

Thesis Title : Problems and effects associated with Thailand entering into
the member of Patent Cooperation Treaty (PCT)

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ABSTRACT

Currently, the Intellectual Property Law, especially a patent law, is inefficient, thereby leading Thai-Intellectual property products to encounter much infringement. The causes of the problem concern *the territorial principle*, a gap of law, the legal principle of making applicants individually file for patent application at countries—places provide the patent protection— (case of the patent protection is requested in several countries by applicants). Likewise, applicants may be unable to file the patent application within a period of 18 months concomitantly in several countries (the novelty principle), thus resulting in others to file before them. Besides, they also bear more expenses, patent-fee payments involve intense responsibility, and cannot speculate whether the patent office will give them the patent protection.

A mentioned problem deems the inspiration leading the related jurist to overcome it as fast as feasible. Ultimately, the World Intellectual Property Organization (WIPO) has provided the “Patent Cooperation Treaty” (PCT) to eliminate them; applicants can ask for patent protection upon only filing a single application, which is called the International Application. In addition, under the international application, applicants are entitled to designate the countries, called “Designated Country”, elected to render patent protection.

Additionally, if Thailand would like to benefit from the Patent Cooperation Treaty (PCT), it must primarily carry on the registration as Contracting State of the Paris Convention for the Protection of Industrial Property, 1883 (Paris Convention) enacted in such convention. After the complete registration, Thailand will therefore have the authority to utilize the Patent Cooperation Treaty (PCT) effectively. Nevertheless, we should exceedingly and meticulously research as to the consequences or repercussion that would occur after Thailand has become a member of the Paris Convention for the Protection of Industrial Property, 1883 (Paris Convention) and the Patent Cooperation Treaty (PCT) because it will provide our signs for taking precautionary measure in the future. Furthermore, it is on the threshold of the patent-law development at present and future as well.

