

# ประมวลศัพท์พื้นฐานทางทรัพย์สินทางปัญญา

นาย สิทธิคุณ ชื่นชมรัตน์

สารนิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรปริญญาอักษรศาสตรมหาบัณฑิต  
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# Basic Terminology of Intellectual Property

Mr. Sittikoon Chuenchomrat

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สิทธิคุณ ชื่นชมรัตน์ : ประมวลศัพท์พื้นฐานทางทรัพย์สินทางปัญญา  
ที่ปรึกษา : อ. ดร. วิโรจน์ อรุณมานะกุล

สารนิพนธ์เรื่อง ประมวลศัพท์พื้นฐานทางทรัพย์สินทางปัญญา มีวัตถุประสงค์หลักเพื่อศึกษากระบวนการทำประมวลศัพท์และสร้างประมวลศัพท์พื้นฐานสำหรับนักแปลไทยและผู้ใช้เฉพาะทางด้านกฎหมายทรัพย์สินทางปัญญา ทั้งนี้ เนื่องจากวิชาศัพท์วิทยาเป็นสาขาวิชาใหม่ในประเทศไทยที่ยังต้องการการวิจัยเพื่อการจัดการและการถ่ายทอดความรู้ในสังคมยุคข้อมูลข่าวสาร และความขาดแคลนประมวลศัพท์ทางด้านทรัพย์สินทางปัญญาที่ทวีความสำคัญยิ่งขึ้น ในขณะที่การค้าระหว่างประเทศกำลังเจริญเติบโต

งานวิจัยชิ้นนี้ ได้สร้างระเบียบวิธีการวิจัยตามแนวทางการทำประมวลศัพท์เชิงปฏิบัตินิยมซึ่งมีนักวิชาการหลักๆ อาทิ เซเจอร์ เพียร์สัน กาเบร์ และเท็มเมอร์มันน์ และแบ่งระเบียบวิธีการวิจัยออกเป็น ๕ ขั้นตอนหลัก ได้แก่ ๑. การสร้างคลังข้อมูลภาษา ๒. การรวบรวมบันทึกศัพท์ ๓. การคัดเลือกศัพท์ ๔. การสร้างระบบมโนทัศน์สัมพันธ์ และ ๕. การให้นิยามศัพท์ภาษาไทย

ผลการวิจัยแสดงให้เห็นว่า ในปัจจุบันทรัพย์สินทางปัญญาสามารถแบ่งออกเป็นสาขาย่อยได้ ๙ สาขา ได้แก่ ลิขสิทธิ์ สิทธิบัตร เครื่องหมายการค้า การออกแบบ การออกแบบอุตสาหกรรม การออกแบบผังภูมิของวงจรรวม การลงขาย ความลับทางการค้า และสิ่งบ่งชี้ทางภูมิศาสตร์ จากสาขาย่อยทั้งหมด ๙ สาขานี้ พบมโนทัศน์ทั้งหมด ๔๐ มโนทัศน์ แสดงด้วยคำศัพท์ ๕๓ คำ ในส่วนของมโนทัศน์สัมพันธ์ พบความสัมพันธ์ระหว่างมโนทัศน์ทั้งหมด ๑๐ แบบ

Sittikoon Chuenchomrat : Basic Terminology of Intellectual Property

Advisor: Wirote Aroonmanakun (Ph.D)

The research “Basic Terminology of Intellectual Property” has its purposes on studying the terminological methodology and providing a basic terminology of Intellectual Property for Thai translators and other specialized users working in the subject area of Intellectual Property. This research derives from the necessity of grounding Terminology in Thailand, which earns more and more important role in knowledge management, in particular in the international trade.

Based on the pragmatic approach to Terminology led by Sager, Pearson, Cabre and Temmermann., the methodology of the research can be roughly divided in 5 stages: corpus construction, compilation of extraction records, term selection, construction of conceptual structure and Thai definition rendering.

The result of this research shows that the subject field Intellectual Property at present can be roughly divided into 9 sub-fields: Copyright, Patent, Trademark, Design, Industrial Design, Layout-design of Integrated Circuits, Passing off, Trade Secret and Geographical Indication. From these sub-fields, 40 concepts designated by 53 terms and 10 forms of conceptual relationship are established.

## **Acknowledgement**

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## Chapter I : Introduction

### 1.1 Rationale

Over the past 2 decades, the world has seen the closer economic and trade cooperation at different levels and the development in goods and services made possible by advanced technologies. These phenomena have brought with it not only the prosperity but also trade disputes, in particular infringement of intellectual property rights (IP). As a result, new laws for settlement of trade disputes, governing trade activities and protection of goods and services have been provided and extended: to mention but a few, copyright, patent, trademark, industrial design laws etc. It seems that the more diversified the international trade is, the more new laws of intellectual property are given rise, for example, the Act of Trade Secret Law of Thailand, which has recently been passed. This results in a wider scope of the subject field “Intellectual Property” and more new concepts.

Despite the more important role and the long history of Intellectual Property of Thailand, which can be dated back to 1892, a special dictionary of Intellectual Property has never been made available. Arguably, there are some dictionaries of law but most of them are not practical because law is a very broad field of study, which can be further divided into many sub-fields. Consequently, it’s unpractical for specifically specialized users, such as translators or IP law students. Let’s consider the following entries given in the dictionary of law by the Royal Institute:

- |                     |   |
|---------------------|---|
| 1. Argument         | ๑. คำแถลงการณ์ (ป. วิ. แพ่ง)<br>๒. ข้อโต้แย้ง |
| 2. Aristocracy      | อภิชนาธิปไตย                                  |
| 3. Armed force      | กำลังรบ                                       |
| 4. Armed neutrality | ความเป็นกลางโดยมีกำลังรบ (ก. ระหว่างประเทศ)   |

These 4 entries show that this dictionary of law, and many others, provides users only the equivalent in another language. For such specialized users as translators, this is considered insufficient because, apart from the TL equivalent, the explanation and usage samples should be provided in order to help make clear the cross – cultural communication. For example, the TL equivalent of the term “aristocracy” does not provide information about the term being defined and the 2<sup>nd</sup> definition of the term “argument” also does not give any information about the context of use.

The more important role of international trade, the lack of sub – field based dictionary of law and the insufficiency of definition justify the motivation to conduct this research.

## **1.2 Objectives of the research**

This M.A. research has two purposes as follows:

1. To study terminological methodologies because Terminology is a new field of linguistic study and, thus, needs a strong methodological base for further development.
2. To provide a basic glossary of IP terms, which are used at the international level.

## **1.3 Hypothesis**

Based on The Agreement of Trade-related Aspects of Intellectual Property rights (TRIPS Agreement), Intellectual Property is a subject field consisting of concepts in the areas of Copyright, Patent, Trademark, Industrial Designs, Lay-out Designs (Topographies) of Integrated Circuits, Geographical Indications, Protection of Undisclosed Information and Control of Anti-competitive Practices. These concepts are related and can be organized into a conceptual system of Intellectual Property.

#### **1.4 Scope of the research**

“Intellectual Property (IP)” is a broad regime of legal protection, which is provided for by most countries over the world and can further be divided into different laws, for example, Copyright, Patent and Trademark etc. However, the intellectual property protection is different from one country to another in respect of the use, for example, the requirements for securing the legal protection provided by those laws. With this reason, the scope of this research is limited to the subject matter of IP laws under the subject field of Intellectual Property, which exist at the international level. The parts dealing with the use of each IP Laws, for example, the infringement and the procedure of securing etc. are excluded.

With the purpose of providing a basic glossary of IP terms, which can be internationally applied, this research relies on the areas of intellectual property law given by the TRIPS Agreement under the World Trade Organization, of which most countries are members. These areas are as follows: Copyright, Patent, Trademark, Industrial Designs, Lay-out Designs (Topographies) of Integrated Circuits, Geographical Indications, Protection of Undisclosed Information and Control of Anti-competitive Practices.

As a result, a term list of basic concepts in the field of Intellectual Property together with their definitions, which are common to most countries.

#### **1.5 Structure of the research**

This research consists of 4 major parts, which are divided into 8 chapters and the appendices. The first part (chapter 2) deals with the development of terminological theories and the terminological approaches, on which this research is based.

The second part consists of Chapters 3, 4, 5, 6 and 7, which forms the major part of this research. To begin with, the Chapter 3 deals with the construction of corpus, Chapter 4 with the compilation of extraction records, Chapter 5 with the term selection, Chapter 6

with the construction of conceptual structure and the Chapter 7 with the definition rendering.

The third part is the conclusion of this research, dealing with the result of the research, obstacle in doing the research and the application of the terminology of Intellectual Property.

The fourth part is the appendices, including appendix A, B and C. Appendix A presents the terminological records, in which Thai definitions of the terms are incorporated. Appendix B shows the details of the conceptual structure of Intellectual Property. Appendix C shows the extraction records of term candidates, from which the terms are drawn.

## **Chapter II : Literature review**

Terminology as a field of linguistic study has its object in relationship between referents in the real world and their concepts, which are manifested in the linguistic forms within an area of knowledge. Its origin can be dated back to the 18<sup>th</sup> and 19<sup>th</sup> century from the need of naming new scientific concepts in the wake of industrial revolution. In its early days, terminological studies were limited to the taxonomic fields of knowledge, such as chemistry and botany and responsible by their subject specialists, for example, Lavoisier and Berthollet and Linne, respectively (Cabre 1992: 1).

Terminology significantly earns its presence in the first half of 20<sup>th</sup> century by Eugen Wüster, an Austrian engineer and founder of a well-known terminological school, Vienna school. His interest in Terminology also derived from the growth of various disciplines, which brought with it a myriad of new concepts, including in the field of Engineering. Wüster was aware of the need to name new concepts arising in Engineering for the purpose of facilitating the communication among the specialists. This resulted in his dedication to grounding the theory of Terminology and the Vienna school of Terminology was founded and, later, followed by the Soviet School and Czech school. The three schools of Terminology share the linguistically based perspective that Terminology is a tool for the communication of special languages, which requires a high level of precision with a slight difference in purpose of use. The Vienna school uses Terminology as a tool to disambiguate the communication of such special subjects as sciences. The Soviet and Czech schools view Terminology as a facility for communication in the multi-ethnic society of the former Soviet Union and in the multilingual society derived from the different geographic of the former Czechoslovakia, respectively. These three schools, led by the Vienna school, laid the foundation of terminological principles and methodologies.

## 2.1 Traditional Schools of Terminology

As a tool for clear communication, The Vienna school set a theoretical framework as follows:

1. Terminology gives priority to concepts rather than terms, which designate concepts.
2. Concepts are clear-cut and can be assigned with a place in the conceptual system of a given subject field.
3. Concepts should be defined in a traditional way.
4. A term is assigned permanently to a concept.
5. Terminological study is of the synchronistical study. (Temmerman 2000: 4)

The first principle is the argument Wüster used to differentiate Terminology from the Lexicology. In other words, Terminology has its object in the existence of concepts of a given knowledge area and tries to name and structure them based on the relationships among the concepts. This is called onomasiological process. In contrast, Lexicology has its interest in the semantic relationship between a linguistic form and its meaning and its starting point is the linguistic form, which is called the semasiological process.

Secondly, Concepts are not studied in isolation but as elements in the conceptual system of a knowledge field. Each element is constituted from characteristics abstracted from the real-world objects. Some of these characteristics delineate the concepts from one another and, as a result, clear-cut concepts and conceptual relationships among them are rendered.

Thirdly, to present such clear-cut concepts with relation to the other concepts, concepts should be defined in the traditional manner, which includes the intensional characteristics of a concept in the definition. The traditional definition also accepts another 2 forms of definitions: extensional and part-whole definitions. The former is the enumeration of all species or objects conceptualized to the concept being defined and

the latter is the definition based on the relationship of a concept to its super-ordinate ones.

Fourthly, to eliminate the ambiguity of communication, each concept should be provided with a term. This results in the 1:1 correlation between term and concept.

Finally, since Terminology has its interest in the conceptual system and terms with reference to each concept in such a system, the diachronic aspect of language and the knowledge is not taken into account.

From these five principles, it can be said that the traditional school of Terminology is quite rigid, in particular the second and fourth principles. In other words, terminological studies in Wüster's days were limited only to taxonomic or scientific fields, in which concepts and their relationships are mostly hierarchical, and thus, not so complex as those in Humanities and other social studies. The fourth principle reveals the traditional school did not take into consideration the nature of language, which is subject to the use. Thus, the 1:1 correlation between term and concept seems idealistic and synonym is an evidence of plural reference by a linguistic form. This is because the traditional school is influenced by the Structuralist school of Linguistics, which concerned the universal rule governing languages. As a result, a prescriptive Terminology, which is characterized by the five principles mentioned above, is given birth.

## **2.2 The pragmatic Terminology**

Due to the development of information technology later in the second half of the 20<sup>th</sup> century, which gives more people in various professions access to Terminology, the rigidity of traditional view towards Terminology, i.e., a tool for the special communication among subject specialist, become softened by the pragmatic view led by Sager.

Unlike the traditional school, which views that the knowledge structure of a knowledge field is static, Sager views that it is different from one community, the

people of which conceive of it, from another. Therefore, it is rarely that conceptual fields of the same knowledge field between different communities are similar. As a result, the reference to a concept by a designation is also implicitly different as Sager said:

“... Given the principle of continuous axes (the knowledge acquisition and use by human beings), expressed above, it is unlikely that any two individuals, though their states of knowledge might be said to be comparable, will assign precisely the same configuration of knowledge space to the ‘same’ concept.” (Sager 1990: 17)

With the reasons mentioned above, it can be said that the designation to concepts of a knowledge field is tacitly based on the agreement of a community, whose people uses that given knowledge and, therefore, terminological activities are not restricted to the subject specialists.

In addition, due to fact that the need for a terminology is different from one community to another, for instances, for language planning in such multi-ethnic communities as Belgium, Canada and the former Soviet Union and for knowledge transfer etc., Terminology should serve the social needs and not be limited to specific user groups as subject specialists.

In his book “A Practical Course in Terminology Processing”, Sager said that one factor, which should be taken into account in rendering definition, is the user requirement (Sager 1990: 45). For example, translator as cross-cultural intermediary may need, in addition to TL equivalent for any given concept, more information about the usage and the non-specialist may need the explanation of a term in the form of encyclopaedic definition (Sager 1990: 49).

In line with Sager’s pragmatic approach to Terminology, Pearson proposes guidelines based on communication for operating various terminological activities,

ranging from corpus construction, term identification to definition rendering. In these processes, the sphere of user is taken into account.

To begin with, in construction of corpus, Pearson introduces four main communicative settings for mapping onto information sources to be used as corpus. These communicative settings include: expert – expert, expert to initiates, relative expert to the uninitiated and teacher to pupil communications. Each of them, which underlies different information sources, implies different extents of term density and also reliability of sources. The expert – expert communicative setting may lead to the sources with a lot of terms but lacks explanations; the expert to initiates tends to provide terms and more explanations; the relative expert to uninitiated is quite limited in terms of terms, explanations and reliability and the teacher to pupil tends to provide a limited number of terms but more explanations.

In conformity with these communicative settings, Pearson proposes a number of defining statement patterns embedded in these settings, which provide terms and their explanations and should be compiled for identifying terms. The defining statement is called 'defining expositive', which can be divided into 3 main groups: simple formal, complex formal and semi-formal defining expositives. The characteristics of each of these statements can be observed from the linguistic signals and the patterns (see chapter 3 page 19).

The contribution of these patterns does not end up with the term identification but they can be applied to the process of definition rendering, which is subject to the user group of any given terminology. To be more precise, the simple formal defining expositives can be applied with the subject specialist, who is expert in his subject field and use the terminology for reminding himself of the concepts in the knowledge structure. It can also be used with some groups of specialised users, for example, translator, who normally wants the TL equivalent with the essential information about term. In case it is expected that specialised users need more detailed information about terms, the complex formal expositive can be used. If the user is of the non-specialist, the

pattern 'semi-formal expositive' can be applied because this pattern consists of only basic defining elements, into which only essential characteristics can be put.

### **Complement of the traditional and pragmatic perspectives towards Terminology**

From these two perspectives towards Terminology mentioned above, it can be concluded that both are complement to each other. The priority given to concepts more than the designation and the traditional defining methods form the theoretic foundation of Terminology. However, due to the limited development of knowledge field, information technology and influences from other disciplines, for example, the taxonomic discipline and the Structuralist school of linguistics, Terminology in the earlier days seems to be rigid. This is manifested by the principles of being clear-cut, 1:1 correspondence between the concept and term and the synchronic study. As a result, Terminological activities are operated by and for only subject specialists. This rigidity is softened by the development of various fields of applied linguistics, to name but a few, pragmatic linguistics and psycholinguistics etc., which show the interrelation between social needs (user-oriented) and Terminology and the interdependence between the social norm and knowledge structure, in which concepts exist.

### **2.3 Terminology and Intellectual Property**

Intellectual Property is a field of civil and commercial law, which concerns legal rights associated with creative effort and commercial reputation. According to TRIPs Agreement, Intellectual Property can be broadly divided into 8 areas: Copyright, Patent, Trademark, Industrial Design, Lay-out Designs (Topographies) of Integrated Circuits, Geographical Indications, Protection of Undisclosed Information and Control of Anti-competitive Practices. The provision of each form of these intellectual property rights is different from country to another.

The origin of intellectual property can be dated back to the 19<sup>th</sup> century after the industrial revolution and it has earned more and more important role in parallel to the

trade development and from the national, regional to international level. The evidence of this development is shown by various conventions from the midst of 19<sup>th</sup> century, which have been amended in response to the trade development. To name but a few: the Paris Convention for the protection of industrial property and the Berne Convention for the protection of literary and artistic works. The importance of Intellectual Property at the international level is manifested through the provision of the TRIPS Agreement (Trade-related Aspects of Intellectual Property Rights), under the World Trade Organization. The purpose of the provision of this agreement is to ensure the fair competition in trade among the member countries, which have been increasingly corrupted on the course of more complex trade development.

The development of Intellectual Property has brought with it even more complex knowledge structure of this field, i.e., in its earlier days, the intellectual property rights dealt with only the protection of industrial properties, literary works and artistic works. Then it has been extended to other subject matters, including the 8 areas mentioned above. What's more, Intellectual Property has involved more people in various walk of lives, apart from lawyers, at different levels, ranging from businessperson, academics, interpreters and translators to general people. The infringement of musical works and brand-name goods are good evidences.

In spite of the ever more complexity of Intellectual Property and the involvement of more people, a glossary of Intellectual Property in Thai has not yet been provided even such important terms as 'intellectual property'. Some terms are included in the special dictionary of law but considered insufficient because it provides only the equivalents in Thai but lacks the proper definition for efficient communication of this subject field. For example, the dictionary of Thai law term provides the definition of 'copyright' as follows:

ลิขสิทธิ์ (copyright)

น. ลิขิตแต่ผู้เดียวที่กฎหมายรับรองให้ผู้สร้างสรรค์กระทำการใดๆ เกี่ยวกับงานที่ตนได้ทำขึ้น อันได้แก่ ลิขิตที่จะทำซ้ำ ตัดแปลง หรือ

นำออกโฆษณา ไม่ว่าในรูปลักษณะอย่างใดหรือวิธีใด รวมทั้ง  
อนุญาตให้ผู้อื่นนำงานนั้นไปทำเช่นนั้นด้วย. (อ. copyright).

The definition shown above is considered insufficient because it still lacks the basic, essential characteristics of the protection of copyright, that is, the subject matters of the protection: literary work and artistic work. This dictionary also provides some other terms, which fall into the field of Intellectual Property, but without the relationship among these terms, which are considered important for the efficient communication. To name but a few:

งานภาพถ่าย (photographic work) น. งานสร้างสรรค์ภาพที่เกิดจากการใช้เครื่องมือบันทึกภาพโดยให้  
แสงผ่านเลนส์ไปยังฟิล์มหรือกระจกและล้างด้วยน้ำยาซึ่งมีสูตร  
เฉพาะ หรือด้วยกรรมวิธีใดๆ อันทำให้เกิดภาพขึ้น หรือการบันทึก  
ภาพโดยเครื่องมือหรือวิธีการอย่างอื่น. (พ.ร.บ. ลิขสิทธิ์ พ.ศ.  
๒๕๓๗ ม.๔)

งานภาพพิมพ์ (lithographic work) น. งานสร้างสรรค์ด้วยกรรมวิธีทางการพิมพ์ และหมายความรวมถึง  
แม่พิมพ์หรือแบบพิมพ์ที่ใช้ในการพิมพ์ด้วย. (พ.ร.บ. ลิขสิทธิ์ พ.ศ.  
๒๕๓๗ ม.๔)

From these two definitions, although the source of the term is provided, it is hard for users, in particular such specialised users as translator and interpreter, to know that these two terms are related to the term “artistic work” as types of the artistic work. The term “artistic work” (งานศิลปกรรม) proper is not provided.

