conditions under Section 65 bis, he shall submit his report to the Board to cancel the petty patent and shall notify the person requesting for the examination and the owner of the petty patent within fifteen days from the date on which the order is made by the Board.

Section 65 septies A petty patent shall have a term of six years from the date of filing of the application in the country. The term shall not include the period during which the court proceedings are taken under Sections 65 decies and 16, 74 or 77 sexies.

The owner of a petty patent may request that the term of his petty patent be extended for two periods, each period shall be valid for two years, by submitting a request to the competent officer within ninety days before the expiry date. If the request is submitted within the said period, the petty patent shall be regarded as validly registered until it is otherwise ordered by the competent officer.

The request for extension of the term of a petty patent shall be in accordance with the rules and procedures prescribed by the Director-General.

Section 65 octies The owner of a petty patent shall have the right to use the word "Thai Petty Patent", its abbreviation or any foreign word of the same meaning on the product, the

container or package of the product, or in the advertisement of the product.

The indication under the first paragraph shall be accompanied by the number of the petty patent.

Section 65 novies Any petty patent granted not in compliance with the provisions of Section 65 bis, 65 decies and Section 9, 10, 11 or 14, shall be invalid.

The invalidity of a petty patent under the first paragraph may be challenged by any person. A petition to cancel an invalid patent may be submitted to the court by any interested person or the public prosecutor.

Section 65 decies The provisions of Sections 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19 bis, 20, 21, 22, 23, 25, 26, 27, 28, 35 bis, 36, 36 bis, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 47 bis, 48, 49, 50, 50 bis, 51, 52, 53, and 55 in Chapter II concerning patents for inventions shall apply, mutatis mutandis, to Chapter III bis concerning petty patents.

CHAPTER IV BOARD OF PATENTS

Section 66⁽¹⁾ There shall be a "Board of patents" composed of the Under-Secretary of State for Commerce as Chairman, and not more than twelve qualified members in the fields of science, engineering, industry, industrial design, agriculture, pharmacy, economics and law appointed by the Cabinet. At least six qualified members shall be from the private sector.

The Board may appoint any person to act as Secretary and as Assistant Secretary.

Section 67 The members of the Board appointed by the Cabinet shall hold office for a term of two years.

When a member of the Board vacated his offices before the expiration in the term of office or more members are appointed by the Cabinet where the term of office of the existing appointed members has not expired, the newly appointed members shall remain in office only for the term of office of the incumbent.

A member whose term of office has expired may be reappointed by the Cabinet.

Section 68 A member appointed by the Cabinet vacates his office upon:-

- (1) death;
- (2) resignation;
- (3) being discharged by the Cabinet;
- (4) becoming bankrupt;
- (5) becoming an incompetent or a quasi-incompetent person; or
- (6) being imprisoned under a final judgement, except for a petty offense or an offense committed through negligence.

Section 69 At every meeting of the Board, there must be in attendance of not less than one half of the total number in order to constitute a quorum. If the chairman is absent from any meeting, the Board shall elect one of its members to preside over the meeting.

Any decision of the meeting shall be taken by a majority of votes.

In voting, each member shall have one vote. In case of equality of votes, the presiding chairman shall have one additional vote as the casting vote.

Section 70⁽¹⁾ The Board shall have the following powers and duties:-

- (1) to give advice or consultation to the Minister in issuing the Royal Decrees and Ministerial Regulations under this Act;
- (2) to decide any appeal made against any order or decision of the Director-General on patents or petty patents under sections 41, 45, 49, 50, 55, 65 sexies or Section 65 decies and Section 72;
- (3) to act on other matters as stipulated in this Act;
- (4) to consider any other matter on patents or petty patents as assigned by the Minister.

Section 71 The Board shall have the power to appoint subcommittees to consider and advise

the Board. The provisions of Section 69 shall apply, mutatis mutandis, to the meeting of subcommittees.

Section 72⁽¹⁾ Where an order or a decision is made by the Director-General under Sections 12, 15, 28, 30, 34, 49, 50 or Section 61, or Section 65 and Sections 12, 15, 28, 33, or 34 and Section 65 quinquis or 65 sexies or 65 decies and Section 12, 15, 49 or 50, any interested person under the said Section may make an appeal to the Board within sixty days following the receipt of such order or decision. If he fails to do so within such period, the order or decision of the Director-General shall be final.

An appeal under the preceding paragraph must be submitted to the competent officer. If there are two parties, a copy of the appeal must be sent to the other party.

Section 73⁽²⁾ In considering an appeal against the order or decision of the Director-General or a report of the Director-General made under Section 55 or 65 sexies or a report of the Director-General under Section 43 or 65 decies and Section 43 suggesting a cancellation of patent or a petty patent, the Board may require the opposing party, the applicant, the patentee, the owner of a petty patent, the applicant for examination of a petty patent, or the licensee, as the case may be, to submit any evidence or additional statement in accordance with the rules prescribed by the Board.

