

Ministerial Regulation No. 19 (B.E. 2535)

Issued under the Patent Act B.E. 2522

Translation

By virtue of the powers vested in the provisions in Section 4 and Section 78 of the Patents Act, 1979, the Minister of Commerce hereby issues a Ministerial Regulation as follows:

Clause 1

The contents in Clause 1 and Clause 2 of Ministerial Regulation No. 10, (1986), Issued Pursuant to the Provisions in the Patents Act, 1979, shall be repealed and replaced by the following:

"Clause 1

In the case where any person's patent or license to use the rights in a patent is lost or materially damaged, if the owner wishes to obtain a replacement patent or a replacement license to use the rights in a patent, he or she shall submit an application on the form prescribed and printed by the Director-General to the competent official or send it by registered mail to the competent official at any of the following places:

1. Department of Intellectual Property, Ministry of Commerce,
2. Provincial Commercial Office, or other government agency as prescribed by the Director-General.

In the case where the patent or the license to use the rights in a patent is lost, the person submitting the form shall attach the receipt of the report on the loss of the patent or the license to use the rights in a patent from the police station of the locality where the patent or the license to use the rights in a patent was lost together with the application. In the case where the patent or the license to use the rights in a patent is materially damaged, the person submitting the application shall attach the damaged patent or license to use the rights in a patent together with the application.

Clause 2

With regard to the submission of an application in accordance with Clause 1, if the patent holder is not resident in the Kingdom, power of attorney must be assigned to the representative who has been registered with the Director-General as the person to act as proxy, by submitting the letter assigning power of attorney together with the application, in accordance with the following criteria:

1. In the case where that assignment of power of attorney was done overseas, the signatures in that letter assigning power of attorney must be certified by the authorized officer of the Royal Thai Embassy or Thai Consulate or the Commercial Attache based in the country in which the person assigning power of attorney is resident, or an officer who has been assigned to act on behalf of the said persons, or certified by a person who is empowered by the laws of that country to certify signatures, or
2. In the case where that letter assigning power of attorney was done in Thailand, a photocopy of the passport or a photocopy of a document certifying temporary residence or such other documentary evidence which shows to the Director-General that at the time of assignment of power of attorney that person had really entered Thailand must be submitted. In the case where the patent holder is resident in the Kingdom, with regard to the submission of an application in accordance with Clause 1, if the patent holder wishes to assign power of attorney to another person to act as his or her proxy, power of attorney shall be assigned only to the person who has been registered with the

Director-General as being the person to act as his or her proxy, by submitting the letter assigning power of attorney together with the application.”

Clause 2

The contents in Clause 5 of Ministerial Regulation No. 10, (1986), Issued Pursuant to the Provisions in the Patents Act, 1979, shall be repealed and replaced by the following:

“Clause 5

With regard to replacement invention patents and replacement product design patents, Form Sor.Por./200-Khor. and Form Sor.Phor./200-Khor. annexed to Ministerial Regulation No. 11, (1992), Issued Pursuant to the Provisions in the Patents Act, 1979, whichever the case may be, shall be used.

With regard to replacement licenses to use the rights in a patent, Form Sor.Por./201-Khor. annexed to Ministerial Regulation No. 14, (1992), Issued Pursuant to the Provisions in the Patents Act, 1979, shall be used. With regard to the issuance of replacements in accordance with paragraph one and paragraph two, the word “REPLACEMENT” shall appear on the front side, above the Royal Garuda emblem, of the said form.”

Given on September 28, 1992

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