

Thesis Title : The Consideration of Distinctiveness in
Trade Mark involving Shape or Configuration

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ABSTRACT

Trade marks are widely recognized and have been in use for quite some time. They have become more popular recently due to the amended trade mark law in which 'mark' now includes shape. This amendment has encouraged more attempts for shape registrations, however, only a handful of marks are actually being registered. This problem is caused by uncertainty in determinations by the Examiners. Furthermore, the trade mark law has failed to describe the distinctiveness of shape marks.

Through research of trade mark laws and the Examiner's guidelines for Thai and foreign countries, it is evident that the Thai Department of Intellectual Property lacks instructions for consideration of shape registrations.

Within this thesis, a solution is suggested to amend the trade mark laws to include description of distinctiveness of shape mark, methods of recognizing distinction among shape marks along with further instruction in the Examiner's guidelines to consider shape mark registrations. The solution would surely provide certainty in the registration of shape marks.