The insufficiency of the special dictionary justifies a production of the terminology of Intellectual Property for better communication of this subject field.

## 2.4 Working method of the research

Due to the fact that Terminology is a new field of linguistic study in Thailand, a specific glossary of Intellectual Property based on the terminological theory have not yet been made available. Thus, this research has to start from scratch.

The working method of this research can be divided into steps as follows: preliminary study, construction of corpus, compilation of extraction records, term selection and definition rendering.

### 1. Preliminary study of the research

From the preliminary study, it is found that a combination of traditional school, i.e., the Vienna school and the pragmatic approach introduced by Sager and Pearson should be used in doing the research. This is because the theoretical framework of the traditional school is rigid and limited to specialist users. In corresponding to the need of specialised users such as the law translator, more user-oriented approaches should be brought in to complement what the traditional school lacks, that is, user of any given terminology.

As regards the subject field, Intellectual Property is a vast area, which can be different in details from one country to another. To produce a country-specific terminology of Intellectual Property may not respond to the international trade. Thus, the terminology should be an international version with country-specific explanations, if necessary. In addition, the subject field significance was also evaluated by means of the number of term candidates. In other words, any given subject field, which needs an individual terminology should contain a sufficient number of terms. In doing this, the frequency of occurrence of relevant lexical items and the collocation with defining linguistic signals, for example, *is defined as*, *is called* and *is* are used. Any lexical item, which occurs up from 5 times and collocates with such linguistic signals, are compiled. In this preliminary study, 10 terms are compiled.

## 2. Construction of corpus

Following the preliminary study, a special corpus, i.e., subject-field specific corpus, is needed because corpora provided by some institutes are of generic ones and, thus, inappropriate for the special terminology. In construction of the corpus, Pearson's content and communicative setting criteria are adopted. Then they will be classified into 2 types: generic and specific corpus. The former is the source, which covers all sub-fields in Intellectual Property but lacks the explanation of term candidates and the latter covers only any sub-field but provides the explanation of term candidates.

## 3. Compilation of extraction records

After constructing the corpus, term candidates, together with their context, are to be drawn from the corpus. They are called 'extraction record'. At this step, Sager's subject classification, i.e., Top-down and Bottom-up approaches, which are used in building up the conceptual network of a subject field, are adopted. To be more precise, the compilation starts with the generic corpus in order to build up the overview of the subject field. Then it proceeds with the specific corpus one after another to extract term candidates of each sub-field. The extraction records are then put into the table of extraction records provided.

## 4. Term selection

All the extraction records compiled are at this stage exhaustively considered against the criteria based on Pearson's different defining expositives, simply said, the collocation with linguistic signals, and relationship between the term candidate being considered and its neighbouring ones. If the given term meet the criteria provided (see chapter IV page 27-30), it will then be put into the table of term records. At this stage, all terms in the subject field are obtained.

## 5. Construction of the subject field's conceptual structure

The term records obtained in the previous stage are then analysed to figure out relationships between the concepts designated by the terms. In doing this, Sager's top-down and bottom-up approaches are used again; in other words, the process starts with the most super-ordinate concept 'intellectual property' and then proceeds from one sub-field after another. What's more, in figuring out the relationships between concepts, each concept should be placed into conceptual reference classes, for example, 'object', 'method', 'property' and 'quality' etc. As a result, the conceptual structure, which is built up from various conceptual relationships, is rendered.

## 6. Definition rendering

The final step of a terminology production is rendering definition based on the relationships derived from the construction of conceptual structure. This results in the whole conceptual structure reflected by the definition of each term with reference to its concept. In rendering definition, a suitable definition pattern should be selected by taking into account the target user of a given terminology. For this research, Pearson's defining expositives, such as, simple formal and complex formal expositives and some criteria provided by ISO 704:2000 (E) are used as guidelines.

### **Chapter III : The construction of corpus**

One of the tasks required for a production of a terminology of subject field is the search for appropriate corpora, from which a sufficient number of terms of the given subject field and their samples of usage can be extracted. Most corpora resources available nowadays are of the general reference corpus, for instance, the Bank of English provided by Cobuild and British National Corpus (BNC). Special corpora resources are also available for different purposes of linguistic researches, for example, the European Corpus Initiative Multilingual Corpus (ECI) provides users with a wide range of corpora, for example, child language, newspaper language and legal texts etc. in different languages. However, these special corpora do not cover all specific topics, for example, Intellectual Property. Therefore, it is often that some terminological researches start with construction of a special purpose corpus for a terminology of specific subject field.

In construction of such special purpose corpus as Intellectual Property one of the major concerns is “size” of the corpus, since size is assumed, for corpora in general, as a key criterion for representativeness and reliability of the corpus. The size of general reference corpora is massive, ranging from 75,000 to unlimited number, for example, the Bank of English contains more than two millions words and the British National Corpus with more than one million words. For a special purpose corpus like Intellectual Property (IP), such a number of words seem impossible due to the specificity of the subject field.

With these reasons, the criterion of ‘size’ was put aside at the beginning because, according to Sinclair (Pearson 1998: 51), construction of corpus of a given subject field is a cyclical process. In other words, we start with compiling a number of texts and then collect relevant extractions for later searching terms and building the conceptual network of the subject field. When it is found that there are still missing relevant concepts, we proceed on compiling corpus again.



### **3.1 Criteria for the construction of Intellectual Property corpus**

In construction of a special purpose corpus as with the subject field “Intellectual Property”, a set of criteria for selection of information sources should be set up in order to guarantee, to some extent, the availability of term. The criteria can be broadly categorized into 2 types: the internal and external criteria. The former deals with the content of the information sources, which is given the priority in this research, and the latter with the external factors of the sources. The external criteria are required in order to guarantee the quality and reliability of corpus.

#### **3.1.1 Internal and external criteria**

As mentioned before, the content of texts, i.e., information sources is given the priority. However, other specifications are required in making the corpus representative and reliable. In her book “Terms in Context”, Pearson classifies criteria for corpus building into 2 groups: internal and external ones.

##### Internal criteria

The internal or linguistic criteria deal with the content of texts and can be divided into 2 sorts: topic and style. Topic informs us the main idea of any given information source, the content of which is structured and can be seen in the table of content. Topic criterion plays a key role in building a special purpose corpus because, in general, texts, which directly deals with a given topic, i.e., subject field, are supposed to contain a number of concepts relevant to such a topic. When a number of texts are collected enough to cover the whole concepts of that subject field regardless of the word numbers, the corpus can be said representative.

As for ‘Style’, this criterion is excluded in construction on the corpus of Intellectual Property because this term has a broad meaning depending on the context of use. In general, ‘style’ refers to characteristics of an individual, a group or a community.

In the corpus community, some use language registers to classified texts into formal, informal and colloquial styles but these criteria are not agreed because the level of formality is blurred and often subjective, i.e., a formal text can be viewed informal for others (Pearson 1998 : 55). From my viewpoint, 'style' is a set of linguistic features embedded in different communicative settings and, due to its broad meaning, less contributive to the process of corpus construction.

### External criteria

The external criteria (non-linguistic) deals with the mode of communication (written and oral), text genre, text types, bibliographical (author and date of the production) and socio-cultural (dialects, communicative settings) information of the information sources selected.

In this research, both the internal and external criteria are used as the criteria for selection of information sources as follows:

1. Topic of information sources
2. Coverage of the overall concepts of the subject field
3. Communicative setting of the sources
4. Reliability of the information source
5. Mode of communication

#### **3.1.2 Topic of information sources**

Owing to the lack of corpora of Intellectual Property for inspection of the availability of the terms, a special purpose corpus of this subject field must be constructed. To ensure a sufficient number of terms, the topic criteria is given the first priority, that is, information sources to be used as corpus must directly deal with Intellectual Property.

### **3.1.3 Coverage of the overall concepts of the subject field**

The second criteria – the coverage of the whole concepts of the subject field – is still of the internal criteria and is required because it helps construct overall concepts of the subject field. However, it is ideal that one information source can provide the overall concepts of the subject field because each information source has its own purpose. Some aim at providing the overall concepts of the subject field but limited explanation and the others at providing the explanation of a specific concept under the subject field. With these reasons, this criterion is applied to one or a couple of information sources, which can provide the overall concepts of Intellectual Property, with the limited explanation of the concepts, though. The sources applied with this criterion are classified as Generic Corpus. Other sources that do not meet this criteria, i.e., they contain one or more specific sub-fields of Intellectual Property, are classified as Specific Corpus. This classification of corpus will facilitate the operation in the next procedures, i.e., the compilation of extraction records and the term selection. In compiling the extraction records, the process starts at the generic corpus, from which the sub-fields and most of their concepts are rendered. If the explanation of these concepts are limited, it will be more sought for in each specific concept.

### **3.1.4 Communicative setting of the sources**

The third criterion – communicative setting – is of the external criteria because it deals with the participants in a communicative situation, which underlies information sources. This criterion guides us to quality sources with term density, definitions and explanations. Pearson categorizes the communicative setting into 4 classes: expert – expert, expert-to-initiates, relative expert-to-uninitiated and teacher-pupil communications.

In construction of the corpus of Intellectual Property and its conceptual structure, three of them – expert-to-initiates, teacher-pupil and expert – expert communicative

settings are used in estimation of term density because they are supposed to contain a lot of terms and their explanation.

In the expert-to-initiates communication, the sender is an expert of a given subject field and aims at providing the recipients with the knowledge of this subject field. He tends to use the same set of terms as used with his/her peers. The recipient is a new comer of that subject field but are able and want to acquire this new knowledge. In conveying new concepts and terms, the sender is aware of the limitation of the recipients and, therefore, provides them with the clear definitions and, if needed, the explanations of terms.

As regards the teacher-pupil communication, the situation is similar to the expert-to-initiates. The difference lies in the lower expectation of the recipient's knowledge of the subject field. They include general people and high school student etc. Therefore, the sender will use terms as appropriate and the definition and explanation may be repeated. The language used is simpler as well.

The expert – expert communication is a special communication between people, who share the same level of expertise in a given subject field. Therefore, they tend to use the terms without providing the definition, except for the case that they want to propose new concepts of the subject field. In this communicative setting, the density of terms is highly expected.

The relative expert-to-uninitiated communication is not taken into account because the sender is supposed to have limited knowledge of the subject field, whose purpose is to provide the recipient with the introductory information of the subject field. Therefore, the precision and details of terms cannot be totally relied on.

### 3.1.5 Reliability of the information source

Next is the criterion of reliability, which can be measured by the origin and date of production of the information source. The origin of the source consists of authors, institutes or organizations, who provide texts or information sources selected. They are expected to be recognized by the expert of that subject field. The date of production proves the validity of terms and also contributes to the diachronic study of Terminology.

As for the information sources selected in doing this research, the textbook, the date of production should be less than 10 years. For the on-line sources, the information must be kept updated. As for the legal provision such as the convention, the date of last amendment must be provided.

### 3.1.6 Mode of communication

Due to the fact that the language register used in communication about law is usually official, whether or not it is of spoken or written mode, the materials used as a corpus must be in written form.

## 3.2 The list of information sources used as corpus

Based on these 5 criteria, including the topic, the coverage of the subject field's whole concepts, the term density and the reliability, I have selected the following information sources for constructing the corpus of Intellectual Property.

No.	Information source	Code	Word count
1	World Trade Organization. Intellectual property rights and the TRIPS Agreement. [on-line]. Available at: <a href="http://www.wipo.org/english/tratop_e/trips_e.htm">www.wipo.org/english/tratop_e/trips_e.htm</a> . [March 2002]	ipgen_1	17,860

2	I. Bainbridge, David. 1994. Intellectual Property. Second edition. London: PITMAN PUBLISHING (P. 2 – 10, P.25 – 51, P.56 – 62, P.65 – 72, P.76 – 83, P.85 – 86, P.196 – 206, P. P.219 – 230, P. 231 – 243, P.247 – 257, P.259 – 262, P.263 – 265,, P. 273 – 301, P. 345 – 353, P356 – 360, P. 373 – 383, P.95 – 402, P. 424 – 432, P.444 – 454)	ipgen_2	73,790
3	World Intellectual Property Organization. About Intellectual Property. [On-line]. Available at: <a href="http://www.wipo.org/about_ip/en/overview.htm">www.wipo.org/about_ip/en/overview.htm</a> (March 2002)	ipgen_3	5,920
4	The UK Patent Office. Copyright, Trademarks, Designs, Patent [On-line]. Available at: <a href="http://www.patent.gov.uk/index.htm">www.patent.gov.uk/index.htm</a> (March 2002)	ipgen_4	5,907
5	The UK Patent Office. Intellectual Property. [On-line] Available at: <a href="http://www.intellectual-property.gov.uk/index.htm">www.intellectual-property.gov.uk/index.htm</a> (March 2002)		
6	World Intellectual Property Organization. Paris Convention for the protection of industrial property. [On-line]. Available at: <a href="http://www.wipo.int/clea/docs/en/wo/wo020en.htm">www.wipo.int/clea/docs/en/wo/wo020en.htm</a> (March 2002)	ipspe_1	13,318
7	World Intellectual Property Organization. Berne Convention for the protection of literary and artistic works. [On-line]. Available at: <a href="http://www.wipo.int/clea/docs/en/wo/wo001en.htm">www.wipo.int/clea/docs/en/wo/wo001en.htm</a> (March 2002)		
8	U.S. Copyright Office. Copyright Basics. [On-line]. Available at: <a href="http://www.copyright.gov/circ/circ1.html#wci">www.copyright.gov/circ/circ1.html#wci</a> (March 2002)	ipspe_2	7,916
9	United States Patent and Trademark Office. General Information Concerning Patent. [On-line]. Available at: <a href="http://www.uspto.gov/web/offices/pac/doc/general/index.html">www.uspto.gov/web/offices/pac/doc/general/index.html</a>	ipspe_3	21,959

10	Legal Information Institute, Cornell Law School. Unfair competition. [On-line]. Available at: <a href="http://www.law.cornell.edu/topics/unfair_competition.html">www.law.cornell.edu/topics/unfair_competition.html</a> . (April 2002)	ipspe_4	845
11	Legal Information Institute, Cornell Law School. Trademark law: an overview. [On-line]. Available at: <a href="http://www.law.cornell.edu/topics/trademark.html">www.law.cornell.edu/topics/trademark.html</a> . (April 2002)		
12	Legal Information Institute, Cornell Law School. Patent Law and Title 35 of the United States Code [On-line]. Available at: <a href="http://www.law.cornell.edu/topics/patent.html">www.law.cornell.edu/topics/patent.html</a> . (April 2002)	ipspe_5	8,701
13	Intellectual Property and the National Information Infrastructure. 1995. The Report of the Working Group on Intellectual Property Rights. [On-line]. Available at: <a href="http://www.uspto.gov/web/offices/com/doc/ipnii/ipnii.text">www.uspto.gov/web/offices/com/doc/ipnii/ipnii.text</a>	ipspe_6	79,047
14	United States Patent and Trademark Office. General Information About 35 U.S.C. 161 Plant Patent. [On-line]. Available at: <a href="http://www.uspto.gov/web/offices/pac/plant/index.html">www.uspto.gov/web/offices/pac/plant/index.html</a>	ipspe_7	6,493
15	United States Patent and Trademark Office. A Guide to Filing a Design Patent Application. [On-line]. Available at: <a href="http://www.uspto.gov/web/offices/pac/design/index.html">www.uspto.gov/web/offices/pac/design/index.html</a>		
16	The European Commission. 1999 “Amended proposal for a directive on the protection of inventions by utility models. [On-line]. Available at” <a href="http://europa.eu.int/comm/internal_market/en/indprop/model/utility.htm">http://europa.eu.int/comm/internal_market/en/indprop/model/utility.htm</a>	ipspe_8	4860
17	International Chamber of Commerce. Current and emerging issues relating to specific intellectual property rights. [On-line]. Available at: <a href="http://www.iccwbo.org/home/intellectual_property/ip/%20roadmap/contents.asp">www.iccwbo.org/home/intellectual_property/ip/%20roadmap/contents.asp</a> (May 2002)		

18	BIBIC Law Office. Patent. [On-line]. Available at: <a href="http://www.yupatents.com/patent">www.yupatents.com/patent</a>		
19	Dej-Udom & Associates Attorney at Law. Thai Laws and Compliance with TRIPS. [On-line]. Available at: <a href="http://www.dejudomlaw.com/trips.htm">www.dejudomlaw.com/trips.htm</a>		
	Total word count		246, 616

### 3.3 Generic and specific corpus

Based on the first criterion, all these sources are qualified for being used as corpus. However, in order to manage later the process of compiling extraction records efficiently, the second criterion is used for classifying these sources into 2 groups: the generic and specific corpus. The generic corpus provides us with data of the whole concepts of the subject field; whereas, the specific ones with the data of each sub-field. The first five sources are classified as the generic corpus and the rest of sources as the specific ones.

It should be made clear that the generic corpus is not the complete corpus, from which all terms in the field of Intellectual Property can be identified, because some of them are limited by other factors, for example, the communicative setting and intention of the sources etc. The corpus with the expert-expert communicative setting is likely to contain many terms but limited definitions; whereas, some other corpora intend to provide the user with the overall concepts of the subject field, therefore, a limited number of terms and their definitions, for example, the TRIPS Agreement and the IP information derived from the UK Patent Office respectively. Moreover, some corpora provide the user with the intensive information of one of the sub-fields, for example, the Paris Convention and Berne Convention, which deal with the sub-field “patent” and “copyright”, respectively. Since they provide the user with the information of a specific sub-field, they are classified as specific corpus.

### 3.4 Reliability of the corpus

As for the reliability of the corpus, all of the sources, except for No. 18 and 19, are reliable because they are related to the state agencies or recognized institutes responsible for the intellectual property, for example, the corpus No. 5 is provided by the U.S. Patent and Trademark Office, the corpora No. 10, 11 and 12 derived from the Law Information Institute, Cornell University etc. As for the source No. 18 and 19, because of the lack of information about the concept “petty patent”, which exist in some developing countries’ IP system, these two corpus are derived from the private organizations, which are to some extent reliable.

### **3.5 Conversion of the information into appropriate format**

To make the term identification process possible, all information derived from the sources must be converted into an appropriate format – text-only format. In doing this, the treatment of hard-copy and on-line sources are different.

For the hard-copy information source, the texts must firstly be scanned and then converted into the text-only format. In doing this, not all parts of the textbook are scanned but those dealing with the properties of the intellectual property. In other words, the parts dealing with the application of the intellectual property are excluded. Moreover, since the scanning process takes a long time, it is sometimes necessary to process manually – typing. Then they are saved in the document format and converted into the text format. However, the manual method should be adopted as least as possible because it may affect the precision of data.

For the on-line source, it can be directly converted into the text format. However, direct conversion from on-line to text-only format may bring about the inaccuracy of word count because it is often that a web page contains other non-relevant information, for example, commercial advertisement, links to other sources etc. A

solution to this problem is conversion of on-line text into document format. Then the relevant information is selected and converted into text-only ones.

### **3.6 The code assignment to the corpus**

For the convenience of compiling extraction records and the precision of reference, each information source should be assigned with a code (see page 21 - 23). For the sources, which have less than 2,000 words each and come from the same source, they are combined and assigned with one code.

