

Branding Strategy in Thailand

Prepared by

Pongsacha Chayapong

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Economic Research Institute for ASEAN and East Asia (ERIA)

Sentral Senayan II 6th Floor

Jalan Asia Afrika No. 8, Gelora Bung Karno

Senayan, Jakarta Pusat 12710

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List of Abbreviations

CIPIT Court	Central Intellectual Property and International Trade Court
DIP	Department of Intellectual Property
Form Kor.01	trademark application form
Form Kor.07	trademark renewal request form
Form Kor.10	Declaration of rights and the application for retroactive rights form
Form Kor.19	request letter form
GI Law	Geographical Indications Protection Act, BE 2546 (2003)
GI	geographical indication
insurtech	insurance technology
IP Procedure Act	Act for the Establishment of and Procedure for Intellectual Property and International Trade Court, BE 2539 (1996)
IP	intellectual property
MDES	Ministry of Digital Economy and Society
Ministerial Regulation	Ministerial Regulations, governing criteria and procedures for registration, advertising, opposition, and resolution of objections BE 2547
MOTS	Ministry of Tourism and Sports
MFA	Ministry of Foreign Affairs
MOC No.5	Ministry of Commerce No. 5 regarding Trademark Act
OSMEP	Office of Small and Medium Enterprise Promotion
SMEs	small and medium-sized enterprises
SOR.TOR. 08	GI registration amendment form

TCIRs	Thai Customs Intellectual Property Rights Recordation Systems
Trademark Act	Trademark Act BE 2534 (1991) and its recent amendment in Thailand
COVID-19	coronavirus disease
AI	artificial intelligence
NIA	National Innovation Agency (Public Organization)
TED Fund	Technology and Innovation-based Enterprise Development Fund
ETDA	Electronic Transactions Development Agency Edtech education technology
SACIT	Sustainable Arts and Crafts Institute of Thailand
NBTC	The National Broadcasting and Telecommunication Commission
ATF	Aromatic Farm Co., Ltd.
BGT	Black Gold Treasure Co., Ltd.
CMC	Chiang Mai Celadon Limited Partnership
GG	Genius Genetics Co., Ltd.
BM	Betterbe Marketplace Co., Ltd.
TTI	Tomato Ideas Co., Ltd.
STT	Semantic Touch Co., Ltd.

Chapter 1

Introduction

1. Background and Objectives

In response to evolving global market dynamics and the changing preferences of Thai consumers, Thailand is experiencing a notable influx of goods and services. A significant young population and widespread smartphone usage indicate a shift towards branded products and services. The economic landscape is adapting to this trend. In this context, Thailand acknowledges the pivotal role that intellectual property (IP) tools, such as trademarks and geographical indications (GIs), play in distinguishing high-quality offerings and supporting investment and industrial development.

Recently, there has been a surge in branding-related infringement cases. According to the Royal Thai Police and the Department of Special Investigation for 2022 and 2023, approximately 2,000 cases were reported, with almost 7 million pieces of counterfeit branded products seized (DIP, 2023). A prominent case involved a Thai tea restaurant that used social media to assert its rights against imitation, reproduction, modification, and the unauthorised use of its product name, both in Thai and English, for business purposes, product names, and container designs. This move triggered widespread discussion on social media, generating numerous hashtags over several days. The Department of Intellectual Property (DIP) later clarified that the product name in question consisted of two common words frequently used by others, such as in dessert menus. As a result, the name lacked distinctiveness, and no party could claim exclusive rights to it. However, the DIP explained that, whilst the word itself could be used by any party as long as it did not create confusion with the original logo, the restaurant had legally registered the shape of its product containers under patent law (industrial design patent), granting it exclusive rights to the design for 20 years from the filing date. This case, and the DIP's explanation, have helped improve public understanding of IP in Thailand.

Building on the concept of branding as a tool to communicate the value of goods and services, this Branding Research Project in Thailand has two primary objectives. First, it seeks to raise awareness of the importance of branding, particularly trademarks

and GIs, whilst promoting the revitalisation of local industries through strategic use of IP, considering the current digital landscape. Second, the project aspires to contribute to the broader ASEAN region by sharing insights gained from Thailand and promoting contemporary branding practices. Chapter 3 of this project provides an in-depth analysis of current branding activities in Thailand, shedding light on how branding contributes to economic development. It examines the strategic use of branding and GIs to preserve and capitalise on unique local attributes that appeal to both domestic and international markets. Additionally, the project explores Thailand's digital transformation, emphasising how businesses leveraging digital tools contribute to economic development through effective branding strategies.

2. Outline of the Survey

To achieve the project's objectives, a comprehensive exploration of the current IP system for branding in Thailand has been conducted. The survey includes an analysis of laws on trademarks and service marks (collectively referred to as 'Trademark') and GIs, including relevant regulations, registration trends, statistical data, and other publicly available materials. Where these documents do not provide adequate information, additional insights are sought through inquiries with the DIP under the Ministry of Commerce.

The project also examines branding in Thailand, highlighting its concept, significance, benefits, and methodologies. Drawing from diverse academic literature and institutional reports, data and information are gathered through internet research, relying on credible sources such as published reports, journal articles, and official websites. Case studies involving interviews with enterprises that actively employ branding strategies are conducted to provide nuanced insights into practical applications.

Given the extensive array of products and services covered by branding research, coupled with the dynamic nature of targeted industries, the project acknowledges that its scope may not encompass all specific activities related to branding. Consumer aspects, in particular, are excluded from this study.

Chapter 2

Intellectual Property Systems for Branding in Thailand

1. Trademarks

1.1. Statistics for Applications

(1) Background of Trademark

A. Definition

A trademark is a symbol, mark, or brand used to represent a product or service, helping customers recognise and differentiate the goods or services provided by the trademark owner. Trademarks help products or services from one source stand out and appear unique compared to those from other sources.

Under the Trademark Act BE 2534 (1991) and its 2019 amendment (Trademark Act), a trademark is defined as a mark used or intended for use in connection with goods or services to distinguish them from those associated with another person's mark (Section 4 of the Trademark Act). Trademarks can be categorised into four types: trademark, service mark, certification mark, and collective mark.

To be eligible for registration, a trademark must meet the following criteria:

1. **Distinctiveness.** The mark must be capable of distinguishing the goods or services of the owner from those of others (Section 6, Trademark Act).
2. **Not prohibited by law.** The mark must not fall under any prohibited categories specified in the Trademark Act, such as marks that are contrary to public order, morality, or policy (Section 8, Trademark Act).
3. **Non-similarity to existing marks.** The mark must not be identical or confusingly similar to a trademark already registered by another person (Section 13, Trademark Act).

Thailand adheres to the Nice Classification, specifically Edition 11, for classifying goods and services. The system categorises goods and services into 45 classes, with Classes 1–34 covering goods and Classes 35–45 covering services.

Trademarks receive legal protection once registered with the DIP. The registration process begins with the filing of an application, which is then examined by the DIP for

compliance with the Trademark Act. Upon approval, the trademark is granted protection for 10 years from the filing date, with the option to renew for further 10-year periods.

B. Effectiveness

Thailand operates under a first-to-file trademark system, meaning the right to a trademark is granted to the first party to file an application with the DIP. The date and time of filing are critical, as they determine who has the legal right to use and protect the trademark. Unlike the first-to-use system, where rights are established through actual commercial use, the first-to-file system does not require prior use of the trademark. Simply filing the application establishes the applicant's priority over others who may later seek to register the same or a similar mark.

Trademark owners can secure protection by registering their trademarks with the DIP. Upon review by a registrar officer to ensure compliance with the Trademark Act, the trademark is granted exclusive protection within Thailand. However, this protection does not extend internationally.

In cases of alleged trademark infringement, owners can seek remedies through the Central Intellectual Property and International Trade Court (CIPIT Court). Remedies include monetary compensation for actual damages, the infringer's profits, and any losses or expenses incurred in pursuing the case. If the plaintiff prevails, the court may issue injunctions to prevent further infringement or actions that could reduce the trademark's value, in accordance with Section 254(2) of the Thai Civil Procedure Code.

Trademark protection grants the owner the right to prevent others from using identical or similar trademarks for goods or services in the same category, to avoid confusion that could harm the company's revenue and reputation. When multiple applicants file for similar trademarks, priority is given to the first applicant, and subsequent applicants are notified to await the initial registration (Section 20, Trademark Act).

The Trademark Act provides registered trademark owners with several privileges. These include the exclusive rights to use their registered mark with designated goods and services, the right to prohibit unauthorised use of identical or confusingly similar marks, the ability to license their trademark to others, and the right to transfer ownership of the trademark.

The act provides robust legal protection, empowering owners to initiate legal proceedings against infringers. This ensures the trademark's integrity and prevents unauthorised use that could dilute its value or mislead consumers.

The act facilitates claims for damages in cases of infringement, such as counterfeiting, imitation, and passing-off. Owners can seek compensation not only for lost earnings but also for the profits gained by the infringer. These comprehensive legal provisions play a pivotal role in enhancing the business environment by ensuring respect for IP rights.

To align with international trademark regulations, Thailand is a signatory to several important international treaties. These include the Paris Convention for the Protection of Industrial Property (since 2 January 2008), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (since 1 January 1995), and the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement (Madrid System) (since 7 November 2017).

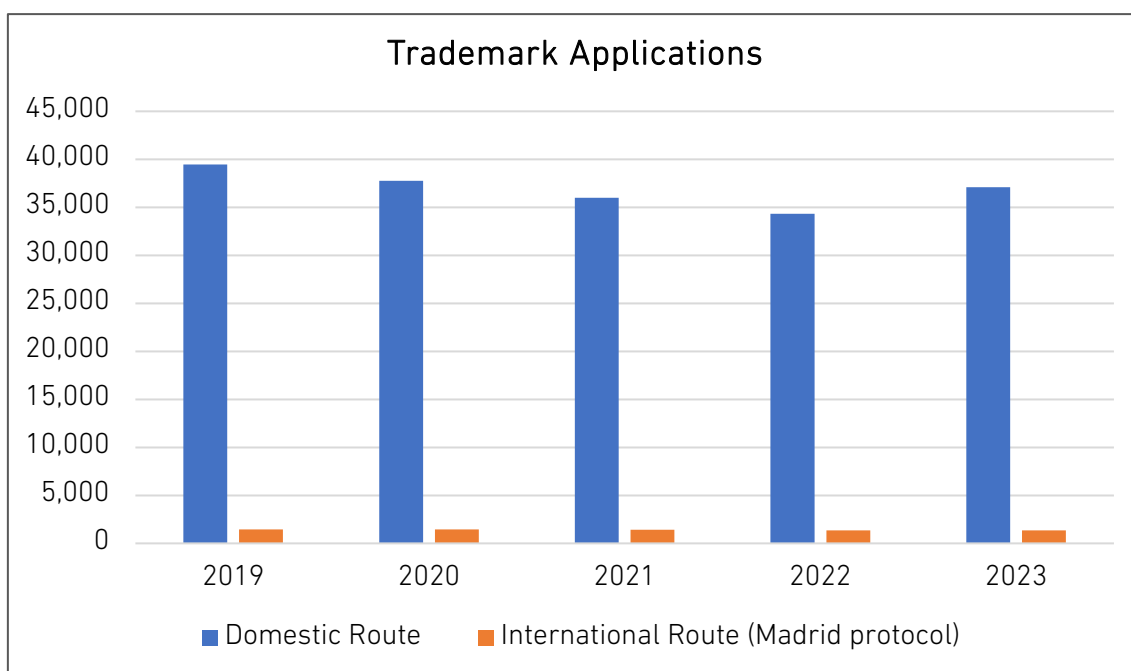
(2) Number of Applications

DIP statistics have shown a notable trend in trademark applications over the past 5 years. Although there has been a consistent increase in overall trademark filings, a more detailed analysis reveals differences between domestic and international applications.

Since Thailand became a signatory to the Madrid Protocol in 2017, the process of filing international trademark applications has been significantly streamlined, attracting several international applications. However, recent data shows a slight dip in the number of international applications processed through the Madrid Protocol. In 2019, there were 1,452 applications, which slightly decreased to 1,449 in 2020, 1,426 in 2021, and 1,341 in 2022, before experiencing a modest increase to 1,360 in 2023.

Domestic applications, filed through the national system, have also declined over the same period. In 2019, 39,467 domestic applications were filed, which decreased to 37,751 in 2020, 35,984 in 2021, and 34,315 in 2022. However, 2023 saw a recovery, with domestic applications rising to 37,089. This fluctuation indicates a resilient interest in trademark protection amongst local businesses, despite broader economic factors, including the impacts of the coronavirus disease (COVID-19) pandemic, which likely influenced domestic and international filings.

Figure 2.1. Number of Trademark Applications



Source: Department of Intellectual Property (Thailand), 2023.

Table 2.1. Number of Trademark Applications

Application Type	2019	2020	2021	2022	2023
Domestic application	39,467	37,751	35,984	34,315	37,089
International application (through Madrid Protocol)	1,452	1,449	1,426	1,341	1,360
Total amount	40,919	39,200	37,410	35,656	38,449

Source: Department of Intellectual Property (Thailand), 2023.

(3) Ratio of Domestic Applications to International Applications

The ratio of domestic to international applications notably fluctuated from 2019 to 2023. In 2019, the ratio was approximately 27:18, with 39,467 domestic applications compared with 1,452 international applications filed through the Madrid Protocol. In

2020, the ratio remained relatively stable at 26:06, with 37,751 domestic and 1,449 international applications. In 2021, the ratio increased slightly to 25:23, as domestic applications totalled 35,984 whilst international applications decreased slightly to 1,426. The trend of a higher ratio continued in 2022, reaching 25:59, with 34,315 domestic and 1,341 international applications. By 2023, the ratio had increased to 27:26, with 37,089 domestic and 1,360 international applications. Overall, these figures indicate consistent variability in the ratio over the 5-year period, with domestic applications consistently and significantly outnumbering international ones.

1.2. Outline of the Trademark System

(1) Characteristics of the Trademark System

A. Submission of Declaration of Use

Trademark owners are not obligated to begin using the trademark or submit a declaration of use to the DIP within a specified timeframe. However, trademarks may be vulnerable to a non-use cancellation action under certain conditions. A non-use cancellation action can be brought before the Board of Trademarks if the following can be proven:

- At the time of registration, the trademark owner did not have a bona fide intention to use the trademark for the registered goods, and no bona fide use has occurred.
- There has been no bona fide use of the trademark for the registered goods within the 3 years preceding the cancellation request.

B. Non-traditional Trademark

The Trademark Act precisely defines what constitutes a mark, including elements such as photographs, drawings, graphics, logos, names, words, statements, alphabets, numbers, signatures, groups of colours, shapes, configurations of objects, or any combination of these (Section 4, Trademark Act). Non-traditional marks, including groups of colours (Section 7[5]), sound (Section 7 [11]), and shape marks (Section 7 [10]), or any combination of these (excluding scents), can be registered under the Trademark Act, following the registration procedures outlined in Ministerial Regulation (BE 2535) as amended by Ministerial Regulation No. 5 (BE 2560).

To register non-traditional marks, such as sound marks, detailed descriptions of the sound and sound files must be submitted, as mandated by Ministerial Regulation No. 5 BE 2560 (2017). Although no specific format is prescribed for sound files, MP3 is

widely accepted. Other representations of sounds, such as sound notes, graphs, or any other relevant characterisations of the sound, may also be submitted for consideration.

Once registered, the owner of a non-traditional mark is granted the same legal protections against infringement as those provided for traditional marks. Infringement occurs when there is unauthorised use, reproduction, or imitation of the mark, and the owner may pursue legal action in such cases.

The legal protections and procedures for non-traditional marks align with those for traditional marks, ensuring that owners can defend their unique non-traditional marks against infringement in Thailand.

C. Examination Review System

Under the trademark system, the DIP thoroughly examines trademark applications. The primary objective is to ascertain the distinctiveness of the proposed mark and ensure that it does not closely resemble any existing registered marks. If the mark meets these essential criteria, it proceeds to the next stage of registration.

Once the mark meets the requirements, it is published, allowing a specified period for third parties to oppose the registration. During this opposition period, any third party may challenge the registration if they believe the mark could cause confusion or infringe on existing trademarks.

If no opposition is raised within the specified timeframe, the mark will proceed to registration, granting the applicant exclusive rights to the trademark.

D. Enforcement Authority over Intellectual Property

The legal provisions and authorities responsible for addressing intellectual property infringements pertaining to trademarks are as follows:

- **Trademark Board.** Established under Section 96 of the Trademark Act, the board is responsible for resolving disputes arising under this act.
- **CIPIT Court.** Established under the Act for the Establishment and Procedure for the Intellectual Property and International Trade Court, BE 2539 (1996), the court handles civil and criminal cases related to trademarks.

According to Article 7 of the Act for the Establishment of and Procedure for Intellectual Property and International Trade Court, BE 2539 (1996) (IP Procedure Act), the CIPIT Court has jurisdiction to adjudicate civil and criminal cases related to trademarks. As such, the CIPIT Court has the authority to impose penalties for

violations of trademark laws.

E. Trademark Protection Coverage

1) Non-traditional Trademark

Non-traditional trademarks, also known as non-conventional trademarks, go beyond the typical word or logo trademarks. They encompass a variety of unique and unconventional forms, such as device marks, autographs, sound marks, colour marks, and shape marks. However, under the current trademark law, certain non-traditional marks, such as motion marks, scent marks, and position marks are not yet explicitly eligible for registration.

Non-traditional trademarks may be registered if they meet DIP criteria. These trademarks must demonstrate distinctiveness, be capable of graphical representation, and clearly distinguish the goods or services of one party from those of others.

Examples of non-traditional trademarks registered and used in Thailand include the following:

- **Mixtures of hues.** Trademarks comprise a combination of colours that form a particular shape.

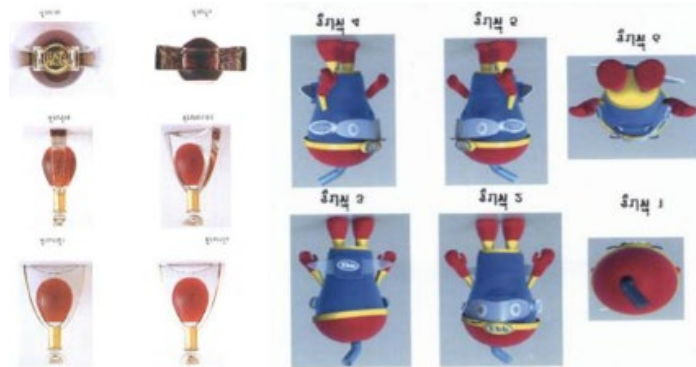
Figure 2.2. Non-traditional Trademarks Consisting of Mixtures of Hues



Source: Department of Intellectual Property (Thailand), Trademark Registration Guideline as of 2022.

- **Figure marks.** Shape marks that feature pop-up motifs on products.

Figure 2.3. Non-traditional Trademarks Consisting of Figures



Source: Department of Intellectual Property (Thailand), Trademark Registration Guideline as of 2022.

- **Three-dimensional symbols.** These are visible trademarks represented in a three-dimensional shape.

Figure 2.4. Non-traditional Trademarks Consisting of Three-dimensional Symbols



Source: Department of Intellectual Property (Thailand), Trademark Registration Guideline as of 2022.

2) Trademarks in Relation to Branding

Besides standard trademarks, two other types of marks are recognised in the trademark system: the collective mark and the certification mark. Specifically, Royal Thai Silk and Thai Hom Mali Rice have been registered as certification marks, whilst MITR PHOL GROUP is registered as a collective mark.

Figure 2.5. Thai Royal Silk and Thai Hom Mali Rice Certification Marks and Mitr Phol Group Collective Mark



Source: Department of Intellectual Property (Thailand), Trademark Registration Guideline as of 2022.

