

Independent Study Title	:	Legal Protection on Well-Known Trade Marks a Case Study of Similarity to Geographical Indications
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Abstracts

This independence study is aimed to study the well-known trademarks which are similar to geographical indication under the Trademark law and Geographical Indication law in both Thai and Foreign Laws. According to the analysis, the study additionally encourages to amend the Thai Trademark Act B.E. 2542 in order to be able to protect the owner's right. Trademarks and geographical indication are the main factors of the business strategy therefore the owner of the trademark and geographical indication shall be protected from being infringed, especially the protection on the well-known trademarks which is similar to geographical indication.

It is found in this research that there is no clear definition of the term "well-known trademark" in the current Thai Trademark Act which caused the difficulty of the owner protection. Moreover, the owner protection according to Geographical Indication Law is not much consistent with the TRIPS Agreement which may cause the impediment of registration of the well-known trademarks which are similar to geographical indication and also may affect on the enforcement of related regulations under international law, namely Paris Convention for the Protection of Industrial Property, TRIPs Agreement, Joint Recommendation, Madrid Agreement and Lisbon Agreement.

Thus, the researcher would like to propose the recommendation on this problem that the term "well-known trademark" should be clearly defined in the current Thai trademark Act in order to meet the same standard of interpretation and enforcement. Besides, the current Act should expand its protection to cover the "well-known trademarks which is similar to geographical indication" to be consistent with international law, treaties and agreements for upgrading Thai Law to grant the protection to reach the same level as other countries and international practice.