



## INTELLECTUAL PROPERTY CONSULTING SERVICES

*Effective, Ethical Services and Solutions*

Orion Law Office provides specialized Intellectual Property Consulting Services and assists clients on all legal issues related to Intellectual Property including identification, registration and protection. We are customer focused and take great care to identify and provide for the specific and unique requirements of

### **Intellectual Property – The Concept**

Intellectual Property refers to the results of intellectual activity, including inventions, literary and artistic works, and symbols, names, images, and designs used for commercial purposes.

All businesses own Intellectual Property and, for many businesses, their Intellectual Property is their most valuable asset. What value would a clothing company have if anyone could use their famous trademarks? What value would a music band have if everyone was entitled to replicate and distribute their music? What value would a pharmaceutical company have if any company could copy their formulae? Developing and protecting Intellectual Property is essential for companies both large and small to survive and prosper.

The most common forms of intellectual property are trademarks, copyrights, patents and trade secrets. Trademarks are distinctive signs which identify the manufacturer of a product or provider of a service. Famous examples include Nike's "Swish", Adidas' "Three Stripes" and Ferrari's "Dancing Horse." Copyright describes rights given to creators of literary and artistic works such as books, pamphlets, writings, printings, lectures, sermons, addresses and speeches, including computer programs. A patent is a set of rights granted to an inventor or applicant for a limited amount of time and covers rights to inventions, processes and designs. A trade secret is a practice, method, process, design, or other information used by a company to compete with other businesses and which can be shown to be the unique knowledge of the company, i.e. not public knowledge such as the formula for Pepsi and Coke.

Thai banks will accept Intellectual Property as assets of a company when considering loan applications which gives companies an additional incentive to register and value their intellectual property.

### **Intellectual Property – The Legal Issues**

In legal terms, Intellectual Property refers to the protection offered by law to creators of Intellectual Property against unauthorized use by third parties. Thai law offers considerable protection to owners of all kinds of Intellectual Property and Orion Law Office is ready to assist you in determining what steps you need to take to protect your company's Intellectual Property (IP), both in terms of preventing (or deterring) unauthorized use of your IP and taking action to protect your IP if unauthorized use occurs. Orion Law Office provides full consulting services for the protection of trademarks, copyrights, trade secrets, and domain names. Please see below for descriptions of the services that we offer for each type of Intellectual Property.

## Our Services

### Intellectual Property Protection – Taking Precautions

If you are concerned whether your company is doing all that it should do to protect its Intellectual Property then you should consult an expert, determine your company's IP, discuss what you are currently doing to protect your IP and receive advice on what more you should be doing. At Orion Law Office, the first consultation is free. After the first consultation, we will follow up with a detailed proposal on what we suggest you should be doing to protect your Intellectual Property assets and how much we would charge to assist you in this process. Services that we may recommend include those related to -

#### Trademarks

- Advise on suitability for registration – Not all marks can be registered. If the mark is not distinctive enough (an everyday object with no defining characteristics) then it will not be accepted by the Trademark Office. Recognizing this at an early stage will save time and allow for necessary changes to be made to allow your mark to be registered.
- Searching for prior registrations – If your mark is the same as or similar to a mark that has already been registered then it will also not be accepted by the Trademark Office
- Registration - Once we have confirmed that the mark is suitable to be registered, we can begin the registration process. The total process takes approximately 10 to 12 months from start to finish.
- Monitoring and opposing trademark registrations – All new trademark registration applications must be distributed to the public before registration in order to give current trademark owners the chance to object if they feel that the mark infringes their own mark in any way. Orion Law Office can monitor the applications for new marks and alert clients to any similar marks which another company is attempting to register. It is much easier to object before a mark is registered than when it has been registered and already appeared on the market next to your own products.

**Copyright** - Recording copyrighted material with the Department of Intellectual Property, while not essential in taking legal action against infringers, is certainly advisable in order to protect your company from other entities registering and claiming ownership of your copyrighted materials.

**Trade Secrets** - Under Thai law, no registration is required to obtain trade secret protection so companies must actively protect their trade secrets or risk leaving themselves open to employees revealing those secrets to a new employer, causing those secrets to not be deemed to be Trade Secrets anymore. Proactive steps that should be taken involve setting appropriate company policies and including appropriate clauses in employees' employment contracts. Our team is ready to assist you in taking these essential precautions to protect your trade secrets which could save your company from considerable losses in the future.

**Domain Name Registrations** - Thai domains end in “.co.th”. The registration process is fairly straight forward and does not require detailed legal knowledge. However, there are some administrative formalities to complete and our team is ready to assist you in this process if required. Domain name owners must usually be companies registered in Thailand and be able to show a credible link between the domain name to be registered and their company name / activity. Exceptions to this rule are companies not registered in Thailand but having a trademark that is registered in Thailand. Therefore, registering a Thai domain name requires producing copies of company or trademark registration documents. Even if you do not yet plan to operate a website, you can already register a domain name to prevent other people from registering your preferred domain name(s).

## **Intellectual Property Protection – Responding to Infringements**

Despite the best efforts to avoid and deter infringements of your intellectual property, it is still possible that another company or person may knowingly or unknowingly infringe your intellectual property. If you have taken steps to register your intellectual property in advance then you will be in a stronger position to defend your interests. Orion Law Office provides the following services to assist in the event of infringement of your Intellectual Property -

- Analyzing suspected infringing uses of client's Intellectual Property and confirming the kind of infringement
- Conducting investigations of infringement and gathering the required evidence to take further action such as market surveys or investigations to identify importers or manufacturers. Please see Orion Investigations' brochure on Commercial Investigation Services for more details on these services. [Note: I wanted to link to this "brochure" on our website, but no such link exists, and I couldn't find anything that closely resembles...delete this sentence?]
- Recommend and coordinate appropriate response to infringements such as enforcement action, warning letters or filing claims for civil damages.

**For more information and a free consultation**

Call us on (+66) 2-714-3801 to 3 or email: [info@orioninv.co.th](mailto:info@orioninv.co.th)