(2) Requirements for a Trademark Application

The trademark application form must be completed in the Thai language, either typed or printed, and signed by the applicant, as stipulated in Section 2 of the Ministry of Commerce No. 5 Regarding Trademark Act. The following documents are required:

1. **National identification.** A copy of the national identification card or other government-issued identification card in the case of an individual applicant.
2. **Foreign applicants.** A copy of the certificate of identity or passports for foreign nationals, unless a letter of representation or power of attorney is submitted (see item 4).
3. **Juristic person certificate.** An original certificate of the juristic person, issued within 6 months of the application date. If the juristic person is established under foreign law, a letter of representation or power of attorney is necessary, along with a clear statement certifying its legal status abroad.
4. **Power of attorney.** A letter of representation or power of attorney, along with a copy of the representative's identification card, affixed with a THB30 duty stamp per authorised person.
5. **Trademark representation.** One original copy of the trademark application, with a 5x5 cm representation of the mark. For shape or configuration marks, the representation may display the mark in different forms.
6. **Colour group description.** For marks consisting of colour groups, one original copy of the description detailing the colours and their arrangement, using Form Kor.11.

7. **Shape or configuration description.** One original copy of a drawing or photograph description for shape or description marks, which may be optional.
8. **Consent for signature marks.** A signed letter of consent from the owner in the case of a signature mark.
9. **Consent for personal image marks.** A letter of consent from the individual whose image is used as a mark. If the person is deceased, consent must be obtained from the person's heir, inheritor, and spouse (if applicable).
10. **Government-issued identification card for consent.** A copy of the government-issued ID for the person giving consent for the use of their image.
11. **Certification mark regulations.** One original copy of the regulations on the use of a certification mark, in the case of an application for such a mark.
12. **List of collective mark users.** A list of names of those entitled to use the collective mark, along with supporting documents or explanations of their relationship to the mark.
13. **Declaration of rights (Form Kor.10).** One original copy of the declaration of rights and supporting documents for retroactive rights under Section 28. If the applicant is unable to submit these documents with the application, an extension can be requested by submitting Form Kor.19 with Form Kor.10 (DIP, 2016).

1) Application and Examination Procedures

A. Application

To register a trademark, the applicant or their agent must submit an application form (K.01) to the DIP. The application may be filed either directly at the DIP or through its [online filing platform](#).

The applicable filing fees are as follows:

Table 2.2. Public Service Fee for Trademark Applications Under the Trademark Act

Content	Fee	Validation (Year)
Application registration (K.01)	Application fee: Product and Service (1–5 products) THB1,000 Registration fee: Product and Service (1–5 products) THB600	10
	Application fee: Product and Service (>5 products) THB9,000 Registration fee: Product and Service (>5 products) THB5,400	
Renewal of application registration (K.07)	Product and Service (1–5 products) THB2,000	10
	Product and Service (>5 products) THB18,000	
International trademark registration (Madrid)	CHF1,013.00	10

Source: Author.

B. Methodical Review

Once the application is filed, the registrar examines it for compliance with formal requirements, including applicant details, correspondence address, a reproduction of the mark, and descriptions of products and/or services for each class, along with the filing fees. If all requirements are met, the applicant is notified of the filing date and application number, as per Article 16 of the Trademark Act.

If any formalities are incomplete, the registrar will notify the applicant, granting 45 days to request a hearing or amend the application as required. Failure to respond within this period may result in the application being presumed withdrawn (Article 17[1], Trademark Act).

If the registrar conditionally accepts the application subject to amendments, the applicant is notified. The applicant may either request a hearing or submit written objections within 60 days. Should the applicant reject the proposed amendments, the

application may be considered withdrawn (Article 17[2], Trademark Act).

After considering any amendments or objections, the registrar issues a decision, either refusing the application or accepting it with or without modifications. The applicant may request written reasons for the decision and related documents within 1 month.

If the applicant is dissatisfied with the registrar's decision, they may appeal to the Ministry of Commerce's Appeal Board or the competent court within 3 months of the decision (Article 18.2, Trademark Act). Interested parties may also appeal the Appeal Board's decision within 3 months.

C. Issuance of Certificate

Upon successful completion of the registration process and fulfilment of all legal requirements, the registrar will issue a trademark registration certificate.

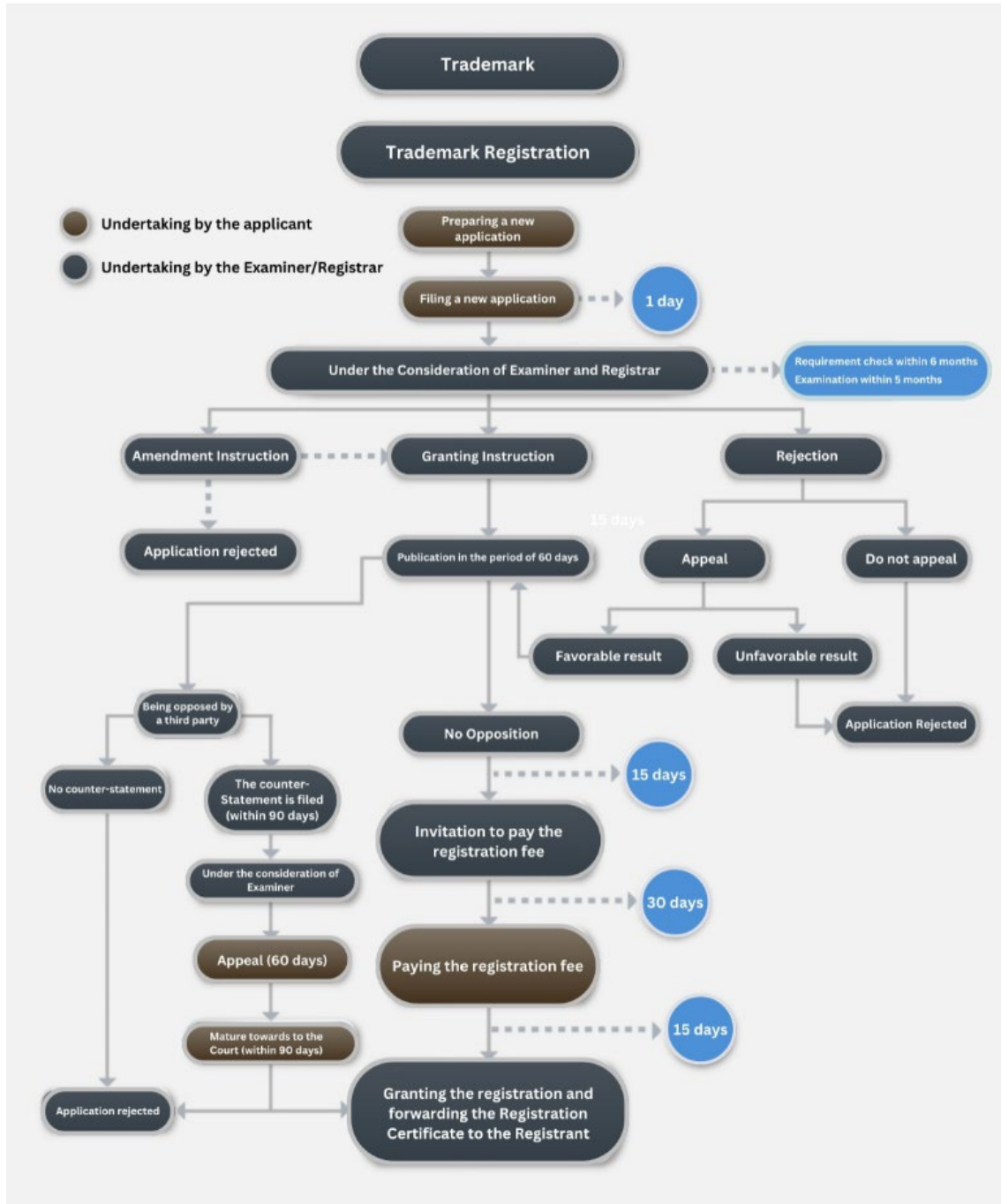
This certificate serves as the official proof of the trademark owner's exclusive rights, protecting the use of the registered mark in connection with the specified goods or services.

Retaining this certificate is essential, as it may be required to assert rights, enforce them against infringers, and support any legal proceedings regarding the registered trademark in Thailand.

After an application is reviewed and accepted for registration, it enters a publication phase in the official Trademark Gazette, which lasts 60 days. Within this period, any interested party may file an opposition to the registration.

D. Flow of Examination Procedures Under the Current System

Figure 2.6. Flow of Mark Registration Process



Source: Department of Intellectual Property (Thailand), Trademark Registration Guideline as of 2022.

2) Examination of Designated Goods and/or Services

Although Thailand has not formally adopted the Nice Agreement, it follows the 11th edition of the Nice classification as a guideline. This system categorises goods into 34 categories (Classes 1–34) and 11 for services (Classes 35–45), collectively known as the International Classification of Goods and Services. Thai trademark registrars generally adhere to these classifications. However, challenges frequently arise during the examination of designated goods and services, particularly for Madrid applications. Numerous provisional refusals occur due to discrepancies with Thailand’s Trademark Office’s list, resulting in substantial delays in registration. For instance, broad terms such as ‘pharmaceutical preparations’ are often rejected, requiring more specific descriptions such as ‘pharmaceutical preparations for slimming purposes’ to meet the acceptance criteria (TMP Intellectual Property Co, Ltd., 2024).

3) Examination of Absolute and Relative Grounds for Refusal

Under Section 6 of the Trademark Act, trademark applications that meet certain criteria may be refused during examination.

Table 2.3. Absolute Grounds for Refusal Under Section 6, Trademark Act

No.	Absolute Grounds for Refusal
1	Marks that lack distinctiveness or uniqueness. This applies to marks that are too descriptive, commonly used, or too generic within the industry.
2	Certain marks that are explicitly prohibited by law. These include trademarks contrary to public order, morality, or public policy; those incorporating royal or official symbols; or marks identical or confusingly similar to well-known trademarks.
3	Marks that are too similar or identical to an already registered mark.

Source: Author.

4) Trademark Opposition and Cancellation

Opposition to a trademark can be filed within 60 days following its publication in the Trademark Gazette, as per Section 35 of the Trademark Act. Grounds for opposition include prior rights or titles, lack of distinctiveness, the use of prohibited marks, similarity to existing marks, non-compliance with examination practices, or conflicts with public order and morality, as specified in Sections 7, 8, and 13 of the act. The

opposing party must file a counterstatement of opposition, supported by evidence and legal arguments.

During the opposition, the registrar may request further statements, written explanations, or additional evidence from both the applicant and the opponent. The registrar's decision will be based on the evidence provided (Section 36, Trademark Act).

Trademark cancellation may be initiated after registration under specific conditions, focusing on two broad categories: cancellation due to non-use and cancellation based on other grounds, such as the non-justifiable registration of trademark or conflict with public order and morality. Either an interested party or the registrar may initiate cancellation proceedings.

- I. **Cancellation due to non-use.** As per Section 63 of the Trademark Act, cancellation can be requested if a trademark has not been genuinely used for 3 consecutive years following its registration, without justifiable reasons. The party requesting cancellation bears the burden of proof, which can make the process challenging. However, the trademark owner may defend non-use by demonstrating special circumstances in trade, such as economic downturns, legal restrictions, natural disasters, or pandemics, rather than an intentional decision to cease using or abandon the trademark (European Commission, 2011).
- II. **Cancellation on other grounds.** The Trademark Act allows for cancellation on other grounds, such as lack of distinctiveness, the use of prohibited marks, or similarity to prior marks (Section 61, Trademark Act). Under Section 62, any interested party or the registrar may request cancellation if the registered trademark is found to violate public order or morality.

In any cancellation case, the Trademark Board must notify the trademark owner and any licensees, allowing them 60 days to submit a written explanation. Following this, the board will decide whether to revoke the trademark or not (Sections 64 and 65, Trademark Act).

5) Caveat After Registration

A. Declaration of Use

There is no mandatory requirement for trademark owners to declare use or non-use of a trademark to maintain its registration or during renewal. However, trademark

owners are obliged to use their mark to avoid the risk of cancellation due to non-use (Section 63, Trademark Act). Failure to use the trademark over an extended period may result in challenges from interested parties, potentially leading to cancellation. Therefore, it is advisable to maintain consistent and demonstrable use of the registered trademark to protect its validity.

B. Registration, Assignment, and Licensing of Trademark Rights

A registered trademark is valid for 10 years from the filing date and can be renewed for successive 10-year periods (Sections 53 and 54, Trademark Act). Trademark owners may begin the renewal process 90 days before the trademark expires by submitting a renewal application.

The transfer of a registered trademark or its application to another party is governed by Sections 49 and 51 of the Trademark Act. All assignments must be formalised in writing and officially recorded with the registrar to ensure legal validity; otherwise, the assignment will be void and unenforceable. This process involves creating a formal deed of assignment, which must specify the trademark applications being transferred and be duly signed by the assignor and the assignee.

Trademark owners may grant others the right to use their trademarks through a licensing agreement (Section 68, Trademark Act). This agreement, where the licensor permits a third party (the licensee) to use the trademark, usually for specific purposes such as manufacturing and distribution, must outline the terms and conditions agreed upon by both parties.

6) Enforcement

A. Trademark Infringement

1) Definition

Trademark infringement involves the unauthorised use of a registered trademark or a confusingly similar mark without the owner's consent. According to the Trademark Act, this includes activities such as counterfeiting a trademark; imitating a trademark; importing, distributing, offering for distribution, or possessing goods bearing a counterfeit trademark; and providing or offering services under a counterfeit trademark.

2) Addressing Trademark Infringement

The owner of a registered trademark has the right to address infringement by initiating legal action against the infringing party. The owner may file a lawsuit with the CIPIT Court to halt unauthorised use of the trademark and to seek compensation for damages. Before resorting to legal action, the owner may issue a cease-and-desist notice to demand the cessation of infringement. The owner can alert Customs to prevent the import or export of infringing goods and may request court injunctions to stop the infringement or secure evidence. Civil actions for damages and criminal actions with penalties may also be pursued. If the initial court decision is unsatisfactory, the trademark owner has the right to appeal to a higher court. These actions collectively work to protect the trademark owner's rights and uphold the exclusivity of their registered trademark in Thailand.

3) Infringement of Well-known Registered Trademark

The following actions are considered infringement of a well-known registered trademark:

- **Counterfeiting.** Individuals counterfeiting a registered trademark may face imprisonment for up to 4 years, a fine of up to THB400,000, or both (Section 108, Trademark Act).
- **Imitation.** Individuals imitating a registered trademark to deceive the public may be subject to imprisonment for up to 2 years, a fine not exceeding THB200,000, or both (Section 109, Trademark Act).
- **Misleading use of packaging or utensils.** Using packaging or utensils that bear another person's registered trademark to mislead the public may lead to imprisonment for up to 4 years, a fine not exceeding THB400,000, or both (Section 109/1, Trademark Act).
- **Offenses related to import and export.** Engaging in the import, distribution, or provision of goods or services with counterfeit or imitated trademarks may lead to penalties (Section 110, Trademark Act).
- **Liability of juristic persons.** If the offender is a juristic person, liability extends to the managing director or any individual responsible for the entity's operations (Section 114, Trademark Act).

4) Infringement of a Well-known Unregistered Trademark

If a business owner possesses a trademark for their products but has not registered it with the DIP, and another party unlawfully uses the same trademark for their own products, the business owner has legal recourse: 'Any person may file a lawsuit to prevent the infringement of rights in an unregistered trademark or claim compensation for such infringement' (Section 46, Trademark Act). This type of action is referred to as 'passing-off'. Therefore, business owners of unregistered trademarks can initiate legal proceedings against those who illegally use the trademark for their products, seeking compensation for unauthorised use, despite the absence of official registration.

5) Penalties for Trademark Infringement

Penalties for trademark infringement include civil, criminal, and administrative actions. In civil cases, the court may order the infringing party to pay damages and may issue injunctions to halt the infringement. Administrative actions, in addition to opposition and cancellation procedures, often involve alternative dispute resolution procedures facilitated by the DIP. In criminal cases, penalties under the Trademark Act can include imprisonment of up to 4 years and fines of up to THB400,000 for trademark infringement, as well as imprisonment of up to 2 years and fines of up to THB200,000 for trademark imitation. These penalties are designed to deter infringement, protect the rights of trademark owners, and ensure the enforcement of trademark laws to uphold the integrity of registered trademarks in the country (Ananda Intellectual Property, 2019).

B. Exercise Procedures

1) Exercise of Rights by the Trademark Owner

Trademark owners in Thailand can secure legal protection through various means. The Customs Department regulates the export, import, and transit of goods that infringe on trademarks and copyrights, empowering customs officials to act based on information provided by the rights owner (Announcement No. 106/2565). The Customs Intellectual Property Rights Recordation System facilitates the electronic submission of information for efficient enforcement (IPR Coordination Center, Customs Department of Thailand, 2022).

Proactive trademark registration is crucial due to the first-to-file system, which makes it challenging to dispute prior registered identical or similar marks. Section 67 of the Trademark Act allows filing a petition to the CIPIT Court to cancel a prior registered trademark within 5 years, a process that primarily benefits widely known

and frequently used marks. Recognition of well-known marks requires demonstrating continuous, widespread, and quality-focused use (Section 8[10], Trademark Act; Ministerial Notification). Although the previous recordation system was revoked in 2015, well-known status can still be achieved at the trademark registrar's discretion, the Trademark Board, the CIPIT, or the Supreme Court. Employing a comprehensive strategy, including customs enforcement, strategic registration, and well-known mark recognition, enhances the legal protection of trademarks (Ananda Intellectual Property, 2019).

2) Examination of Application

When a trademark is falsely claimed or inappropriately used, the owner can take legal action for infringement, seeking compensation under the Civil and Commercial Code and the False Trade Description Act. The Trademark Act provides the right to oppose or invalidate a trademark registration, requiring the presentation of evidence proving actual ownership. This process involves filing an opposition or invalidation action and may include legal action according to the Trademark Act and potential legal action under the Criminal Code (Sections 272–274) for trade-related offences. Although legal proceedings can be costly and time-consuming, trademark owners facing infringement are advised to file a complaint with the Special Investigation Department and the police. The complainant must provide evidence, including the original certificate of trademark registration or a certified copy, legal documents, and, if applicable, a certificate of incorporation. For foreign entities, an original or certified copy of a power of attorney is required, endorsed by the Thai embassy or consulate. Including samples of both genuine and counterfeit products, as well as evidence such as advertisements or sales receipts, strengthens the case. Following the complaint, authorities will proceed with the case, which may lead to negotiations or court proceedings. If successful, the trademark owner may receive compensation or invalidate the opposing party's registration, ensuring the quality and reputation of products under the original trademark. This process is overseen by the public prosecutor (Section 44/1, Criminal Procedure Code).

2. Geographical Indication

2.1. Statistics for Applications

(1) Background of Geographical Indication

Geographical indication (GI) is a form of IP rights that protects products originating from specific geographical areas. The GI system safeguards and promotes goods

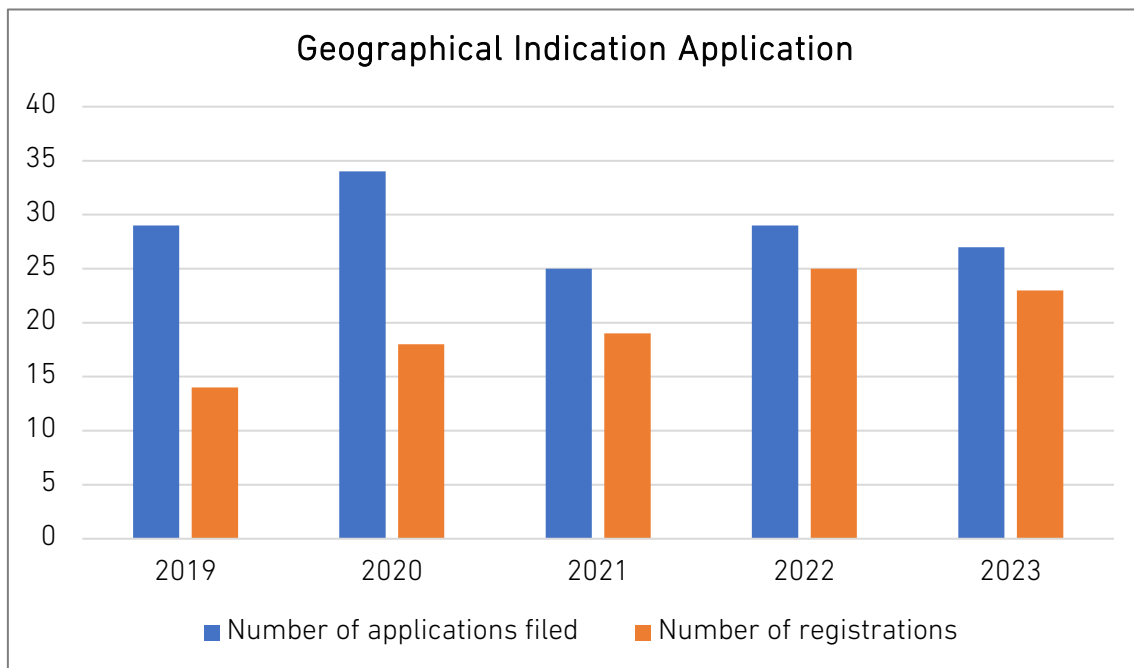
that have unique characteristics or qualities linked to their place of origin. These products range from agricultural produce to handicrafts and industrial goods. With its rich cultural and agricultural heritage, Thailand recognises the value of products tied to specific regions or locations within the country. The GI system aims to protect the reputation, quality, and distinctiveness of these products, ensuring fair returns for local communities or producers.

