



2015 タイワーキング 活動計画&実績報告

Result & Action Plan of Thai Working group in 2015

【活動の目的】 Purpose

2013年度SEAIPJ会員アンケート及び2014年度活動実績に基づき、タイにおける知財の課題解決に向けたアクションの企画・実行を行う

We will plan and take some action to improve “Thai IP issue” in accordance with the result of questionnaire 2013 and 2014 activity

【活動の計画】 Action plan

1. 月例定例会：12回実施 第1木曜日PM4～、味の素さん参画
To set Monthly meeting on 1st Thursday PM4-

2. DIP審査官への技術セミナーの継続実施
6月:燃料電池 10月-12月:化学系、製鉄系
To continue Seminar for DIP Examiners
Fuel Cell:June, Chemical/Steel manufacturing:Oct-Dec

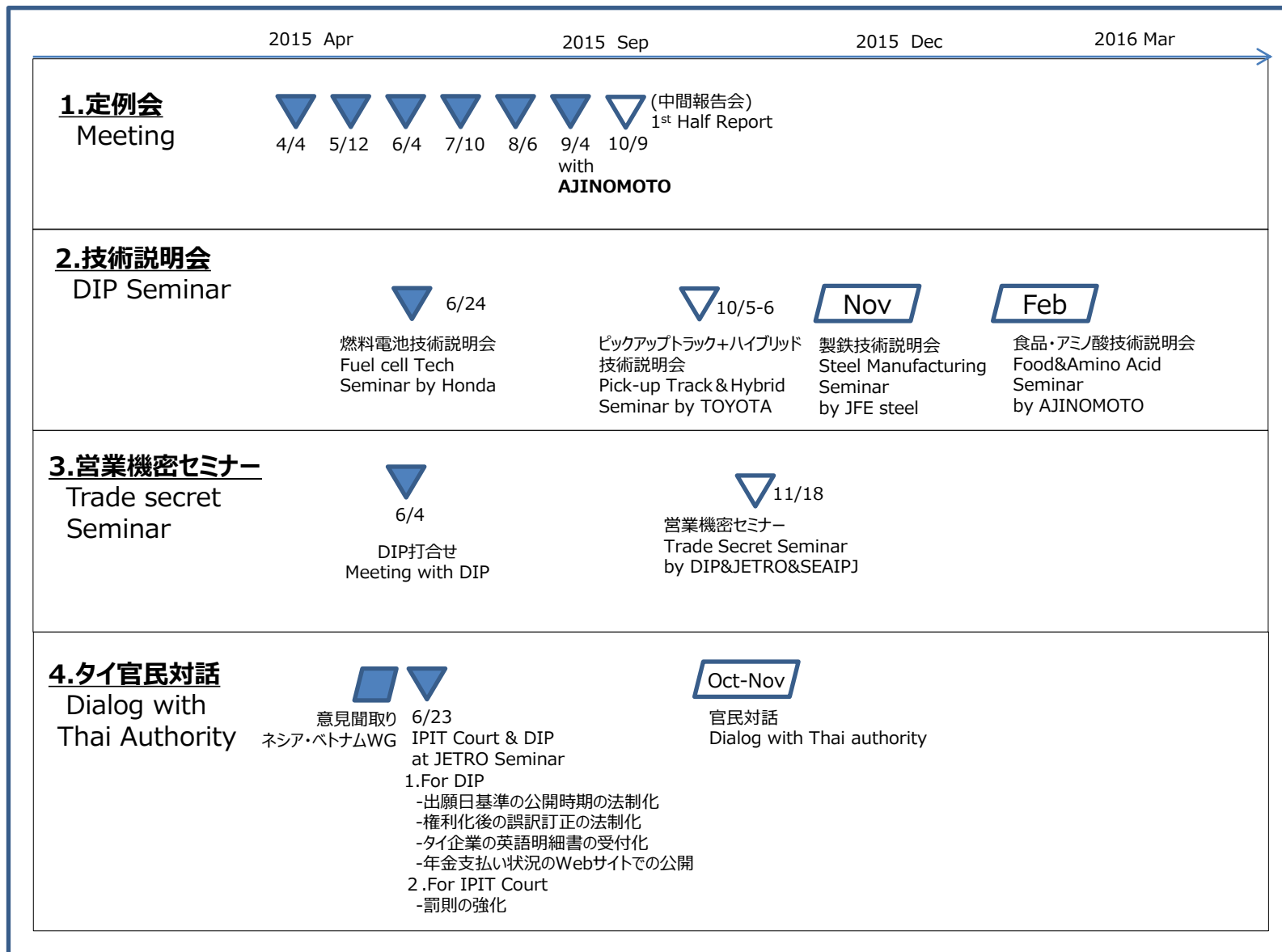
3. 営業機密セミナーの開催
Seminar of Trade secret with DIP