Section 74⁽³⁾ Where a decision or an order is made by the Board under Section 41, 43, 49, 50, 55 or 65 sexies, 65 decies and Section 41, 43, 49, 50, 55 or 72, the appellant and the other party, the patentee, the owner of a petty patent or the licensee, as the case may be, shall be notified of such decision or order. Any party dissatisfied with the decision or order may appeal to the Court within sixty days from the receipt of such notification. If he fails to do so, the decision of the Board shall be final.

In considering or giving a judgement under this Act, the Court shall not order the Board or the Director-General to pay for any fee on behalf of the other party.

CHAPTER V MISCELLANEOUS

Section 75⁽¹⁾ No person without the rights under this Act shall use the words “Thai Patent”, “Thai Petty Patent” or its abbreviation or foreign words of the same meaning on any product, container or package of a product or in advertising any invention or design.

Section 76⁽²⁾ No person except a person who has filed an application for a patent or a petty patent that is pending, shall use the words “Patent Pending”, “Petty Patent Pending” or any other word of a same meaning on any product, container or package of a product or in advertising any invention or design.

Section 77⁽³⁾ In a civil case in respect of the infringement of the rights of the owner of the owner of a patent or petty patent where the subject matter of the patent or petty patent is a process for obtaining a product, if the owner of the patent or petty patent can prove that the defendant’s product is identical or similar to the product obtained by the process under the patent or petty patent, it shall be presumed that the defendant has used the process under the patent or petty patent unless the defendant can prove otherwise.

Section 77 bis⁽⁴⁾ In case there is clear evidence that any person is committing or about to commit any act in infringement of the rights of the owner of a patent or petty patent under Section 36, 63 or Sections 65 decies and 36, the owner of the patent or petty patent may request the court to order the person to stop or refrain from committing such infringement. The order of the court shall not deprive the owner of the patent or petty patent to claim damages under Section 77 ter.

Section 77 ter⁽¹⁾ In case of an infringement of the rights of the owner of a patent or petty patent under Section 36, 63 or Sections 65 decies and 36, the court shall have the power to order the infringer to pay the owner of the patent or petty patent damages in an amount

deemed appropriate by the court, taking into consideration the gravity of the injury including the loss of benefits and expenses necessary to enforce the rights of the owner of the patent or petty patent.

Section 77 quarter⁽²⁾ All goods in the possession of the infringer which infringe the rights of the owner of a patent or petty patent under Section 36, 63 or Sections 65 decies and 36 shall be confiscated. If the court thinks fit, it may order the destruction of the goods or other measures to prevent further distribution of the goods.

Section 77 quinquies⁽³⁾ Any person who applies and jointly applies for both a patent and a petty patent for the same invention not in compliance with Section 65 ter shall be deemed to have applied for a petty patent.

Section 77 sexies⁽⁴⁾ If two or more persons have separately or independently made the same invention and one of them has made an application for a patent while the other person has applied for a petty patent:

(1) the applicant who is the first to file for a patent or petty patent shall be entitled to a patent or petty patent;

(2) if the applications for a patent and petty patent have been filed on the same date, the competent officer shall notify the applicants to agree whether the grant should be made to one of them or all of them jointly and whether it should be an application for a patent or petty patent. If no agreement is reached within the period prescribed by the Director-General, they may bring the case to the Court within ninety days to do so within such period, they shall be deemed to have abandoned their applications.

Section 77 septies⁽¹⁾ Within ninety days following the date of publication under Section 28 or the date of publication of the registration of an invention and the grant of a petty patent for any invention, the applicant for a petty patent, the owner of a petty patent, the applicant for a patent or the patentee who thinks that the registration of the invention and the grant of the patent or petty patent may not be in conformity with the provisions of Section 65 ter for the reason that the invention is the same invention belonging to him and he has applied for a petty patent or a patent on the same date on which such application for a patent or a patent was filed may request the competent officer to examine whether or not such application for a patent or a petty patent is in compliance with the provisions of Section 65 ter.

After the receipt of the request under the first paragraph, the competent officer shall make the examination and submit his examination report to the Director-general.

When the Director-General has considered the examination report under the second paragraph and sees that the registration of the invention and the grant of a patent or a petty patent is not in compliance with the provisions of Section 65 ter due to the fact that it is the same invention and the application for a patent or a petty patent was filed on the same date with the date of application of the person requesting for the examination, the Director-General shall notify the applicant for a patent or the owner of the petty patent and the person requesting for the examination to agree on the person who would solely have the rights in the invention or they would jointly hold the rights. If no agreement is reached within the period prescribed by the Director-General, they shall be regarded as jointly holding the rights in the invention.

Section 77 octies⁽¹⁾ Any patent or petty patent granted not in compliance with the provisions of Section 65 ter shall be invalid.

The invalidity under the first paragraph may be challenged by any person.