Under the Geographical Indications Protection Act, BE 2546 (2003) (the GI Law), GI refers to a name, symbol, or any indication used in trade to identify or indicate a geographical origin, designating goods that possess quality, reputation, or characteristic attributable to that origin.

(2) Number of Applications

The number of GI applications and registrations in Thailand has varied over recent years, as indicated by statistics from DIP internal data. The average annual number of GI applications filed ranges from 25 to 34, with corresponding registration figures showing notable fluctuations. Figure 2.7 shows the statistics for GI applications and registrations in Thailand from 2019 to 2023.

Figure 2.7. Statistics of Geographical Indication Application and Registration, 2019–2023



Source: Department of Intellectual Property internal information, as of 5 August 2024.

Most registered products fall into categories such as vegetables and fruits, processed food, and rice. A significant portion of these products is of Thai origin, reflecting the emphasis on preserving and promoting the unique characteristics of locally produced goods.

2.2. Outline of Geographical Indication

(1) Characteristics of the Geographical Indication System

Once a GI is registered for specific goods, manufacturers from the geographical origin or those engaged in trade related to the goods have the right to use the registered GI, provided they adhere to the conditions set by the registrar (Section 25, GI Law). Eligible users of a registered GI include local producers and traders associated with those products. A registered GI is protected against the following actions:

- **Misleading use of a GI.** Using a GI in a way that leads others to believe that goods not originating from the specified geographical area actually come from that geographical origin (Section 27 [1], GI Law).
- **Confusing use of a GI.** Using a GI in any manner that causes confusion or misunderstanding regarding the geographical origin, quality, reputation, or any characteristic of the goods, resulting in damage to other traders (Section 27 [2], GI Law).

GI protection applies to products with esteemed reputations arising from exceptional qualities or characteristics attributed to the geographical environment, including the skills, expertise, and traditional knowledge of the local community in that area. Unlike other forms of IP, a GI is not owned by an individual but by a collective community of producers or business operators within a specific geographical location. The exclusive right to use the geographical name belongs only to those within the geographical area, preventing producers outside from competing under the same name. This community-centric right is referred to as 'community rights' and cannot be licensed to entities outside the geographical area. For instance, Kai Khem Chaiya (Chaiya Salted Eggs) is a registered GI. Only producers within Chaiya district who produce salted eggs can use the term 'Kai Khem Chaiya' for their product. Producers outside the district, even if they produce similar salted eggs, are not entitled to use this term.

Typically, a registered GI receives indefinite protection without a time limit, unless certain circumstances arise that warrant its withdrawal. The withdrawal of a GI

registration can be requested by an interested party or by an official if (1) the application or the registration was conducted unlawfully, contrary to public morality, or based on false information at the time of registration; or (2) situational changes alter the GI's characteristics to the extent that it becomes legally prohibited or deviates from the details initially registered (Center of Intellectual Property and Business Incubator Thammasat University (TUIPI), 2010).

(2) Items to be Included in the Application Form

Various entities are eligible to apply for GI registration in Thailand (Article 7, GI Law). These include governmental agencies, public bodies, state enterprises, local administrative organisations, or any other state entity acting as a juristic person with responsibilities covering the geographical origin of the goods. Natural persons, groups, or juristic persons involved in trade related to goods using a GI and residing in the geographical origin, as well as consumer groups or organisations of such goods, may also apply to register a GI in Thailand.

The registrar will examine the application. If the application meets the required standards, the GI will be granted to the applicant.

The Ministerial Regulations Governing Criteria and Procedures for Registration, Advertisement, Opposition and Objection Resolution BE 2547 (Ministerial Regulations) outline the necessary information for the application. A GI registration application must include the following:

- Applicant's information as per the prescribed form.
- Name, symbol, or any other item used to identify or represent the GI.
- List of products associated with the GI.
- Description of the quality, reputation, or distinctive characteristics of the products using the GI.
- Explanation of the relationship between the products and their geographical origin.
- Details of the geographical location for which registration is sought.
- Evidence of the use of the GI requested on product labels.
- Applicant's signature and date of signature.

The following supporting documents must accompany the registration application:

- A copy of the application form (one set).

- A copy of the identification card.
- Photographs of the products associated with the GI.
- An original, copy, or photograph of product labels using the GI, clearly displaying the specified text.

Once registered, a GI receives indefinite protection without a time limit, unless withdrawn due to changes in geographical conditions or other circumstances occurring after registration.

(3) Application and Examination Procedures

A. Application

To register a GI, the application form must comply with the requirements outlined in Section 5 of the GI Law. Notably, a GI seeking registration for any goods must not be a generic name for those goods or contravene public order, good morals, or public policy.

A GI registration application should provide details on the goods' quality, reputation, or unique characteristics, as well as information about their geographical origin and other particulars as specified in the Ministerial Regulations (Section 10, GI Law).

If only one natural person or one legal entity engaged in trade using a GI resides in the goods' geographical origin, they will assume responsibility for the GI. Should this responsible party be a governmental agency, public body, state enterprise, local administration, or other state organisation, it shall act as a juristic person with authority over the goods' geographical origin.

When a group of consumers or a consumer organisation seeks GI protection for goods, the process involves engaging business operators, particularly those in production, to assess the viability of GI registration and define product specifications. This evaluation considers the potential market advantages of GI registration against the certification system's costs. The group or organisation must develop a marketing plan to promote the registered GI. The proposed specifications are then submitted to a certification body for evaluation to ensure compliance with established standards. Concurrently, a control plan is formulated to oversee the production process of the GI product, serving as substantiating documentation for the registration application (Center of Intellectual Property and Business Incubator Thammasat University (TUIPI), 2010).

B. Methodical Review

1) Examination of the Application

The examination process for GI applications follows a structured procedure outlined in Sections 11, 12, and 13 of the GI Law. Upon receiving a GI application, a competent official examines it to ensure conformity with the established rules stated in Sections 5, 6, 7, 8, 9, and 10 of the GI Law. During this examination, the official may request additional information or evidence from the applicant or other parties and, if necessary, seek expert opinions to ensure a comprehensive assessment (Section 12, GI Law).

If the application does not meet the established criteria, the registrar will issue an order to withdraw the application within 30 days of receiving the examination report. The applicant will be notified of the withdrawal within 15 days, with written reasons for the decision. The applicant may then appeal the withdrawal order to the GI Board within 90 days of receiving the notification. This appeals process, governed by the rules and procedures specified in the Ministerial Regulations, allows the applicant to contest the decision based on the reasons for non-compliance identified in the initial examination.

When an application meets all requirements, and the registrar considers it expedient to grant registration, with or without conditions, the registrar issues an order for the publication of the registration acceptance in accordance with the procedures prescribed in the Ministerial Regulations (Section 15, GI Law). This announcement is made in a clearly visible location at the DIP, Ministry of Commerce, or by any other methods specified by the director-general.

2) Investigation (e.g. On-site Inspection by Authorities)

The GI Law does not explicitly mandate on-site inspections for GI applications. However, the DIP has developed practical guidelines for controlling and inspecting GIs for groups of consumers or organisations of consumers using a GI (DIP, 2016). These guidelines empower a control body or certification body to conduct on-site inspections to ensure GI-registered products adhere to the established investigation plan.

The on-site inspections serve multiple purposes, including promoting knowledge and understanding of the GI standard production system. They are essential for verifying that producers, business operators, and product distributors within the specified area comply with GI standards. These inspections help raise awareness and appreciation for the value of the GI symbol. Overall, the control and inspection

processes are designed to uphold the integrity and authenticity of registered GIs in the country (DIP, 2020).

3) Instruction to Amend

The process for amending a GI application is detailed in Sections 21 and 22 of the GI Law. If minor errors or inaccuracies appear in the registration details, the registered proprietor may, either upon application or when these errors are identified before the registrar, receive an order from the registrar to rectify them.

If, after the registrar's acceptance of the registration under Section 19 of the GI Law, it is discovered that the application or the registration itself was unlawful, misleading, or contained inaccurate information at the time of acceptance, any interested party or the competent official may request the registrar to refer the matter to the GI Board for further examination and a final decision.

4) Amendment

Upon such a request, the registrar will submit the case to the GI Board for consideration. The GI Board will then assess whether the GI registration requires rectification or revocation, following the rules and procedures outlined in the Ministerial Regulations. Once a decision is reached, the GI Board will notify the applicant within 15 days, providing a written explanation for the decision (Section 22 [2], GI Law). Any rectifications or revocations will be published in accordance with the procedures specified in the Ministerial Regulations. This meticulous process underscores Thailand's commitment to transparency and compliance with the legal framework governing GIs.

5) Non-registrable Geographical Indications

Non-registrable GIs (Section 5, GI Law) fall under specific provisions:

- Generic names for goods cannot be registered as GIs, including those that are generic for the goods using the GIs or indications contrary to public order, good morality, or public policy.
- Foreign GIs seeking protection must provide explicit evidence of their legal protection and continuous use in the country of origin up to the date of filing an application in Thailand.
- Individuals who do not meet the criteria outlined in Sections 7 and 8 of the GI Law are ineligible to apply for registration.

If goods prescribed in the Ministerial Regulations share an identical or homonymous GI but have different geographical origins, and the GI for those goods has already been registered, any GI for specific goods applied for registration must clearly specify the geographical origin and country of production at the end of the GI. This requirement aligns with the Ministerial Regulations regarding specific goods categories and establishes criteria and procedures for using similar or related GIs (Opposition and Objection Resolution BE 2547 [2004], Ministerial Regulations for Using Similar GI).

C. Registration

1) Registration for Local Geographical Indication

Applications meeting the regulatory requirements outlined in points 2–4 above shall be registered, and a certificate will be issued by the DIP registrar to the applicant. If a notification of addition or adjustment is issued, and the DIP registrar accepts the applicant's response, the GI will be registered. The certificate issued to the GI holder shall include the following information (Article 15, Ministerial Regulations):

- (1) Application number and submission date
- (2) Registration number and registration date
- (3) Details as per Section 9 (1)–(6).
 - Applicant information as provided on the form
 - Name, symbol, or other identifier representing the GI
 - List of products using the GI
 - Information on the quality, reputation, or distinctive characteristics of the products using the GI
 - Description of the relationship between the products using the GI and the geographical origin
 - Location details of the geographical origin for which registration is sought
 - Proof of use of the GI on product labels
 - Applicant's signature and the date signed
- (4) A clear map illustrating the geographical origin for registration
- (5) Conditions specified by the registrar under Section 15, GI Law

- The registrar will issue an order for publication of the registration acceptance in accordance with the procedures prescribed in the Ministerial Regulations.

(6) Other details deemed appropriate by the registrar

2) Public Notice

Section 15 of the GI Law describes the process for registering a GI after the application meets all necessary rules and conditions. Once the application has passed the methodical review (B. Methodical Review), the registrar will order the publication of the application's acceptance, following the procedures stipulated in the Ministerial Regulations. This publication serves as a formal public notice before GI registration, ensuring transparency. Within 90 days of this publication, any interested party may file an opposition to the GI registration (Section 16, GI Law).

3) Opposition by a Third Party

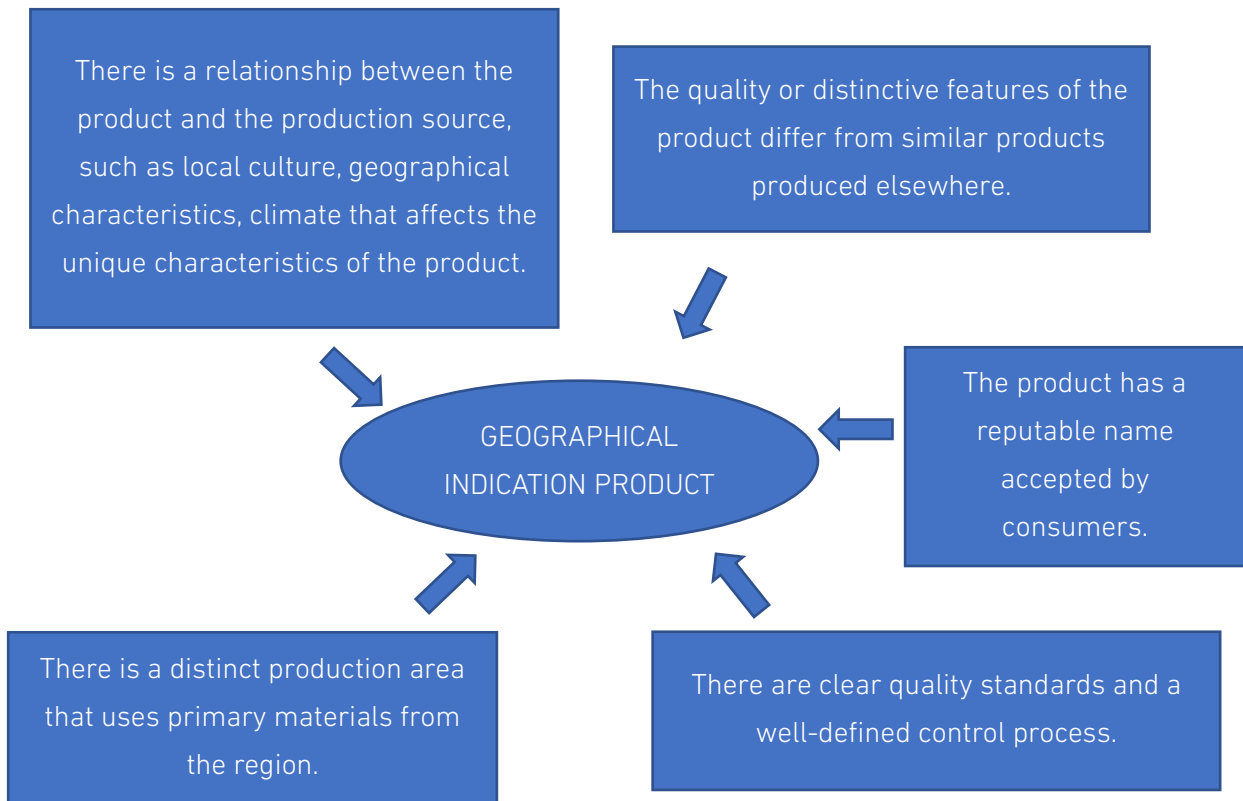
The GI Law (Section 16) allows third parties to oppose a GI registration. These parties have 90 days from the date of publication of the registrar's acceptance to submit an opposition, particularly if they believe the application fails to meet the act's criteria, such as using a generic name or conflicting with public order or morality (Section 5). Following an opposition, the applicant has 90 days to submit a counterstatement addressing the objections (Section 17). The registrar or competent official then reviews both the opposition and the counterstatement to reach a decision on the GI registration. Section 18 outlines the notification process, mandating the registrar to inform both the applicant and the opposer of the decision in writing within 15 days of its issuance. Both parties retain the right to appeal the decision to the GI Board within 90 days of receiving the notification, ensuring a structured and comprehensive process for handling third-party objections in the GI registration system.

4) Registration for Foreign Geographical Indication

The registration process for foreign GIs in Thailand, as stipulated in the GI Law, follows a structured and standardised approach. Foreign applicants must meet specific qualifications, such as holding nationality in a country party to international agreements or having a domicile or business office in a country with relevant patent protection agreements with Thailand (Section 8, GI Law). As with local GI registrations, applications must provide detailed information on the goods' quality, characteristics, geographical origin, and other specific data (Section 10, GI Law). Competent officials then examine the application to ascertain compliance with the GI Law's Sections 5–10 and determine eligibility for registration. If the application is deemed compliant,

the registrar may issue an order to publish the acceptance of the registration, consistent with the local GI registration process (Section 15, GI Law). A 90-day period then allows interested parties to file an opposition to the registration, similar to the process. The registrar evaluates any opposition and counterstatements, notifying both the applicant and opposers of the decision, in accordance with the GI Law's Sections 14–18. Both parties have the right to appeal the registrar's decision to the GI Board within 90 days (Section 18, GI Law). This comprehensive process ensures a standardised and well-defined approach to recognising and safeguarding foreign GIs in Thailand.

Figure 2.9. The Five Pillars of GI Registration and Protection



Source: Department of Intellectual Property (Thailand), Geographical Indications Division, Geographical Indications in Thailand.

(4) Examination of Grounds for Refusal

If an application fails to comply with the provisions in Sections 5, 6, 7, 8, 9, or 10 of the GI Law, Section 13 empowers the registrar to issue an order to withdraw the application. This order must be issued within 30 days of receiving the examination report, and the applicant is notified in writing of the order and its reasons within 15 days of issuance.

The applicant may appeal the registrar's order to the GI Board, with the appeal to be submitted within 90 days of receiving the order notification. This appeal process is governed by the Ministerial Regulations, which require the applicant to specify the grounds for the complaint in their submission.

(5) Opposition and Cancellation of Invalidation

A. Opposition

The opposition procedure for GIs (Section 16, GI Law) allows any interested party to lodge an opposition within 90 days of the GI's publication, following the regulations specified in the Ministerial Regulations. Once an opposition is filed, a copy is provided to the applicant, who must submit a counterstatement within 90 days. Failure to respond within this period results in the application being deemed abandoned.

After reviewing the opposition and counterstatement, the registrar issues a decision and notifies both the applicant and the opposer in writing within 15 days of the decision date. Both parties retain the right to appeal the decision to the GI Board within 90 days of receiving the notification. This appeal process follows the Ministerial Regulations, requiring the grounds of the complaint to be specified in the appeal. Should either party disagree with the GI Board's decision, they may bring the case to court within 90 days of notification. If no legal action is pursued within this timeframe, the GI Board's decision becomes final (Section 18, GI Law). Following this, the registrar registers the GI within 15 days of the last specified date in Section 16, GI Law or the date the registrar receives the final decision or judgment, following the rules and procedures in Section 15 of the Ministerial Regulations.

B. Cancellation

Sections 22 and 23 of the GI Law define the procedures for cancelling and invalidating a GI. Grounds for requesting the withdrawal of registered GI include the following:

- (1) The GI application or registration was unlawfully done, deceptive, or contained false information at the time of registration.
- (2) Changes have occurred that render the GI prohibited as specified by law or cause its details, such as geographical origin, to differ from those registered.
- (3) Post-registration evidence emerges, indicating that the application or registration was illegal, deceptive, or contained false information. The GI Board reviews such cases and decides whether rectification or revocation is warranted. Upon making a decision, the GI Board notifies the applicant regarding the action taken. The affected parties retain the right to appeal the GI Board's decision to a court within 90 days of notification. If no legal action is taken within this timeframe, the decision becomes final.

(6) Caveat After Registration

Upon registering a GI, the registrar will seek permission to use the GI logo, ensuring that products bearing the logo are certified by the DIP. This step is essential to protect consumers and the public from confusion or misinformation regarding the registered GI, particularly in relation to products from other geographical areas. This process involves submitting a working manual and control plan, tailored for producers or at the provincial level (DIP, 2017). Subsequently, the local certification or control body is responsible for verifying post-registration compliance with these documents. Verification ensures that producers or operators effectively implement the working manual and control plan. Non-compliance results in the denial of the GI logo, which is valid for 2 years.

The specifications, production standards, working manual, and control plan developed during the application process provide a regulatory framework for GI producers. Compliance with these established rules is paramount, as failure to adhere to them can lead to the cancellation or revocation of the GI registration. This requirement emphasises the importance of maintaining prescribed standards to maintain the integrity of the GI and its logo.