## **Chapter IV : Compilation of extraction records**

After constructing the corpus of Intellectual Property in the previous chapter, this chapter discusses the procedure of compiling extraction records, which show the existence of concepts and their linguistic manifestation in the subject field. Due to the fact that the information obtained from the corpus may also deal with concepts in other disciplines apart from those in the subject-field, the information, therefore, is sifted in order to obtain the subject-field related information, which indicates the existence of the concepts and is called “extraction record”. Moreover, because of the abstract nature of the concept, the access to it should be made through the concrete, that is, linguistic form, which refers to that concept.

To ensure the relevancy of the extraction records to be compiled, a set of criteria for selecting the linguistic form with reference to the concept and the qualification of the extraction record attached to the linguistic form should be provided. In addition, the tool for the compiling process, that is, a table of extraction records, should be made available. Then the working method of compilation should also be set so that the compiling process can be operated systematically.

### **4.1 Criteria for compilation of extraction records**

As mentioned above, the access to the concepts in the subject field should be the linguistic form referring to them because of the abstract nature of the concept. Moreover, the linguistic forms existing in the corpus can be of different types and grammatical categories, the qualification of the linguistic form, therefore, should be defined so that they lead us to the concepts and their designations. Furthermore, the information unit obtained through the linguistic form should also be assigned with qualifications in order to ensure the existence of the concepts. With these reasons, a set of criteria specifying the qualifications of linguistic forms and the information units to be compiled is provided.

### The set of criteria for compilation of extraction records

1. Linguistic forms used in compiling the extraction records must be lexical items of any word formation in any grammatical category, i.e., single or compound words, phrases, syntactical units in the form of verb, adjective and noun etc. But grammatical words, for example, determiners, conjunctions and prepositions etc. are excluded.

This criteria is pivotal to Terminology because lexeme is the part of linguistic form, which contains features conceptualized from the real world; whereas, grammatical words function as linkage between lexical items with time and space. For example, the conjunction “and” is used for linking more than one entities together and “in” for showing the relation between entities and space or time.

2. Abbreviations, short forms, truncations are considered as lexical items.

The short forms mentioned above are considered lexical items because most of them derive, in one way or another, from the full form of designations with reference to concepts, for example, IP stands for Intellectual Property.

3. The generic reference of the lexical item in the subject field

The third criterion is provided because in the process of selection of lexical items we encounter a lot of lexical items, some of which may refer to concepts out of the subject field “Intellectual Property”, in spite of their existence in the context of Intellectual Property. Some can be a name of individual object without a place in the conceptual structure of the subject field. According to ISO 704 (Pearson 1998: 128-129), terms should have generic reference in order to prove that the concept, which they designate, have passed the conceptualization process and can then be located in the space and time. To facilitate the following process of term selection, the lexical items used as node in collecting extraction records should have generic reference, which can be observed from the availability of indefinite article before the lexical item. If it is preceded by an indefinite article or not preceded by any determiner,

they will also be collected. If it is preceded by any determiner, such items are not immediately ruled out because the determiner can function as anaphoric reference. Moreover, in judging which lexical items can or cannot be terms needs other qualification, for instance, its place in relation to other concepts in the subject field.

4. The lexical items to be selected should at least one time collocate with defining linguistic signals.

In addition to the criteria about the linguistic form mentioned above, the fourth one is set for ensuring the existence of concepts in the subject field. The linguistic signals, for example, are ‘is/are’, ‘be known as’, ‘be referred to’, ‘be divided into’ and ‘be called’ etc. These linguistic signals usually occur in different definition patterns called **Defining Expositives**, which can further be divided into Simple Formal Defining Expositive, Complex Formal Defining Expositive, and Semi Formal Defining Expositive (Pearson 1998: 136-157). Each type of these defining expositives can be presented in various formula, which consist of, at least, the following elements: ‘term’ ‘class’ ‘Characteristic’. The simple formal defining expositive is represented in the formula ‘X’ represent term, the sign ‘=’ represents connective verbs and ‘Y’ Class.

1.  $X = Y + \text{distinguishing characteristic}$ , whereby X is subordinate to Y

**Example:** Copyright (X) is a property right (Y) which subsists (exists) in various 'works', for example, literary works, artistic works, musical works, sound recordings, films and broadcasting (distinguishing characteristics).

2.  $Y + \text{distinguishing characteristic} = X$ , whereby X is subordinate to Y

**Example:** Other works (Y), such as films, sound recordings, broadcasts, cable programmes and typographical arrangements (distinguishing characteristics) can be described as derivative or entrepreneurial works (X) and there is no requirement for originality.

Regarding the “connective verbs”, in other words, linguistic signals, Pearson specifies that they must be in the present tense, indicative mood and not collocate with any modal verbs except for the modal verb “can”. This is because the modality can affect the general applicability of term. However, the collocation with the modal verb is not excluded at this stage because, in confirming whether or not a lexical item is term with reference to the concept, the extraction records from different sources should be compared. It is possible that the IP information provided by an author is country specific and different from the IP system of other countries.

As for the complex formal defining expositive (Pearson 1998: 152 - 157), the defining patterns can extend to more than one sentences and the sequence of each elements, i.e., “x”, “y” and “=” is different from that of the simple formal defining expositive. Some examples are as follows:

1. “defining statement. This is called...”,
2. ‘Heading. This is...’ and
3. ‘X. This is a...’ etc.

**Example:** A work consisting of editorial revisions, annotations, elaboration, or other modifications which is (nmkus) a whole, represent an original work of authorship (defining statement), is a ' derivative work.

The semi-formal defining expositive is a form of definition patterns, which is shorter than those two mentioned above, in other words, the element “class” is not provided. The formula can be represented as: “X = distinguishing characteristics”. It can be translated into various patterns, for instance,

1. ‘X is/are used to + distinguishing characteristic’,
2. ‘X is/are used for + distinguishing characteristic’ and
3. ‘X have/has + distinguishing characteristic’.

**Example:** The moral rights (X) include the author ' s right to object to any

distortion, mutilation or other modification of his work that might be prejudicial to his honor or reputation (distinguishing characteristics).

All these 3 kinds of defining expositives are applied in extracting term candidates and their context.

5. In case that the collocation of the linguistic items with the defining linguistic signals can not be found, the extraction record must show the relevancy of such a lexical item to other lexical items in the record.

It is possible that the lexical items used as node for searching the concepts in the corpus do not collocate with the defining expositives, especially in the expert-expert communication, in which both the sender and recipient are expert. In such a case, the existence of concepts can be examined through the relation of the lexical item with the others in that extraction records. Moreover, more than one records of this kind of record should be compiled.

#### **4.2 Preparation before compilation of extraction records**

Before starting the compilation of extraction records, the tools for this process should be prepared. These tools include the table of extraction records and the computer programs for processing the corpus.

##### Table of extraction records

The table of records is provided for containing related information of terms, both linguistic and non-linguistic ones, for example, grammatical categories, variants of terms, related terms, subject field, related subject fields, term codes, corpus code and remark etc. All kinds of this information are recorded in the field of table. The number of fields cannot be fixed. It depends on the purpose and complexity of each terminological works.

For this research, I have set up a table of extraction records and the example is shown below:

Extraction code: IP20	Lexical item : Intellectual Property	Subject fields: Intellectual Property
Corpus code: WIPO	Extraction: Intellectual property is divided into two Categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.	
Grammatical category: Noun Phrase (NP)	Related lexical items:	
Remarks: Linguistic signal: ‘is divided into’ Intellectual Property is generic term (class term)		

### Computer programs for processing the corpus

As regards the computer programs, the programs ‘Win Concordance’<sup>1</sup> and ‘Microsoft Excel’ are used in processing the corpus and compiling the extraction records respectively. The program ‘Win Concordance’ is practical because it has the functions necessary for selecting terms, for instances, ‘Build word frequency list’,

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<sup>1</sup> The program was developed by Zdenek Martinek from the University of West Bohemia, Pilsen, Czech Republic, in close collaboration with Les Siegrist, from the Technische University Darmstadt, Germany. (<http://www.linglit.tu-darmstadt.de/wconcord.htm>)

‘Build collocate frequency list’, ‘Word search’ and ‘Advanced word search’ etc. In compiling the extraction record, the table presented above is the hard-copy version and it is transformed into the Microsoft Excel for the convenience of processing.

### **4.3 Working methods of compilation of extraction records**

#### **4.3.1 Top-down and Bottom-up approach**

As mentioned in the chapter III (corpus construction), the corpus is classified into 2 groups: the generic and specific ones. The process of compiling records is similar to the corpus classification. In other words, it starts with the generic corpus and then the specific ones. This working method relies on Sager’s approaches to subject classification, which are used for structuring concepts to larger groups under a subject field (Sager 1990: 37), i.e., Top – down and Bottom – up approaches. Another approach used is the statistical ones.

By the Top-down approach, the process starts with the class concepts and proceeds down to the individual concepts of the subject field. On the contrary, the Bottom-up one starts with individual concepts up to the concepts of the highest levels. In doing terminological works, both approaches should be used because each approach has its own limitation. If the Top-down approach is used for the whole process, it is difficult to know where and which concept is the individual concept. Complementary to the Top-down approach, the bottom-up approach helps gather individual concepts without the knowledge of hierarchical relation between them. It can be argued that the class concept can be later found out to group up the individual ones but this process is time-consuming.

Like the classification of corpus into generic and specific ones, the Top-down approach is used for building up the whole structure of subject field and the Bottom-up for identifying term candidates of each sub-field.

As regards the statistical approach, it deals with the frequency of words and collocations. This approach is used, secondary to the content criteria, for finding terms

candidates. In other words, in identifying term candidates, the lexical item, whose sense relates to the intellectual property law of any form, will given the priority, albeit the low frequency of occurrence. This is because the high frequency of occurrence does not guarantee the status of being terms. Moreover, if all lexical items with high frequency of occurrence are collected, it is quite time-consuming, if not impossible, in searching for and compiling their extraction records.

With the purpose of identifying as many terms as possible in the domain of Intellectual Property, I start the process of compilation of extraction records with circumscribing the scope of subject area by using the term ‘Intellectual Property’ as node. The data rendered by the Concordance shows that the subject field ‘Intellectual Property’ consists of 8 key sub-fields, including Copyright, Patent, Trademark, Industrial Designs, Geographical Indications, Lay-out Designs, Protection of Undisclosed Information and Control of Anti-competitive Practices. Then the process continues from one after another sub-fields<sup>2</sup>.

#### 4.3.2 Process of searching for extraction records

In searching extraction records, word frequency list of each corpus is first created. Then the lexical items with the frequency of occurrence of more than 5 times in the corpus will be collected. All these items will be used as node in searching for its context of occurrence one by one.

The information units, which has any pattern of defining expositives mentioned above, will be recorded in the table. Meanwhile, the collocation of the node with other items will be separately noted, for example, the collocation of the node ‘copyright’ with the item ‘owner’. This collocation will later be checked for the potentiality of being term by means of the function ‘Build collocate frequency list’. If the frequency of

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<sup>2</sup> The British IP system differently classifies the forms of intellectual property, i.e., there is another two forms of protection: design and passing off.

collocation exceeds 5 times, each will be noted for further searching for the defining expositives. In this stage, the function “Advanced word search” is used.

Another approach to the existence of concepts in the subject field, apart from the lexical items derived from the word frequency list function, is the observation of the other lexical items, which occur in the extraction records. These lexical items will also be checked for the frequency of occurrence and collocation with linguistic signals and, then, their extraction records will be compiled. Both approaches through the word frequency list function and the observation from the extraction records prevent us from overlooking the concepts in the subject field.

In conclusion, after having tools required for compiling extraction records at disposal, the process of compilation starts with framing the scope of subject field. Then the procedure follows from one after another sub-fields. In the process of searching for qualified records, the list of frequency of occurrence is built and lexical items with 5 times occurrence will be collected. Each of these lexical items is used as node in searching for its context of use, called extraction record. During this process, other lexical items occurring in the extraction records should be noted for searching for their records. These working methods help compile as many extraction records as possible for identifying the concepts in the subject field.

In addition to the eight areas of Intellectual Property, another 2 areas, which are specific to British IP system, are added. These include the sub-field ‘Design’ and ‘Passing off’. From these ten areas, 462 extraction records are compiled.

## Chapter V : Term selection from the extraction records

After gathering a sufficient amount of extraction records, the next stage is selection of terms from those extraction records. The procedure of term selection consists of 3 steps, including the provision of terminological record table, the analysis of extraction records and consultation with special reference book and the subject-field specialist.

### 5.1 The provision of terminological record table

Like the process of collecting extraction records, a table of terminological records must be provided for recording the terms and their detailed information. The pattern of this table, i.e., the fields in the table, cannot be fixed for all since it depends on the requirements of each terminological work. The common function is that the table should provide all of information about the term entry to be selected, which are necessary for the next procedures, i.e., the construction of conceptual network and the provision of corresponding terms and definitions in the target language. The table, moreover, should be linked with the table of extraction records because some kinds of information of the term entry are not shown, for example, related extraction records in the terminological record table.

For this research, I have designed the table of terminological records as follows:

No.	Term entry:	Sub-field:
		Term variants:
		Related terms/sub-fields:
Extraction record 1:		
Extraction record 2:		
Related extraction records:		Definition in references:
Intensional characteristics:		

Notes:	
Thai Terms:	Thai variants:
Thai extraction record 1:	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition:	

### Description of the fields in the terminological records

1. The field “No.” is provided for ordering the records.
2. The field “term entry” contains the term selected from the extraction records.
3. The field “sub-field” is the sub-field, to which the term entry belongs.
4. The field “term variants” is for containing synonyms of the term entry.
5. The field “related terms/sub-fields is for containing the terms, which are closely related to the term entry and the term entry in the other sub-fields.
6. The fields “extraction record 1 and 2” are provided for showing the occurrence of term entry in the context.
7. The field “related extraction records” is provided for referring to the other relevant extraction records, which are not shown in the terminological record.
8. The field “definition in references” is for providing the definition of the term entry in the reference sources, for example, the Black’s Law Dictionary.
9. The field “intensional characteristics” is for containing the features of term entry, which are analysed from the extraction records.
10. The field “notes” is for containing other information about the term entry both English and Thai.
11. The fields “Thai term”, “Thai variants”, Thai extraction 1 and 2” and “Definition in Thai references” are similar to their corresponding fields in English.
12. The field “Thai definition” is for containing the definition of term entry in Thai.

## 5.2 The analysis of extraction records

In analysing the extraction records, the top-down and bottom-up approaches are still being used, in other words, all extraction records compiled are classified into its sub-fields, starting with the generic term “intellectual property” and going down to each sub-fields one after another. Then the extraction records of each sub-field are grouped by means of the term candidates, put it differently, the extraction records, which have the same term candidates, for example, ‘literary work’, ‘artistic work’ and ‘moral right’ are grouped up. Then they are analysed for the collocation with the defining expositive patterns and the relation of the term candidates with other term candidates among the extraction records. If the extraction records show the place of the concept designated by the term candidates within the subject-field and, as well, the relation of the concept to the other ones in the same or other sub-fields, the very term candidates become term.

For instances:

Extraction code: CP05	Lexical item: Copyright	Sub-field : copyright
Corpus code: ipspe_3	Extraction: Copyright is a property right which subsists (exists) in various ' works' , for example, literary works, artistic works, musical work sound recordings, films and broadcasting.	
Grammatical category: Noun Phrase (NP)	Related terms: literary works , artistic works	
Remarks: Linguistic signal: “is ”		

Extraction code: CP07	Term potential: Copyright	Sub - field: copyright
Corpus code: ipspe_3	Extraction: Copyright does not protect ideas only the expression of an idea (that is, its tangible form), and it is free to others to create similar, or even identical works as long as they do so independently and by their own efforts.	
Grammatical category: Noun Phrase (NP)	Related terms:	
Remarks: Protection to tangible form, not only idea		

Extraction code: CP08	Term potential: Copyright	Sub - field: Copyright
Corpus code: ipspe_3	Extraction: Copyright gives rise to two forms of rights: proprietary or economic rights in the work, for example the right to control copying, and, secondly, moral rights which leave the author, who may no longer be the owner of the copyright, with some control over how the w...	
Grammatical category: Noun Phrase (NP)	Related terms: economic right, moral right	
Remarks: Linguistic signal: “give rise to”		

These three extraction records are grouped together according to the sub-field Copyright. The record ‘CP05’ indicates that copyright is a property right subsisting in various works, for example, literary works and artistic works etc. The record ‘CP07’ give more details about the copyright, which protects not only the idea but the tangible form of the idea, and the record ‘CP08’ shows the relationship of the concept ‘copyright’ to the concepts ‘economic right’ and ‘moral right’ through the linguistic

signal 'gives rise to'. By these characteristics can the term candidate "copyright" be counted as term. This analysis continues with all the term candidates compiled one after another.

Following the analysis, the terms are put in the table of terminological records together with their relevant information, such as the samples of extraction records, other relevant extraction records, related terms and variants of the term etc. Below is an example.

No. 2	Term entry: Copyright	Sub-field: copyright
		Term variants: -
		Related terms/sub-fields: -
<p>Extraction record 1:</p> <p>CP05</p> <p>copyright is a property right which subsists (exists) in various ' works' , for example, literary works, artistic works, musical works, sound recordings, films and broadcasting.</p>		
<p>Extraction record 2:</p> <p>CP07</p> <p>copyright does not protect ideas only the expression of an idea (that is, its tangible form), and it is free to others to create similar, or even identical works as long as they do so independently and by their own efforts.</p>		
<p>Related extraction records:</p> <p>CP16; CP43;CP52; CP53;CP70</p>		<p>Definition in references: BL (Black's Law Dictionary):</p> <p>a property right in an original work of authorship (such as a literary, musical, artistic, photographic or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt,, distribute, perform and display the work.</p>

Intensional characteristics:	
<ul style="list-style-type: none"> <li>- a property right</li> <li>- protect only the expression of an idea (its tangible form)</li> <li>- CP49 a personal property</li> <li>- secured automatically when work is created</li> </ul>	
Notes:	
Thai Terms:	Thai variants:
Thai extraction record 1:	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition:	

### 5.3 The consultation with special reference sources and the subject-field specialist

In order to ensure the existence of concepts identified from the extraction records, special reference sources, which provide definition of the terms found should be made available. For this research, the Black's Law Dictionary, one of the most recognized law dictionary, is used. Although it does not provide the definition of all terms found, the key terms of the subject field Intellectual Property are provided, for example, copyright, patent, patentee and trademark etc.

As well at this stage, all the terms found should be presented to the subject field specialist for preliminary checking of the existence of the terms. The specialist's advice guides up to the right way in selecting terms, i.e., it, on one hand, leads to terms, which have not been collected and, on the other hand, to the irrelevant terms collected, which can be deleted from the table. However, the information gained from the specialist's advice is to be checked by the criteria for compiling of extraction records.

#### **5.4 Result from the procedure of term selection**

From ten areas of the subject field “Intellectual Property” 53 terms are identified, designating 40 concepts (see Appendix A and B). It is noted that from the corpus no terms in the area “Control of Anti-competitive Practices” are identified. This is probably because this form of intellectual property right has not yet fully developed. In other words, the TRIPS Agreement has not yet provided any substantive law of this form of right but a framework as the Agreement reads:

“Member countries may adopt, consistently with the other provisions of the Agreement, appropriate measures to prevent or control practices in the licensing of intellectual property rights which are abusive and anti-competitive (paragraph2)”. (TRIPS 2002: 7)

Therefore, the sub-field “Control of Anti-competitive Practices” is excluded and the total sub-fields found in this research are 9 sub-fields, i.e., all those provided by the TRIPS Agreement except the sub-field mentioned above and Design and Passing off.

#### **5.5 Observations in the process of term selection**

In analysing the extraction records, it is found that some words existing in the extraction records of the lexical item being considered is very likely to be a term proper. To name but a few, in the extraction records of the lexical item “derivative work”, the following related words are found: sound recordings, motion picture, audio-visual works and broadcasts etc. These words also collocate with the defining linguistic signals and their frequency of occurrence is high. One question arose whether or not they should be considered as term.

