

Independent Study Paper Title : The Protection of Designs Act: The Need to have Single Legislation  
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## ABSTRACT

The objective of this Independent Study is focusing on design protection under the law of Thailand. Regarding to designs activity. Design is a central element in the cultural and experience economy, which is one of the major economic growth areas in Thailand. If continued growth and the affluence of the welfare state are to be sustained, Thailand needs to show strength within future growth areas. In this regards, due to the increasing complexity of designs and there has been an increased awareness of intellectual property violent in Thailand in the recent years regarding to design infringement.

It is found that, presently Thailand has Copyright Act B.E. 2537 and Patent Act B.E. 2522 to protect design activities as artistic work, patent for innovation and patent for design respectively. Unfortunately, a copyright structure of Thailand has non- registration system because of the current registration of copyrighted work with the Department of Intellectual Property is for the record-keeping purpose only. It is not a pre-requisite, fixation of copyrighted work is not necessary and not required by the law. Consequently to Thai Patent Act, a design which shall be under the protection of this article and patentable must be completed the requirement of the law regarding to capable for industry. Therefore, some kind of designs activity which is valuable to the economy but it cannot apply to the industry will not be received the protection to this Act. In comparison, in Asian countries such as Japan, Korea, India, Australia and other European countries are introduce a single design legislation to regulate the degree of protection of design in their jurisdiction domestically and internationally in order to level up the protection for design's owner.

The solution on this problem is to issue the law of the protection of designs to reach the development of the modern business, the Kingdom should made a standardize of design protection like other country by enacting a single legislation of design protection in our jurisdiction.