A. Obligations of Geographical Indication Right Holders (Producer Organisations and Producers)

The obligations of GI right holders, members of the GI association, and their compliance with the regulations and specifications are stipulated in the GI Law. These include provisions in Sections 6, 15, 25, 28, and other sections that address the duties, responsibilities, and obligations of GI right holders, associations, and stakeholders. To obtain the GI logo, GI right holders and association members are obliged to comply with the working manual and control plan, which set out requirements for production standards, quality maintenance, adherence to designated geographic areas, and other regulations, thus maintaining the authenticity and value of the GI.

B. Registration Fee

Fees for activities related to GIs under the GI Law are as follows:

Application for GI registration: THB1,000 each

Opposition to GI registration: THB1,000 each

Appeal against a registrar's order or decision: THB1,000 each

Application to rectify a GI registration: THB200 each

Application to revoke a GI registration: THB200 each

Other applications: THB200 each

C. Amendment of Procedures

To amend the procedures outlined in the draft specifications, production standards, working manual, and control plan, which form the regulatory framework for GI registration, the GI Law mandates a formal amendment process. The registered GI entity must submit any amendments using the GI registration amendment form (SOR.TOR. 08) to the DIP, in accordance with the GI Law. If the amendment addresses minor errors that do not alter the GI product's specific characteristics, the registrar may order rectification of these minor inaccuracies, as stipulated in Section 21 of the GI Law. The general amendment procedures, detailed in Section 4 of this document, ensure compliance with the legal framework governing GI registrations. This guarantees transparency and adherence to legal standards in updating GI procedures.

D. Management and Control

If there is suspicion that goods infringe on the GI owner's rights, competent courts may authorise the detention of such goods, particularly where there are grounds to believe that materials or core production equipment are connected to the infringement.

Detaining goods suspected of infringing GI rights generally falls within the legal framework for IP rights and infringement proceedings. These detention measures aim to prevent unauthorised use or sale of products that may violate the rights of the GI holder.

Enforceable through court orders, these measures may involve seizing, impounding, or detaining suspected goods to prevent market entry or further distribution whilst a legal dispute or investigation is ongoing. Legal procedures, evidence, and proof of infringement are typically necessary to obtain a court order for the detention of goods. For detailed guidance on the legal aspects of goods detention related to GIs, consultation with legal professionals or specialised authorities in Thailand is recommended.

E. Assignment of Geographical Indication Rights

The registration of a GI remains valid indefinitely from the filing date with the DIP registrar unless cancelled or invalidated according to GI Law. After the registration, the DIP may grant permission to the registrant to use Thailand's GI logo. However, a

business receiving products from a manufacturer authorised to use Thailand's GI symbol cannot use the symbol without undergoing a similar inspection process as the authorised manufacturers.

Figure 2.10. Thailand's Geographical Indication Symbol



Source: Department of Intellectual Property (Thailand) (2017).

(7) Enforcement

Offences are categorised, with corresponding penalties. An individual who engages in actions that involve misrepresenting the GI's origin or causing confusion about the goods' quality or geographical origin (Section 27, GI Law), faces fines of up to THB200,000 (Section 39, GI Law).

Section 40 of the GI Law defines actions aligned with Section 28, such as the inappropriate use of GIs for specific goods, punishable by fines of up to THB200,000.

Failure to provide statements or documents required by the GI Board or sub-committees (Section 38, GI Law) may result in fines of up to THB5,000 (Section 41, GI Law).

If a juristic person commits an offence, the managing director, manager, or representative may also be liable unless they can prove a lack of knowledge or consent regarding the offence (Section 42, GI Law).

The director-general holds the authority to compound offences (Section 43, GI Law), allowing for case settlement upon payment of the compounded fine, in line with the Criminal Procedure Code.

Chapter 3

Branding in Thailand

1. Significance of Branding

1.1. Concept of Branding

The term 'brand' is believed to originate from terms such as 'brand' in the ancient Frisian language, 'brant' in Althochdeutch, or 'brandr' in the ancient Scandinavian language, all of which referred to a mark used to identify livestock owned by different people (Ministry of Economy, Trade and Industry of Japan, 2002).

Modern definitions of 'brand' vary, lacking a universally agreed-upon concept. The Brand Equity Evaluation Study Group Report offers the following definition: 'A brand is an emblem such as a name, logo, mark, symbol, package design, etc. for an enterprise to identify or differentiate its products, etc. against its competitor's products, etc.' (Ministry of Economy, Trade and Industry of Japan; Author, 2002). This definition aligns closely with the traditional concept of trademarks (Chapter 2, 1.1 [1] A). In contrast, the American Marketing Association (AMA) describes a 'brand' as 'a name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers' (AMA, 2021). The AMA's broader definition encompasses elements beyond traditional trademarks, expanding the brand's scope to include 'any other feature that identifies one seller's goods or service as distinct from those of other sellers'.

To fully appreciate the term 'brand', it is essential to consider its economic function today. For enterprises, a brand functions as a tool to communicate the value of their goods and services to consumer, aiding their selection of these offerings. From the consumers' perspective, a brand not only serves as a recognisable marker but also fosters trust, empathy, and a sense of security regarding the products or service's quality (Pravin Chandan, 2024). These attributes influence consumer choices. To fulfil this function as a marker of value, brands utilise a range of elements. Beyond conventional elements such as names, logos, marks, characters, slogans and catchy copy, package designs, and commercial jingles, modern brands may also employ colours, scents, specific motions, and other non-traditional marks classified as 'new trademarks'.

Based on this understanding, 'branding' can be defined as any activity aimed at enabling a brand to convey the value of specific products or services. Today, the scope of branding is expanding. Not only do sellers of goods or services engage in branding; increasingly, regions, areas, or countries undertake branding activities to distinguish themselves and attract tourists or investors.

1.2. How to Utilise Branding

With shifts in the economic environment – such as globalisation, advancements in information technology (IT), regulatory reforms, and the economic impact of the COVID-19 pandemic – companies are moving from tangible management strategies that focus on resources such as financial assets, equipment, and land ('tangibles') to intangible management strategies centred on assets such as IP, research and development investment, and organisational know-how ('intangibles'). The critical aspect of this intangible-focused strategy is the enhancement and valuation of intangibles, particularly in elevating brand value, now recognised as the fifth key management resource after people, goods, capital, and information (Tanahashi, 2013).

1.3. Benefits of Branding

The brand's role as a 'tool to imply value' signifies that consumers consider more than the physical and functional aspects of a product; they also rely on the brand itself, which strengthens competitive advantage. Branding brings three main benefits (Tanahashi, 2013):

- 1) **Price advantage.** Branded products can command higher prices than unbranded ones with similar functionality, offering a price premium.
- 2) **Customer loyalty.** Branding fosters consumer loyalty, encouraging repeat purchases. Regular customers generate stable, long-term sales, reducing reliance on short-term discounts and thereby increasing profit margins. A strong brand presence makes transactions with distributors more favourable.
- 3) **Expansion potential.** A strong brand image creates opportunities to expand into related product areas, new businesses, and international markets, enabling geographic and sector growth.

Beyond direct revenue benefits, branding contributes to strengthening a company's internal operations and organisational culture. Firstly, a clear branding focus helps refine the company's strategic direction, fostering robust business growth. Secondly,

as business direction becomes well-defined, it cultivates a positive organisational culture, attracting employees loyal to that culture and fortifying the organisation as a whole.

1.4. Methods of Branding

Today, numerous branding methods are employed (Nukulsomprathan, 2023), although no official categorisation exists. Commonly referenced methods include the following (Yu Xie et al., 2006):

(A) Product Branding

Product branding, one of the most basic and widely used branding methods, focuses on distinguishing a single product, making it recognisable and memorable. Symbols or designs play an essential role in product branding, aiding consumer recognition. Activities related to product branding include advertisements across media platforms such as magazines, television, newspapers, signage, and social media. Product branding aims not only to highlight product specifics but also to target a specific consumer group, ultimately connecting the product to its ideal audience.

(B) Corporate Branding

Corporate branding promotes the company as a whole, emphasising its core values, mission, identity, and personality to build a unique market presence, rather than focusing on a specific product or service. When corporate branding objectives are achieved, the public associates the company's name with reliable commitment to quality. Strong corporate branding has long-term effects; customers often trust new products introduced by the brand without hesitation. A notable example is Apple, whose brand strength leads consumers worldwide to eagerly queue for new product releases simply because they are Apple products. Corporate branding not only benefits consumers but also positively impacts employees, enhancing the organisation's culture. For example, Google is renowned for providing extensive benefits to employees, such as free meals, healthcare, and generous paid leave. Working at Google itself has become a brand, strengthening its internal organisation.

(C) Personal Branding

Personal branding refers to the branding of an individual, distinct from that of a business or product. It is often associated with movie stars, celebrities, politicians, athletes, and others, increasingly linked to online platforms such as Facebook, X, and Instagram. Examples include Elon Musk, whose personal brand influences Tesla and,

more recently, X, and Ryan Reynolds, who has become synonymous with Aviation Gin. Personal branding can extend to consumer interactions, such as the Share a Coke campaign, where personalised names on bottles created a memorable, individualised consumer experience.

(D) Geographical Branding

Geographical branding aims to attract consumers based on a product's or service's geographical association. It is especially effective when product quality is tied to location, as in the concept of appellation in the wine industry, which has been integral to wine branding for centuries. Geographical branding can promote regions or countries. For instance, the Eiffel Tower symbolises France, and many businesses use its image to evoke Parisian or French associations. Similarly, a Swiss watch brand might feature the Alps in its design to capitalise on Switzerland's reputation – an effective example of geographical branding.

(E) Online Branding

Today, online branding is one of the most accessible and impactful methods available. Online branding involves positioning a product or service on the internet via websites, social media, blogs, and other platforms. For example, a business owner might use Instagram and Facebook to showcase products, engage with customers, and build a brand community, whilst maintaining a website for product information and purchases. Online marketing tools such as Meta for Business (Meta, 2022), Ads Manager on Facebook (Meta, 2022), and Google Ads (Meta, 2023) support brand visibility and increase product access points, offering significant branding advantages for business owners.

(F) Offline Branding

Offline branding encompasses all branding activities conducted out of the web or internet. Despite the digital age, traditional offline branding remains active through channels such as billboards, print advertisements, vehicle wraps, in-vehicle video content, and trade shows. Retail branding plays an important part in offline branding; creating a positive in-store experience through décor, lighting, music, visual displays, attentive staff, and product samples encourages repeat visits. This approach is especially relevant today, as it provides a counterbalance to the increasing dominance of online shopping.

(G) Co-branding

Co-branding involves collaboration between multiple brands to deliver a product or service with enhanced quality performance. This method allows each brand to positively influence the other, often leading to business growth and increased brand awareness. Fashion retailer Uniqlo, for example, has successfully co-branded with various iconic brands such as LEGO, Hello Kitty, Disney, and Marvel.

(H) Service Branding

Service branding focuses on branding activities for services, often by providing added value. Examples include hotels offering complimentary welcome drinks at check-in, banks providing free snacks for clients, and restaurants with playgrounds for children. By adding these service enhancements, companies associate their brands with positive customer experiences, encompassing repeat use and fostering brand loyalty.

2. Potential Areas for Branding

2.1. Current State of the Agriculture Industry

The advancement of IP-related legislation, coupled with rapid economic growth and digital business expansion, has created significant opportunities for local entrepreneurs, producers, and marketers. With technical support from the government and international organisations, Thai products are being effectively branded to increase their value and penetration into international markets.

With the concerted efforts of the government, trade associations such as the Thai Rice Exporters Association (1918), the Doi Tung Development Project (1988), the Department of Agriculture Extension (1955), and the Thai Organic Trade Association (2005), as well as individual companies, Thailand has successfully branded numerous agricultural products. This has been achieved through GI registration, collective marks, and certification marks locally and internationally.

The Ministry of Commerce has announced policies to drive community economies through GIs by enhancing the value of products unique to each community, promoting GI product registration, and maintaining high-quality standards. Efforts are underway to promote and expand market channels for GI products. With their unique identity tied to their areas of production and local heritage, GI products are central to the government's Soft Power policy.

The DIP has promoted rising registration of GI products in the international market. To date, eight GI products have been registered in 32 countries, including European

countries, China, Japan, Viet Nam, Cambodia, Indonesia, Malaysia, and India. Key products include Thung Kula Rong Hai jasmine rice, Doi Tung coffee, Doi Chang coffee, Sangyod Mueang Phatthalung rice, Phetchabun sweet tamarind, Lamphun Yok Dok silk, local Thai silk thread, and Lamphun dried longan (DIP, 2023).

2.1.1. Department of Intellectual Property's Contribution and Assistance

Historically, the DIP has driven the community economy through GI by focusing on three primary missions:

- i. facilitating the registration of Thai GI products,
- ii. promoting quality control systems to maintain product standards and the use of the Thai GI logo, and
- iii. promoting the commercial use of GI products.

The DIP is committed to transforming its role from a regulator to a facilitator for GI entrepreneurs. This transformation aims to support all aspects of GI development, especially the commercialisation of Thai GI products. By facilitating increased trade in Thai GI products, this shift is designed to create sustainable income for farmers, producers, and entrepreneurs involved in GI products.

The DIP plans to establish a tourism network linked to Thai GIs. One main objective is to integrate GI products with tourism through initiatives such as 'GI Villages', which will promote GI production and link it with nearby tourist attractions. Another planned initiative is the 'GI Route' through Thailand featuring GI products (DIP, 2023).

The DIP aims to develop a food industry network. With 191 registered GI products, including 156 agricultural and processed agricultural items, there is an opportunity for these GI products within the food industry. The 'GI@Home' initiative encourages the use of Thai GI products as everyday ingredients, particularly in over 1,400 Thai Select restaurants worldwide. This initiative promotes pride in local products amongst Thais and bolsters domestic sales of GI products.

Lastly, the DIP is committed to expanding GI product markets both online and internationally, integrating them into the global supply chain. The planned development of a 'GI e-Directory' will provide consumers with direct access to GI product sellers, strengthening the quality control of GI products whilst preserving the distinctive qualities of these products sustainably. This directory will empower GI operators, increasing public awareness of GI products and enabling consumers to buy directly from producers. By leveraging Thailand's geographical strengths, the strategy

aims to elevate the international profile of Thai GI products, ensuring their sustainable growth in the global market.

The DIP believes that strengthening the GI system will enhance the quality of life for producers and entrepreneurs and contribute significantly to sustainable economic growth.

2.1.2. Development of Agricultural and Handcraft Products

The agricultural and handcraft sectors not only are vital to the economy but also reflect the country's rich cultural heritage. With globalisation and increasing competition in international markets, developing these sectors through effective branding strategies – particularly IP branding – has become crucial. The approach not only enhances the market value of the products but also protects the cultural identity and traditional knowledge associated with them.

Branding through IP involves various IP tools, especially GIs and trademarks, to differentiate products in the marketplace. These tools build a reputation for quality and authenticity closely tied to geographical origin or unique production methods.

Thailand has successfully utilised GIs to brand several agricultural products. GIs certify that a product possesses certain qualities, is made using traditional methods, or enjoys a reputation tied to its geographical origin. For example, Thung Kula Ronghai jasmine rice and Doi Tung and Doi Chaang coffees are renowned for their quality and unique characteristics directly linked to their regions.

Handcrafts, often created by rural artisans, also benefit from IP branding. By registering collective marks, communities can collectively market their products, helping build brand recognition and consumer trust. This approach is particularly useful for products such as Thai silk and pottery, where authenticity is central to consumer appeal.

2.1.3. Impact on Economic Development

The strategic use of IP branding has substantial economic implications for the agricultural and handcraft sectors. For agricultural products, it ensures premium pricing in domestic and international markets, supporting the sustainability of the agricultural community. In the handcraft sector, IP branding preserves traditional crafts and enhances the livelihoods of local artisans by opening new markets and ensuring fair competition.

Over the past 20 years, the GI system has been an important mechanism for adding value to local products, currently generating an annual market value of more than THB51,000 million (DIP, 2023). This impact covers 191 registered GI products across the country and 20 foreign GI products.

Integrating IP into branding strategies has encouraged innovation and product diversification. Producers are motivated to maintain high standards and innovate within traditional production frameworks.

2.1.4. Challenges and Future Directions

Whilst the benefits of IP branding for agricultural and handcraft products are significant, several challenges impede progress. These include the need to increase IP awareness and education amongst farmers and artisans, the establishment of robust control mechanisms to prevent unauthorised IP use, and the overcoming of marketing and logistical challenges to introduce these branded products to a global audience.

In response to these challenges, the government has aligned the National Strategic Development Plan (BE 2561–2580) (Khammungkhun, 2022) to prioritise agricultural competitiveness, leveraging local identity and traditional knowledge. The goal is to innovate in the production and marketing of agricultural products and to continue adding value to these products.

The initiative to drive agricultural products with a local identity has shown promising expansion. From 2017 to 2020, products such as jasmine rice and tropical fruits have seen an average annual growth rate of 9.88%. Historically, the government has supported the promotion of agricultural products with local identity through various projects. These projects include the Agricultural Production Potential Development Project, aimed at increasing production efficiency, marketing fruits to export standards, expanding off-season production, and creating and developing distribution channels. Other notable projects include promoting and protecting Thai GI products and promoting agricultural careers based on local identity and traditional knowledge.

However, realising the full value potential of agricultural products with a local identity requires coordinated cooperation amongst farmers and agencies. This cooperation should focus on creating a collaborative supply chain to ensure quality control, aligning products with consumer needs, and building popularity and confidence in the quality and standards of the products. It is crucial to communicate to consumers the unique story of each product and its distinctiveness from general products. Developing

marketing channels and enhancing packaging are essential to boost the competitiveness of agricultural products with a local Thai identity.

2.2. Current State of Digital Transformation

2.2.1. Regulatory Development

Thailand's legal framework for digital transformation has been driven by the government as part of its national strategy, which aims to develop digital infrastructure to support and advance the digital economy and Industry 4.0, as outlined in the National Policies and Plans on Digital Development for Economy and Society (BE 2561–2580).

National policies emphasise the critical role of information and communications technology (ICT) as an enabling tool for national development, with emphasis on establishing a robust ICT infrastructure. High-speed broadband internet, regarded as a basic utility, is now widely accessible across Thailand. The ICT industry's role in the national economy is growing, providing people with opportunities to generate income, improve quality of life, and contribute to an environmentally sustainable society. The government recognises the transformative influence of digital technology on economic and social development, viewing it as both an opportunity and a challenge. Digital transformation faces several key challenges:

- overcoming the middle-income trap;
- enhancing the agricultural, industrial, and service sectors;
- adapting to economic integration opportunities;
- addressing social inequality;
- managing the ageing population;
- developing human resources;
- combating corruption; and
- countering cyber threats.

Addressing these challenges is crucial to ensuring consistent economic development.

A robust and comprehensive legal framework is crucial to support digital development. The government therefore prioritises laws, rules, regulations, and policies that facilitate digital development (MDES, 2024). This legal focus is particularly important as many people remain wary of online transactions due to concerns over fraud. Advances in ICT have increased cyber threats, which can lead to significant individual and national damage. Government agencies are expanding electronic services (e-services) and are increasingly storing essential data in

electronic formats to facilitate public service delivery and administration.

Despite considerable efforts towards digital development, Thailand has yet to fully transition into a digital economy and society. To accelerate this shift, urgent reforms are needed to harness technology and digital innovation. The reforms are essential for addressing the country's economic and social challenges, transforming government services, combating corruption, and capitalising on the benefits of digital technology for future economic and social development.

The Ministry of Digital Economy and Society (MDES), as part of the National Policies and Plans on Digital Development for Economy and Society 2018–2037, has outlined a 5-year operational plan (2020–2024) to transform Thailand into a digital nation. This digital framework sets the following goals:

Goal 1: Enhance economic competitiveness through digital innovation

- Leverage digital technology to drive innovation in production and services, enabling Thailand to develop new business lines and compete globally.
- Elevate the digital industry's role within the economy and society, ensuring that it gains international recognition and respect.
- Strengthen the economy by empowering grassroots businesses and small and medium-sized enterprises (SMEs) to use digital technology, boosting their potential and enabling access to global markets.