Take a look at the following extraction records:

Extraction code: CP79	Lexical item: audio-visual work	Sub-field : copyright
Corpus code: ipspe_6	Extraction: 103 Motion Pictures and other Audiovisual Works The Copyright Act provides definitions of "audiovisual works" and the subcategory "motion pictures": "Audiovisual works" are works that consist of a series of related images which are intrinsically intended to be shown by the use of machine...	
Grammatical category: Noun Phrase (NP)	Related terms: motion picture	
Remarks: Linguistic signal: "are"		

Extraction code: CP80	Lexical item: motion picture	Sub-field : copyright
Corpus code: ipspe_6	Extraction: 104 "Motion pictures" are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.	
Grammatical category: Noun Phrase (NP)	Related terms: audio-visual works	
Remarks: Linguistic signal: "are "		

To be considered as term, another criterion, in addition to the criteria for compilation of extraction records, which are also used in term selection, is required: This criteria is the adaptation of essential and non-essential characteristics.

According to ISO 704:2000(E), characteristics can be classified into essential and non-essential characteristics. The former is indispensable for understanding a given

concept in any given subject field; whereas the absence of the latter or non-essential characteristic, does not affect such an understanding.

Due to the fact that many fields of knowledge in the world are related, the terminology of a given subject field may contain terms in other related fields. However, the degree of relatedness can be in different degrees, i.e., from essential to non-essential ones. Therefore, terms in other related fields, which are to be included in the subject field, should be taken into consideration whether or not they are essential to the subject field.

For the words “audio-visual work” and “motion picture”, they are not included in the subject field “Intellectual Property” because they can be considered non-essential. To be more precise, they fall into a type of the concept ‘derivative work’ (CP29, CP31 and CP91) in case that they are based on the original work. Moreover, the information from the extraction records (CP79 and CP80) shows what these two words refer to but does not show the essentiality to the subject field “Intellectual Property”. On the contrary, the word “literary work” is considered as term because its characteristics provided by the extraction records No. CP 41, CP78 and CP130 show the essentiality to the subject field. In other words, the term “literary work” refers to works expressed in words, number and symbols etc. not limited to a work of literature. Thus, this term is essential and has specific meaning within the subject field.

## **Chapter VI : Conceptual structure of the terminology of Intellectual property**

Terminology, as a field of linguistics and a cognitive science has its primary object of study not in linguistic forms or “terms” but in concepts, which are mental constructs abstracted from features of objects of the same category. In the terminological study, the existence of concepts must be established by assigning the place to each concept. To achieve this task, the direct reference of a term proper to its concept is not sufficient but the relationships to other neighbouring concepts of the same subject field should be established. As a result, the whole conceptual network will be rendered.

In this chapter, the working method of creating the conceptual network is presented. It is divided into 2 parts: the analysis of the terminological records obtained from the previous stage and the creation of conceptual relationship. The descriptions of the conceptual structure of Intellectual Property are separately presented in the appendix B. The last part of this chapter reports the number of concepts and the conceptual relationships found in this research.

### **6.1 Working method for creation of conceptual structure**

To create the conceptual structure and ensure the precision of the place of each concept, a working method should be provided. It includes the analysis of terminological records and the establishment of conceptual relationship among the terms.

#### **6.1.1 Analysis of the term records selected and their relevant extraction records**

In analyzing the terminological records, the top-down and bottom-up approaches are used again, thereby the process starts with the most generic term of the subject field Intellectual Property. Then it goes down from one term after another following the 8 sub-fields of Intellectual Property. In doing this, the intensional features of each term are extracted in order to shape up the concept. These intensional features are then put

into the table of terminological records for the next processes of building the conceptual relationship and providing the definition (see appendix B).

### 6.1.2 Conceptual relationship: Access to the conceptual structure

To ensure the existence and the places of the concepts shaped up in the preceding process, the relationships among the concepts in the same and across the sub-field must be figured out.

According to the traditional school of terminology (Sager 1990: 29), there are 2 basic relationships among concept, including the generic and partitive relationships.

In the generic relationship, it consists of “super-ordinate concept” and “subordinate concept”, both of which create the hierarchical relationships between them. That is to say, the super-ordinate concept is a broader concept, which groups up narrower concepts having some intensional characteristics of the super-ordinate ones. For example, the concepts ‘copyright’, ‘patent’ and ‘trademark’ are subordinate to the concept ‘intellectual property’ because they have the characteristic ‘creation of mind’ of the concept ‘intellectual property’

As for the partitive relationship, it consists of “comprehensive concept” and “partitive concept”. In this relationship, the partitive concepts form part of the whole ones, for example, the relationship between the constituent concept “hub” and the whole concept “wheel”.

Apart from the generic and partitive relationships, there is another type of relation, which exists among concepts at the same level. This is called “associative relationship”, for example, the concepts ‘copyright’ and ‘patent’ holds the associative relationship to each other because each is an intellectual property right. The former concept is differentiated from the latter by the subject-matter being protected, i.e., the copyright protects literary and artistic works; whereas, the patent protects inventions.

However, due to the complexity and a myriad of fields of knowledge, these three types of relationships cannot cover other intricate conceptual relationships. With this

reason, other conceptual relationships, which does not fall into these 3 basic relationships must be figured out by putting the concept being considered into various conceptual references classes, such as, ‘objects’, ‘methods’, ‘property’ and ‘process’ etc. (Sager 1990: 35). For instances, in the sub-field Patent, the concept ‘inventive step’ refers to the characteristic of being more than an obvious application of technology (PT30). From this characteristic, it can be inferred that ‘inventive step’ is a required property of the concept ‘invention’, and, thus, it holds object - property relationship to the concept ‘invention’ (see more in appendix B).

## 6.2 Result of the conceptual structure of Intellectual Property

From the analysis of the terminological records and their relevant extractions, 40 concepts are found in the subject field of Intellectual Property. These concepts are designated by 53 terms and can be divided according to the sub-field as shown in the table below. To distinguish concepts from terms, the single quotation mark is used with the concept.

<b>Subject field: Intellectual Property</b>		
<b>No.</b>	<b>Concept</b>	<b>Term</b>
1	‘intellectual property’	intellectual property
2	‘industrial property’	industrial property

<b>Sub-field: Copyright</b>		
<b>No.</b>	<b>Concept</b>	<b>Term</b>
3	‘copyright’	Copyright
4	‘neighbouring right’	Neighbouring right
5	‘literary work’	Literary work
6	‘artistic work’	Artistic work
7	‘original work’	Original work

8	‘creator’	Author
9	‘owner’	Copyright owner
10	‘moral right’	Moral right
11	‘paternity right’	Paternity right, authorship
12	‘integrity right’	Integrity right
13	‘economic right’	Economic right

<b>Sub-field: patent</b>		
<b>No.</b>	<b>Concept</b>	<b>Term</b>
14	‘patent’	Patent
15	‘invention’	Invention
16	‘novelty’	Novelty
17	‘inventive step’	Inventive step, nonobviousness
18	‘industrial application’	Industrial application, usefulness
	‘creator’	Inventor
	‘owner’	patent owner, patentee
19	‘patent application’	patent application, non-provisional application
20	‘provisional application’	Provisional application
21	‘applicant’	Applicant
22	‘utility model’	utility model, petty patent
23	‘utility patent’	Utility patent
24	‘design patent’	Design patent
25	‘plant patent’	Plant patent

<b>Sub-field: industrial design</b>		
<b>No.</b>	<b>Concept</b>	<b>Term</b>

26	‘industrial design’	Industrial design
27	‘design’	Design
28	‘design right’	Design right
29	‘registered design’	Registered design
	‘owner’	Owner, proprietor
	‘creator’	Author <sup>*</sup> , designer
30	‘design document’	Design document
31	‘layout-design’	layout-design
32	‘integrated circuit’	Integrated circuit

<b>Sub-field: trademark</b>		
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No.	Concept	Term
33	‘trademark’	Trademark
34	‘registered trademark’	Registered trademark

<b>Sub-field: Passing off</b>		
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No.	Concept	Term
35	‘passing off’	Passing off
36	‘get-up’	Get-up
37	‘unregistered trademark’	Unregistered trademark

<b>Sub-field: Geographical indication</b>		
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No.	Concept	Term
38	‘geographical indication’	Geographical indication
39	‘appellation of origin’	Appellation of origin

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\* Since the term “author” is used in 2 sub-fields, i.e., Copyright and Design (U.K.), it is counted one time

<b>Sub-field: Trade secret</b>		
No.	Concept	Term
40	'trade secret'	trade secret, law of breach of confidence

The unmatched number between the concepts and the terms shows us a fact that one concept can be designated by more than one term in the same or different sub-fields. For example, the concept 'owner' is designated by the term "copyright owner" in the sub-field of Copyright and the terms "patent owner" and "patentee" in Patent.

In addition, it is found that in some sub-fields, there are some concepts, which exist without a fixed term. These include the concept 'owner' and 'registration' in the sub-field of Trademark. The former is designated by "owner of trademark" (TM60), "owner of the mark" and "trademark owner" (TM56). The latter exists as observed from the collocation with the term "trademark" ("registered trademark"). However, its place in the conceptual structure of Intellectual Property is not manifested. Probably, it is because the concept 'registration' is not specific only to the field of Intellectual Property but exists in the generic knowledge. This phenomenon also happens in the sub-fields of Geographical Indication and Trade Secret.

### **6.3 The conceptual relationship**

As regards the conceptual relationship, 10 types of conceptual relationship are established from these 40 concepts as follows:

#### **1. The generic-specific relationship (G)**

In the generic – specific relationship, there are 2 types of concept: the super-ordinate concept and the subordinate concept. The former, it can be said, is broader than the latter in the sense that all subordinate concepts have some intensional characteristics, and, thus, are types of the super-ordinate one. For example, the super-ordinate 'intellectual property' and the subordinate 'copyright', 'patent' and 'trademark' etc. The structure of this relationship is hierarchical.

2. The object – property relationship (O-P)

The object – property relationship consists of 2 types of concepts, including the object concept and the property concept. For instance, in the sub-field of Patent, ‘novelty’, ‘inventive step’ and ‘industrial application’ are the required properties of the object ‘invention’.

3. The owner – object relationship (O)

In this relationship, there are 2 types of concepts, one of which is the owner of the other, for example, in the sub-field of Copyright, ‘copyright owner’ is the owner of ‘copyright’ and ‘economic right’.

4. The origin – object relationship (O-O)

As regards the origin – object relationship, there exist 2 types of concepts, including the origin concept and the object concept, which derives from the origin one. Take the following example, in the sub-field Copyright, the concept ‘original work’ is the source or origin, on which the concept ‘derivative work’ is based.

5. The protector – object relationship (P-T)

The protector – object relationship also consists of 2 types: the protector concept and the object concept. In this relationship, the former gives protection to the latter, for example, in the sub-field of Copyright, ‘copyright’ gives protection to ‘original work’.

6. The process – object relationship (P-O)

The process – object relationship is composed of 2 types of concepts: the process and object concepts. In this relation, the process must be fulfilled before the object is granted, for instance, in the sub-field of Patent, the patent application (process concept) must be fulfilled before the patent (object concept) is granted.

7. The actor – process relationship (A-P)

In the actor – process relationship, there are the actor and process concepts. The former completes the latter, for example, the concept ‘applicant’, in the sub-field of Patent, refers to a person, who complete the concept ‘patent application’.

8. The creator – object relationship (C-R)

The creator – object relationship consists of 2 types of concepts: the creator and object concepts. The former creates the latter, for instance, the concept ‘author’, in the sub-field of Copyright, refers to ones, who creates literary or artistic works.

9. The object – evidence relationship (O-E)

The object – evidence relationship is composed of 2 types of concepts: the object concept and the evidence concept. The latter asserts the availability of the former, for example, in the sub-field of Design, design right (object concept), which gives protection to a type of design, is valid after the design document (evidence concept), which asserts such a protection, is issued.

10. The form – object relationship (F-O)

The last type of conceptual relationship established from the subject field Intellectual Property is the form – object relationship, in which one is a form concept and the other the object. The former is a form (derived from a process) of an object, for example, in the sub-field of Layout-design of Integrated Circuits, the concept ‘layout-design’ is a form derived from the process of designing and holds the form – object relationship to the concept ‘integrated circuit’.

## **Chapter VII : Thai designation and definition**

In previous chapters, two key components of Terminology were discussed, i.e., the term entry and the concepts referred to by such terms. This chapter is dedicated to another crucial component of Terminology, that is, terminological definition. In comparison with the general dictionary definition or lexicographical definition, the terminological definition is similar to it in terms of the purpose of providing the meaning and usage of linguistic items. In terms of method, however, the terminological definition is different from the lexicographical one, that is to say, the terminological definition is reference by designation to the corresponding concepts of any given field of knowledge; whereas, the lexicographical definition is not bound within any special field of knowledge. Because of the specificity to a field of knowledge, the relation of the term being defined to the other ones, both vertical and horizontal, of the same subject field must be reflected. As a result, the whole relations among the concepts of the subject field will be rendered by each definition of the term.

The provision of Thai definition for the concepts identified in the previous chapter consists of 2 parts, i.e., Thai designations and Thai definition, each of which has its own methods to achieve its own task.

Moreover, due to the fact that there have not been yet a specialized glossary of Intellectual Property, some Thai designations provided in this research are limited to some groups of subject specialists and some are use in general as provided in the dictionary of law.

### **7.1 The provision of Thai designation**

Due to the fact that the law of intellectual property is provided by most countries in the world, in particular those country members of the TRIPS Agreement, on which this research is based, target-language designations for the basic concepts are anticipated. Thailand, as a member of the TRIPS Agreement, has also the law of

intellectual property, from which some concepts common to other countries, and thus, designations can be sought for. However, there can be specific concepts, which are unique for each country's IP law, the designations for such concepts are different.

With these reasons, 2 methods of providing Thai designations are set according to the availability of designations in Thai as follows:

1. Use of Thai equivalent designation (Th\_E)
2. Coinage (Coin.)

#### Use of Thai equivalent designation

This method is used to identify equivalent Thai designations, which refer to the same concepts in English. Like the process of corpus construction, information sources with the possibility of term density are at the first place selected and then Thai designations in the context of use are extracted. The characteristics of each Thai designation are later drawn out and compared to those of corresponding English terms. If they share the common characteristics, i.e., refers to the same conceptual field, such Thai equivalents are used.

For this research, two Thai textbooks of Intellectual property<sup>1</sup> are selected. The textbook is given the priority because it provides us with the information about various types of intellectual property and their essential characteristics; whereas, the laws of intellectual property mainly with the application of each law. Moreover, in some places, English terms are provided in the parenthesis for describing their corresponding Thai terms. Therefore, it can be said that textbook is a reliable sources for identifying Thai equivalents with reference to the same concepts in English.

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<sup>1</sup> The textbooks selected include “ลักษณะของกฎหมายทรัพย์สินทางปัญญา” written by Chaiyos Hemaratchata (CH) and “กฎหมายทรัพย์สินทางปัญญา” by Visit Sriphibool (VS).

Apart from the textbook, a Thai dictionary of law<sup>2</sup> is also used for reference in providing designations and definitions, from which, in effect, very few terms and definition are at disposal.

For this type of designation, the abbreviation “Th\_E” is provided after the designation.

### Coinage

Due to the difference of intellectual property system from one country to another, some concepts, as mentioned before, are unique to each country and the designations with reference to such concepts in Thai are not given or not known in public. For these concepts, the terms have to be coined, in consultation with the subject specialist, for such concepts. For instances, the concept ‘get-up’ (see term record No. 17), which is still not known in public but known among some groups of subject specialists, is designated by the term “การเลียนรูป”. This Thai term is considered appropriate because, it refers to the concept of imitation of some appearances of a product.

For this research, coinage is divided into 2 types: the coinage and the adaptation. The former is used with the concepts, which do not exist in Thai intellectual property system, for example, the concept ‘design document’. This concept refers to an evidence of the protection by the design right. The designation for this concept is completely coined as บันทึกการออกแบบ (see term record No. 10). The abbreviation for this coinage is “coin”.

The latter or “adaptation” is used with the concepts, which are similar to but slightly different from those in Thai. For these concepts, it is found that the designations used are also similar but slightly different. For instance, in Thai IP system, there is a designation “สิทธิบัตรการออกแบบผลิตภัณฑ์”, whose concept is similar to the concept ‘design patent’ of U.S.A. with a slight difference. In this case, the designation “สิทธิบัตรการออก

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<sup>2</sup> พจนานุกรม ศัพท์กฎหมายไทย ฉบับราชบัณฑิตยสถาน

แบบผลิตภัณฑ์” is adapted as “สิทธิบัตรการออกแบบ” for designating the concept ‘design patent’. The adaptive coinage is coded as adp.

## **7.2 The provision of Thai definition**

As mentioned at the beginning of this chapter, the purpose of definition is providing the usage of term of any given field of knowledge. More than this, the terminological definition also has another special purpose of relating terms or lexical items to their corresponding concepts in that field of knowledge. To achieve both of these purposes, a working method should be set as guideline. For this research, the working method consists of 3 stages as follows: analysis of the end user of the terminology and the nature of the subject field, form and pattern of definition, and the guideline for rendering the definition.

### 7.2.1 Analysis of the end user of the terminology and the nature of the subject field

As seen in the chapter IV, compilation of extraction records, the definition pattern or defining expositives, which lead to the terms, can be varied from the simple formal defining expositives, complex formal defining expositives to semi-formal defining expositives according to the target readership of the sources (Pearson 1998: 137 – 158). Likewise, in providing a definition, which can efficiently relate the term to its concept, the end user of the terminology should be taken into consideration. It then leads to the appropriate definition pattern.

The target user of the terminology of Intellectual Property are Thai translators, whose interest lies in translation of a specialized text concerning with Intellectual Property. On the other hand, translators are not the subject specialist, who knows the concepts and use the terminology for reminding the terms or checking his understanding of the concepts of the subject field (Sager 1990: 91). From this analysis, it can be assumed that they need something more than a simple definition, which can be rendered by the pattern semi-formal defining expositive, but not so a complex definition, which are acquainted among the subject specialists.

Apart from the end user analysis, the nature of subject field should also be taken into account. As a linkage between designation and concept, a definition is required to include all essential characteristics, which can assign that term into its place in the conceptual structure. However, the essential characteristics are different from one subject field to another. To be more precise, in some subject field, the essential characteristics are the intensional characteristics, which are abstract and the definition tends to be interpretive, for example, the field of innovative technologies. In this field, the intensional characteristics are dynamic upon the technology development. Thus, the definition of concepts in this field should be flexible and not rigorous (Sager 1990: 48). On the contrary, in some other fields of knowledge, the essential characteristics are mostly concrete or of the extensional characteristics, i.e., they refer to objects conceptualized to a concept, for example, taxonomies. In this field, many concepts are formed up by such extensional characteristics as plant variety, chemical substances etc.

As a law, which is provided for in order to be applied to various cases, Intellectual Property, it can be said, has the dynamic and interpretive characteristics. Thus the concepts, which aggregate to form up the subject field, are likewise dynamic and interpretive. In rendering the definition, it, therefore, should be as flexible and interpretive as the nature of the concepts.

### 7.2.2 Forms and patterns of definition

In parallel to the characteristics of concept, definition is classified into 2 types: intensional and extensional definitions (ISO704:2000(E)).

The intensional definition is rendered based on the relationships derived from the process of constructing the conceptual structure. In producing this type of definition, the super-ordinate concept of the concept being defined should be indicated because the super-ordinate concept assigns that given concept the precise place in the conceptual structure. Then follows the essentially intensional characteristics, which delineate that given concept from the other concept (ISO704:2000(E): 16).

The extensional definition is a list of subordinate concepts of a given extension in one dimension of the subject field, for example, the extension “threatened species” can be defined by listing a number of subordinate concepts, which correspond to objects making up such an extension, including ‘critically endangered species’, ‘endangered species’ or ‘vulnerable species’ (ISO704:2000(E): 17).

After taking into account the end-user of the terminology and the nature of the field Intellectual Property, the intensional definition is the suitable form of definition. This is because the end-user or Thai translators should need some information about the terms defined and the nature of Intellectual Property is dynamic and interpretive as other laws.

The requirement of defining a concept based on the super-ordinate concept and essential characteristics lead to the selection of appropriate defining pattern. Among three defining expositives used in compiling the extraction records, the simple formal expositive and the complex formal expositive are suitable.

