

Legal Framework of IP in Thailand Amid the Changes of the AI Era

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Objectives

Highlight unique features of Thai IP law in the AI context



Identify key legal and policy challenges and opportunities



Overview of Thai IP Legal Framework

Main statutes

- Copyright Act
- Patent Act
- Trademark Act
- Trade Secret Act

International obligations

- Berne Convention
- Paris Convention
- Madrid Protocol
- PCT
- TRIPS
- WIPO

Enforcement

- DIP
- IP&IT Court
- ECD Police
- DSI
- Customs

Copyright Law: Unique Thai Features & AI Implications

- No fixation requirement: protection arises upon creation
- Enforcement: Both civil and criminal actions; most cases are straightforward piracy
- No general fair use; only narrow exceptions
- No precedent on derivative works or AI-generated content
- Rights clearance required for all works in AI training datasets
- Strict approach creates uncertainty for AI developers

AI Challenges: Trademark, Patent, and Trade Secret Law



Trademark

Strict on distinctiveness;
marks with tech/AI terms
are hard to register for
software/services



Patent

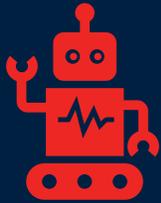
Software patents prohibited;
algorithms/business methods
require hardware linkage



Trade Secret

Rare court cases,
especially for software/AI;
limited precedent

AI Technologies: Legal Risks and Opportunities



Data scraping and AI model training

- Large-scale use of third-party content raises copyright concerns
- No broad “fair use” defense; even non-commercial use can be infringing
- Strict statutory interpretation



Legal ambiguity

- Lack of case law or statutory guidance on AI and IP



Opportunities

- AI can drive innovation and new business models if legal clarity improves
- Maintaining the current approach based on available evidence vs introducing new regulations to increase supervision of the AI industry?



Policy Developments & Governance

- Ongoing discussions on AI-specific regulations and copyright exceptions
- No TDM exception yet, unlike Singapore/Japan
- DIP and government consulting with stakeholders
- No clear timeline for legislative amendments

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