Goal 2: Create equal social opportunities via digital platforms

- Provide equal access to digital technology and media for all societal groups, especially disadvantaged communities.
- Improve citizens' quality of life by enhancing access to information resources and essential public services via digital platforms.

Goal 3: Equip personnel for the digital age

- Build individuals' abilities to effectively manage information, exercise sound judgment, and stay digitally informed.
- Cultivate a digital workforce that meets international standards, preparing local talent to leverage digital technology for economic and social development.

Goal 4: Transform work paradigms and government services through digital technology

- Revolutionise operational, management, and service delivery paradigms within

government by adopting digital technology, enhancing efficiency, security, and governance across public sectors and businesses.

Under the Strategic Framework for Digital Development, Thailand has implemented a phased, structured approach within the Digital Development Plan for the Economy and Society. This comprehensive plan includes six mutually reinforcing strategies, each with clear 5-year targets to facilitate tracking, evaluation, and strategic execution. These initiatives are designed to systematically enhance digital capabilities across economic and social spectrums.

Strategy 1: Developing high-performance digital infrastructure

This strategy aims to establish robust digital infrastructure nationwide to support a 'Digital Thailand', driving economic and social advancement through digital technology. Key initiatives include building and upgrading critical digital infrastructures – such as information technology, telecommunications, and broadcasting systems – to provide high-quality, adequate coverage, and continuous service across all regions. This foundational work will bolster communication, connectivity, information exchange, commerce, and public and private sector services whilst positioning Thailand as a future digital hub, contributing to economic prosperity and social stability.

Strategy 2: Economic drive through digital technology

The strategy leverages digital technology to stimulate economic growth by reducing production costs and increasing business efficiency. It aims to create a digital business ecosystem that supports new competitive models and encourages long-term growth. Key objectives include elevating competitiveness in the business sector, expanding the economic base, and creating sustainable employment. The strategy emphasises fostering digital businesses, particularly within SMEs and start-ups, to integrate local economies with global markets, adding value to community products. The approach aligns with the 2020–2024 operational plan outlined by the MDES.

Strategy 3: Creating a quality society with digital technology

The strategy promotes an inclusive digital society, ensuring equal access to digital resources and state services for all, particularly farmers, remote communities, the elderly, the disadvantaged, and people with disabilities. It involves digitising information at national and local levels, making it accessible and valuable for all citizens. By developing 'smart citizens' who are informed and responsible, the strategy aims to reduce inequality and address digital literacy gaps, empowering citizens to use digital technology creatively and effectively. When digital infrastructure and citizen readiness align, technology will improve the quality of life through accessible digital

services.

Strategy 4: Transforming the public sector into a digital government

The strategy leverages digital technology to enhance efficiency across government agencies, creating a responsive, digital-first government. Government services will become digital, user-driven, and accessible without physical or linguistic barriers. As government operations advance, the public sector will act as a facilitator, creating services through partnerships with private and peer organisations using universal design principles. Public participation in policy development and feedback on government operations will shape an efficient, accurate, fast, and user-friendly government. Goals include a unified access point for comprehensive services through an automated data linkage system, cybersecurity measures, and data protection, fostering trust and security. A platform will enable private developers to innovate with government data, furthering economic development.

Strategy 5: Workforce development for the digital economy and society era

This strategy focuses on cultivating a digitally skilful workforce prepared for the demands of the digital economy and society. It emphasises developing digital skills across both the public and private sectors, ensuring that they meet international standards. By extending digital knowledge across all fields, the strategy aims to generate high-value jobs, fostering economic and social development where digital technology plays a pivotal role. According to the MDES's 5-year operational plan (2020–2024), the strategy emphasises developing a digital workforce to bolster productivity and expertise in the digital economy.

Strategy 6: Building confidence in the use of digital technology

This strategy aims to create a national framework that enhances confidence in digital technology, supported by modern standards, laws, rules, and regulations. The framework is crucial for driving the country's digital economy and society and ensuring security and rights protection for all users. The strategy addresses challenges in security, privacy, and data protection, promoting confidence in digital transactions for businesses and individuals alike. Key areas include setting standards for cybersecurity and privacy, enhancing protection for personal data, and preparing the digital environment to support sustainable growth. The government plays a pivotal role in creating a secure digital environment for all.

2.2.2. Institutional Framework and Government Initiatives

Recognising the importance of supporting new businesses, including SMEs, and fostering innovation in areas such as e-commerce and fintech, the government has established an agency dedicated to supporting these businesses:

(A) Small and Medium-sized Enterprise Support

Recognising the pivotal role of SMEs in the national economy, the government has mandated the Office of Small and Medium Enterprise Promotion (OSMEP) to spearhead support initiatives for these businesses. Established under the Small and Medium Enterprises Promotion Act, BE 2543 (2000) and subsequently amended by Act No. 2, BE 2561 (2018), OSMEP is charged with formulating policies and strategies for micro, small, and medium-sized enterprises (MSMEs). As the central coordinating agency, it collaborates with the public and private sectors to enhance the growth, strength, and sustainability of MSMEs.

OSMEP's objectives are to bolster SMEs as the main drivers of the economy, increase their GDP contribution, and foster an ecosystem that develops their capacities. The ecosystem is structured to empower SMEs through knowledge, creativity, and innovation aligned with the national strategic plan. The plan emphasises modern entrepreneurship, develops intelligent entrepreneurs, and improves SMEs' access to financial services, markets, and information. It aims to adapt and improve SME access to government services, thereby enhancing their competitiveness and positioning Thailand as a developed country with a stable, sustainable, and competitive economy.

To support these goals, OSMEP has implemented several projects, including the establishment of the Business Development Service (BDS) (OSMEP, 2022). A notable project within this framework, Pay 10,000, Return 9,000: Special Service Box, OSMEP Contributes 90%, ran from 1 October 2023 to 30 September 2024. The BDS system enables SMEs to access tailored support services by connecting with business development service providers suited to their specific business needs. OSMEP offers co-payment subsidies covering 50%– 80% of development costs, up to a maximum of THB200,000 per individual, depending on the size of the business.

Through the BDS, entrepreneurs can submit proposals for development in areas such as product and service quality, business productivity, efficiency improvements, and marketing – all accessible online. In 2024, OSMEP will further expand the BDS system, allowing entrepreneurs to submit up to two business development proposals annually, proportional to their business scale. The agency provides up to 90% subsidy assistance services essential to modernising and enhancing business operations:

- **Advanced technology integration.** Solutions such as cloud computing, artificial intelligence (AI), enterprise resource planning, and point-of-sale systems.
- **Data privacy compliance education.** Programmes related to the Personal Data Protection Act of 2019 to help businesses comply with data privacy laws and regulations.
- **Training for legal compliance and certifications.** Services that assist businesses in meeting regulatory requirements for standard certifications.
- **Financial accounting support.** Assistance with financial accounting systems, including bookkeeping and related accounting services.

(B) Health Technology, Innovation, and Technology Support

The integration of healthcare and technology has gained significant momentum, strongly supported by government initiatives. The government has initiated several programmes and funds to drive health technology development through innovation. Amongst the primary initiatives, the Technology and Innovation-based Enterprise Development Fund (TED Fund) (Council of Ministers, 2016) and the National Innovation Agency (NIA) are pivotal in fostering an environment conducive to health-related technological innovations.

➤ Technology and Innovation-based Enterprise Development Fund

Investing in technology and innovation businesses often involves high risk. Developing innovative technology ventures requires navigating a multi-step process to bring new solutions to market. The success of research and development in technology and innovation hinges on critical supporting factors such as capital, research personnel, and infrastructure.

To mitigate the investment risks associated with technology and innovation enterprises, the government has implemented policies and financial support measures. On 9 August 2016, the Cabinet approved the establishment of the TED Fund within the Ministry of Science and Technology (now under a different structure). The fund aims to support and promote entrepreneurship in technology and innovation, particularly for emerging entrepreneurs in various sectors, including healthcare. It enables entrepreneurs to operate businesses grounded in technological knowledge and innovation.

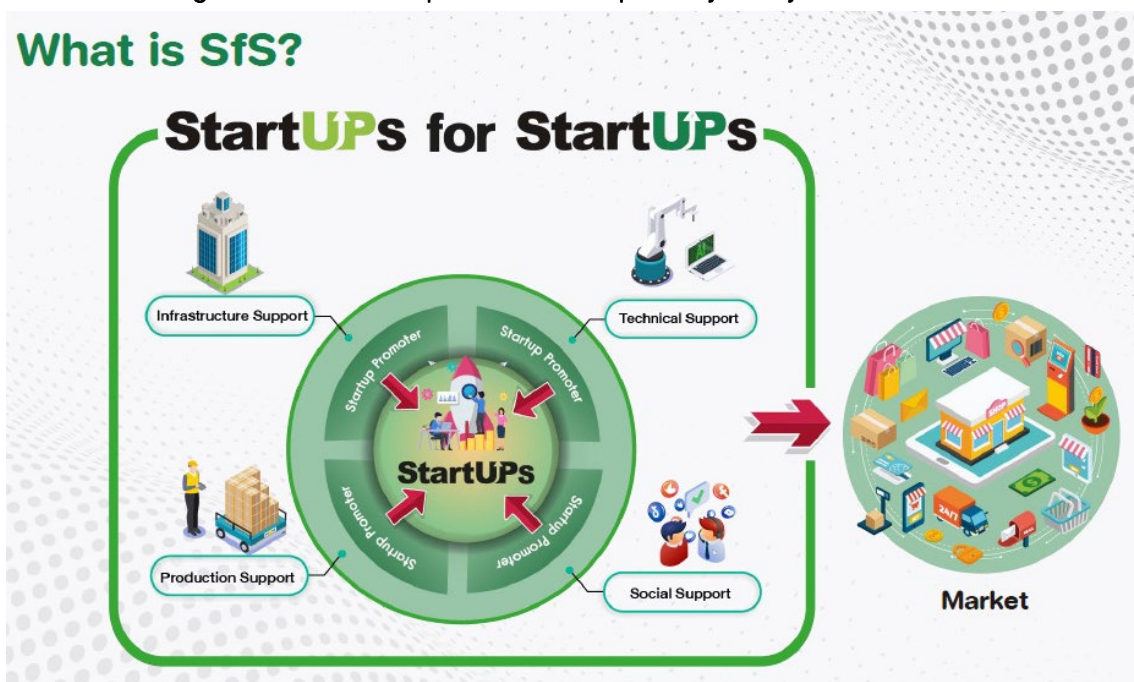
The TED Fund serves as a crucial catalyst for augmenting research output and commercialisation innovations. The initiative not only enhances investment value but

also contributes to progressive and sustainable economic growth. The fund aims to bridge the gap between research and market implementation by providing the capital needed to transform innovative ideas into commercial successes. For health technology start-ups, the TED Fund offers an opportunity to secure funding for research and development, scale up production, or expand distribution networks.

Beyond financial assistance, the TED Fund connects entrepreneurs with a network of investors, mentors, and strategic partners who can further their development and market penetration. In this way, it supports the entire innovation ecosystem and stands as a critical component of the country's strategy to become a hub for health technology and innovation in Asia.

To further encourage the development of start-up businesses providing services or infrastructure that support emerging start-ups, the TED Fund has launched several initiatives. A notable project, Start-ups for Start-ups, aims to foster a sustainable entrepreneurial ecosystem. The project promotes the private sector's role as product or service providers, rebranded as 'startup promoters'. The promoters serve as pivotal resources for new technology and innovation entrepreneurs, granting them enhanced access to essential services. The approach not only drives the growth of individual start-ups but also strengthens the overall start-up enterprise ecosystem.

Figure 3.1. Start-ups for Start-ups Project by the TED Fund



Source: Ministry of Higher Education, Science, Research and Innovation (2017).

➤ National Innovation Agency

The NIA (2003), operating under the Ministry of Science and Technology, plays a broader role in fostering innovation across various sectors. The NIA facilitates the development and commercialisation of innovation, including health technology solutions, by providing resources, funding, and support services to innovators and researchers.

A key NIA initiative involves partnering with international leaders in health technology to bring advanced expertise and research to Thailand. These collaborations help local start-ups and enterprises leverage cutting-edge technologies and practices in the development of healthcare solutions. The NIA organises events, workshops, and seminars to stimulate innovation and facilitate knowledge exchange amongst healthcare professionals, technologists, and entrepreneurs.

The NIA focuses on policy development to encourage growth in the health technology sector, especially for startup companies. This includes advocating for regulations that support the development and rapid deployment of new technologies in healthcare, ensuring that innovations can reach the market and benefit the public more quickly. Under the Innovation for Economy project, the NIA facilitates networking opportunities across technology and finance sectors, enabling sustainable growth for innovative businesses.

Figure 3.2. Innovation for Economy Project by the National Innovation Agency



Source: National Innovation Agency (2022).

On 15 May 2023, the NIA partnered with the Thai Health Tech Association (THTA), a private association dedicated to advancing health technology and fostering collaboration within the healthcare industry, to organise the AI Empower for Health and Medical Sector 2023 fair (Techsauce Media Co., Ltd., 2023). THTA aims to position Thailand as a leader in health technology innovation, improving healthcare delivery and outcomes through cutting-edge technologies. This cooperation leverages THTA's expertise and network to extend the reach of AI applications in the health and medical fields, enhancing efficiency, innovation, and competitiveness.

The fair featured various activities, such as government support sessions for AI technology, an overview of AI applications in healthcare, and discussions on regulatory issues. It provided participants with insights into AI in medical and healthcare businesses, preparing them for technology-driven growth and access to funding from domestic and international sources. Networking activities allowed participants to forge partnerships that could lead to business expansion.

The government actively supports AI in healthcare, aiming to increase competition. The NIA, serving as a focal facilitator, connects technology and innovative businesses to create competitive opportunities for entrepreneurs. Funding from the NIA, particularly through Thematic Innovation initiatives, is a key mechanism for developing and commercialising research outcomes in healthcare. The NIA collaborates with public and private sectors to strengthen the innovation ecosystem, yielding significant economic and social benefits.

The fair showcased 10 outstanding start-ups in the health technology industry, each developing unique health technologies:

1. **SensAI.** Develops AI-driven sensor systems to track health data, analyse abnormalities, learn behaviours, report issues, and notify doctors of potential health issues. Affordable and accessible, it ensures timely interventions (Sense AI Company Limited, 2023).
2. **Botnoi Group.** Utilises AI across virtual nurses for disease screening and chatbots that provide mental health advice via chat and phone, with multi-language capabilities (Botnoi Group, 2023).
3. **Kathi.** The National Broadcasting and Telecommunication Commission (NBTC) created an AI wristband called 'Kathi' with sensors for monitoring pulse, pressure, walking steps, and alerts for critical values. It features a QR code for accessing health records and supports elderly health management.
4. **LOCKSi.** Developed the Medipod Telemedicine Platform, integrating sensors, AI

analysis, medical equipment, and video conferencing to enable telemedicine services anywhere, anytime.

5. **H LAB.** Utilises AI to optimise medical personnel shift scheduling, significantly reducing scheduling time, thereby improving work–life balance for healthcare staff (Cloud and Ground Co., Ltd., 2021).
6. **PB Biomed.** Applies technology to filter genetic material and decode genes from blood samples, aiding in cancer treatment and prevention. The information can be leveraged by AI companies for further innovation.
7. **Famme Works.** Develops beds with pressure re-balancing technology that adapts to patients' needs, preventing injuries or pressure-related issues (mgroonline, 2023).
8. **EYEQUILA.** Developed an eye-exercise game using AI to track eye movements and translate them into game movements. The technology has potential applications as a medical device to interpret patients' expressions (THEBANDM CO., Ltd. 2023).
9. **Bederly.** Developed the Bederly ecosystem, linking community and individual health data via Portable Vital Signs, data accessible through an application for real-time patient monitoring by doctors.
10. **Brain Dynamics.** Developed sleep testing systems and services for hospitals and home use, where data analysed by AI assists doctors in rapid diagnosis.

(C) E-commerce Support

E-commerce has shown remarkable growth over the past decade, driven by increasing internet penetration, a growing middle class, and a vibrant digital ecosystem. This growth trajectory has positioned Thailand as one of Southeast Asia's leading e-commerce markets in 2022 and 2023 (Statista, 2022, 2023). With trends such as mobile commerce, social media shopping, and cross-border transactions gaining traction, the sector is expected to expand further.

The Department of Business Development recently analysed key business sectors for the first quarter of 2024, highlighting e-commerce as experiencing consistent growth. This growth is largely driven by changing consumer behaviours, including a greater openness to integrating technology into daily life for personal use and as a facilitative tool.

The adoption of new technology has led to a significant increase in internet usage. According to Datareporter (Kepios Pte. Ltd., 2024), approximately 63.21 million Thais

(88%) now use the internet, averaging 7 hours and 58 minutes daily. Social media platforms such as Facebook, LINE, and TikTok are predominantly used for staying in touch with family and friends, following news, and purchasing products online. Notably, about 66.90% of Thais engage with e-commerce platforms for buying goods and services.

The e-commerce industry was valued at THB634 billion in 2023 (Matichon, 2024), with projections suggesting an increase to THB694 billion in 2024, representing an average growth of 6% per year. By 2025, the market is expected to reach approximately THB750 billion. However, despite these substantial figures, the number of e-commerce businesses that have registered as legal entities – totalling 7,393 – remains small compared to the overall market potential.

To support e-commerce, the government established the Electronic Transactions Development Agency (ETDA) to shape the digital landscape under the Electronic Transactions Act BE 2544. Operating as a public organisation under the MDES, the ETDA has several key missions:

1. **Supervising digital service businesses to ensure high standards of security, privacy, and reliability.** Supervision builds trust within the digital economy, encouraging more widespread adoption of digital services.
2. **Promoting and supporting electronic transactions by providing incentives, creating supportive policies, and implementing educational programmes.** These efforts streamline business operations, reduce costs, and increase efficiency, contributing to economic growth.
3. **Facilitating cross-sector collaboration between public, private, and non-profit organisations to drive electronic transactions.** This approach supports digital transformation by enhancing the infrastructure and regulatory framework necessary for a robust digital economy.

The ETDA has initiated various projects to support e-commerce entrepreneurs. A key initiative is the Digital Sandbox project, which provides opportunities for stakeholders to test electronic transaction-related services. Participants – including government agencies, private companies, and start-ups – are invited to trial electronic technology services within a controlled environment.

Technologies tested in the Digital Sandbox may be entirely new to the region's electronic transaction services or involve innovative applications that improve operational efficiency or address current challenges. The ETDA carefully manages and promotes the testing phase, allowing businesses and technology experts to rigorously

test innovations before full-scale implementation. The approach encourages the development of business models that are stable, secure, and practical for widespread use, enhancing accessibility and trust within the digital economy.

(D) Fintech Support

The fintech sector has experienced remarkable growth in recent years, driven by rapid advancements in technology and proactive support from the private and public sectors.

Key to this growth as well as good security management has been substantial support and initiatives from government entities such as the Bank of Thailand (BOT) (2022) and the Securities and Exchange Commission (SEC) of Thailand (2021). The BOT has been instrumental in promoting digital payments and ensuring the stability of financial services, whilst the SEC has provided clear regulations that encourage innovation for ensuring market integrity, particularly in the cryptocurrency and blockchain sectors.

These government efforts are crucial for fostering a secure and dynamic environment where fintech companies can thrive whilst offering improved financial services to the public. By streamlining regulations and supporting technological innovations, the government is actively enhancing the capabilities of the fintech sector and demonstrating a strong commitment to developing a modern financial ecosystem.

Key developments in the fintech sectors are as follows:

- **Banking Technology**

The banking technology sector is rapidly evolving with the integration of digital solutions that enhance customer experience and operational efficiency. Key advancements include mobile banking apps, open banking, and AI-driven automation (AigenCorp, 2023)). In particular, AI is transforming banking processes, with several banks adopting AI for customer service (via chatbots), document processing, loan assessment, customer ID verification, fraud detection, and personalised financial and investment advice.

- **Crowdfunding Platforms**

Crowdfunding has become a viable funding alternative for start-ups and SMEs in fintech, providing access to capital through equity and reward-based models. The approach enables businesses to raise funds from a large number of people through a centralised website or fundraising platform, making it particularly suitable for new ventures due to its simplicity and convenience.

