



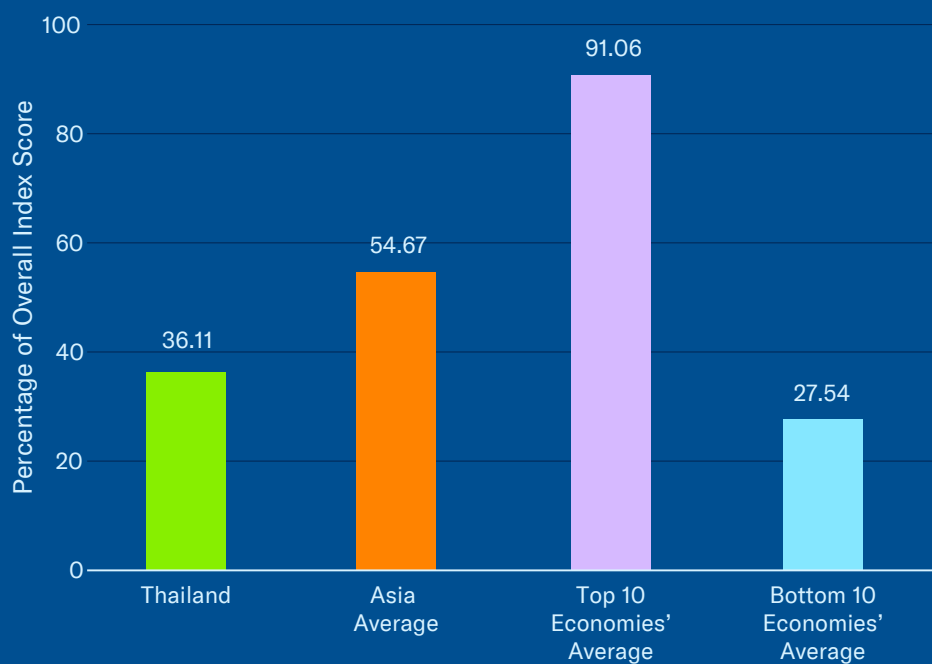
Thailand

Rank
44/55

Category Scores



Overall Score in Comparison





Thailand

Rank
44/55

Key Areas of Strength

- The 2022 Copyright Act amendments introduce a notice-and-takedown scheme and additional remedies for the circumvention of technological protection measures, including the manufacture, sale, rental, or importation of circumvention devices
- The 2022 Thailand Research and Innovation Utilization Promotion Act improves the technology transfer environment
- An injunctive-style relief mechanism under the Computer Crime Act is used against trademark infringement
- The Customs Act amendments have resulted in greater anti-counterfeiting efforts against infringing goods in transit
- Thailand moved from the Priority Watch List to the Watch List on USTR's Special 301 Out-of-Cycle Review as a result of stronger enforcement and coordination within the Thai Government
- A basic level of protection and a registration system are in place for copyrights, trademarks, and designs

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Inadequate patent protection, including gaps in patentability for high-tech arts, including life sciences and CIIIs
- History of long patent backlogs
- Many sector-specific IP rights are missing, including patent term restoration for biopharmaceuticals and RDP
- History of the use of compulsory licensing for biopharmaceuticals
- High physical counterfeiting and digital piracy rates, with software piracy estimated at 64%
- Limited participation in international treaties