If the registration of an invention and the grant of a patent or petty patent is not in compliance with the provisions of Section 65 ter and the application for a patent and a petty patent for the invention were filed on the same date, the patentee, the owner of the petty patent, any other interested person or the public prosecutor may request the Director-General to notify the patentee and the owner of the petty patent to agree that the invention is to be the subject of

either a patent or a petty patent. If no agreement is reached within the period prescribed by the Director-General, the patentee and the owner of the petty patent shall be regarded as the joint owners and the invention is the subject of a petty patent.

Section 78⁽²⁾ The owner of a patent, a petty patent or a licensing certificate may apply for a substitute thereof in accordance with the requirements and procedures as prescribed in the Ministerial Regulations if the patent, petty patent or certificate is lost or substantially damaged.

Section 79 All applications, oppositions, answers to oppositions and appeals made under this Act shall be in the forms and in the required number of copies as prescribed by Director-General.

Section 80⁽³⁾ A fee as prescribed by the Ministerial Regulations shall be paid for each application for a patent, an application for a petty patent, the publication of an application for a patent, request for examination of patent, opposition to the grant of a patent, patent, application for the registration of a license contract, application for the assignment of a patent, or petty patent, application for conversion of a patent or a petty patent, application for the extension of the term of a petty patent, application for an entry to be made in a patent or petty patent that any person may apply for a license under the patent or petty patent, application for a license, a licensing certificate, appeal against an order or a decision of the Director-General, duplicate of a patent or a patent or a licensing certificate, any other request or application and the making or a copy of any document and certification of any document.

CHAPTER VI OFFENSES

Section 81⁽¹⁾ Any official who violates Section 21 or Section 23 paragraph two or Section 65 and 21 or Sections 65 decies and 21 or 23 paragraph two of this Act shall be punished with imprisonment not exceeding two years or a fine not exceeding two hundred thousand baht or both.

Section 82⁽²⁾ Any person who violates Section 22 or Sections 65 and 27 or Sections 65 decies and 22 punished with imprisonment not exceeding six months or a fine not exceeding twenty thousand baht or both.

Section 83⁽³⁾ Any person who violates Section 23 paragraph two or Section 65 decies and 23 paragraph two of this act shall be punished with imprisonment not exceeding one year or a fine not exceeding fifty thousand baht or both.

Section 84 Any person who violates Section 75 or Section 76 of this Act shall be punished with imprisonment not exceeding one year or a fine not exceeding two hundred thousand baht or both.

Section 85⁽¹⁾ Any person who commits any act under Section 36 or 63 without the permission of the patentee shall be punished with imprisonment not exceeding two years or a fine not exceeding four hundred thousand baht or both.

Section 86⁽²⁾ Any person who commits any Act under Sections 65 decies and 36 without the permission of the owner of a petty patent shall be punished with imprisonment not exceeding one year or a fine not exceeding two hundred thousand baht or both.

Section 87⁽³⁾ Any person, in order to obtain a patent, applies for a patent for an invention or design or a petty patent, presents or gives a false statement shall be punished with imprisonment not exceeding six months or a fine not exceeding five thousand baht or both.

Section 88 Where an offender punishable under this Act is a juristic person, the persons in charge or representatives of the juristic person, except those who can prove that such offense was committed without their knowledge or consent, shall also be liable to the penalties prescribed by law for the offence.

LIST OF THE MAXIMUM FEES

	Baht
(1) An application for a patent	1,000
(2) Applications for design patents for the same design which are filed at the same time in a number of ten or more applications	10,000
(3) Publication of a patent application	500
(4) A request for patent examination	500
(5) An opposition to a patent application	1,000
(6) A patent or petty patent	1,000
(7) Annual fees for invention patents:	
fifth year	2,000
sixth year	4,000
seventh year	6,000
eighth year	8,000
ninth year	10,000
tenth year	12,000
eleventh year	14,000
twelfth year	16,000
thirteenth year	18,000
fourteenth year	20,000
fifteenth year	30,000
sixteenth year	40,000
seventeenth year	50,000
eighteenth year	60,000
nineteenth year	70,000
twentieth year	80,000
or payment of all annual fees in one payment	400,000
(8) Annual fees for design patents:	
fifth year	1,000
sixth year	2,000
seventh year	3,000
eighth year	4,000
ninth year	5,000
tenth year	6,000
or payment of all annual fees in one payment	20,000
(9) Annual fees for petty patents:	

fifth year	2,000
sixth year	4,000
or payment of all annual fees in one payment	6,000
(10) Fees for the extension of the term of petty patents:	
first extension	14,000
second extension	22,000
(11) An application for the registration of a License	500
(12) An application to record the assignment of a patent or petty patent	500
(13) An application for conversion of a patent or petty patent	500
(14) A licensing certificate	1,000
(15) A substitute of a patent, petty patent or licensing certificate	100
(16) An appeal against an order or decision of the Director-General	1,000
(17) Copies of documents, each page	10
(18) Certifying copies	
of documents of more than ten pages, each page	100
of not more than ten pages, each page	10
(19) Any other application	100