Entrepreneurs or individuals seeking funding present their projects or businesses,

which are then showcased to potential investors. Interested investors can support these projects by transferring funds directly through the platform, facilitating seamless engagement between fundraisers and supporters.

Two prominent crowdfunding platforms operate in Thailand: Sinwattana Corporation Ltd. (2023) and Dreamaker Crowdfunding Co., Ltd. (2023). These platforms play a crucial role in connecting entrepreneurs with investors, fostering innovation, and driving economic growth in the start-up ecosystem by using one of the fintech tools.

- **Cryptocurrency**

In recent years, cryptocurrencies have gained significant popularity and attention worldwide, with more people investing in digital assets such as Bitcoin and Ethereum. As with any emerging technology, governments face the challenge of developing regulatory frameworks to prevent illegal activities such as money laundering, terrorism financing, and tax evasion.

Thailand has been proactive in regulating cryptocurrencies and has emerged as a crypto-friendly nation (Thailand Business News, 2023), ranking 10th globally in terms of adoption. The government supports cryptocurrencies, recognising their potential to stimulate economic growth and diversify investment opportunities for business operators, despite being cautious about the associated risks.

Whilst the United States Securities and Exchange Commission approved the establishment of the Spot Bitcoin Exchange-Traded Fund (Spot Bitcoin ETF) on 10 January 2025, allowing it to be listed and traded on the stock exchange (Investopedia, 2023), the Securities and Exchange Commission of Thailand (Thai SEC) has not yet approved the Spot Bitcoin ETF. According to a statement from the Thai SEC on 16 January 2024 (Thai SEC, 2024), under the Royal Decree on Digital Asset Business BE 2018 (Digital Asset Decree) (Thai Government Gazette, 2018), Thai investors can invest in digital assets only through licensed digital asset trading centres.

Securities companies in Thailand are permitted to offer services to retail customers for investing in foreign products, provided these products have characteristics similar to those permitted in Thailand's capital market. Consequently, securities companies cannot facilitate direct investments in these products for retail investors within the country.

This regulatory stance reflects Thailand's cautious yet progressive approach to integrating digital assets into its financial system, ensuring investor protection whilst fostering innovation in the cryptocurrency space.

- **Payment Technology**

Digital payment solutions have seen widespread adoption in Thailand, a trend that has been significantly accelerated by the COVID-19 pandemic. The shift towards cashless transactions has been driven by convenience, safety, and the rapid development of digital infrastructure. One of the key technologies facilitating this transformation is PromptPay (Siam Commercial Bank, 2023), a highly successful government-backed digital payment system. PromptPay enables quick and easy money transfers using mobile numbers or citizen ID numbers, streamlining transactions for individuals and businesses.

Mobile wallets have become increasingly popular. Platforms such as TrueMoney (2023), Rabbit LINE Pay (Line Pay Corporation, 2023), and ShopeePay (formerly AirPay) (Shopeepay [Thailand], 2022) are widely used for online and offline payments. These mobile wallets offer a seamless payment experience, integrating services such as bill payments, online shopping, and peer-to-peer transfers.

Another notable advancement in payment technology is QR code payments, which have gained widespread acceptance in retail, supported by major banks and fintech companies. QR code payments allow consumers to complete transactions quickly by simply scanning a code with their smartphones, enhancing the convenience and efficiency of the shopping experience.

- **Enterprise Financial Software**

Enterprise financial software is revolutionising the way Thai businesses manage finances, offering tools that streamline operations, from account management to payroll and employee welfare systems. This technology significantly reduces the time and resources required for financial processes, thereby improving organisational efficiency.

One of the key technologies facilitating this transformation is FlowAccount (2023), a cloud-based accounting software specifically designed for Thai SMEs. It simplifies various accounting tasks, including invoicing, expense tracking, and financial reporting, making it a popular choice amongst entrepreneurs.

Another leading provider, PeakAccount (2023) offers comprehensive cloud-based financial management tools designed for Thai SMEs. It enables businesses to efficiently manage their entire financial landscape. As these technologies continue to evolve, they are expected to bring even greater efficiency and profitability to businesses, highlighting the critical role of fintech in economic development.

- **Investment Management**

The investment management sector is experiencing a significant transformation through the integration of fintech solutions. These technological advancements make investment services more accessible and personalised, thereby democratising financial management for a broader audience.

A leading player, Finnomena Co., Ltd. (2023) , provides an innovative digital wealth management platform that includes robo-advisor services and insightful investment analysis. Designed for both novice and experienced investors, this AI-driven platform offers customised advice aligned with individual financial goals and risk profiles.

Companies such as Odini (PeakAccount, 2023) utilise AI to deliver automated, low-cost investment advice. By analysing vast amounts of data, these robo-advisors deliver precise investment recommendations, simplifying the investment process for users.

- **Insurance Technology**

Insurance technology (insurtech) (Sevenpeaks, 2023) is rapidly transforming the traditional insurance landscape, introducing cutting-edge solutions that enhance the customer experience and streamline operational efficiency. This technology-driven shift is redefining how insurance products are designed, delivered, and managed.

Leading insurance providers such as Sunday Ins (2023) and Muang Thai Life Assurance (2023) are distinguishing themselves by offering highly personalised insurance products and services. Leveraging advanced data analytics, these companies use fintech solutions to tailor their offerings to individual customer needs, thereby setting new standards in customer-centric insurance.

The integration of AI and big data technologies has been pivotal for these insurtech companies. These technologies are extensively applied in risk assessment, personalised product offerings, and the presentation of insurance policies that are ideally suited to individual customers. Additionally, these technologies play a crucial role in fraud detection, significantly boosting operational integrity and efficiency.

By adopting these technological innovations, insurtech companies are not only refining their product offerings but also significantly improving customer satisfaction. This strategic use of technology is pivotal in developing their businesses and staying competitive in a dynamic industry.

2.3. Current Status of Traditional Crafts

Traditional crafts are a vital part of cultural heritage across the globe, embodying centuries-old techniques, narratives, and community values. However, in today's fast-paced technology-driven world, these crafts are facing numerous challenges, even as they experience renewed interest amongst certain demographics. This summary explores the status of traditional crafts, highlighting the struggles, shifts in consumer behaviour, and initiatives aimed at preserving these ancient arts for future generations.

One of the primary challenges facing traditional crafts is the dwindling number of artisans. Younger generations often migrate to urban areas in search of conventional employment opportunities, leading to a significant decline in artisanal apprenticeships (Khomkhate, 2018). Traditional crafts, being labour-intensive and time-consuming, can struggle to remain economically viable in a market dominated by mass-produced goods. Market access is another major hurdle, as many artisans lack the resources or knowledge to effectively promote their products, especially on digital platforms that could extend their reach to a global audience. Consequently, their customer base remains limited, often confined to tourists or local communities.

Despite these challenges, interest in traditional crafts is growing, particularly amongst consumers seeking authenticity, sustainability, and unique cultural narratives. The shift is partly driven by a global movement towards sustainability and ethical consumption. Handmade and artisanal products are increasingly valued for their low-carbon footprint and the sustainable practices often involved in their creation. The authenticity of traditional crafts offers a counterbalance to the uniformity of globalised production, with consumers drawn to the uniqueness and cultural heritage each piece represents.

Recognising the cultural and economic importance of traditional crafts, various governments have established initiatives to support artisans and ensure the sustainability of their crafts. One such initiative is the Sustainable Arts and Crafts Institute of Thailand (SACIT) (2021)). Created under the Royal Decree Establishing the Institute for the Promotion of Thai Arts and Crafts (Public Organization) BE 2564 (2021) (Royal Thai Government Gazette, 2021)) and coming into effect on 14 July 2021, SACIT evolved from the former International Arts and Crafts Promotion Center. This renaming and restructuring underscore the government's commitment to enhancing the visibility and sustainability of traditional crafts, reflecting an ongoing dedication to preserving and promoting the nation's rich cultural heritage.

SACIT is crucial in preserving and promoting traditional crafts through diverse

programmes and services. SACIT's key efforts include training and education programmes, marketing and sales support; research and development for innovating craft techniques; and the exploration of new, environmentally friendly materials. SACIT provides cultural preservation grants and funding, collaborates with international organisations to promote Thai crafts globally, and implements a certification system to ensure authenticity and quality. These comprehensive initiatives are vital for sustaining and enhancing Thailand's rich craft heritage.

2.4. Current Status of Other Potential Branding Sectors

Whilst Thailand has made substantial progress in branding products and services within specific sectors, the country is focusing on other strategic areas to expand its ecosystem. Key sectors include the following:

2.4.1. Education Technology

The education technology (edtech) sector has grown exponentially, particularly in the aftermath of the global pandemic, creating substantial branding opportunities as companies position themselves as essential players in reshaping educational landscapes. These organisations are not only highlighting their technological innovations but also emphasising their pivotal role in making education more accessible and engaging for a broader audience.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) (2023), Thailand has made remarkable strides in economic, digital, and educational development. The government's commitment to infrastructure development, digital inclusion, and educational reform has established a robust foundation for further advancements. With an environment ripe for innovation, edtech stands poised to deliver solutions that promise to revolutionise the learning experience, aligning with Thailand's educational enhancement priorities.

2.4.2. Fashion Technology

The fashion industry is increasingly integrating AI to optimise operations, particularly following a global surge in AI adoption within the sector in 2023. This focus, backed by the Thailand Textile Institute (2023), is enhancing efficiency across product design, development, and customer data collection.

Innovative apparel companies are harnessing AI to improve functionality and

sustainability, evident in AI-driven design processes and the development of smart fabrics that respond to environmental conditions. Thai brands are prioritising sustainability, with initiatives such as the Purpose by Pomelo line (2023), which incorporates recycled fabrics and eco-friendly practices. This broader trend amongst fashion brands underscores their commitment to reducing environmental impact and promoting sustainable consumption.

Branding opportunities are vast, with Thai brands well-positioned to lead in technological innovation and eco-conscious fashion, advancing towards a more sustainable and technologically sophisticated industry.

2.4.3. Gaming and e-Sports

The e-Sports industry has recently gained significant attention, drawing interest from commercial and state sectors. The establishment of the Thailand eSports Federation and the official recognition of e-Sports as a competitive sport signal a strategic focus on this growing industry. In 2022, the government allocated over THB400 million to support innovation and business development within the e-Sports and gaming sector.

According to the Digital Economy Promotion Agency of Thailand (DEPA, 2023), e-Sports plays a significant role in education. Several universities, including the University of the Thai Chamber of Commerce, Suan Sunandha Rajabhat University, Bangkok University, Sripatum University, and King Mongkut's Institute of Technology Ladkrabang, now offer courses related to e-Sports, providing students with access to specialised education in this emerging field.

Thailand's strategic approach to e-Sports from both commercial and educational perspectives highlights its commitment to nurturing this rapidly growing industry and positioning the country at the forefront of technological and educational advancements.

In conclusion, each of these sectors presents unique branding challenges and opportunities, allowing companies to distinguish themselves by emphasising innovation, sustainability, and unique customer experiences.

Thailand is strategically enhancing its global competitiveness by investing in emerging sectors such as e-Sports, edtech, and fashion technology. This commitment is laying a robust foundation for innovative enterprises, catalysing the economic landscape, and setting new benchmarks for technological integration and sustainable business practices. By supporting these dynamic sectors, Thailand is effectively blending traditional expertise with modern innovations, providing substantial benefits

to local and international communities alike. This proactive approach is solidifying Thailand's position as a frontrunner in the global digital economy, well-equipped to face the challenges of the new technological era.

3. Case Studies

This section provides an overview of the current state of leading products and services in agriculture and handcraft, health technology, e-commerce, and tech start-ups, based on interviews conducted by the authors. These sectors are recognised for their successful or potentially successful branding initiatives. The criteria for selecting companies featured as case studies in Thailand include the following:

1. The company must be a 100% Thai-owned entity.
2. It should be classified as a small or medium-sized enterprise or a start-up company.
3. The company must have IP registered with the DIP.
4. It should employ effective marketing strategies that utilise its IP rights across various advertising media.

These interviews were made possible through the collaboration between the DIP and the Economic Research Institute for ASEAN and East Asia (ERIA). The DIP plays a crucial role in connecting with potential case study companies and assists by issuing official letters of cooperation to entrepreneurs, ensuring that the information gathered is accurate, relevant, and aligned with the project's objectives.

3.1. Agriculture and Handcraft Industry

3.1.1. Aromatic Farm Co., Ltd.

Geographical Indication: Ratchaburi Aromatic Coconut

(1) Establishment and Development of IP Rights

Ratchaburi Aromatic Coconut was founded by Khun Nuanlaor Dherdkiattikun, the founder of Aromatic Farm Co., Ltd. (ATF), who had long dreamed of owning her own business and had a passion for coconut water. Her interest in aromatic coconut farming began at age 19 when she learned that the aromatic coconut market was growing at a rate of up to 300%. Recognising agriculture's deep roots in Thai culture, she decided to start an aromatic coconut farm despite her lack of experience. Driven by the vision of building a sustainable business, she spent years studying and

gathering knowledge, eventually founding her farm at 40.

After researching the coconut industry, Khun Nuanlaor chose to establish her aromatic coconut farm in Damnoen Saduak, Ratchaburi province, known for producing some of the best aromatic coconuts in Thailand. Amongst the top regions for growing aromatic coconuts are Ratchaburi, Samut Songkhram, Samut Sakhon, and Nakhon Pathom. She purchased a 10-rai (16,000–square metre) farm that had been cultivated for 7 years by the previous owner and continued its operations with a commitment to sustainable agriculture, following organic practices and the principles of the Bio-Circular-Green (BCG) Economy Model. As a result, ATF became a fully organic farm, free from chemical fertilisers and hormones.

The name Aromatic Farm was chosen to reflect the essence of its primary product: aromatic coconuts. The English name was selected to position the brand internationally, making it easy to pronounce, memorable, and directly associated with its main product.

ATF's operations adhere strictly to organic methods, a relatively uncommon approach in the aromatic coconut industry, which gives Aromatic Farm a unique edge. ATF refrains from using chemicals, including fertilisers and pesticides, and focuses on sustainable coexistence with nature. This approach allows a harmonious relationship between the business, the environment, and the community. ATF applies the concept of 'using nature to heal nature', by blending agricultural knowledge from various perspectives to sustain ecological and economic balance. Technological innovations add value to the products. For instance, each coconut tree is tagged with a QR code that records its unique characteristics, tracks its yields, and provides data for continuous improvement.

(2) Marketing Objectives

The primary objective is to establish Ratchaburi aromatic coconuts as internationally recognised and accepted products, enabling exports to global markets. The unique taste of Ratchaburi aromatic coconuts is a defining characteristic that cannot be replicated, securing their registration as a GI. Aromatic Farm's coconuts are also authorised to carry the GI symbol. Beyond coconuts, the farm offers a variety of products, including aromatic coconut water, coconut meat, and coconut jelly.

Another important objective of ATF is to share knowledge and encourage the community to adopt organic farming practices, promoting sustainable, self-sufficient, and eco-friendly agriculture. Initially, Aromatic Farm was the sole 100% organic farm in the area, whilst neighbouring farms continued with chemical-based practices.

However, since the opening of Organic Aromatic Coconut Learning Center (Aromatic Farm Academy) (ATF, 2023), interest in organic methods has spread amongst local farmers.

Finally, to ensure long-term business sustainability, plans include renewable energy projects, such as generating electricity through solar energy. This initiative will help reduce the carbon footprint associated with aromatic coconut farming. Waste materials from production, such as coconut shells, may be repurposed as bioenergy fuel for manufacturing coconut jelly and other products. The farm intends to cultivate alternative crops to offset carbon emissions.

(3) Branding Strategy

ATF began its brand awareness efforts by participating in various festivals and events organised by government agencies, as well as by entering competitions. Its first event was THAIFEX (Koelnmesse, 2023), Asia's leading food and beverage trade show, where Aromatic Farm first attracted several hotel clients. The high quality and excellent taste of ATF's coconuts led to word-of-mouth referrals, steadily increasing brand recognition and diversifying its customer base. The brand became widely known and received invitations to showcase at other prominent festivals.

To expand its influence, ATF launched the Aromatic Farm Academy, a comprehensive learning centre for organic aromatic coconut farming. This initiative, driven by Khun Nuanlaor's commitment to knowledge-sharing, offers nine agricultural learning stations, such as composting and pest control, where visitors can explore the benefits of organic farming. The academy not only shares essential insights but also strengthens ATF's branding efforts by promoting aromatic coconuts and sustainable agriculture within the community.

ATF capitalises on digital marketing by using platforms such as Facebook and Instagram to increase brand visibility. These channels showcase educational content about the farm, highlight ATF's products, and promote involvement in government agencies and academy-organised events. The approach gives potential customers insights into ATF's values and product quality.

ATF's branding strategy employs a combination of geographical branding, offline branding, service branding, and online branding to effectively establish its presence.

ATF's participation in festivals and events, such as THAIFEX, showcases its high-quality coconuts, attracting hotel clients and expanding its customer base through word-of-mouth referrals.

The brand's strong association with organic farming in its specific locality underlines the unique qualities of Ratchaburi coconuts, adding authenticity and appeal.

The Aromatic Farm Academy shows ATF's dedication to educating visitors on organic coconut farming, reinforcing its reputation and connection to its geographic roots whilst promoting its products.

Through Facebook and Instagram, ATF shares educational content, highlights products, and promotes events. This digital presence complements the offline and geographical branding efforts, broadening ATF's reach and growing its recognition locally and internationally.

(4) Effectiveness of Branding

ATF's commitment to sustainable, self-sufficient agriculture and a strong brand identity has made the brand well-known. Through participation in festivals, product competitions, and strategic use of the GI symbol to enhance product value, ATF has attracted recognition. Innovations such as tree-tracking technology, waste recycling, and eco-friendly pest control have further distinguished Aromatic Farm, earning it several accolades, including the 4th SME Start Up Award in 2020, the BCG Business Award in 2021 at the Thailand Top SME Awards, and Earth Safe organic certification. Khun Nuanlaor has been recognised with awards such as the 2020 Lead Farmer at the Learning Center for Agricultural Product Efficiency, the 2019 Top Business Women award from Techsauce (2019), and the 2019 Young Farmer Model award.

Despite these achievements, the use of the GI symbol has not led to a significant increase in product sales, as the public's awareness of the symbol's meaning and importance remains limited. Government agencies should more actively educate consumers about the GI symbol's significance whilst continuing to support and promote businesses.

3.1.2. Black Gold Treasure Co., Ltd.

Geographical Indication: Trang Pepper (Phrikthai Trang)

(1) Establishment and Development of Intellectual Property Rights

Trang Pepper (Phrikthai Trang) refers to fresh, dried, and ground pepper derived from a local variety known as Palian (ปะเหลียน), named after the district where it is grown (Agricultural Information Group, 2023). The pepper is renowned for its distinctive pungency and unique aroma and is grown and processed in Trang province, southern Thailand.

Black Gold Trang Pepper, a brand under Black Gold Treasure Co., Ltd. (BGT), was founded in 2013 by Khun Kanhathai Jitmaitreecharoen. Her vision was to introduce a new economic crop for Trang province as an alternative to rubber and palm oil, commodities whose prices were beyond the control of local farmers.

Whilst exploring alternative crops, Khun Kanhathai learned about a movement to revive Trang or Palian pepper, a native plant of Trang province. Her research revealed its potential as a high-value crop; pepper is globally recognised and widely used in many cuisines, and Thailand imports substantial quantities to meet domestic demand. Having been familiar with Trang pepper since childhood, she noticed that it commanded a higher price than regular pepper from Bangkok, making it a viable and attractive option for development as a new economic staple for Trang province.

Khun Kanhathai began cultivating pepper whilst studying techniques to produce high-quality yields and researching the pepper market. This led to the creation of the BGT Pepper brand. On 29 October 2020, Trang Pepper gained GI status, covering fresh, dried, and ground pepper of the Palian variety.

In her research through the Trang Provincial Archives, Khun Kanhathai found that, around 1890, during the reign of King Rama V, Thailand actively promoted pepper farming, making pepper a significant export to neighbouring countries and Europe. It was sold as 'Trang pepper' and was highly valuable. However, during the colonial era, demand for Trang pepper declined as colonising countries began sourcing pepper from their own territories.