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		Category 7: Enforcement	
1. Term of protection	1.00	29. Direct government intervention in setting licensing terms	0.00
2. Patentability requirements	0.25	30. IP as an economic asset	0.75
3. Patentability of CII	0.25	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	0.72	Category 8: Systemic Efficiency	
5. Pharmaceutical-related enforcement	0.00	32. Physical counterfeiting rates	0.48
6. Legislative criteria and use of compulsory licensing	0.00	33. Software piracy rates	0.34
7. Pharmaceutical patent term restoration	0.00	34. Civil and precedural remedies	0.25
8. Membership of a Patent Prosecution Highway	0.50	35. Pre-established damages	0.25
9. Patent opposition	0.00	36. Criminal standards	0.25
Category 2: Copyrights and Limitations		37. Effective border measures	0.75
10. Term of protection	0.53	38. Transparency and public reporting by customs	0.75
11. Exclusive rights	0.25	Category 9: Cutting-Edge Innovation	
12. Expeditious legal remedies disabling access to infringing content online	0.50	39. Coordination of IP rights enforcement	1.00
13. Cooperative action against online piracy	0.25	40. Consultation with stakeholders during IP policy formation	0.50
14. Limitations and exceptions	0.25	41. Educational campaigns and awareness raising	0.75
15. TPM and DRM	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
16. Government use of licensed software	0.50	43. IP-intensive industries, national economic impact analysis	0.50
Category 3: Trademarks Rights and Limitations		Category 10: Membership and Ratification of International Treaties	
17. Term of protection	1.00	44. IP incentives for orphan medicinal product development	0.00
18. Protection of well-known marks	0.25	45. IP incentives for orphan medicinal product development, term of protection	0.00
19. Exclusive rights, trademarks	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
20. Frameworks against online sale of counterfeit goods	0.75	Category 10: Membership and Ratification of International Treaties	
Category 4: Design Rights and Limitations		47. WIPO Internet Treaties	0.50
21. Industrial design term of protection	0.40	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
22. Exclusive rights, industrial design rights	0.50	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
Category 5: Trade Secrets and the Protection of Confidential Information		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
23. Protection of trade secrets (civil remedies)	0.25	51. Membership of the Convention on Cybercrime, 2001	0.00
24. Protection of trade secrets (criminal sanctions)	0.25	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
25. Regulatory data protection term	0.00	53. Post-TRIPS FTA	0.00
Category 6: Commercialization of IP Assets			
26. Barriers to market access	0.00		
27. Barriers to technology transfer	0.50		
28. Registration and disclosure requirements of licensing deals	0.00		

Percentage of Overall Score: 36.11%

• Total Score: 19.14

Spotlight on the National IP Environment

Past Editions versus Current Score

Thailand's overall Index score remains unchanged at 19.14 out of 53 indicators.

Patent Rights and Limitations

Revisions to the Patent Act in Thailand have been ongoing for years with several iterations of draft proposals put forth since 2018. At the time of research, it was still unclear what final drafts of these bills would look like. On a positive note, there have been indications that amendments will include important changes to industrial design rights with an extension of the term of protection from its current statutory basis of a maximum of 10 years. Similarly, there have been reports that the upcoming changes would seek to improve patent processing times. As noted over the course of the Index, patent prosecution times in Thailand have historically been long and can stretch to over a decade depending on the technology field. Finally, in August 2024, the national IP office, the Department of Intellectual Property held a public consultation soliciting general comments and feedback on the legal regime related to IP rights, including patents. The Index will continue to monitor these developments in 2025.

Copyrights and Limitations

As noted in the Index, Thailand has been reforming various parts of its national IP environment for over five years. This includes changing statutory law, implementing regulations, and IP office examination manuals. With respect to copyright law, in anticipation of Thailand's accession to the WIPO Internet Treaties, 2022 saw the enactment of a new and updated Copyright Act. Key amendments included the creation of a notice-and-takedown scheme, the definition of liability for service providers, and additional remedies for the circumvention of technological protection measures. After these positive reforms, Thailand acceded to the WIPO Copyright Treaty in late 2022. At the time of research, discussions were still ongoing on further copyright reforms to enable Thailand to join the WIPO Performances and Phonograms Treaty. In June 2024, the Ministry of Commerce announced that draft amendments to both the Copyright Act and the Protection of Geographic Indications Act had been completed and would be presented to the Cabinet for consideration. The Index will continue to monitor these developments in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

Interest in rare diseases has grown in the Asia-Pacific region. In 2017, the Asia-Pacific Economic Cooperation (APEC) forum (of which Thailand is a member) announced a new initiative geared specifically toward rare diseases, the “APEC Action Plan on Rare Diseases.” The plan’s primary aim is to “address barriers to the diagnosis and treatment of rare diseases in the region.” The plan consists of 30 individual targets across 10 pillars, including the promotion of innovative research and development through financial incentives, expedited market review procedures, and support for domestic R&D.

In Thailand, too, policymakers and the government are increasingly focused on addressing rare diseases and improving patient access to care and treatments. A policy aimed at rare disease was established in 2020, and orphan drugs are regularly added to the national essential medicines list. With respect to incentives to R&D and the development of new treatments and technologies, Thailand does not offer any special IP-based market exclusivity incentives for orphan medicinal product development.