The simple formal expositive, which has the pattern ‘X = Y + distinguishing characteristic, whereby X is subordinate to Y’, meets the requirement of definition mentioned before. In other words, the slot ‘Y’, the super-ordinate concept, places the concept being defined into its location and the slot ‘distinguishing characteristics’ delineates the concept being defined from its neighbouring ones. Both of them then network the concept being defined to the other ones in the subject field. Moreover, the slot ‘distinguishing characteristics’ also meets the need of the end-user for a certain extent of information about the concept defined. Moreover, because of its simple pattern, the end-user can understand the concept of terms quickly.

However, due to the interpretive characteristic of law, some concepts need more explanation and the simple formal definition cannot meet this requirement. Thus, the complex formal defining expositive pattern is brought in for rendering definition. However, it should be aware of the complexity of this pattern, which can affect the understanding of the end-user.

As regards the semi-formal defining expositive, it lacks the slot ‘Y’, which is necessary for linking a given concept to its neighbours in the subject field. This pattern provides only characteristics of a concept in a simple style and, thus, is more suitable for non-specialized users, i.e., general people.

### 7.2.3 Guidelines in rendering definition

Based on one of the objectives of the traditional school of Terminology, which aims at facilitating the communication of a special field of knowledge, the definition, therefore, should be clear and able to put concepts into their places in the knowledge field. ISO 704:2000(E) provides a set of principles of definition writing, some of which are used in this research. However, due to the fact that fields of knowledge are different from one another in terms of its nature, these guidelines should be flexibly applied upon the appropriateness. This is why they are called “guideline” instead of “principle”. From the principles of definition writing provided by the ISO704:2000(E), 3 guidelines are used: conciseness, non-circular definition and non-negative definition.

#### Conciseness

The definition should be rendered as brief as possible and as complex as necessary. The complex definition, which contains a lot of dependent clauses, may make the end-user confused.

#### Non-circular definition

ISO704:2000(E) provides “If one concept is defined using a second concept, and that second concept is defined using the term or elements of the term designating the first concept, the resulting definitions are said to be circular”.

Circular definition can occur at 2 levels: within a single definition and within a system of definitions.

The circular definition within a single definition occurs when the designation (term) is repeated to introduce the definition or an element of the designation is used as a characteristic. For example:

- tree height

**tree height** measured from the ground surface to the top of a tree.(ISO704:2000(E): 20)

Circular definition within a system of definitions occurs when two or more concepts are defined by means of each other. For example:

- virgin forest

forest constituted of a **natural tree stand**

- Natural tree stand

stand of trees grown in a **virgin forest**  
(ISO704:2000(E): 20)

Both of these circular definitions should be avoided as much as possible.

### Non-negative definition

To put a concept into its place in the conceptual network of a field of knowledge, the definition shall describe what the concept is, not what it is not.

(ISO704:2000(E): 20) For example:

- Deciduous tree

tree other than an evergreen tree

### **7.3 Definition rendering**

Having the form, pattern and guidelines of definition at disposal, we proceed to the definition rendering. This process consists of 2 steps as follows: Identification of Thai term and Fitting terms and its characteristics into the pattern.

### 7.3.1 Identification of Thai Term

As mentioned before, some concepts of Intellectual Property are international and their designations in different languages, including Thai, are expected to be available, in particular in such well-known sub-fields as Copyright, Patent and Trademark. In identifying Thai designation for each concept, the extraction, at least one, of the designation should be collected in order to observe word choices and linguistic styles in the target language for rendering the definition. However, extractions cannot be found for every English designation because of the different IP system. In this case, we turn to the coinage, either adaptive or complete one.

### 7.3.2 Putting Thai designation and characteristics into the defining pattern

To begin with, we turn to the conceptual relationships between the concept being defined and its higher and associated concepts, for example, super-ordinate-subordinate and creator-product relationships respectively. Moreover, the definition rendering should be provided based on the dimension of each concept and, as a result, any given concept can have more than one conceptual relationships and definitions. In case a given concept has more than one definition, they will be listed in the same terminological record of that term entry. Therefore, this research is the term-based terminology. In other words, a terminological record can have a list of definitions based on the dimension of that given concept.

Secondly, the characteristics of that given concept are to be arranged upon appropriateness.

Last but not least, the Thai term is put into the slot “X” and followed by the predicate (หมายถึง, คือ), the higher or associated concept and the characteristics. For the last two components “higher or associated concept” and “characteristics”, they can be interchanged (see term record No.1 and No.16).

As for the complex formal expositive, the complexity of related sentences should be more paid attention. The less relevant information can be separately provided in the field “note” after the definition in order to avoid the over-complex definition.

#### 7.4 Result of Thai designation and definition

From the subject field Intellectual Property, 53 terms are identified (see the appendix A). Among them, there are 33 equivalent Thai terms, 10 coined terms and 10 adapted terms. In the category of equivalent Thai terms, some English terms have 2 equivalents, including “moral right” and “novelty” (see term record No.30 and No.34). The equivalents of the former term are *กรรมสิทธิ* and *สิทธิทางศีลธรรม*; the latter’s equivalents are *ความใหม่* and *การประดิษฐ์ขึ้นใหม่*. Moreover, for the concept ‘patent owner’, which is designated by 2 English terms “patent owner” and “patentee”, is designated by only one Thai term “ผู้ทรงสิทธิบัตร”

#### Conclusion

In this chapter, the production of definition in Thai is discussed, which consists of 2 parts: the designation and the definition statement. Each has its own working method. The provision of designation can be classified into 3 types, including Thai equivalent terms, coinage and adaptation.

As for the definition rendering, the process starts from the analysis of the end-user of the terminology and the nature of subject field. This analysis leads to the selection of appropriate type and pattern of definition, which enable the concept being defined to link to other neighbouring concepts and the end-user to access to the needed information about terms. Then a set of guidelines, consisting of conciseness, non-circular definition and non-negative definition, are used in rendering the definition. Then follows the definition rendering, which starts from the extraction of essential characteristics of each term. These characteristics are put into the definition pattern selected in the field provided in the table of terminological records.

The total amount of terms identified are 53 terms and the definition type “intensional definition” with the patterns “simple formal defining expositive” and “complex formal defining expositive” are selected.

## **Chapter VIII : Conclusion of the research**

The research “Basic Terminology of Intellectual Property” has its purposes on studying the terminological methodology and providing a basic glossary of Intellectual Property. The research consists of 4 major parts, including the theoretical basis (literature review) of the research, the terminological working method, the conclusion of the research and the appendices. This research, moreover, mainly relies on the pragmatic approach to Terminology led by Sager and Pearson, who bring in the social factor, i.e., target user, in producing a terminology. Based on this theoretical basis, the research proceeds from corpus construction, compilation of extraction records, term selection, construction of conceptual structure and definition rendering.

### **The corpus construction**

In selecting information sources to be constructed as corpus, both the internal and external criteria are adopted. The content and the communicative setting of sources, are given priority. In other words, the sources selected squarely deals with Intellectual Property.

What’s more, this research proposes a new method for constructing the corpus, i.e., the generic and specific corpus. It is a fact that, one information source cannot cover all topics of a subject field, terminologists, before they starts a terminological work, are expected to have the overall picture of the given subject field. Thus a source, which covers all topics but not in details, should be used as generic corpus in order to draft up the structure of the subject field. The other sources can cover some topics of the subject field, which are called “specific corpus”. Two types of corpus being combined, a complete corpus is rendered.

From 19 information sources gathered, 9 sub-fields of Intellectual Property are established, 7 according to the TRIPS Agreement (the sub-field Control of Anti-competitive Practices excluded) and the other two sub-fields of British IP system.

## **Compilation of extraction records and term selection**

From both the generic and specific corpus are contexts, in which concepts occur, to be extracted. In doing this, the statistical method, i.e., the frequency of occurrence, and the collocation with linguistic signals are used. To be more precise, the lexical items with at least 5 times of the frequency of occurrence are considered as term candidates. They are then used in extracting the contexts in which they occur. In compiling the contexts of term candidates, the collocation with linguistic signals, which show the existence of concepts, for example, ‘is/are called/defined as’, are given priority. These contexts are called “extraction record”.

The extraction records of each term candidates are then grouped up and, again, inspected for the collocation with the linguistic signals in various types of defining expositive patterns. The linguistic signals, as mentioned above, lead to the concepts, which are designated by such term candidates, the relationship to the neighbouring concepts and the place of the concepts in the subject field. Any term candidates are found its place in relation to its neighbouring concepts, they are classified as term.

In the subject field of Intellectual Property, 40 concepts, which are designated by 53 terms, are established. This result shows that some concepts are designated by more than one terms, for example, the concept ‘patent owner’ in the sub-field of Patent is designated by the term “patent owner” and “patentee”.

## **The conceptual network**

From 40 concepts of the subject field of Intellectual Property, 10 conceptual relationships are established, including: generic – specific, object – property, owner – object, origin – object, protector – object, process – object, actor – process, creator – object, object – evidence and form – object relationships.

### **The definition rendering**

This procedure is divided into 2 stages: the provision of Thai designation and the definition rendering. In providing Thai designation, 3 methods are adopted, that is, use of Thai equivalents available, adaptive coinage and complete coinage.

As regards the definition rendering, the defining expositive patterns used in the procedure of term selection, are adopted again based on the target users. For this research, the simple and complex formal expositive patterns are selected, depending on the complexity of the concept.

### **Research obstacles**

For this terminological research, 2 obstacles are identified, i.e., the corpus construction and defining of conceptual field, which derives from the difference of IP systems among countries and the abstract nature of law respectively.

Since this research aims at providing a terminology of Intellectual Property, which covers as many international and basic concepts as possible, information sources for being used as corpus, thus, should provide the concepts expected. In effect, the information sources acquired are not able to meet the expectation. The TRIPS agreement under the World Trade Organization provides only broad information about Intellectual Property and, thus, limited number of concepts, which can be used as frame of reference. With this reason, sources with the possibility of term density have to be acquired. However, these sources may be country-specific such as the textbook ‘Intellectual Property’ written by Bainbridge, who to much extent refers to British IP system. To balance the national predominance, US sources of Intellectual Property are also brought in. As a result, some country-specific concepts are included in this research.

As regards the abstract nature of law, it causes difficulty in delineating the conceptual field of concepts. This is because law is in one way or another dependent on the enforcement and, thus, many concepts in the field of law are provided in the broad and abstract manner. To name but a few, according to Bainbridge, the concepts ‘novelty’, ‘inventive step’ and ‘industrial application’ may lack the definition because these concepts are in effect dependent on the court interpretation (see PT56).

### **The contribution of the research**

As mentioned in the objective of research, the Basic Terminology of Intellectual Property Terms has its purpose on providing IP terms internationally used for specialised users, such as translators and people dealing with the international trade. With the coverage of terms outside the Thailand’s IP system, this terminology can, more or less, serve the purpose mentioned above.

In addition, this terminology forms a foundation of IP terminology, that is to say, this research limits its scope of study only to the subject-matter of the major IP laws (sub-fields). To serve the social need in the future, this terminology can be used as a basis for terminological research of any specific sub-field, for instances, Copyright, Patent and Trademark etc.

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## **Appendix A**

The table of terminological records

## Abbreviations

- ◆ Adp. = adaptive coinage
- ◆ Coin. = complete coinage
- ◆ CH = ชัยยศ เหมะรัชตะ. ลักษณะของกฎหมายทรัพย์สินทางปัญญา พิมพ์ครั้งที่ 3. กรุงเทพฯ: สำนักพิมพ์นิติธรรม, 2544
- ◆ RILAW = พจนานุกรมกฎหมายไทย ฉบับราชบัณฑิตยสถาน
- ◆ Th\_E = Thai equivalent
- ◆ VS = วิศิษฐ์ ศรีพิบูลย์. กฎหมายทรัพย์สินทางปัญญา. พิมพ์ครั้งที่ 1. กรุงเทพฯ: สำนักพิมพ์นิติธรรม, 2544

**Term list****A**

- ◆ appellation of origin เครื่องหมายแหล่งกำเนิด
- ◆ applicant ผู้ขอรับสิทธิบัตร
- ◆ artistic work งานศิลปกรรม
- ◆ author ผู้สร้างสรรค์
- ◆ authorship สิทธิแห่งการเป็นผู้สร้างสรรค์งาน

**C**

- ◆ copyright ลิขสิทธิ์
- ◆ copyright owner เจ้าของลิขสิทธิ์

**D**

- ◆ derivative work งานสืบเนื่อง
- ◆ design การออกแบบ
- ◆ design document บันทึกการออกแบบ
- ◆ design patent สิทธิบัตรการออกแบบ
- ◆ design right สิทธิการออกแบบ
- ◆ designer ผู้ออกแบบ

**E**

- ◆ economic right สิทธิทางเศรษฐกิจ

**G**

- ◆ geographical indication สิ่งบ่งชี้ทางภูมิศาสตร์
- ◆ get-up การเลียนรูป

**I**

- ◆ industrial application การประยุกต์ในทางอุตสาหกรรม
- ◆ industrial design การออกแบบทางอุตสาหกรรม
- ◆ industrial property ทรัพย์สินทางอุตสาหกรรม

♦ integrated circuit	วงจรรวม
♦ integrity right	สิทธิในชื่อเสียงของผู้สร้างสรรค์
♦ intellectual property	ทรัพย์สินทางปัญญา
♦ invention	การประดิษฐ์
♦ inventive step	ขั้นการประดิษฐ์สูงขึ้น
♦ inventor	ผู้ประดิษฐ์
L	
♦ law of breach of confidence	กฎหมายว่าด้วยการละเมิดข้อมูลที่ไม่เปิดเผย
♦ layout-design (of integrated circuit)	แบบผังภูมิ (ของวงจรรวม)
♦ literary work	งานวรรณกรรม
M	
♦ moral right	ธรรมสิทธิ, สิทธิทางศีลธรรม
N	
♦ neighbouring right	สิทธิข้างเคียง
♦ nonobviousness	การไม่ประจักษ์โดยง่าย
♦ non-provisional application	การขอรับสิทธิบัตรปกติ
♦ novelty	ความใหม่
O	
♦ original work	งานเริ่มแรก
♦ owner	เจ้าของ
P	
♦ passing off	การลวงขาย
♦ patent	สิทธิบัตร
♦ patent application	การขอรับสิทธิบัตร
♦ patent owner	ผู้ทรงสิทธิบัตร

♦ patentee	ผู้ทรงสิทธิบัตร
♦ paternity right	สิทธิในการมีชื่อเป็นผู้สร้างสรรค์งาน
♦ petty patent	อนุสิทธิบัตร
♦ plant patent	สิทธิบัตรพันธุ์พืช
♦ proprietor	เจ้าของการออกแบบจดทะเบียน
♦ provisional application	การขอสิทธิบัตรล่วงหน้า
R	
♦ registered design	การออกแบบจดทะเบียน
♦ registered trademark	เครื่องหมายการค้าจดทะเบียน
T	
♦ trade secret	ความลับทางการค้า
♦ trademark	เครื่องหมายการค้า
U	
♦ unregistered trademark	เครื่องหมายการค้าไม่จดทะเบียน
♦ usefulness	การใช้การได้ตามวัตถุประสงค์
♦ utility model	แบบผลิตภัณฑ์อรรถประโยชน์
♦ utility patent	สิทธิบัตรสิ่งอรรถประโยชน์

No. 1	Term entry: appellation of origin	Sub-field: geographical indications
		Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: TM30</p> <p>An appellation of origin is a special kind of geographical indication, used on products that have a specific quality that is exclusively or essentially due to the geographical environment in which the products are produced.</p>		
Extraction record 2:		
Related extraction records:	Definition in references:	
<p>Intensional characteristics: a kind of geographical indication used on products having a specific quality, which is exclusively due to the geographical environment, in which the product are produced</p>		
Notes:		
<p>Thai Terms:</p> <p>เครื่องหมายแหล่งกำเนิด (Th_E)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p> <p>เครื่องหมายแหล่งกำเนิด (appellation of origin) เป็นเครื่องหมายที่เกิดจากการระบุชื่อประเทศ ท้องถิ่น หรือสถานที่เฉพาะ เพื่อหน้าที่ในการกำหนดว่าผลิตภัณฑ์นั้นได้มีกำเนิดจากสถานที่ดังกล่าว และมีคุณภาพตามลักษณะพิเศษเฉพาะตัว CH, p.404</p>		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>เครื่องหมายแหล่งกำเนิดหมายถึง สิ่งบ่งชี้ทางภูมิศาสตร์ (Geographical Indication) ประเภทหนึ่ง ที่ใช้กับสินค้าอันมีคุณสมบัติเฉพาะซึ่งเกิดจากภูมิประเทศแวดล้อมที่ผลิตสินค้านั้นๆ</p>		

No. 2	Term entry: applicant (for a patent)	Sub-field: Patent Term variants: Related terms/sub-fields:
Extraction record 1: PT72 Under such regional systems, an applicant requests protection for the invention in one or more countries, and each country decides as to whether to offer patent protection within its borders.		
Extraction record 2: PT63 Members shall require that an applicant for a patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application.		
Related extraction records: PT111;PT112	Definition in references:	
Intensional characteristics: - applicant requests protection, - inventor and applicant can be different person (112)		
Notes: ‘applicant’, ‘application’ in patent should be count as term since the requirement for application is a distinguishing character from copyright.		
Thai Terms: ผู้ขอรับสิทธิบัตร (Th_E)	Thai variants:	
Thai extraction record 1:พระราชบัญญัติสิทธิบัตร ได้กำหนดบุคคลที่มีสิทธิขอรับสิทธิบัตรการประดิษฐ์ไว้ในบทบัญญัติหมวด ๒ ส่วนที่ ๑ มาตรา ๑๔ CH, p. 149		
Thai extraction record 2:		
Definition in Thai references:		
Thai definition: ผู้ขอรับสิทธิบัตร หมายถึง ผู้ขอรับความคุ้มครองแก่การประดิษฐ์ โดยอาจเป็นผู้ประดิษฐ์เองหรือไม่ก็ได้		

No. 3	Term entry: artistic work	Sub-field: copyright
		Term variants:
		Related terms/sub-fields:
Extraction record 1: CP65 (1)The expression; literary and artistic works; shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works.		
Extraction record 2: CP106 categories: Industrial property, which includes inventions (patents) , trademarks, industrial designs, and geographical indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.		
Related extraction records:		Definition in references:
Intensional characteristics: working relating drawing, painting, photographing, sculpturing and architecturally designing		
Notes: in the corpus, it is found that literary and artistic works are not separated.		
Thai Terms: งานศิลปกรรม (Th_E)		Thai variants:
Thai extraction record 1: งานศิลปกรรม หมายความว่า งานอันมีลักษณะอย่างหนึ่งอย่างใดหรือหลายอย่างดังต่อไปนี้ งานจิตรกรรม งานประติมากรรม งานภาพพิมพ์ งานสถาปัตยกรรม งานภาพถ่าย งานภาพประกอบ งานศิลปะยุค CH, p. 39		
Thai extraction record 2: ยกเว้นแต่ในคำนิยามของงานศิลปกรรม ซึ่งบัญญัติไว้ในวรรคท้ายของคำจำกัดความของ “ศิลปกรรม ตามมาตรา ๔ พ.ร.บ. ลิขสิทธิ์ พ.ศ. ๒๕๓๗ ว่า ทั้งนี้ไม่ว่างานตาม (๑) ถึง (๗) จะมีคุณค่าทางศิลปะหรือไม่... งานจิตรกรรมของปิศาจเปรียบเทียบกับงานภาพวาดของนักเรียนประถม ซึ่งต่างก็เป็นงานศิลปกรรม		
Definition in Thai references:		
Thai definition: งานศิลปกรรมหมายถึง การสร้างสรรค์ประเภทหนึ่ง ที่ได้รับความคุ้มครองโดยลิขสิทธิ์ และการสร้างสรรค์นั้นเป็นการวาดภาพ ถ่ายภาพ การพิมพ์ภาพ การถ่ายภาพ และการออกแบบทางสถาปัตยกรรม และอื่นๆ ที่มีลักษณะคล้ายคลึงกับที่กล่าวมา		

