

ABSTRACT

Thesis Title : Impacts on the Thai Trademark Act in The Accession to
the Madrid Agreement or the Madrid Protocol

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Nowadays, Thai entrepreneurs, especially the exporters, are showing more interest of registering their trademark overseas. However, after being dealt with the complicated and costly registration process, many of them finally ignore it. Ignorance then opens channels for their competitors or foreign agents to illegally register such trademarks. So the bona fide trademark goods cannot enter into foreign markets. Moreover, many trademark owners may be charged by offenders. Even the compensation cannot be claimed. This situation causes severe damages to trademark owners.

Research has shown that trademark laws of most countries, including Thailand adopt registration system. Registration in one country is not given worldwide protection which gives rise to difficulties. Thus, these trademark owners must

conform to different formalities, languages and costly expense in each country. So, they just neglect registration that will lead to the said damage.

The solution to the mentioned problem may be accomplished by becoming a party to either the Madrid Agreement or the Madrid Protocol. Currently both agreement have been joined by 70 member countries, that could make trademark registration abroad easier, faster and more economical.

This study has the objectives of scrutinizing the pros and cons and the impacts on the Thai Trademark Act of being a party to both agreements. Furthermore, the aim is to provide the best way for Thai entrepreneurs to protect their trademarks and for a possible amendment of the Thai Trademark Act in accordance with economic change.

As a result of studying on the pros and cons and legal consequence, it is recommended that the Madrid Protocol be more flexible and appropriate than the Madrid Agreement, particularly in respect of longer search time and English is allowed to be used as well.

Joining the Madrid Protocol will benefit Thai entrepreneurs by facilitating the trademark registration to Thai SMEs and to all member states. The convenience of being member of the Madrid Protocol will stimulate an atmosphere of opening new markets as well as built up an incentive for foreign investors to put capital into Thailand.

Prior to becoming a party to the Madrid Protocol, however, for being inline with the Protocol, Thailand must access to the Paris Convention and make amendments to the Trademark Act B.E. 2534. Such amendments are the revision of application forms, language in use, registration fees as well as concerned rules and regulations. The readiness of other departments, such as the improvement of organization structure, computer system, staff and public awareness, is also equally important.