

Ministerial Regulations No. 10, B.E. 2529 (1986)

As amended by the Ministerial Regulations (No. 28) B.E. 2542 (1999)

Issued under the Patent Act B.E. 2522 (1979)

Translation

By virtue of the power granted under Section 4 and Section 78 of the Patent Act, B.E. 2522, the Minister of Commerce issues the Ministerial Regulations as follows:

Clause 1

In cases where a patent or licensing certificate of any person is lost or substantially damaged, if the holder wants to have a substitute of the patent or certificate he shall file an application in the form prescribed and printed by the Director-General with the competent officer at the Department of Commercial Registration, Ministry of Commerce, or send such application by a registered mail to the competent officer at the Department of Intellectual Property.

In cases where the patent or certificate is lost, the applicant shall file the receipt of the report by the holder of such a loss to the police station responsible for the area where the loss occurred together with the application.

In cases where the patent or certificate is substantially damaged, the applicant shall submit the damaged patent or certificate together with the application.

Clause 2

In filing the application under Clause 1, if the applicant is not resident of Thailand, he shall appoint an agent registered with the Director-General to act for him by filing the power of attorney which is certified by the Thai diplomat representative, consul or head of the office representing the Thai Ministry of Commerce in the country in which the grantor resides or any officer who is designated to act on behalf of the said officer, or certified by any person empowered by the law of the said country to certify signatures.

If the applicant is resident of Thailand, the application under the first paragraph may be made for him by his agent already registered with the Director-General. In such a case, the power of attorney shall be furnished together with the application.

Clause 3

In the course of examination of the application for substitute of a patent or licensing certificate, the competent officer may instruct the applicant or his agent to appear before him to answer any question or hand over to him any document or item within the prescribed period. If the applicant or his agent fails to comply with the instruction of the competent officer under the first paragraph, he shall be deemed to have abandoned the application. In case of necessity, the Director-General may extend the prescribed period as he deems appropriate.

Clause 4

When the Director-General has ordered the issuance of a substitute of the patent or licensing certificate and the fee has been paid by the applicant, the competent officer shall issue the substitute to the applicant.

Clause 4bis

Clause 1, Clause 2, Clause 3 and Clause 4 shall apply to the filing of an application for a substitute of a petty patent or a substitute of a licensing certificate of a petty patent for a lost or substantially damaged petty patent or licensing certificate.

Clause 5

The substitute of a patent for an invention, a patent for design and a petty patent shall be in Form P1/200-B, PD/200-B and PP/200-B annexed to the Ministerial Regulations No. 1 (B.E. 2542) issued under the Patent Act, B.E. 2522, as the case may be.

The substitute of a licensing certificate of a patent and of a petty patent shall be in form PI/201-B and Form PP/201-B annexed to the Ministerial Regulations No. 6, B.E. 2542 issued under the Patent Act, B.E. 2522.

In the substitute issued pursuant to paragraph 1 and paragraph 2, the word "substitute" shall be indicated above the Government seal in the relevant forms.

Clause 6

Any document required to be submitted under these Regulations which is in a foreign language shall be accompanied by a Thai translation certified by the translator to be true.

Given on July 25, 1986

Signed by

Mr. Surat Osathanukraw as Minister of Commerce

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