No. 4	Term entry:	Sub-field: copyright, registered design
	author	Term variants:
		Related terms/sub-fields: registered design (see DSG33)
Extraction record 1: CP03 Sometimes the author of a work will also be the ownership of the copyright in the work, but this is not always so and many works have separate authors and owners as far as copyright is concerned.		
Extraction record 2: CP06 The author of a work is the person who creates it and he (or his employer) is normally the first owner of the copyright which will last until 50 years after the author' s death or 50 years after it was created depending on the type of work.		
Related extraction records: CP23;CP52; DSG33		Definition in references:
Intensional characteristics: - the person who creates work		
Notes: UK specific – For registered design, author is used for referring to the creator of the registered design		
Thai Terms: ผู้สร้างสรรค์ (Th_E)		Thai variants:
Thai extraction record 1: บุคคลผู้ก่อให้เกิดงานอันเป็นที่มาแห่งลิขสิทธิ์เรียกกันว่า "ผู้สร้างสรรค์" CH, p. 23		
Thai extraction record 2: การจำกัดระยะเวลาในการคุ้มครองลิขสิทธิ์ของผู้สร้างสรรค์ CH, p. 26		
Definition in Thai references:		
Thai definition: ผู้สร้างสรรค์ หมายถึง 1. บุคคลที่สร้างสรรค์งานอันได้รับความคุ้มครองโดยลิขสิทธิ์ 2. บุคคลที่สร้างสรรค์การออกแบบจดทะเบียน		

No. 5	Term entry: Authorship	Sub-field: copyright
		Term variants:
		Related terms/sub-fields: - moral right/integrity right
<p>Extraction record 1: CP01</p> <p>Authorship and ownership are, in relation to copyright, two distinct concepts, each of which attract their own peculiar rights; the author having moral right and the owner of the copyright possessing economic rights.</p>		
<p>Extraction record 2: CP79</p> <p>Means of redress (1) Independently of the author, economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.</p>		
Related extraction records:		Definition in references:
Intensional characteristics: - a kind of right to object to any distortion, mutilation, other modification, derogatory action		
Notes:		
Thai Terms: สิทธิแห่งการเป็นผู้ สร้างสรรค์งาน (Coin)		Thai variants:
Thai extraction record 1:		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>สิทธิแห่งการเป็นผู้สร้างสรรค์งานหมายถึง สิทธิทางศีลธรรมประเภทหนึ่ง ที่ให้ความคุ้มครองแก่ผู้สร้างสรรค์ในการห้ามมิให้มีการดัดแปลงงาน หรือกระทำการใดๆ อันจะทำให้เกิดความเสื่อมเสียชื่อเสียงแก่ผู้สร้างสรรค์</p>		

No. 6	Term entry: Copyright	Sub-field: copyright Term variants: Related terms/sub-fields:
Extraction record 1: CP05 Copyright: Copyright is a property right which subsists (exists) in various ' works' , for example, literary works, artistic works, musical works, sound recordings, films and broadcasting.		
Extraction record 2: CP07 Copyright does not protect ideas only the expression of an idea, that is, its tangible form, and it is free to others to create similar, or even identical works as long as they do so independently and by their own efforts.		
Related extraction records: CP16; CP43;CP52;CP53;CP70	Definition in references: a property right in an original work of authorship (such as a literary, musical, artistic, photographic or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt,, distribute, perform and display the work.	
Intensional characteristics: - a property right, - protect only the expression of an idea (its tangible form), - CP49 a personal property, - secured automatically when work is created		
Notes: RILAW = พจนานุกรมกฎหมายไทย ฉบับราชบัณฑิตยสถาน		
Thai Terms: ลิขสิทธิ์ (Th_E)	Thai variants:	
Thai extraction record 1: พ.ร.บ. ลิขสิทธิ์ พ.ศ. 2537 มาตรา 4 ได้ให้นิยามของ “ลิขสิทธิ์” หมายความว่า “สิทธิแต่ผู้เดียวที่จะกระทำการใดๆ ตามพระราชบัญญัตินี้เกี่ยวกับงานที่ผู้สร้างสรรค์ได้ทำขึ้น” CH, p. 24		
Thai extraction record 2: ลิขสิทธิ์ เป็นสิทธิประเภทหนึ่งของทรัพย์สินทางปัญญา และเป็นสิทธิทางทรัพย์สินประเภทหนึ่ง ดังเช่นสิทธิอื่นๆ ในทรัพย์สินทางปัญญาซึ่งมุ่งคุ้มครองผลประโยชน์ทางเศรษฐกิจของผู้สร้างสรรค์งานตามบทบัญญัติแห่ง พ.ร.บ. ลิขสิทธิ์ CH, p. 23		
Definition in Thai references: น. สิทธิแต่ผู้เดียวที่กฎหมายรับรองให้ผู้สร้างสรรค์กระทำการใดๆ เกี่ยวกับงานที่ตนได้ทำขึ้น อันได้แก่ สิทธิที่จะทำซ้ำ ดัดแปลง หรือนำออกโฆษณา ไม่ว่าในรูปลักษณะอย่างไรหรือวิธีใด รวมทั้งอนุญาตให้ผู้อื่นงานนั้นไปทำเช่นนั้นด้วย RILAW		
Thai definition: ลิขสิทธิ์หมายถึง สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในงานสร้างสรรค์ทางด้านวรรณกรรม ศิลปกรรม และอื่นๆ ที่ปรากฏเป็นรูปร่าง โดยที่งานดังกล่าวจะต้องเป็นงานที่สร้างสรรค์ขึ้นเป็นครั้งแรก และได้รับความคุ้มครองทางกฎหมายโดยไม่จำเป็นต้องจดทะเบียน		

No.	Term entry:	Sub-field: copyright
7	Copyright owner	Term variants: : owner of copyright (CP64)
		Related terms/sub-fields:
<p>Extraction record 1: CP109</p> <p>The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right.</p>		
<p>Extraction record 2: CP110</p> <p>Unpublished Works: The author or copyright owner may wish to place a copyright notice on any unpublished copies or phonorecords that leave his or her control.</p>		
<p>Related extraction records:</p> <p>CP64</p>	<p>Definition in references:</p>	
<p>Intensional characteristics: - the owner of the copyright</p>		
<p>Notes found a good deal in ipspe_6: this term is not firm but should included because of the availability of 'author'</p> <p>ownership น่าจะใช้ภาษาไทยว่า การเป็นเจ้าของลิขสิทธิ์</p>		
<p>Thai Terms: เจ้าของลิขสิทธิ์</p> <p>(Th_E)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1: ...โดยเจ้าของลิขสิทธิ์อาจมิใช่ผู้สร้างสรรค์งานก็ได้ CH, p. 58</p>		
<p>Thai extraction record 2: หากบุคคลใดได้กระทำการตามสิทธิทางเศรษฐกิจโดยมิได้รับอนุญาตจากเจ้าของลิขสิทธิ์ CH, p. 58</p>		
<p>Definition in Thai references:</p>		
<p>Thai definition:</p> <p>เจ้าของลิขสิทธิ์ หมายถึง ผู้ที่มีสิทธิแต่ผู้เดียวในสิทธิทางเศรษฐกิจของงานอันได้รับความคุ้มครองโดยลิขสิทธิ์ ซึ่งอาจมิใช่ผู้สร้างสรรค์งานก็ได้</p> <p>หมายเหตุ</p> <p>ดู Term Record No. 4 (author) and No. 6 (copyright) และ No. 14 (economic right) ประกอบ</p>		

No. 8	Term entry:	Sub-field: copyright
	derivative work	Term variants:
		Related terms/sub-fields: original work
Extraction record 1: CP86 A derivative work is a work "based upon" one or more preexisting works.		
Extraction record 2: CP87 112 A derivative work is created when one or more preexisting works is "recast, transformed, or adapted" into a new work, such as when a novel is used as the basis of a movie or when a drawing is transformed into a sculpture.		
Related extraction records: CP29;CP31; CP88		Definition in references:
Intensional characteristics: - based on preexisting work, - preexist work is recast, transformed adapted into a new work		
Notes:		
Thai Terms: งานสืบเนื่อง (Th_E)		Thai variants:
Thai extraction record 1: อนุสัญญาโรม... ซึ่งเป็นอนุสัญญาอันเกี่ยวกับการคุ้มครองสิทธิข้างเคียงกับลิขสิทธิ์ (neighbouring right) อันได้แก่ สิทธิอันเกี่ยวกับงานสิ่งบันทึกเสียง งานโสตทัศนวัสดุ งานแพร่เสียงแพร่ภาพ โดยงานเหล่านี้ถือว่าเป็นงานสืบเนื่อง CH, p. 10		
Thai extraction record 2: งานเริ่มแรก (original work) อันเป็นงานพื้นฐาน ซึ่งก่อให้เกิดสร้างสรรค์งานในรูปแบบใหม่ๆ ตามผลของการพัฒนาการทางวิทยาศาสตร์เทคโนโลยี อันได้แก่ งานโสตทัศนวัสดุ ภาพยนตร์ สิ่งบันทึกเสียง โดยงานกลุ่มนี้เป็นงานอันเกี่ยวกับสิทธิข้างเคียง (neighbouring rights) หรือบางท่านเรียกงานในกลุ่มนี้ว่า "งานสืบเนื่อง" CH, p. 36		
Definition in Thai references:		
Thai definition: งานสืบเนื่องหมายถึง การสร้างสรรค์ประเภทหนึ่งอันมีที่มาจากงานเริ่มแรก เช่น ภาพยนตร์ สิ่งบันทึกเสียง งานแพร่เสียงแพร่ภาพ เป็นต้น และได้รับความคุ้มครองลิขสิทธิ์ผ่านสิทธิข้างเคียง		

No. 9	Term entry: design	Sub-field: Design
		Term variants:
		Related terms/sub-fields: industrial design
<p>Extraction record 1: DSG28</p> <p>` Design ' means the ` design of any aspect of the shape or configuration (whether external or internal) of the whole or part of an article' .</p>		
<p>Extraction record 2: DSG29</p> <p>A design means features of: shape configuration, pattern or ornament which are applied to an article by any industrial process, being features which in the finished article appeal to and are judged by the eye.</p>		
Related extraction records: DSG30; DSG31	Definition in references:	
<p>Intensional characteristics: - new, distinctive, - individual character, - feature of shape, configuration, - applied to an article by any industrial process, - features in the finished article appeal to and judged by the eye.</p>		
Notes: UK specific		
Thai Terms: การออกแบบ (adp.)	Thai variants:	
Thai extraction record 1:		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>การออกแบบหมายถึง</p> <p>การสร้างสรรค้ประเภทหนึ่งมีลักษณะเป็นรูปทรง การประกอบกันเป็นรูปทรง แบบแผน การตกแต่ง และมีความสะอาดตา</p> <p>อันสามารถนำไปใช้ได้กับวัตถุหรือในกระบวนการทางอุตสาหกรรมใดๆ</p> <p>หมายเหตุ</p> <p>เป็นรูปแบบเฉพาะของสหราชอาณาจักรเท่านั้น</p>		

No. 10	Term entry: design document	Sub-field: Design Term variants: Related terms/sub-fields: industrial design
Extraction record 1: DSG18 Tangible form requirement The design right springs into force when the design is recorded in a design document or, alternatively, when an article has been made to the design whichever happens first.		
Extraction record 2: DSG19 Design document' is defined by section 263, which contains minor definitions, as ` any record of a design, whether in the form of a drawing, a written description, a photograph, data stored in a computer or otherwise' .		
Related extraction records:	Definition in references:	
Intensional characteristics: - Tangible form requirement, - for recording design		
Notes: U.K. specific, - closely related to registered design		
Thai Terms: บันทึกการออกแบบ (coin)	Thai variants:	
Thai extraction record 1:		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>บันทึกการออกแบบหมายถึง ข้อกำหนดอย่างหนึ่งอันเป็นลายลักษณ์อักษรที่เจ้าของสิทธิการออกแบบ (owner of design right) ต้องดำเนินการเพื่อให้ได้มาซึ่งสิทธิการออกแบบ</p> <p>หมายเหตุ</p> <ul style="list-style-type: none"> <li>- เป็นรูปแบบเฉพาะของสหราชอาณาจักรเท่านั้น</li> <li>- ดู term record No. 12 (design right) ประกอบ</li> </ul>		

No. 11	Term entry: design patent	Sub-field: patent Term variants: Related terms/sub-fields:
Extraction record 1: PT92 A design patent protects only the appearance of the article and not structural or utilitarian features.		
Extraction record 2: PT94 Since a design is manifested in appearance, the subject matter of a design patent application may relate to the configuration or shape of an article, to the surface ornamentation applied to an article, or to the combination of configuration and surface ornamentation.		
Related extraction records: PT82	Definition in references:	
Intensional characteristics: - protection to the appearance of an article; not structure and utilitarian features		
Notes: design patent is US specific/ UK may be design right - UK equivalent = design right - also related to some part of UK' s registered design - ornament; surface - Design patent of Thailand is similar to U.S.A		
Thai Terms: สิทธิบัตรการออกแบบ (adp.)	Thai variants:	
Thai extraction record 1: ...มาตรา๕๓ ในหมวด๒ ว่าด้วยสิทธิบัตรการประดิษฐ์มาใช้บังคับในหมวด๓ ว่าด้วยสิทธิบัตรการออกแบบผลิตภัณฑ์โดย "อนูโลม" CH, p.199		
Thai extraction record 2: การแก้ไขระยะเวลาแห่งการให้ความคุ้มครองสิทธิบัตรการออกแบบผลิตภัณฑ์จากเดิมกำหนดไว้เจ็ดปีเป็นระยะเวลาสิบปี CH, p.199		
Definition in Thai references:		
Thai definition: สิทธิบัตรการออกแบบหมายถึง ประเภทหนึ่งของสิทธิบัตรที่ให้ความคุ้มครองแก่รูปลักษณ์ภายนอกของวัตถุ ซึ่งอาจมีความเกี่ยวเนื่องกับการประกอบกันและรูปทรงของวัตถุนั้น และการประดับตกแต่งบนวัตถุนั้นๆ หมายเหตุ เป็นรูปแบบเฉพาะของสหรัฐอเมริกาเท่านั้น		

No. 12	Term entry: design right	Sub-field: Design
		Term variants:
		Related terms/sub-fields: registered design
<p>Extraction record 1: DSG46</p> <p>The Patent Office describes the design right as: a new intellectual property right, which applies to original, non-commonplace designs of the shape or configuration of articles.</p>		
<p>Extraction record 2: DSG51</p> <p>All other features of the shape or configuration of both the television set and the stand are in principle - and subject to the other requirements such as originality - capable of design right protection.</p>		
<p>Related extraction records: DSG40;DSG01; DSG10;DSG34;DSG39;</p>		<p>Definition in references:</p>
<p>Intensional characteristics: - original, - applied only to shape or configuration, - UK specific</p>		
<p>Notes: UK specific</p>		
<p>Thai Terms: สิทธิการออกแบบ  (Coin)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p>		
<p>Thai extraction record 2:</p>		
<p>Definition in Thai references:</p>		
<p>Thai definition:</p> <p>สิทธิการออกแบบหมายถึง สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในการออกแบบที่จำกัดเฉพาะเพียงรูปทรง หรือ การประกอบกันเป็นรูปทรงเท่านั้น และการออกแบบนั้นต้องมีลักษณะเป็นงานเริ่มแรกและได้รับความคุ้มครองตามกฎหมาย</p> <p>กฎหมาย</p> <p>หมายเหตุ</p> <p>เป็นรูปแบบเฉพาะของสหราชอาณาจักรเท่านั้น</p>		

No. 13	Term entry: designer	Sub-field: Design
		Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: DSG07</p> <p>Confusingly, the creator of a registered design is known as its author whereas the creator of a design in which the design right subsists is known as the designer.</p>		
<p>Extraction record 2: DSG62</p> <p>Design right: The designer is the first owner, subject to exceptions relating to employees and commissioned designs.</p>		
Related extraction records:	Definition in references:	
Intensional characteristics: - creator of a design in which the design right subsists		
Notes:		
Thai Terms: ผู้ออกแบบ (coin.)	Thai variants:	
Thai extraction record 1:		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>ผู้ออกแบบหมายถึง ผู้ที่สร้างสรรค์การออกแบบประเภทที่ได้รับความคุ้มครองสิทธิโดยสิทธิการออกแบบ (design right) และไม่จำเป็นต้องเป็นเจ้าของการออกแบบ</p> <p>หมายเหตุ</p> <p>เป็นรูปแบบเฉพาะของสหราชอาณาจักร</p>		

No. 14	Term entry: Economic right	Sub-field: copyright Term variants: Related terms/sub-fields:
<p>Extraction record 1: CP11</p> <p>Copyright gives rise to two forms of rights: proprietary or economic rights in the work, for example the right to control copying, and, secondly, moral rights which leave the author, who may no longer be the owner of the copyright, with some control over how the work...</p>		
<p>Extraction record 2: CP71</p> <p>The economic rights are the rights of reproduction, broadcasting, public performance, adaptation, translation, public recitation, public display, distribution, and so on.</p>		
Related extraction records: CP126;CP127	Definition in references:	
Intensional characteristics: - right of reproduction, broadcasting ... distribution		
Notes:		
Thai Terms: สิทธิทางเศรษฐกิจ (Th_E)	Thai variants:	
<p>Thai extraction record 1:</p> <p>สิทธิทางเศรษฐกิจ ในงานที่สร้างสรรค์ซึ่งก่อให้เกิดผลประโยชน์แก่ผู้สร้างสรรค์ในรูปแบบของตัวเงินหรือสิทธิในการหาประโยชน์ทางพาณิชย์แก่ผู้สร้างสรรค์ CH, P.58</p>		
<p>Thai extraction record 2:</p> <p>กรรมสิทธิ... จึงแตกต่างจากสิทธิในทางเศรษฐกิจซึ่งมีวัตถุประสงค์ในการคุ้มครองสิทธิในผลประโยชน์ทางทรัพย์สินของบุคคลใดก็ตามที่เป็นเจ้าของงานสร้างสรรค์อันมีลิขสิทธิ์ CH, p. 58</p>		
Definition in Thai references:		
<p>Thai definition:</p> <p>สิทธิเศรษฐกิจหมายถึง สิทธิประเภทหนึ่งของลิขสิทธิ์ที่ให้สิทธิแก่เจ้าของลิขสิทธิ์ในการหาประโยชน์ทางพาณิชย์ เช่น การทำซ้ำ การแพร่เสียง การนำไปแสดงต่อสาธารณะ เป็นต้น</p>		

No. 15	Term entry: geographical indication	Sub-field: geographical indication
		Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: TM28</p> <p>A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.</p>		
<p>Extraction record 2: TM02</p> <p>Geographical indications: Back to top: Geographical indications are defined, for the purposes of the Agreement, as indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good</p>		
Related extraction records:	Definition in references:	
<p>Intensional characteristics: - a sign used on goods that have a specific geographical origin - possess qualities or a reputation that are due to that place of origin.</p>		
Notes:		
<p>Thai Terms: สิ่งบ่งชี้ทางภูมิศาสตร์ (Th_E)</p>	Thai variants:	
<p>Thai extraction record 1:</p> <p>สิ่งบ่งชี้ทางภูมิศาสตร์ (geographical indications) เป็นกรณีที่เกี่ยวข้องกับสิ่งกำหนดทางการค้าอันเป็นรูปแบบร่วมกันของสิ่งบ่งชี้แหล่งที่มา (indication of source) และเครื่องหมายแหล่งกำเนิด (appellations of origin) CH, P. 403</p>		
Thai extraction record 2:		
Definition in Thai references:		
<p>Thai definition:</p> <p>สิ่งบ่งชี้ทางภูมิศาสตร์หมายถึง</p> <ol style="list-style-type: none"> <li>1. สัญลักษณ์ประเภทหนึ่งที่ใช้กับสินค้าอันมีแหล่งที่มาเฉพาะ ท้องถิ่น หรือ อาณาบริเวณใดๆ ซึ่งแหล่งที่มาทำให้สินค้านั้นมีคุณสมบัติเฉพาะหรือชื่อเสียง</li> <li>2. สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในสัญลักษณ์ซึ่งใช้กับสินค้าอันมีแหล่งที่มาเฉพาะ ท้องถิ่น หรือ อาณาบริเวณใดๆ ซึ่งแหล่งที่มาทำให้สินค้านั้นมีคุณสมบัติเฉพาะหรือชื่อเสียง และเครื่องหมายแหล่งกำเนิดด้วย โดยได้รับความคุ้มครองทางกฎหมาย</li> </ol>		

