

Thesis Title	:	The Protection of Intellectual Property in case of Shop Design
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ABSTRACT

The objective of thesis is to identify principles in shop design protection provision. The study was conducted using documentary research. This study compared current Thai laws and international laws, United States (US) laws and United Kingdom (UK) laws. In order to identify key issues of Thailand's shop design protection. The researcher examined documents included code of laws, acts, books, articles and academic literatures that related to shop design protection. Those documents were in Thai and foreign languages. Research results are used as the basis for appropriate amendments of Thai trademark laws.

The study shows protection of shop design under International laws, US and UK laws provisions are subjected to trademark protection by statutory provisions and by judicial decisions. There are compulsory elements that must be presented in order to qualify for shop design protection. Shop design, functioning as a trademark, must be distinctive. In Thailand, this study shows that shop design may be protected as a trademark if shop design is distinctive and consumers can distinguish them between different operators. Yet, protection as a trademark still have problems because shop design is not covered in the definition of the "mark" in article 4 of the Trademark Act 1991(as amended (No. 2) 2000).

The researcher recommended that Thailand should amend the Trademark Act 1991 to cover the protection of shop design by changing definition of mark.