(2) Marketing Objectives

BGT recognises its substantial growth potential in the pepper market due to its high demand. The company aims to expand its presence domestically and internationally, whilst supporting local farmers by purchasing their pepper at fair prices. This approach not only adds value to the products but also promotes sustainable growth in the pepper market.

BGT plans to increase its production capacity, expand its network of farmers, and collaborate with government agencies in Trang province. These efforts will enable BGT to meet the high domestic and international demand. The goal is to see Trang pepper featured in global cuisine and achieve international recognition.

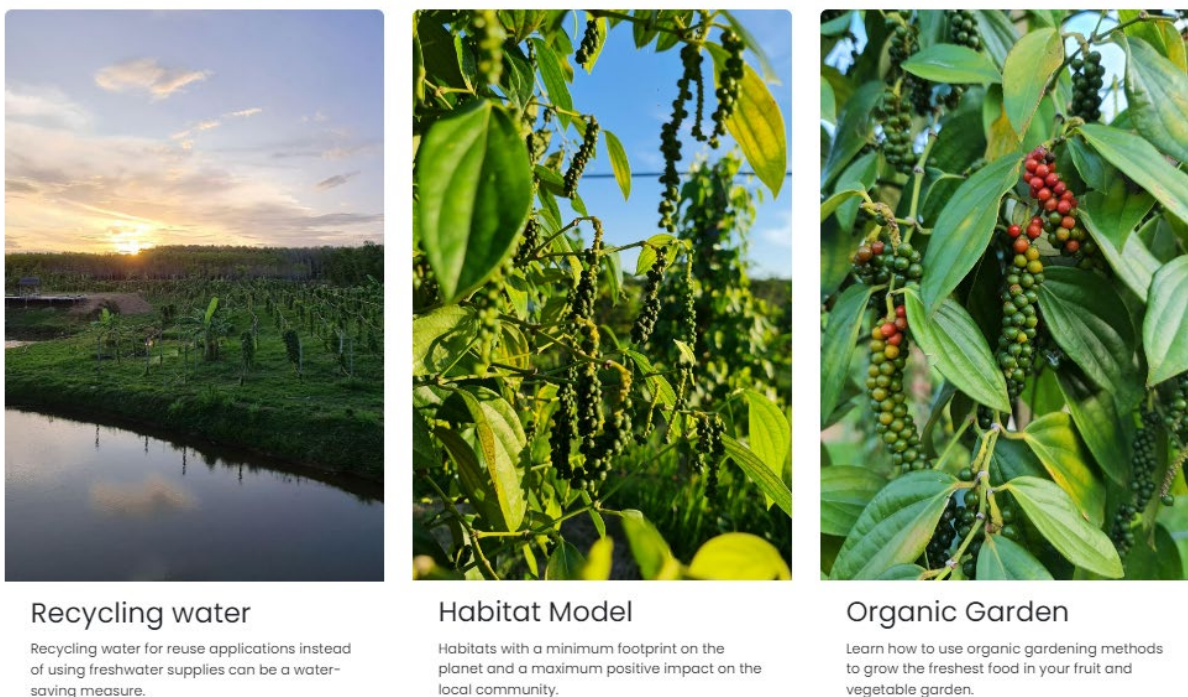
BGT's mission is best captured in its statement: 'Our ultimate goal at Black Gold Trang Pepper Farm is to create a thriving and sustainable business that benefits both the local community and the planet as a whole'.

(3) Branding Strategy

BGT employs seven branding strategies to strengthen its market presence:

- (a) **Identifying strengths and weaknesses.** BGT began its brand-building process by analysing its strengths and weaknesses. It identified Trang pepper's intense, high-quality flavour as a defining characteristic, setting it apart from other peppers. Drawing inspiration from other products such as coffee or wine, which emphasise unique 'taste notes', BGT applied similar methods to showcase Trang pepper's distinct qualities.
- (b) **Consulting with experts.** BGT engaged experts, such as chefs, to gain insights into Trang pepper's flavour profile. This collaboration enhanced the brand's understanding of its unique attributes, enabling more effective brand positioning. By introducing BGT Pepper to chefs – key influencers in the food industry – the brand gained credibility and visibility amongst its target audience.
- (c) **Developing a business model.** BGT crafted a business model that emphasises customer relationships. By sharing the story and identity behind BGT Pepper, the company built trust with customers. The meticulous, sustainable processes used in producing Trang pepper appeal to discerning customers who value high-quality products.
- (d) **Building partnerships with local farmers.** BGT partnered with local farmers to produce high-quality products, supporting the farmers and fostering a knowledge-sharing network. This collaboration enhances both the BGT Pepper brand and Trang province's economy, positioning this partnership as a core strength of the brand.
- (e) **Learning from successful brands.** BGT studied successful brands to refine its brand-building efforts. By studying how these brands communicate their stories, market their products, and set prices, BGT adapted these strategies to BGT Pepper.
- (f) **Positioning as a sustainable brand:** BGT has firmly positioned itself as a sustainable brand, delivering value beyond product quality. Sustainability initiatives include implementing a water-recycling system, mimicking natural ecosystems in farming, and designing reusable packaging.

Figure 3.3. Black Gold Trang Pepper's Environmental Efforts



Source: BlackGold Treasure Co., Ltd. (2023).

(g) **Participating in events.** BGT actively participates in programmes and events, such as the THAIFEX-Anuga Asia 2024 (Koelnmesse, 2023), in collaboration with the DIP, which increases recognition of Trang pepper and extends BGT's market reach.

Based on these strategies, BGT primarily utilises product branding and geographical branding to establish a strong market presence. By highlighting Trang pepper's unique flavour and quality, BGT effectively differentiates its product. The focus on its regional origin enhances geographical branding, adding authenticity and appeal.

BGT employs corporate branding by developing a business model that conveys its identity and values, such as sustainability and quality. The approach builds trust and aligns the brand with principles of high-quality, ethically produced products. Learning from successful brands further supports the strategy by refining BGT's communication and marketing practices.

Finally, BGT leverages online branding to boost visibility. Through its website, BGT shares the story and values of BGT Pepper, providing detailed product information. This online presence is complemented by offline branding efforts, including participation in events such as THAIFEX-Anuga Asia 2024, where BGT showcases its

products directly to potential customers and industry professionals, increasing brand recognition and expanding market reach.

(4) Effectiveness of Branding

BGT's branding efforts have effectively communicated the unique identity of BGT Pepper, distinguishing it from other types of pepper. In the raw material industry, where customers range from home cooks to chefs and hotels with diverse needs, this clear brand underscores that BGT Pepper is not a low-cost, mass-produced product but rather a high-quality pepper, crafted with care at every stage. Its standout flavour is rooted in the unique geographical characteristics of Trang province.

BGT's strategies have built trust, fostered a shared purpose, and encouraged positive support for Thai pepper, local farmers, and global sustainability. This strong brand identity has opened new avenues for support and recognition as the product continues to gain broader awareness.

3.1.3. Celadon Kilns Limited Partnership

Geographical Indication: Celadon Pottery

(1) Establishment and Development

Chiang Mai Celadon Limited Partnership (CMC) was established in 1996 by Khun Tassanee Yaja, owner and managing partner, driven by her love for celadon ceramics and her deep connection to her hometown, San Kamphaeng, in Chiang Mai (Chiangmai Celadon Limited Partnership, 2014). Recognising the geographic richness and the tourism appeal of San Kamphaeng and Doi Saket in Chiang Mai province, Khun Tassanee envisioned creating products that would serve as souvenirs for tourists. She chose to produce CMC ceramics – tableware, home decor, gifts, and souvenirs – aimed at an international audience visiting Chiang Mai, as well as Thai customers who appreciate the cultural heritage of Chiang Mai and Thai craftsmanship.

Celadon Pottery was submitted for GI registration on 31 August 2007. This stoneware is characterised by its glazed surface with a distinctive crackled texture. The glaze is translucent and comes in shades ranging from yellow-green, grey-green, banana leaf green, emerald green, leaf green to brownish green, with occasional blue or brown tones. When tapped, the pottery produces a resonant sound, reflecting its craftsmanship.

'Celadon is our clay, shaped and crafted, transformed into beauty through study,

meticulously refined with wisdom, of great value, worthy of Chiang Mai'. This poem, composed by Khun Tassanee, embodies the creative concept behind the Chiang Mai celadon pottery under the ChiangMai Celadon trademark. Khun Tassanee sought to develop unique pottery that honours local wisdom and traditional handcrafting techniques. Each piece is made from natural black clay and coated with a glaze created from a blend of special wood ash and iron-rich topsoil. Fired at a high temperature of 1,250–1,300 degrees Celsius, each item emerges with its own unique characteristics.

(2) Marketing Objectives

1. **Global brand recognition.** The goal is to establish CMC as an internationally recognised brand, encapsulated in the motto 'When you think of celadon, think of Chiang Mai'. Khun Tassanee aspires to share Thai culture with the world through CMC ceramics, showcasing Chiang Mai's unique identity through distinctively designed, high-end ceramics that reflect local art and culture. The goal is for these products to gain recognition and appreciation domestically and internationally.
2. **Product quality development.** CMC aims to elevate its products to a world-class standard by diversifying the range and introducing innovative techniques. This includes incorporating coffee grounds into the ceramics to create varied textures and adding intricate painted designs to enhance visual appeal.
3. **Educational hub.** CMC seeks to become a centre for learning, targeting young people and those interested in traditional craftsmanship. The company operates a cultural learning centre focused on Lanna tourism, where tourists, students, and other visitors can observe the entire production process. The centre offers hands-on skill-building activities, allowing visitors to appreciate the craftsmanship and value of the products. This initiative supports the sustainable preservation, continuation, and development of Chiang Mai celadon ceramics under the CMC brand.
4. **Enhancing income and quality of life.** CMC is committed to improving the incomes and quality of life of its employees and of local communities. It achieves this by sourcing raw materials from local villagers and employing skilled local artisans to craft each piece with care, ensuring its uniqueness and value. The company prioritises employee development to enhance their knowledge and skills.

(3) Branding Strategy

CMC adopts a self-reliant approach, sourcing raw materials domestically, employing skilled local artisans, and integrating traditional wisdom through continuous learning and innovation. This approach results in unique ceramic products that clearly reflect the CMC brand. The brand's visibility is bolstered through online advertising on platforms such as its website and social media, including Facebook, allowing customers to browse and purchase products online.

As recognition of CMC grew, it expanded its product range by incorporating other art forms, such as hand-painted designs. Collaborations with skilled artists have led to intricately decorated ceramics, enhancing the products' value and aesthetic appeal. These efforts have earned CMC numerous awards, including first prize for ceramic products at the 2014 Lanna Expo.

CMC established a learning centre where visitors can observe the ceramic production process and participate in activities such as pottery, carving, and painting. These initiatives celebrate Lanna craftsmanship and encourage appreciation for CMC ceramics, further enhancing brand recognition. Recognising the unique value of these ceramics, Khun Tassanee was instrumental in registering 'Chiang Mai Celadon Pottery' as a GI.

CMC's branding strategy effectively combines geographical branding, product branding, online branding, and offline branding strategies.

CMC's commitment to using local raw materials and skilled local labour, whilst honouring Lanna traditions, reflects a strong geographical branding strategy. By highlighting its connection to Chiang Mai and securing GI registration for 'Chiang Mai Celadon Pottery', CMC reinforces the authenticity and cultural significance of its brand.

CMC's focus on creating unique ceramics that embody the 'Chiang Mai Celadon Pottery' identity demonstrates a clear product branding approach. The ongoing innovation and inclusion of hand-painted designs and other art forms, often in collaboration with skilled artists, enhance the distinctiveness and value of CMC's products.

Through its websites and social media, CMC effectively promotes the brand online and facilitates customer access to its products, increasing visibility and expanding market reach.

CMC's participation in events such as Medical Fair Thailand and expos organised by

the NIA showcases the company's offline branding efforts. By engaging in significant industry events, CMC expands brand recognition and strengthens its presence in physical marketplaces, especially in international markets, complementing its online efforts.

CMC's learning centre allows individuals to engage with the ceramic production process and participate in hands-on activities, demonstrating the company's commitment to service branding. This initiative not only educates and engages customers but also fosters brand loyalty and deepens connections with the brand.

(4) Effectiveness of Branding

CMC has received substantial government support, particularly following the GI registration of CMC pottery. This registration was granted due to the product's specific production area, with all raw materials within Chiang Mai province. As a result, 'Chiang Mai Celadon Pottery' has gained increased recognition and value. Alongside domestic sales, the company also fulfils custom orders for export to Europe and Asia.

CMC's products have been showcased at various events, including the One Tambon One Product project, where they were designated as a four-star product in utensils, decor, and souvenirs in 2012, later achieving a five-star rating in 2016. In 2018, the company was honoured with the Prime Minister's Export Award. These accolades demonstrate the success and potential of CMC, serving as an example and inspiration for self-development at individual, community, and organisational levels.

3.2. Health Technology Industry

3.2.1. Welala Co., Ltd. (Welala)

Trademark: (Welala)

Figure 3.4. Trademark of Welala Co., Ltd.



Source: Author.

(1) Establishment

Welala Co., Ltd. (Welala) was established in 2016 by Dr. Pongthorn Chotikasemsri, an expert in human genetics and next-generation sequencing technology, which enables the sequencing of nucleotides or DNA bases to identify genetic variations linked to various traits. Initially, the company focused on DNA sequencing services for research purposes. Since its founding, Welala has broadened its offerings, with a strong focus on advancing healthcare systems aimed at longevity and precise disease diagnosis. Amongst its best-selling products is its DNA test kit, popular for its accuracy and user-friendliness.

'Welala' was chosen to convey a sense of well-being, combining 'We' in English with the Thai word '*lala*', which evokes happiness or joy. The name was crafted to be easily memorable, limited to three syllables, and unique enough for trademark registration.

Welala's brand image centres around the concept of well-being, as reflected in its distinctive trademark. Designed to evoke a sense of wealth and vitality, the trademark combines cheerful colours and a design resembling a person raising their hands, symbolising energy and joy.

(2) Marketing Objectives

Welala aims to provide DNA testing services that empower customers to achieve better health through personalised recommendations from expert physicians. This approach ensures accessible health information rooted in global standards.

In its first 2 years, Welala focused on improving users' health through its products. In 2023, Welala expanded its mission, positioning itself as the best personal healthcare provider, committed to delivering top-tier personalised healthcare products. Welala has developed a new product, the HPV Collection Kit, designed specifically to detect human papillomavirus (HPV) in women, and aims for its products to contribute significantly to cancer treatment.

Welala seeks to expand internationally, promoting its products in markets such as India and Hong Kong. Recognising that technology changes every 5 years, Welala has established a long-term commitment to continuous research and development, ensuring its products reach and benefit more users.

(3) Branding Strategy

With its distinctive and catchy name, Welala is committed to building a strong brand trademark by hiring professional designers and continually improving its visual design for greater recognition. Welala has secured support from the NIA in product

development and participates in NIA-organised events, including Medical Fair Thailand, the largest medical and healthcare trade show in Southeast Asia, to promote its products and create international opportunities for Thailand's medical industry. Welala has engaged in digital marketing and shared health-related knowledge, particularly on genomics and longevity science, through its website. Recently, Welala transitioned the business from a business-to-consumer to a business-to-business model to extend the brand's reach.

Welala's branding combines corporate branding, offline branding, and online branding strategies effectively.

Through participation in NIA-hosted events, such as Medical Fair Thailand, and efforts to promote its products and broaden Thailand's medical industry's international presence, Welala demonstrates a strong focus on corporate branding and offline branding. By associating with significant industry events and government support, Welala strengthens its corporate identity and credibility, positioning itself as a key player in the medical and healthcare sector.

Welala's digital marketing activities and its sharing of health-related knowledge, particularly in genomics and longevity science, show an effective online branding strategy.

(4) Effectiveness of Branding

Following brand promotion across various channels, including endorsements from medical influencers, Welala has received feedback confirming strong trademark recognition. This indicates that its trademark and branding efforts have been instrumental in raising brand awareness.

Government support is crucial in helping Thailand's brands expand internationally. Whilst government agencies have contributed to product development, they offer less marketing support than agencies in other countries, such as Singapore, where government ministries actively engage in product development and international marketing. Recognising that domestic purchasing power alone cannot drive substantial growth, increased government support for marketing is essential for Thailand's brands to compete and thrive globally.

3.2.2. Genius Genetics Co., Ltd.

Trademark:

Figure 3.5. Trademark of Genius Genetics CO., Ltd.



Source: Author.

(1) Establishment

Genius Genetics Co., Ltd. (GG) was established in 2019 with the goal of improving public health. Recognising the market potential for genetic testing products, which were relatively new and not widely available in Thailand at the time, GG seized the opportunity for growth by developing Geneus DNA, a product that analyses genetic information from white blood cells in saliva, and launched it in 2020.

(2) Marketing Objectives

GG aims to integrate new technologies to promote better health for its customers. Its specific goals include the following:

- **Providing customers with comprehensive test results.** These cover various health areas, such as nutrition, allergies, disease risk, weight management planning, and even talents, identified through DNA. By understanding their genetic makeup, customers can take more precise care of themselves and their families.
- **Continuing to grow and increase sales, including expanding its international market presence.** However, the company remains dedicated to improving its existing products, believing that high-quality products will drive sustainable growth through word-of-mouth recommendations and repeat purchases.

GG's mission is to prioritise health benefits for all and advance the country's genetic science. GG is committed to making DNA testing technology accessible, enabling everyone to use their genetic information as a key to achieving sustainable health and an improved quality of life in the future.

(3) Branding Strategy

GG prioritises the development of high-quality products by incorporating advanced international technologies and collaborating with reputable global institutions for

test result verification, ensuring the reliability and quality of its products.

GG is committed to providing customers with comprehensive test results at reasonable prices, with reports covering more than 500 traits. GG has focused on building a health-related community to make it easier for customers to learn about and access its products. This strategy helps integrate GG's products into the daily lives of customers. For example, some GG branches feature an integrated café whose logo reflects GG's trademark, featuring a DNA helix and the letter 'G', representing 'Geneus'.

GG collaborates with businesses, such as fitness centres, to enhance its relevance in areas related to health and fitness. GG partners with influencers, actors, and well-known figures on social media to increase brand recognition.

GG's focus on high-quality product development through advanced international technology and partnerships with reputable institutions reflects its product branding approach. This commitment to reliable, scientifically backed solutions strengthens GG's identity as a premium health brand. Its comprehensive test results further distinguish GG's offerings in the market.

The creation of a health-oriented community highlights GG's service branding strategy. The integration of its products with café spaces, where the café's logo aligns with GG's trademark, exemplifies GG's dedication to customer engagement and loyalty, presenting the brand as an integral part of a healthy lifestyle.

GG's approach combines product, service, co-, online, and personal branding strategies.

(4) Effectiveness of Brand Building

GG has found that brand building is essential for customer recognition of its products, with word-of-mouth referrals contributing significantly to an increase in new customers interested in GG's offerings.

The high quality of its products and the incorporation of advanced technologies have been key in attracting users. When customers experience the quality of GG's products, they are more likely to return for repeat purchases.

3.3. E-commerce

3.3.1. Betterbe Marketplace Co., Ltd.

Trademark: (E-commerce platform)

Figure 3.6. Trademark of Betterbe Marketplace Co., Ltd.



Source: Author.

(1) Establishment

Betterbe Marketplace Co., Ltd. (BM) launched the NocNoc e-commerce marketplace platform in 2019 (Betterbe Marketplace, 2019), aiming to connect sellers and buyers by providing a trustworthy space for home living transactions. Recognising the rapidly evolving housing industry, NocNoc found that sellers often focus on product development yet struggle to reach potential buyers, whilst buyers face difficulties in sourcing reliable information on home-building, evaluating its credibility, and budgeting for their dream home. NocNoc was created to address these challenges, offering a platform designed to enrich the experiences of buyers and sellers. The company's name, BetterBe Marketplace Co., Ltd., reflects its commitment to enhancing quality of life through the NocNoc marketplace.

The trademark 'NocNoc' is inspired by the sound of knocking on a door, symbolising the company's role as a facilitator, opening doors for buyers and sellers. NocNoc helps them achieve their goals: sellers showcase their products, and buyers realise their dream homes – turning inspiration into reality (Roomscene InspiREALtion), by finding ideas, selecting products and services, and ensuring every detail is just right, all on a single platform.