No. 16	Term entry: get-up	Sub-field: Trademark
		Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: P26</p> <p>The defendant sold lemon juice in a similar but not identical container (it was bigger, having a green cap and a flat side) and was restrained from passing off its lemon juice as that of the plaintiffs by use of a deceptively similar ` get -up' .</p>		
<p>Extraction record 2: PO29</p> <p>As the word ` gourmet' was descriptive, small differences in get -up would be sufficient to avoid confusion.</p>		
<p>Related extraction records: PO22;PO23;PO24</p>		<p>Definition in references:</p>
<p>Intensional characteristics: - dealing with similarity of appearance of goods, - closely related to reputation around its get-up' , i.e., if that just started used, the Passing off action cannot be run</p>		
<p>Notes: found only in the U.K. corpus and is likely to be term under the protection of passing off because the content deals with the appearance of trademark.</p>		
<p>Thai Terms: การเลียนรูป (Coin)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p>		
<p>Thai extraction record 2:</p>		
<p>Definition in Thai references:</p>		
<p>Thai definition:</p> <p>การเลียนรูปหมายถึง การดัดแปลงรูปลักษณะของสินค้าหนึ่งหรืออื่นๆ ให้มีลักษณะคล้ายคลึงกับอีกสินค้าหนึ่ง เจ้าของของสินค้าที่ถูกดัดแปลงรูปลักษณะนั้นสามารถขอรับความคุ้มครองสิทธิทางทรัพย์สินทางปัญญาได้ ภายใต้กฎหมายการลงขาย</p>		

No. 17	Term entry: Industrial application	Sub-field: patent Term variants: Related terms/sub-fields: usefulness
Extraction record 1: PT27 By section 4(1) an invention is capable of industrial application if it can be made or used in any kind of industry including agriculture.		
Extraction record 2: PT33 If Industrial application can be equated with technical effects, and if there is some technical effect, that is if the use or working of the invention produces some tangible and physical consequences or if the invention is itself a physical entity (as opposed to information), then the requirement should be met.		
Related extraction records: PT26	Definition in references:	
Intensional characteristics: - capable of using in industry, agriculture, - technical effect, - tangible and physical consequences, - a character of invention		
Notes: Found only in Bainbridge - a characteristic of invention		
Thai Terms: การประยุกต์ในทางอุตสาหกรรม (Th_E)	Thai variants:	
Thai extraction record 1: ลักษณะของการประดิษฐ์ที่ขอรับสิทธิบัตรได้ ต้องเป็นการประดิษฐ์ที่สามารถประยุกต์ได้ในทางอุตสาหกรรม CH, p.146		
Thai extraction record 2: ...กฎหมายสิทธิบัตรของประเทศไทยได้อธิบายลักษณะของการประดิษฐ์ที่สามารถประยุกต์ในทางอุตสาหกรรมไว้อย่างชัดเจน CH, p.146		
Definition in Thai references:		
Thai definition: การประยุกต์ในทางอุตสาหกรรมคือ คุณสมบัติประการหนึ่งของการประดิษฐ์ หมายถึงความสามารถในการนำไปใช้ได้ทางอุตสาหกรรมรวมถึงการเกษตรกรรมด้วย หมายเหตุ - คุณสมบัติ การประยุกต์ในทางอุตสาหกรรม มีความคล้ายคลึงกับคุณสมบัติ การใช้งานได้ตามวัตถุประสงค์ (usefulness) ของในสหรัฐอเมริกาซึ่งเป็นคุณสมบัติหนึ่งของการประดิษฐ์เช่นกัน - ดู term record No. 24 (inventive step) และ No. 33 (novelty)		

No. 18	Term entry:	Sub-field: Industrial design
	Industrial design	Term variants:
		Related terms/sub-fields:
Extraction record 1: DSG14 Industrial designs are what make an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability.		
Extraction record 2: DSG16 In most countries, an industrial design must be registered in order to be protected under industrial design law.		
Related extraction records: DSG17		Definition in references:
Intensional characteristics: - what make an article attractive and appealing, - commercial value added - must be registered		
Notes:		
Thai Terms: การออกแบบทางอุตสาหกรรม (Th_E)		Thai variants:
Thai extraction record 1: การออกแบบทางอุตสาหกรรม (industrial design) ซึ่งจัดอยู่ในประเภททรัพย์สินทางอุตสาหกรรม (industrial property) อีกรูปอย่างหนึ่งเช่นเดียวกับการประดิษฐ์ CH, p.186		
Thai extraction record 2: กฎหมายอันเกี่ยวกับการคุ้มครองการออกแบบของต่างประเทศส่วนใหญ่ใช้คำว่า "การออกแบบทางอุตสาหกรรม (industrial design) CH, p.187		
Definition in Thai references:		

**Thai definition:**

การออกแบบทางอุตสาหกรรมหมายถึง

1. การทำให้วัตถุหนึ่งสวยงามและสะอาดและมีคุณค่าเชิงพาณิชย์ และมีวัตถุประสงค์เพื่อให้เกิดการสร้างสรรคการออกแบบเพื่อประโยชน์ทางอุตสาหกรรมและการพาณิชย์ และผลที่เกิดขึ้นจากกระบวนการดังกล่าวจะต้องจดทะเบียน
2. สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในผลของการทำให้วัตถุหนึ่งสวยงาม สะอาด มีคุณค่าเชิงพาณิชย์ และต้องจดทะเบียนเพื่อให้ได้มาซึ่งความคุ้มครองทางกฎหมาย

หมายเหตุ

การออกแบบทางอุตสาหกรรมมีเนื้อหาคล้ายคลึงกับ registered design ของสหราชอาณาจักร และ design patent ของสหรัฐอเมริกา

No. 19	Term entry:	Sub-field: Intellectual property
	Industrial property	Term variants:
		Related terms/sub-fields:
Extraction record 1: IP21 Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs		
Extraction record 2: IP23 (3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines...		
Related extraction records:		Definition in references:
Intensional characteristics: - class term including IP21		
Notes: 'industrial property' refers to things which are protected by intellectual property laws apart from the copyright.		
Thai Terms: ทรัพย์สินทางอุตสาหกรรม (Th_E)		Thai variants:

Thai extraction record 1:
Thai extraction record 2:
Definition in Thai references:
<p>Thai definition:</p> <p>ทรัพย์สินทางอุตสาหกรรม หมายถึง ทรัพย์สินทางปัญญาประเภทหนึ่งที่สร้างสรรค์ขึ้นเพื่อประโยชน์ในทางอุตสาหกรรม และพาณิชย์เป็นสำคัญ อาทิ การประดิษฐ์ การออกแบบทางอุตสาหกรรม เครื่องหมายการค้า เป็นต้น และแตกต่างจาก ลิขสิทธิ์ ซึ่งมีวัตถุประสงค์ในการให้ความคุ้มครองเพื่อตอบแทนการสร้างสรรค์ของผู้สร้างสรรค์เป็นหลัก</p>

No. 20	Term entry:	Sub-field: Lay-out design of integrated circuit
	Integrated circuit	Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: DSG06</p> <p>integrated circuit means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function.</p>		
<p>Extraction record 2: DSG64</p> <p>Members shall consider unlawful the following acts if performed without the authorization of the right holder: (9) importing, selling, or otherwise distributing for commercial purposes a protected layout-design, an integrated circuit in which a protected layout-design is incorporated, or an article incorporating such an integrated circuit only in so far as it continues to contain an unlawfully reproduced layout-design.</p>		
Related extraction records:		Definition in references:
<p>Intensional characteristics: - final or immediate form containing an active element</p> <p>- some/all interconnections are integrally formed in/or on a piece of material</p> <p>- intended to perform an electronic function</p>		
Notes:		
Thai Terms: วงจรรวม (Th_E)		Thai variants:

<p>Thai extraction record 1: วงจรรวม หรือ แผงเซมิคอนดักเตอร์ ให้หมายความว่าเป็น ผลิตภัณฑ์สำเร็จรูปหรือกึ่งสำเร็จรูปที่ทำหน้าที่ทางอิเล็กทรอนิกส์โดยลำพังหรือโดยร่วมกับผลิตภัณฑ์อื่น อันประกอบด้วยชิ้นส่วนที่สามารถกระตุ้นให้เกิดการปฏิบัติการทางอิเล็กทรอนิกส์รวมอยู่ด้วย และส่วนเชื่อมต่อที่เชื่อมชิ้นส่วนเหล่านั้นทั้งหมดหรือบางส่วนเข้าด้วยกัน ซึ่งได้จัดวางเป็นชั้นในลักษณะที่ผสมรวมกันอยู่บนวัตถุกึ่งตัวนำชิ้นเดียวกัน CH, p. 349</p>
<p>Thai extraction record 2:</p>
<p>Definition in Thai references:</p>
<p>Thai definition: วงจรรวม หมายถึง ผลิตภัณฑ์สำเร็จรูปหรือกึ่งสำเร็จรูปที่ทำหน้าที่ทางอิเล็กทรอนิกส์โดยลำพังหรือโดยร่วมกับผลิตภัณฑ์อื่น อันประกอบด้วยชิ้นส่วนที่สามารถกระตุ้นให้เกิดการปฏิบัติการทางอิเล็กทรอนิกส์รวมอยู่ด้วย และส่วนเชื่อมต่อที่เชื่อมชิ้นส่วนเหล่านั้นทั้งหมดหรือบางส่วนเข้าด้วยกัน ซึ่งได้จัดวางเป็นชั้นในลักษณะที่ผสมรวมกันอยู่บนวัตถุกึ่งตัวนำชิ้นเดียวกัน</p>

No.	Term entry:	Sub-field: copyright
21	integrity right	Term variants: right of integrity, authorship
		Related terms/sub-fields:
<p>Extraction record 1: CP136</p> <p>The integrity right is described by section 80 (1) as the right belonging to the author or director not to have work subjected to derogatory treatment.</p>		
<p>Extraction record 2: CP139</p> <p>Moral Rights The author' s moral rights are provided for under Article 6bis of the Berne Convention which requires recognition of the right of an author to be named as the author of a work (the right of paternity) and the right for an author to object to uses of a work which would bring dishonor or discredit on his or her reputation (the right of integrity).</p>		
Related extraction records:		Definition in references:
Intensional characteristics:		
Notes: found in ipgen 2 and ipspe 6		

Thai Terms: สิทธิในชื่อเสียงของผู้สร้างสรรค์ (coin.)	Thai variants:
Thai extraction record 1: สิทธิที่จะห้ามบุคคลอื่นดัดแปลงแก้ไขงานของผู้สร้างสรรค์ให้ผิดรูปแบบไป (right of integrity) VS, p. 6	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition: สิทธิในชื่อเสียงของผู้สร้างสรรค์หมายถึง สิทธิประเภทหนึ่งของสิทธิทางศีลธรรมในการห้ามไม่ให้ผู้ใดกระทำการใดๆ ต่อ งานซึ่งจะทำให้ผู้สร้างสรรค์เสื่อมเสียชื่อเสียง ต่างจาก สิทธิผู้สร้างสรรค์งาน (Paternity right) ที่มุ่งเน้นการห้ามปกปิด ชื่อผู้สร้างสรรค์งาน	

No. 22	Term entry: intellectual property	Sub-field: intellectual property
		Term variants:
		Related terms/sub-fields:
Extraction record 1: IP19 Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.		
Extraction record 2: IP20 Intellectual property is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographical indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.		
Related extraction records: IP05;IP06;IP10;IP14		Definition in references: BL: 1)a category of intangible rights protecting commercially valuable products of the human intellect 2) a commercially valuable product of the human intellect
Intensional characteristics: - creation of mind, - property - can be owned/dealt with - divided into 2 cat.: Industrial property – invention, trademark, industrial design, geographical indication/ - copyright - literary work , novels, poem and play etc; artistic work drawings, painting, photograph, sculpture, architectural design		

Notes: from IP06, it can be inferred that IP is a kind of right	
Thai Terms: ทรัพย์สินทางปัญญา (Th_E)	Thai variants:
Thai extraction record 1: ทรัพย์สินทางปัญญา หมายถึงสิทธิตามกฎหมายซึ่งได้มีการกำหนดขึ้นอันเกี่ยวกับผลผลิตจากปัญญาของมนุษย์ CH, p.2	
Thai extraction record 2: สิทธิต่างๆ ตามกฎหมาย ในสิ่งที่เกิดจากความอดสาซึ่งทำให้มีการสร้างสรรค์และการค้นคิดใดๆจากภูมิปัญญาของผู้สร้างสรรค์ หรือสิทธิต่างๆ ตามกฎหมายในชื่อเสียง (reputation) หรือ กู้ดวิลล์ (Goodwill) ทางการค้า CH, p. 2	
Definition in Thai references: -	
Thai definition: ทรัพย์สินทางปัญญาหมายถึง 1. การสร้างสรรค์จากภูมิปัญญาของมนุษย์ ซึ่งอาจเป็น งานวรรณกรรม งานศิลปกรรม สิ่งประดิษฐ์ สัญลักษณ์ ชื่อภาพ และ การออกแบบต่างๆ 2. สิทธิในผลจากการสร้างสรรค์จากภูมิปัญญาของมนุษย์ และได้รับความคุ้มครองโดยกฎหมายทรัพย์สินทางปัญญา	

No. 23	Term entry: invention	Sub-field: patent
		Term variants:
		Related terms/sub-fields:
Extraction record 1: PT43 In the first case, obtaining a patent is the most effective way of protecting the invention and the investment incurred in developing it.		
Extraction record 2: PT66 Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application.		
Related extraction records: PT35;PT19;PT20;PT21;PT18;PT75		Definition in references: BL: a patentable device or process created through independent effort and characterized by an extraordinary degree of skill or ingenuity; a newly discovered art or operation

Intensional characteristics: - invention protected by patent, - invention can be product and process invention must have - novelty - inventive step - industrial application	
Notes:	
Thai Terms: การประดิษฐ์ (Th_E)	Thai variants:
Thai extraction record 1: สำหรับความหมายของการประดิษฐ์ นั้น กฎหมายสิทธิบัตรของแต่ละประเทศต่างกำหนดไว้ในทำนองเดียวกัน CH, p.118	
Thai extraction record 2: มาตรา๓ บัญญัติไว้ว่า การประดิษฐ์ หมายความว่า การคิดค้นหรือคิดทำขึ้น อันเป็นผลให้ได้มาซึ่งผลิตภัณฑ์ หรือกรรมวิธีใดชิ้นใหม่ CH, P. 118	
Definition in Thai references:	
<p>Thai definition:</p> <p>การประดิษฐ์หมายถึง การคิดค้นสร้างสรรค์ประเภทหนึ่งของทรัพย์สินทางปัญญา ซึ่งอาจจะเป็นผลิตภัณฑ์หรือกรรมวิธี และมีคุณสมบัติ 3 ประการ ได้แก่ ความใหม่ (novelty) ขั้นตอนการประดิษฐ์สูงขึ้น (inventive step) และการประยุกต์ในอุตสาหกรรม (industrial application) และได้รับความคุ้มครองสิทธิโดยสิทธิบัตร</p>	

No. 24	Term entry:	Sub-field: patent
	inventive step	Term variants: nonobviousness (US)
		Related terms/sub-fields:
Extraction record 1: PT18		
<p>Because of the strength of this form of property right, high standards are required, the invention must be new and it must involve an inventive step, that is it must be more than merely an obvious application of technology.</p>		
Extraction record 2: PT31		
<p>For example, if it concerned a new type of gearing arrangement for a bicycle, anyone purchasing a bicycle with the new system fitted would be able to discover the inventive step by an examination of the gears, perhaps after dis fate' s consideration mantling them.</p>		
Related extraction records: PT113;PT114		Definition in references:
Intensional characteristics: - more than application of technology		
Notes: US - criteria for invention are novelty and non-obviousness. the latter is equated with inventive step		

Thai Terms: ชั้นการประดิษฐ์สูงขึ้นไป (Th_E)	Thai variants:
Thai extraction record 1: หลักเกณฑ์ประการที่สอง... จะต้องเป็นการประดิษฐ์ที่มีชั้นการประดิษฐ์สูงขึ้นไป CH, p.144	
Thai extraction record 2: ดังที่กฎหมายสิทธิบัตรของหลายประเทศอธิบายไว้ว่าการประดิษฐ์ที่มีชั้นการประดิษฐ์สูงขึ้นไป (inventive step) ต้องเป็นผลจากความแตกต่างระหว่างการประดิษฐ์ที่ขอรับสิทธิบัตรกับงานที่ปรากฏอยู่แล้วอันไม่ประจักษ์ (nonobvious) นั่นคือไม่เป็นสิ่งที่สามารถคาดคิดได้โดยทันทีที่เห็น CH, p.145	
Definition in Thai references:	
Thai definition: ชั้นการประดิษฐ์สูงขึ้นไป หมายถึง คุณสมบัติประการหนึ่งของการประดิษฐ์ ที่มีลักษณะเหนือกว่าการใช้เทคโนโลยีอันเป็นที่เข้าใจโดยง่าย หมายเหตุ คุณสมบัติ ชั้นการประดิษฐ์สูงขึ้นไป มีความคล้ายคลึงกับคุณสมบัติ การไม่ประจักษ์โดยง่าย (nonobviousness) ของสหรัฐอเมริกาซึ่งเป็นคุณสมบัติหนึ่งของการประดิษฐ์เช่นกัน ดู Term Record No. 31 (non-obviousness) ประกอบ	

No. 25	Term entry: inventor	Sub-field: patent
		Term variants:
		Related terms/sub-fields:
Extraction record 1: PT28 The inventor of an invention is, by section 7(3), the actual devisor of the invention.		
Extraction record 2: PT61 If the inventor is not the proprietor of the patent, he has a right to be mentioned as being the inventor in any patent granted and in any published application		
Related extraction records: PT06	Definition in references:	
Intensional characteristics: - actual devisor		
Notes:		
Thai Terms: ผู้ประดิษฐ์ (Th_E)	Thai variants:	

Thai extraction record 1: กฎหมายภายในของประเทศต่างๆ ให้ความสำคัญคุ้มครองการประติษฐ์ โดยการออกสิทธิบัตร ... ให้แก่ผู้ประติษฐ์ CH, p.118
Thai extraction record 2: มาตรา๑๐ ววรรคแรกบัญญัติ ให้ผู้ประติษฐ์เป็นผู้มีสิทธิขอรับสิทธิบัตรการประติษฐ์ CH, p.149
Definition in Thai references:
Thai definition: ผู้ประติษฐ์หมายถึง ผู้ที่คิดค้นการประติษฐ์ขึ้น ซึ่งอาจเป็นคนเดียวกับบุคคลที่ขอรับสิทธิบัตรหรือไม่ก็ได้

No.	Term entry:	Sub-field: Trade secret
26	law of breach of confidence	Term variants: the law of confidence
		Related terms/sub-fields:
Extraction record 1: TS05 Whereas other rights such as copyright and patents are particularly useful when the subject matter is made public by exploitation by the right owner, the law of breach of confidence gives protection to things not released to the public or even part of the public.		
Extraction record 2: TS01 The law of confidence protects ideas and is a useful ally to other intellectual property rights, often being the only form of protection when the subject matter is still in its embryonic state.		
Related extraction records: TS19, TS20		Definition in references:
Intensional characteristics: - protection to thing not released to the public		
Notes: Consult: กฎหมายว่าด้วยการละเมิดความไว้วางใจ ไม่สื่อความหมาย ควรใช้ว่า กฎหมายว่าด้วยการละเมิดข้อมูลที่ไม่เปิดเผย		
Thai Terms: กฎหมายว่าด้วยการละเมิดข้อมูลที่ไม่เปิดเผย (adp.)		Thai variants:
Thai extraction record 1: โดยหลักกฎหมายว่าด้วยการคุ้มครองความลับทางการค้าเกิดขึ้นจากคำพิพากษาของศาลอังกฤษ ในคดีที่มีข้อเท็จจริงเกี่ยวกับการละเมิดสิทธิของเจ้าของข้อมูลนั้นอันมีที่มาจากหลักกฎหมายว่าด้วยการละเมิดความไว้วางใจ (the law of breach of confidence) CH, p.383		