4. タイ官民対話（IP5対話）での要請
Request to improve at IP5 dialog meeting



半期 活動実績サマリー 9th Oct 2015

1st half Result summary of Thai working group



2. タイ審査促進につながる協力事業 「技術説明会」

「Seminar for DIP」 Cooperation to expedite the Examination

2015 Apr

2015 Sep

2015 Dec

2016 Mar

2.技術説明会

DIP Seminar

▼ 6/24

**燃料電池技術説明会
Fuel cell Tech
Seminar by Honda**

▼ 10/5-6

**ピックアップトラック+ハイブリッド
技術説明会
Pick-up Truck & Hybrid
Seminar by TOYOTA**

Nov

**製鉄技術説明会
Steel Manufacturing
Seminar
by JFE steel**

Feb

**食品・アミノ酸技術説明会
Food & Amino Acid
Seminar
by AJINOMOTO**

Story

On 26th June 2015 at Department of Intellectual Property(DIP), the Fuel Cells Vehicle seminar was held by cooperation of Honda(ASH), SEAIPJ(JETRO) and DIP. This seminar is to explain the overview of Hydrogen vehicle leads to Hydrogen society. A number of attendees were 18 members of DIP and 2 Asian Honda is the lecturer.



Department of Intellectual Property(DIP) - Conference room1 13F

Closing

After completion of FCV lecture, Mr. Motoki Takada, the Director of JETRO gave his closing speech mention that "thank you very much for Honda and DIP for well cooperation to arrange this seminar, and thanked to all DIP-examiners for great attention. In this October or November, JETRO would arrange again the technical seminar about the chemical and metal material by the metal manufacturer/company, and expect all examiners to join."



Opening



Mrs. Malee Choklumlerd
DIP -Director General

Mrs. Malee, the Director General of DIP gave the opening speech mentioned that

"For this seminar, it would be very useful for DIP examiners to learn new technology and knowledge, which resulted to faster and easier to examine the patent applications." and informed that "DIP examiners had meeting in JP as to notice the free license use from one JPN car company."

15 Examiners and some International office members



Mr. Motoki Takada: JETRO-Director
and Mrs. Malee Choklumlerd: DIP-DG talked
to each other

「営業機密 (Trade Secret) セミナー」の開催と募集について

東南アジア知財ネットワーク (SEAIPJ) *1が2013年度に実施したアンケートにおいて、タイにおける知的財産に関する課題の1つとして「営業機密の保護を強化する」といった意見が寄せられました。これを受け、SEAIPJのタイワーキングメンバーは営業機密を監督するタイのDIPと検討を進め、営業機密に特化したセミナーを実施し、タイ企業従業員の意識を改善していくことを企画しました。

そもそも営業機密とはどんなもので、タイの法律上どのように守られているのかを知った上で、会社にとってそれがなぜ重要なのか？また、それをどのように会社は保護していったら良いのかなど、各方面の専門家の方々をお招きしてレクチャーをしていただきます。