BM positions itself as an integral part of the community, a living entity within society that supports buyers and sellers in achieving their aspirations and thriving in the online marketplace. A key driver of NocNoc's growth and success is the shared vision amongst its employees, who are motivated to see NocNoc flourish and improve people's lives.

BM is committed to presenting itself as a trustworthy and reliable friend. When customers need advice on housing, they turn to NocNoc, viewing it as both a friend and a dependable service provider. This brand identity is embodied by BM's employees, who are expected to demonstrate accountability, integrity, and passion in assisting customers. BM employees are encouraged to be inquisitive, constantly innovating and adapting to a rapidly changing industry, whilst always showing respect for customers.

(2) Marketing Objectives

BM is fully committed to becoming the ultimate home and living destination by leveraging AI and platform technology to create a comprehensive one-stop service through its NocNoc trademark. This service provides customers with a complete platform experience, from home design inspiration to the realisation of their ideas. A key feature of NocNoc's platform is the Roomscene InspiREALtion, where home-related products are showcased in various settings, allowing customers to visualise how these items would appear in their own spaces. BM's goal is for each purchase to stem from genuine desire, supported by a clear vision of how products fit into the customer's style and home decor.

To enhance the shopping experience further, BM is integrating online and offline channels (Omni-Channel). Through events such as the NocNoc Fair and pop-up Stores, the company enables customers to experience products in person, catering to those who prefer hands-on interaction before purchasing. These events offer additional inspiration for home decoration.

Beyond expanding its market within Thailand, BM is also focused on expanding NocNoc's presence internationally, particularly in the ASEAN region.

(3) Branding Strategy

BM's branding strategy is multifaceted, incorporating AI technology to analyse and address individual customer needs through personalised product customisation. This approach ensures that customers receive products that are perfectly suited to their preferences. BM gathers data from various sources, including its platform, social media recommendations, and other platforms, to create a tailored experience for each customer. This strategy not only simplifies the purchasing process but also adapts to evolving consumer demands across areas such as construction, renovation, home extensions, and building materials within limited timeframes and budgets.

For customers who prefer direct consultation, BM has introduced its Home Solution service, providing a seamless, one-stop experience through direct interactions with experts.

To broaden its outreach, BM hosts activities that cater to its customers' diverse needs. By forming partnerships with major enterprises, expanding its market reach to smaller businesses, and diversifying its product range, BM has strengthened its market presence. BM's foray into the business-to-business market through NocNoc for Business provides business solutions ranging from design and product selection to comprehensive services tailored for stores, restaurants, cafés, hotels, and offices.

BM collaborates with partner vendors to provide special promotions across various activities.

BM's approach exemplifies strategic branding through product, service, offline, co-, and online branding strategies.

BM's use of AI for personalisation reflects a product branding approach, enabling the company to deliver products that are distinct and perfectly suited to the customer, thereby enhancing the brand's appeal and recognition.

The Home Solution service, which offers expert consultations, highlights the company's commitment to service branding. This initiative reinforces BM's reputation as a customer-focused and reliable brand, enhancing service quality and supporting long-term customer loyalty.

Through digital platforms, BM capitalises on online branding, extending its reach and facilitating engagement with customers. By utilising its platform, social media, and other online channels, BM ensures a streamlined, tailored purchasing experience whilst maintaining relevance in the digital landscape.

BM's offline branding efforts, including hosting in-person activities, foster direct engagement with customers. These events address diverse customer needs and solidify BM's market presence. Partnerships with major enterprises and participation in events extend BM's customer base and elevate brand visibility in offline settings.

BM's venture into the business-to-business market with NocNoc for Business and vendor partnerships for special promotions further exemplify its strategic use of co-branding, effectively engaging both businesses and individual consumers.

(4) Effectiveness of Branding

BM has achieved remarkable growth, with platform sales exceeding THB10 billion, over 6,000 sellers, and more than 700,000 products. The company now serves customers nationwide, achieving a sales increase of over 100% in 2023. BM projects an additional 40% sales growth in 2024.

The brand has gained significant consumer recognition and industry respect. Within just a few years since its launch, BM has received multiple accolades, including the Best Brand Performance on X for effective campaigns on the platform, and the Best Brand Performance on Social Media in the Marketplace & E-Commerce Platform category at the 11th Thailand Social Awards.

For BM, brand building extends beyond marketing; it is about creating an identity that conveys maximum value to customers and business partners. As BM states, 'Our

goal is not to operate the business for short-term profit or to outcompete others, but to support and nurture the entire ecosystem – customers, sellers, craftsmen, designers, delivery personnel, and all industry partners’.

3.3.2. Tomato Ideas Co., Ltd.

Trademark: (ketshopweb)

Figure 3.7. Trademark of Tomato Ideas Co., Ltd.



Source: Author.

(1) Establishment

Tomato Ideas Co., Ltd. (TTI), owner of the Ketshopweb trademark, was founded in 2013, initially specialising in software development tailored to clients’ specific objectives. However, TTI’s strong design capabilities soon caught the attention of clients, who began requesting web design services as well. At the time, creating engaging, visually appealing websites often required purchasing expensive templates. In response to growing demand, TTI expanded its services to include the creation of ready-made websites for online stores, featuring tools for managing online stores, processing orders, and supporting multi-channel sales across websites, whether through the website, social media, or marketplaces.

The name ‘Ketshopweb’ comes from TTI’s original name, Tomato Ideas. Founder and current director Khun Chaiyut Janviriyasopak, inspired by his fondness for tomatoes, coined ‘Tomato Ideas’. As the company evolved from software development to ready-made website creation, the brand adopted Ketshop, a playful reference to ‘ketchup’ (a finished tomato-based product) combined with ‘web’ to denote its focus on web solutions. Thus, the trademark Ketshopweb was born.

The brand’s development is rooted in TTI’s desire to meet diverse client needs, leading expanded services that prioritise user-friendly solutions addressing specific target audience requirements. Emphasising cost-effective and effective technology, the brand is driven by three critical objectives: business strategy, enabling technology, and target users. Focusing primarily on small business owners seeking affordable, customisable websites, TTI offers clients the ability to personalise their sites independently, with comprehensive after-sales support readily available when

needed.

(2) Marketing Objectives

TTI aims to strengthen its relationships with existing customers through a membership system. The system enables customers to sign up, earn points, and redeem them for discounts, thereby encouraging repeat business. TTI partners with other service providers, such as ZWIZ.AI (2023), PEAK (2023), and Siam Commercial Bank (2023) and United Overseas Bank (2023), to offer promotional discounts that attract new customers. TTI's primary goal is to provide comprehensive website creation services for online businesses and to develop systems that meet the needs of its target customers. The company provides a wide range of services, including website creation (Web Application), e-commerce solutions, cloud storage solutions (Cloud Solution), and search engine optimisation and search engine marketing services (SEO & SEM).

(3) Branding Strategy

TTI initially gained recognition through word-of-mouth, as satisfied customers recommended its services to others interested in starting their own businesses. At the time, few companies offered ready-made website creation services with a variety of templates at reasonable prices, fully catering to customer needs. This unique positioning quickly made TTI a popular choice amongst entrepreneurs.

TTI partnered with financial institutions such as Siam Commercial Bank to organise seminars that support SMEs. These events featured knowledge sharing, business consultations, and workshops designed to develop essential business skills for entrepreneurs. Khun Chaiyut, TTI's director, was invited to speak at these events, further raising TTI's profile and expanding its customer base.

TTI employs a strategic mix of service, co-, and online branding, which has played a crucial role in TTI's branding efforts and overall business growth.

The company's initial recognition through word-of-mouth suggests a strong emphasis on service branding, with positive customer experiences playing a critical role in spreading awareness. By providing ready-made website creation services with various templates at reasonable prices, TTI solidified its reputation as a reliable service provider for aspiring business owners.

The partnership with financial institutions such as Siam Commercial Bank illustrates TTI's effective use of co-branding. Collaborating with respected brands enhanced TTI's credibility and extended its reach.

Khun Chaiyut's role as a featured speaker at events contributed to personal branding, further increasing the company's visibility and expanding its customer base.

TTI's website launch reflects a strong commitment to online branding. This serves as both a platform for providing website creation services and a hub for sharing the company's values, products, and services. This online presence has been instrumental in reaching a broader audience, providing a seamless customer experience, and reinforcing TTI's position as a modern and accessible service provider.

(4) Effectiveness of Branding

Today, despite the abundance of ready-made website creation services, TTI stands out through its distinctive and recognisable 'Ketshopweb' trademark, prominently displayed on its website and in social media promotions, making the brand memorable for customers. Combined with partner promotions, a membership system, and dedicated after-sales services, TTI successfully encourages customer loyalty, with many customers choosing to return for their website needs.

3.4. Tech Start-ups

3.4.1. Semantic Touch Co., Ltd.

Trademark: (BentoWeb)

Figure 3.8. Trademark of Semantic Touch Co., Ltd.



Source: Author.

(1) Establishment

Semantic Touch Co., Ltd. (STT) developed a one-stop-service online platform under the trademark BentoWeb. The name BentoWeb was conceived by STT's director, Khun Nutthaseth Sirinanthanon, who recognised that the e-commerce industry was led predominantly by the United States and Japan at that time. He envisioned a memorable, three-syllable name that evoked Japan, a global leader in the field. Thus, BentoWeb was chosen, symbolising a platform that, much like a bento box containing a complete meal, offers everything a business needs in one place.

STT initially focused on international market expansion, aiming to help entrepreneurs extend their reach beyond domestic borders. Japan was the first target market, but after some attempts, STT realised that it did not align with the company's strategic direction. Following a situational analysis, STT shifted its focus to neighbouring countries, specifically Myanmar and the Lao People's Democratic Republic (Lao PDR), due to their proximity and logistical ease. Myanmar was the first target. However, internal political issues prompted a pivot to the Lao PDR. In the Lao PDR, STT has successfully established local representatives, warehouses, and collaborations with government agencies, achieving significant success in the region. STT is planning further expansion into more distant international markets. Domestically, STT aims to help entrepreneurs increase order volumes by implementing strategies that encourage repeat purchases from existing customers.

(2) Marketing Objectives

BentoWeb was conceived by STT to offer SMEs with limited budgets an affordable and accessible way to create their websites, with every step of the process made as simple as possible. Anticipating the growth and popularity of e-commerce, STT strategically developed BentoWeb to support entrepreneurs and continues to evolve the platform, adding services that enable business owners to manage their stores efficiently. The system simplifies each stage of business management, allowing entrepreneurs to focus on growing their businesses.

BentoWeb is a ready-to-use storefront system equipped with management tools that empower users to start e-commerce, mobile commerce, and social commerce ventures with ease. The platform supports orders and payment acceptance across all channels, including social media and mobile devices, standing out for its versatility across smartphones, tablets, and personal computers. STT facilitates seamless buying and selling products on popular social media platforms such as Facebook, X, Line, and Pinterest. Communication errors are minimised through AI-powered features, such as a customisable chatbot that interacts with customers across social media channels. The platform includes a suite of features tailored to business needs: one-page checkout, retail and wholesale pricing options, stock management, sales reports, customer data summaries, discount codes, super discounts, email and SMS marketing, multiple shipping options, and easy import and export of product data from Facebook and Instagram.

BentoWeb's brand is presented in a playful, approachable style, featuring charming, colourful cartoon graphics. The communication style is simple and concise, ensuring business owners can quickly understand the platform's benefits. STT prioritises

quick and reliable back-office services, offering live chat and help desk services around the clock. STT maintains contact with business owners at least every 3 months to assess their needs and gather feedback for continuous improvement. This approach aligns with the brand's core principle: 'making things easier and continually simplifying them'. Today, BentoWeb provides a wide range of comprehensive services to support entrepreneurs, including photography, shipping, and warehousing services, to meet the full spectrum of their business needs.

(3) Branding Strategy

In its early stages, STT invested heavily in online marketing, including advertising and media promotions under the brand BentoWeb. However, this approach did not yield the expected results; STT remained relatively unknown, and customers did not fully understand its services. In response, STT adjusted its strategy, reducing advertising expenditures to focus instead on improving service efficiency and expanding service options. This shift led to increased popularity and brand recognition, and STT has not needed to invest in advertising for the past 8 years.

STT has become well-known through word-of-mouth referrals from satisfied customers who trust and endorse its offerings, attracting new clientele. Khun Nutthaseth has strengthened the brand's visibility by serving as a speaker on e-commerce at universities, the Ministry of Commerce, and the MDES, and by writing for online media.

STT's branding journey reflects a strategic shift from initial branding effort – heavy investments in online marketing and promotions under the BentoWeb brand – to a successful combination of product branding, corporate branding, and service branding strategies. This approach significantly boosted its popularity and market presence.

The shift from heavy advertising to enhancing service efficiency and expanding service options reflects a strong corporate branding strategy. By promoting the company's core values of reliability and customer-centric service, STT built a solid reputation, driving organic growth through word-of-mouth referrals. This customer-driven recognition illustrates the effectiveness of its service branding, where service quality and reliability became key market differentiators.

(4) Effectiveness of Branding

Khun Nutthaseth said that trademark registration was essential for establishing the brand's identity and ensuring that it remained memorable to customers. He emphasised that product development is an integral part of brand building. As a

result, STT prioritises ongoing service enhancements to meet customer needs, guided by the principle of making e-commerce accessible and straightforward. By providing services that impress and encourage repeat business, STT has successfully increased both brand recognition and its customer base.

4. Analysis

4.1. Overview of Legal Frameworks and Digital Transformation

Thailand's Trademark Law plays a crucial role in protecting and promoting brands. This legal framework ensures that trademarks used to distinguish goods or services are adequately protected, fostering a secure environment for business growth and innovation.

Similarly, the GI Law is vital for preserving the cultural and economic value of local products in Thailand. The act provides a legal framework for protecting products linked to specific regions, ensuring that only producers within those regions can use the designated GI. By safeguarding the authenticity and enhancing the marketability of these products, GIs contribute significantly to the economic stability and growth of local communities.

Branding, supported by these robust legal frameworks, has become a critical tool for businesses and regions to differentiate their offerings in a competitive market. A brand serves not only as an indicator for consumers to identify products but also as a powerful means of conveying value, quality, character, and reliability. Branding's influence on consumer choice is vital for individual businesses and regions looking to attract travellers and investors. The successful branding of products with strong trademark and GI protection exemplifies how Thailand's brands can be leveraged to boost economic prospects.

However, despite these advances in branding and IP protections, Thailand faces significant challenges in navigating the digital transformation. The rapid pace of technological change requires continuous adaptation from both the government and businesses. SMEs, in particular, may lack the resources and knowledge needed to capitalise on digital opportunities. Ensuring that IP laws keep pace with digital advancements, such as e-commerce and online marketing, is essential to maintaining the integrity of Thailand's brands in a globalised digital market.

Whilst Thailand has made significant strides in legal protection, branding, and supporting SMEs through government initiatives, the ongoing digital transformation presents both opportunities and challenges. Continued efforts are needed to ensure

that Thailand's IP framework remains robust and adaptable, enabling Thailand's businesses to thrive in an increasingly digital world.

4.2. Overview of Branding Methods

The analysis of branding methods employed by companies in our case studies indicates that online branding is the most prevalent method in Thailand. This focus on online branding reflects the rapid digital transformation underway across the country. As digital platforms become increasingly integral to consumer lifestyles, Thailand's companies have adapted by enhancing their online presence. This shift not only caters to the growing consumer preference for digital interactions but also allows businesses to leverage data analytics and targeted marketing more effectively, ensuring they reach a broader audience with personalised communication.

Following online branding, the next most popular methods are product, corporate, offline, and service branding. Product branding is crucial for companies aiming to differentiate their offerings in a competitive market, highlighting unique features and benefits to attract specific customer segments. Corporate branding helps build a strong brand identity and corporate culture that resonates with employees and customers, reinforcing trust and loyalty. Offline branding remains significant despite the digital shift, as companies use traditional media and public events to maintain a comprehensive brand presence. Lastly, service branding is key for service-oriented businesses that focus on customer care and personalised service as their main selling points, ensuring customer satisfaction and repeat business.

Together, these diverse branding methods reflect a holistic approach to building and sustaining brand equity in Thailand, addressing various facets of consumer interaction and market dynamics influenced by both global trends and local preferences.

4.3. Policy Recommendations

(1) Policy Recommendations for Entrepreneurs

Entrepreneurs should prioritise online branding as the cornerstone of their branding strategy. By investing in robust digital platforms that provide seamless user experiences and making strategic use of social media, they can significantly enhance brand visibility and engagement. Utilising analytics to understand customer preferences and behaviour online will enable more targeted and effective marketing strategies.

Whilst online branding is crucial, entrepreneurs should not overlook the importance of product, corporate, offline, and service branding. A balanced approach ensures comprehensive market coverage, leveraging product uniqueness, corporate values, physical marketing channels, and exceptional service to build a strong, multifaceted brand identity.

Entrepreneurs should stay updated on global trends and technological advancements to keep their branding strategies fresh and relevant. Regular training and workshops for entrepreneurs and their staff can enhance skills in digital marketing and branding techniques, which are crucial for maintaining a competitive edge.

Entrepreneurs should consider focusing on branding strategies within niche markets (California Management Review, 2020), where consumers have specialised preferences and competition is limited. Niche markets require dynamic approaches to value creation, with customer value propositions that remain fluid and production, distribution, and marketing capabilities that are continuously refined. In such markets, geographical branding is particularly beneficial, helping raise awareness of a product's unique qualities and geographically distinguishing it from competitors. Incorporating sustainability into the brand narrative can significantly boost its appeal. Today's consumers are increasingly drawn to brands that not only offer high-quality products and services but also demonstrate a commitment to environmental and community well-being. By aligning with these values, brands can foster a deeper connection with their customers and strengthen their market position.

(2) Policy Recommendations for the Government

Thailand's digital economy holds significant growth potential, especially as many entrepreneurs, particularly small or local businesses, are still transitioning to new technologies such as AI, automation, and robotics (Bhula-Or & TSRI, 2023). To support this shift, the government should continue investing and expanding digital infrastructure to ensure that businesses across all regions have access to reliable, high-speed internet. This would facilitate the widespread adoption of online branding and e-commerce.

The government should implement further policies to support the growth of SMEs. These could include grants for digital marketing training, subsidies for technology adoption, and incentives for sustainable business practices. Such measures could enhance the quality and competitiveness of Thailand's brands and help position the country as a hub for innovation and quality across various sectors. Further initiatives might include funding participation in international expos, providing marketing

assistance, and creating platforms to showcase Thailand's brands globally.

Policies such as establishing a GI e-Directory to provide detailed information about GI products and the GI@Home platform for accessing GI products reflect a proactive approach by the Ministry of Commerce, complemented by the creative concept of GI villages and GI routes, which promote GI products alongside tourism. Collaboration with the Ministry of Tourism and Sports could further amplify efforts to boost both GI product sales and tourism in Thailand.

The government should consider taking a proactive role in supporting companies' branding activities. Traditionally, branding activities – dominated by major advertisement agencies – incurred high costs, making branding seem feasible only for large companies with substantial budgets. As a result, SMEs often focus on product branding, particularly product quality, whilst perceiving branding activities as limited to large corporations. However, recent online methods, which are comparatively low-cost, have made branding accessible to a broader range of businesses. Whilst the use of platforms such as Facebook, Instagram, or X can support branding, effective online branding requires expertise and strategic planning. Advertisement agencies and marketing companies possess the knowledge needed for impactful online marketing, and government subsidies could significantly bolster product branding efforts. The involvement of professional agencies could encourage companies to explore more sophisticated branding activities, such as corporate, personal, or co-branding.

Interviews with the case study companies reveal that some require additional government support to reach international markets. Collaborations between the Ministry of Commerce and the Ministry of Foreign Affairs could help guide small entrepreneurs to these markets by providing global marketing funds, promoting Thailand's innovations globally and facilitating participation in international trade shows. Fostering collaboration with large foreign companies could enhance foreign investment in Thailand's technology sector. Encouraging partnerships between Thailand's brands and international companies could help local brands scale up and access global markets, enhancing their branding and operational capabilities.

Implementing these recommendations would allow Thailand's entrepreneurs to build stronger, more resilient brands that appeal to local and international markets, whilst government support would create a conducive environment for these brands to thrive.

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