この機会に是非御社の営業機密を扱う部門、それを管理監督しなければならない部門の従業員の方々などにご参加いただくことをお勧め致します。 *1 別紙活動内容紹介を参照

「営業機密 (Trade Secret) セミナー」 タイ知財局・JETROバンコク・SEAIPJ共同開催

—会社の収益に結びつく営業機密 (Trade Secret) に関する知識・意識の向上とそれを保護するための手段を学ぶ—

期日：2015年11月18日 (水) AM8:00-11:45 (セミナー後に昼食有り)

場所：ノホテル サイアム ホテル 4Fギャラリー 定員：先着150名、言語：タイ語⇔日本語の同時通訳有り

対象：タイ人従業員・日本人管理職など

AM8:00-8:30 受付

AM8:30-8:50 基調講演 (DIP&JETROバンコク) & 写真撮影

AM8:50-11:30 レクチャー

1. タイにおける営業機密の扱い<法律的側面から営業機密とは何かを解説>

講師：Ms. Taksaorn Somboonsub (タイ知的財産局：DIP)

2. 営業機密の保護について <タイの知財専門家の知識に基づく営業機密の保護の仕方とは>

講師：Mr. Nandana Indananda (Tilleke&Gibbins法律事務所)

3. 具体的営業機密の事例紹介<過去事例に基づく営業機密が企業に与える影響などの紹介>

講師：Mr. Kittit Tangjitrmaneesakda (サイアムセメントグループ：SCG)

4. タイ大学との共同研究などにおける営業機密保護のための留意事項<共同開発契約での取り決め事項とは>

講師：Dr. Jairak Euarchukiate (タイ国立科学技術開発庁：NSTDA)

AM11:30-11:45 閉会のことば (SEAIPJ)

AM11:45-PM1:00 昼食

お問い合わせ・お申込先：ジェトロ・バンコク事務所 知的財産部 TEL：(+66)-2-253-6441内160 FAX：(+66)-2-254-5408

E-mail：bgk_ip@jetro.go.jp 担当：担当：金森 (日本語)、Mathurin Limhassanaikul (タイ語)

添付申し込み書にてお申込み下さい

「営業機密 (Trade Secret) セミナー」 参加申し込み書

日系企業様の場合には、日本語（フリガナ付） + 英語併記、
タイ企業様の場合には、タイ語 + 英語併記にて以下ご記入下さい（可能な範囲でOK）

御社名（団体名）	英語	
	日本語 orタイ語	
所在地	住所	
	電話 & FAX	
参加者	ご氏名 (日本語+英語 or タイ語・英語)	
	所属 役職	
	電話（Mobile含む）	
	E-mail	
同時通訳	タイ語⇒日本語希望 日本語⇒タイ語希望	
本セミナーに対する 関心事項		

4. タイ官民対話 Dialog with Thai authority

2015 Apr

2015 Sep

2015 Dec

2016 Mar

4. タイ官民対話 Dialog with Thai Authority

意見聞き取り
ネシア・ベトナムWG

6/23

IPIT Court & DIP
at JETRO Seminar

- For DIP
 - 出願日基準の公開時期の法制化
 - 権利化後の誤訳訂正の法制化
 - タイ企業の英語明細書の受付化
 - 年金支払い状況のWebサイトでの公開
- For IPIT Court
 - 罰則の強化

Oct-Nov

官民対話
Dialog with Thai authority

Improvement of Thai's Patent system

<Background>
SEAIPJ(South East Asia IP network Japan) made Questionnaire in 2013.
Many IP issues in Thai were recognized and this issue of trade secret was one of them.
16th Dec 2014, SEAIPJ requested below issues and DIP agreed to study.

problem recognition	Request / Recommendation (Draft)
2014-1. Employee's invention Standard for calculating remuneration by DIP(article 12) is still unclear so that employer may have a risk of liabilities which may happen accidentally.	- Abolishment of the remuneration calculation system by DIP (article 12, paragraph 3) - and Promotion for SMEs to set internal regulations by DIP
2014-2. Petty Patent There is a risk of the abuse of petty patent right because no inventive-step requirement is considered during substantive examination, that makes it easier for petty patent owner to enforce petty patent right..	- Introduction of the inventive-step requirement into substantive examination - or introduction of obligation to obtain technical opinion (validity evaluation) before enforcing petty patent right.
2014-3. Novelty There is a mismatch between article 6 of Patent Law (publicly known or used by others in the country) and article 130-2 of JP-TH EPA (publicly known ... or made available ... in either Party or in any non-Party)	- Revise article 6 of Patent Act

<Request > SEAIPJ request below improvement in this time

2015-1. Request for Examination	The applicant can not apply the Examination request after publication. However, publication timing was so different on each application and the applicant can not administrate such publication date.	- Revise article ' The due date for request of Examination ' shall be stipulated from 'Filing date' .
2015-2. English language filing	In the event of priority application to Thai, it's possible to file the application in English. But, Thai domestic application is not possible to file in English.	- Revise article 'it's possible to file in English'
2015-3. Right period in Web site	In medical region, it's unclear the expired date for IP right.	- Providing such service in DIP Web site
2015-4. Revision after registration	There is no article to revise any mistakes of translation after registration	- To make new article. it's possible to revise mistake of translation after registration

Improvement of Thai's Enforcement (Penalty)

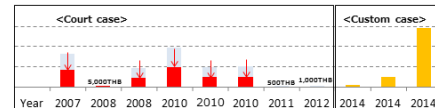
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<Enforcement issue in Thai>
Member's opinion
'Thai IP Court dispenses "discounted penalties" on perpetrators who are found guilty of engaging in counterfeiting activities. This does not serve as a good preventive measure to stop repeat offenders nor does it communicate the serious damaging impact of committing such activity.

Heavier than Thai

Trademark infringement	Thailand	Japan	Philippines	Cambodia	Indonesia	Burmei	Singapore	Malaysia	Vietnam	Laos
Prison	①Less than 4 years	①Less than 10 years	①Less than 8 years more than 2 years	①Less than 5 years more than 1 year	①Less than 5 years	①Less than 5 years	①Less than 5 years	①Less than 3 years (2nd offence 5 years)	①Less than 3 years more than 6 months	①Less than 2 years more than 3 months
Maximum Punishment	Fine	②Less than 400,000THB	②Less than 10Mii JPY	②Less than 200,000Peso more than 50,000Peso	②1MiiKHR< 20Mii KHR	②Less than 100Mii Rp	②Less than 100,000	②Less than 15,000MYR/4 nit (2nd offence 30,000MYR)	②20Mii VND < 200Mii VND	②500,000LAK < 10Mii LAK
		USD 12,000	USD 80,000	USD11,000< USD4,500	USD250< USD5,000	USD 70,000	USD 100,000	USD4,000 (2nd 8,000)	USD900< USD9,000	USD60< USD1,200

<Honda case>
- Court almost discounted Prison&Fine to half if infringer approved their guilty
- Attorney's professional charge is higher than fine
-> It's unfair for right holder and no preventing effect



<Complaint>
- IP Punishment should be revised heavier to same level of another ASEAN countries
- Discounting for Penalty should be improved

Judge excused punishment discount is law issue



Improvement of Thai's Patent system

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2015-2. English language filing	In the event of priority application to Thai, it's possible to file the application in English. But, Thai domestic application is not possible to file in English.	<ul style="list-style-type: none"> - Revise article 'it's possible to file in English' <p style="text-align: center;">Agree to revise at next</p>
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2015-4. Revision after registration	There is no article to revise any mistakes of translation after registration	<ul style="list-style-type: none"> - To make new article it's possible to revise mistake of translation after registration <p style="text-align: center;">DIP think case by case</p>