Thai extraction record 2:
Definition in Thai references:
<p>Thai definition:</p> <p>กฎหมายว่าด้วยการละเมิดความไว้วางใจหมายถึง กฎหมายประเภทหนึ่งของทรัพย์สินทางปัญญาที่ให้ความคุ้มครองสิทธิในข้อมูลอันไม่เป็นที่เปิดเผยแก่คนทั่วไปและความลับทางการค้า</p> <p>หมายเหตุ</p> <ul style="list-style-type: none"> <li>- เป็นรูปแบบเฉพาะของสหราชอาณาจักร</li> <li>- ดู term record No. 48 (trade secret) ประกอบ</li> </ul>

No.	Term entry:	Sub-field: Lay-out design of integrated circuit
27	layout-design (of integrated circuit)	Term variants:
		Related terms/sub-fields:
Extraction record 1: DSG04		
A "layout-design (topography)" is defined as the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture.		
Extraction record 2: DSG65		
The obligation to protect layout-designs applies to such layout -designs that are original in the sense that they are the result of their creators' own intellectual effort and are not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of their creation.		
Related extraction records: DSG66;DSG67		Definition in references:
Intensional characteristics: - as in the records: DSG04, DSG65		
Notes:		
Thai Terms: แบบผังภูมิ (ของวงจร รวม) (Th_E)		Thai variants:

Thai extraction record 1: แบบ แผนผัง หรือภาพที่สร้างขึ้น ไม่ว่าจะปรากฏในรูปแบบใด เพื่อให้เห็นถึงการจัดวางเป็นวงจรรวมในลักษณะสามมิติ CH, p.349
Thai extraction record 2:
Definition in Thai references:
<p>Thai definition:</p> <p>แบบผังภูมิหมายถึง</p> <ol style="list-style-type: none"> <li>1. การสร้างสรรค์หรือผลของการสร้างสรรค์การจัดวางชิ้นส่วนของวงจรรวม ในลักษณะสามมิติที่สามารถกระตุ้นให้เกิดการปฏิบัติการทางอิเล็กทรอนิกส์และส่วนเชื่อมต่อชิ้นส่วนเหล่านั้น หรือการเตรียมการจัดวางดังกล่าวเพื่อนำไปผลิต</li> <li>2. สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในแบบผังภูมิของวงจรรวม และได้รับความคุ้มครองทางกฎหมาย</li> </ol>

No. 28	Term entry:	Sub-field: copyright
	literary work	Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: CP41</p> <p>It should already be clear that a literary work does not have to be a work of literature and this is implied by the inclusion of tables, compilations, computer programs and preparatory design material for computer programs in the category of literary work.</p>		
<p>Extraction record 2: CP78</p> <p>Literary works are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, films, tapes, disks, or cards, in which they are embodied</p>		
Related extraction records: CP128;CP130		Definition in references:
<p>Intensional characteristics: - not only literature, - expressed in words, number, other verbal and numerical symbols, - regardless of the nature of the material objects, - text is literary work</p>		
Notes:		

Thai Terms: งานวรรณกรรม (Th_E)	Thai variants:
Thai extraction record 1: ม. 4 พ.ร.บ. ลิขสิทธิ์ 2537 งานนิพนธ์ที่ทำขึ้นทุกชนิด เช่น หนังสือ จุลสาร สิ่งเขียน สิ่งพิมพ์ ปาฐกถา เทศนา คำปราศรัยสุนทรพจน์ และให้หมายความรวมถึงโปรแกรมคอมพิวเตอร์ด้วย CH, p.36	
Thai extraction record 2: งานนิพนธ์ต่างๆ ที่ได้รับการสร้างสรรค์ขึ้นมาแล้วสามารถเป็นงานวรรณกรรมอันมีลิขสิทธิ์ได้ ไม่ว่าจะทำให้ปรากฏโดยการแสดงออกมาด้วยวิธีหรือลักษณะใด CH, p.36	
Definition in Thai references:	
Thai definition: งานวรรณกรรมหมายถึง การสร้างสรรค์ประเภทหนึ่ง que แสดงออกเป็นคำ ข้อความ ตัวเลข สัญลักษณ์ทางภาษาหรือตัวเลข และได้รับความคุ้มครองโดยลิขสิทธิ์	

No. 29	Term entry: moral right	Sub-field: copyright
		Term variants: paternity right, authorship
		Related terms/sub-fields: economic right
Extraction record 1: There are four rights within the ' moral right' designation, being: (a) the right to be identified as the author of a work or director of a film, the ' paternity right' ; (b) the right of an author of a work or director of a film to object to derogatory treatment of that work or film, the ' integrity right' ; (c) a general right that every person has not to have a work falsely attributed to him; (d) the commissioner' s right of privacy in respect of a photograph or film made for private and domestic purposes Notice that the Act refers to the director of a film.		
Extraction record 2: CP69 The moral rights include the author ' s right to object to any distortion, mutilation or other modification of his work that might be prejudicial to his honor or reputation.		
Related extraction records: CP9;CP18;CP98		Definition in references:
Intensional characteristics: - right to be identified as author, - right to object derogatory treatment - right to object to any distortion, mutilation or other modification of his work that might be prejudicial to his honor or reputation.		

Notes:	
Thai Terms: ธรรมสิทธิ, สิทธิทางศีลธรรม (Th_E)	Thai variants:
Thai extraction record 1: ธรรมสิทธิ หมายถึง สิทธิของผู้สร้างสรรค์ในการที่จะปกป้องชื่อเสียงเกียรติคุณอันเนื่องมาจากงานที่ตนได้สร้างสรรค์ขึ้น โดยการปกป้องชื่อเสียงหรือเกียรติคุณของผู้สร้างสรรค์ CH, p.58	
Thai extraction record 2: ตามลักษณะทั่วไปของธรรมสิทธินี้ เป็นสิทธิทางนามธรรมและไม่อาจถูกจำหน่ายจ่ายโอนโดยผลของการตกลงทางพาณิชย์ CH, p.58	
Definition in Thai references:	
<p>Thai definition:</p> <p>สิทธิทางศีลธรรมหรือธรรมสิทธิ หมายถึง สิทธิประเภทหนึ่งของลิขสิทธิ์ที่ให้ความคุ้มครองแก่ผู้สร้างสรรค์งานในการแสดงตนว่าเป็นผู้สร้างสรรค์งาน และการห้ามไม่ให้มีการกระทำการใดๆ ต่องานอันจะทำให้ชื่อเสียงเกียรติคุณของผู้สร้างสรรค์เสื่อมเสียได้ สิทธิทางศีลธรรมประกอบด้วย สิทธิสิทธิในชื่อเสียงของผู้สร้างสรรค์ (integrity right) และ สิทธิในการมีชื่อเป็นผู้สร้างสรรค์งาน (paternity right)</p> <p>หมายเหตุ</p> <p>ดู Term record No. 21 (integrity right) และ No. 41 (paternity right) ประกอบ</p>	

No. 30	Term entry:	Sub-field: Copyright
	neighbouring right	Term variants:
		Related terms/sub-fields:
Extraction record 1: CP113		
<p>Whereas the rights provided by copyright apply to authors, "related rights", also known as "neighboring rights" concern other categories of owners of rights, namely, performers, the producers of phonograms and broadcasting organizations.</p>		
Extraction record 2: CP118		
<p>Neighboring rights are similar to the rights protected by copyright or authors' rights and are applied to protect the rights of producers of phonograms, performers and broadcasters.</p>		

Related extraction records:	Definition in references:
Intensional characteristics: right protection to derivative work	
Notes:	
Thai Terms: สิทธิข้างเคียง (Th_E)	Thai variants:
<p>Thai extraction record 1:</p> <p>ในขณะที่งานต่างๆ อันเกี่ยวข้องกับสิทธิข้างเคียง (neighbouring right) เช่น งานบันทึกเสียง งานโสตทัศนวัสดุ งานภาพยนตร์ งานแพร่เสียงแพร่ภาพ เป็นต้น ซึ่งเป็นงานอันประกอบหรือมีที่มาจากงานสร้างสรรค์พื้นฐานเริ่มแรกนั้น ได้กำหนดให้งานเหล่านั้นไม่อาจมีลิขสิทธิ์ได้ในกรณีที่มีการลอกเลียนแบบจากงานต้นฉบับ CH, p.31</p>	
Thai extraction record 2:	
Definition in Thai references:	
<p>Thai definition:</p> <p>สิทธิข้างเคียงหมายถึง สิทธิประเภทหนึ่งของลิขสิทธิ์ที่ให้ความคุ้มครองแก่งานสืบเนื่อง ต่างจาก ลิขสิทธิ์ปกติที่ให้ความคุ้มครองแก่งานสร้างสรรค์ที่เป็นงานเริ่มแรก</p>	

No.	Term entry:	Sub-field: Patent
31	nonobviousness	Term variants:
		Related terms/sub-fields: inventive step
<p>Extraction record 1: PT113</p> <p>464 An invention satisfies the nonobviousness requirement if a person of ordinary skill in the art" would not have viewed the invention as having been obvious in view of the prior art at the time the invention was made.</p>		
<p>Extraction record 2: PT114</p> <p>This evaluation is performed to determine if the invention is "novel" and "non-obvious".</p>		
Related extraction records:	Definition in references:	
Intensional characteristics: not obvious to a person with ordinary skill in the art		
Notes: similar to the concept 'inventive step'		
Thai Terms:	Thai variants:	
การไม่ประจักษ์โดยง่าย (adp.)		

Thai extraction record 1:
Thai extraction record 2:
Definition in Thai references:
<p>Thai definition:</p> <p>การไม่ประจักษ์โดยง่ายหมายถึง คุณสมบัติประการหนึ่งของการประดิษฐ์ ที่บุคคลทั่วไปไม่สามารถคาดคิดหรือรู้ได้ทันทีที่เห็น</p> <p>หมายเหตุ</p> <p>'nonobviousness' เป็นรูปแบบเฉพาะของสหรัฐอเมริกา และมีความคล้ายคลึงกับมโนทัศน์ 'inventive step'</p> <p>ดู term record No. 24 (inventive step) ประกอบ</p>

No.	Term entry:	Sub-field: Patent
32	non-provisional application	Term variants: patent application
		Related terms/sub-fields: provisional application
Extraction record 1: PT100		
General Information Services Division (GISD) provides the primary point of contact to the independent inventor community and the general public for general information about filing a disclosure document, a provisional patent application, or a regular, non- provisional patent application.		
Extraction record 2: PT101		
For Patent Non- Provisional Application for a Patent A non-provisional application for a patent is made to the Commissioner for Patents and includes: (1) A written document which comprises a specification (description and claims), and an oath or declaration; (2) A drawing in		
Related extraction records:		Definition in references:
Intensional characteristics: - a regular patent application		
Notes: USA specific		
เสนอ: การขอรับสิทธิบัตรปกติ เพื่อแยกความแตกต่างจากการขอจดสิทธิบัตรชั่วคราว ในกรณีที่เป็นสิทธิบัตรของสหรัฐอเมริกา concept ตรงกับ การขอรับสิทธิบัตร ทั่วไป		
Thai Terms:		Thai variants:
การขอรับสิทธิบัตรปกติ (coin.)		

Thai extraction record 1:
Thai extraction record 2:
Definition in Thai references:
<p>Thai definition:</p> <p>การขอรับสิทธิบัตรปกติ หมายถึง ข้อกำหนดในการดำเนินการให้ได้มาซึ่งความคุ้มครองโดยสิทธิบัตรหลังจากที่ได้มีการขอสิทธิบัตรล่วงหน้า มีความหมายเดียวกับศัพท์ การขอรับสิทธิบัตร (patent application)</p> <p>หมายเหตุ</p> <ul style="list-style-type: none"> <li>- เป็นรูปแบบเฉพาะของสหรัฐอเมริกาและมีความหมายเดียวกับคำว่า patent application</li> <li>- ดู term record No. 45 การขอสิทธิบัตรล่วงหน้า (provisional application) ประกอบ</li> </ul>

No. 33	Term entry:	Sub-field: patent
	novelty	Term variants:
		Related terms/sub-fields:
Extraction record 1: PT51		
Therefore, novelty is really a question of whether the invention has been `anticipated' , for example by a previous patent or by publication or use.		
Extraction record 2: PT117		
It must be of practical use; it must show an element of novelty , that is, some new characteristic which is not known in the body of existing knowledge in its technical field.		
Related extraction records: PT52; PT117;DSG42	Definition in references: BL: 1. The fact that an invention is new in form and in function or performance 2. The requirement that this fact must be demonstrated for an invention to be patentable - if the invention has been previously patented, described in a publication, or known or used by others, it is not novel.	
Intensional characteristics: - not anticipated by a previous patent, by publication or use - new: not form part of the state of art		
Notes: related to design right of UK (dsg42)		
Distinction from nonobviousness is not clear for the US Patent system		
For the Thai equivalents, another term, ความใหม่, is coined for avoiding the circular definition.		

Thai Terms: ความใหม่ (coin.) (การประดิษฐ์ขึ้นใหม่ (Th_E))	Thai variants:
Thai extraction record 1: ... กล่าวคือ ต้องไม่มีการประดิษฐ์อย่างที่ยอมรับสิทธิบัตรดังกล่าวเผยแพร่ต่อสาธารณชนก่อนวันขอรับสิทธิบัตร CH, p.142	
Thai extraction record 2: พ.ร.บ. สิทธิบัตร มาตรการ บัญญัติไว้ว่า การประดิษฐ์ขึ้นใหม่ ได้แก่ การประดิษฐ์ที่ไม่เป็นงานที่ปรากฏอยู่แล้ว CH, p.141	
Definition in Thai references:	
Thai definition: ความใหม่หมายถึง คุณสมบัติประการหนึ่งของการประดิษฐ์ซึ่งไม่เคยมีมาก่อนในสาขาของสิ่งประดิษฐ์นั้น ต่างจาก ขั้นตอนการประดิษฐ์ขั้นสูง (inventive step) ที่เป็นคุณสมบัติทางระดับเทคโนโลยี และการประยุกต์ในทางอุตสาหกรรม (industrial application) ที่หมายถึงการนำไปใช้ในทางอุตสาหกรรมและเกษตรกรรม หมายเหตุ ดู term record No. 17 (industrial application) และ 24 (inventive step) ประกอบ	

No. 34	Term entry: original work	Sub-field: copyright
		Term variants:
		Related terms/sub-fields:
Extraction record 1: CP72 Copyright is the legal protection extended to the owner of the rights in an original work that he has created.		
Extraction record 2: CP105 Rather, originality is usually taken to require that the work in question originated from the author, its creator, and that it was not copied from another work.		
Related extraction records: CP73	Definition in references:	
Intensional characteristics: - work originated from the author, not copied from another work		

Notes: though no defi record provided; original work should be included because there is concept ' derivative work'	
CH, P. 30 มีคำว่า originality แปลว่า ความคิดริเริ่ม original work มีใช้ 2 คำ คือ งานพื้นฐาน และงานเริ่มแรก เสนอว่า ควรใช้คำว่า งานเริ่มแรก ดีกว่า เพื่อให้ตรงข้ามกับ งานสืบเนื่อง	
Thai Terms: งานเริ่มแรก (Th_E)	Thai variants:
Thai extraction record 1: โดยเฉพาะอย่างยิ่งใน งานซึ่งถือว่าเป็นงานพื้นฐาน (original work) อันได้แก่งานวรรณกรรม นาฏกรรม ดนตรีกรรม และศิลปกรรม CH, p.31	
Thai extraction record 2: งานเริ่มแรก (original work) อันเป็นงานพื้นฐาน ซึ่งก่อให้เกิดการสร้างสรรค้งานในรูปแบบใหม่ๆ ตามผลของพัฒนาการทางวิทยาศาสตร์เทคโนโลยี อันได้แก่ งานโสตทัศนวัสดุ ภาพยนตร์ สิ่งบันทึกเสียง โดยงานกลุ่มนี้เป็นงานอันเกี่ยวกับ สิทธิข้างเคียง (neighbouring rights) หรือบางท่านเรียกงานในกลุ่มนี้ว่า "งานสืบเนื่อง" CH, p.36	
Definition in Thai references:	
Thai definition: งานเริ่มแรก หมายถึง การสร้างสรรค์งานขึ้นเป็นครั้งแรกโดยผู้สร้างสรรค์ ซึ่งงานดังกล่าวอาจเป็นงานวรรณกรรม หรืองานศิลปกรรมก็ได้ และได้รับความคุ้มครองจากลิขสิทธิ์ ต่างจากงานสืบเนื่องที่สร้างสรรค์ขึ้นจากงานเริ่มแรก  หมายเหตุ ดู term record No. 8 (derivative work) ประกอบ	

No. 35	Term entry:	Sub-field: design / industrial design / trademark
	owner	Term variants: patent owner (see No.21)
		Related terms/sub-fields:
Extraction record 1: DSG21 A copyright and a design right is owned by its ` owner' but for a registered design he is known as the `proprietor' ..		
Extraction record 2: DSG53 requires Members to grant the owner of a protected industrial design the right to prevent third parties not having the owner ' s consent from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.		

Related extraction records: TM61	Definition in references:
Intensional characteristics: a person who owns intellectual property	
Notes:	
Thai Terms: เจ้าของ (Th_E)	Thai variants:
Thai extraction record 1: แม้เครื่องหมายการค้าได้ยังไม่ได้รับการจดทะเบียนเครื่องหมายการค้าตามกฎหมายว่าด้วยเครื่องหมายการค้าก็ตาม แต่เจ้าของเครื่องหมายการค้านั้นสามารถได้มาซึ่งสิทธิในเครื่องหมายการค้าโดยการใช้ดังที่กล่าวมาแล้ว CH, p.295	
Thai extraction record 2: ผู้เป็นเจ้าของเครื่องหมายการค้าย่อมมีสิทธิใช้เครื่องหมายการค้ากับสินค้าของตนได้เสมอ CH, p.295	
Definition in Thai references:	
Thai definition: เจ้าของหมายถึง ผู้มีสิทธิแต่ผู้เดียวในทรัพย์สินทางปัญญาประเภทต่างๆ เช่น การออกแบบ การออกแบบทางอุตสาหกรรม และเครื่องหมายการค้า	

No. 36	Term entry: passing off	Sub-field: Trademark
		Term variants:
		Related terms/sub-fields:
Extraction record 1: PO05 As with trade mark law, passing off is concerned with the protection of business goodwill and reputation and this has the secondary effect of protecting the buying public from trade deception.		
Extraction record 2: PO06 This is the tort of passing off where one trader is attempting to take unfair advantage of another trader' s goodwill.		
Related extraction records:	Definition in references: BL: the act or an instance of falsely representing one' s own product as that of an other in an attempt to deceive potential buyers. - passing off is actionable in tort under the law of unfair competition - also termed palming off	

Intensional characteristics: - a form of protection to business goodwill and reputation - unfair advantage of another trader' s goodwill by one trader	
Notes:	
Thai Terms: การลวงขาย (Th_E)	Thai variants:
Thai extraction record 1: การลวงขายตามมาตรา๔๖ วรรคสองนี้ จึงเป็นการหลอกลวง เพื่อให้ประชาชนหลงเชื่อใน แหล่งกำเนิดแห่งสินค้านั้นอันเป็นเท็จ CH, p.309 – 310	
Thai extraction record 2: การลวงขายคือ การที่บุคคลหนึ่งเอาสินค้าของตนไปขายโดยกระทำด้วยประการใดๆ เพื่อ ลวงผู้ซื้อว่าเป็นสินค้าของบุคคลอื่น CH, p.309	
Definition in Thai references:	
<p>Thai definition:</p> <p>การลวงขายหมายถึง</p> <ol style="list-style-type: none"> <li>1. การนำเอาสินค้าหรือเครื่องหมายการค้าไม่จดทะเบียนของผู้อื่นไปอ้างหรือเลียนแบบเพื่อหาประโยชน์ในเชิงพาณิชย์ ทำให้เจ้าของสินค้าจริง เกิดความเสียหายทางด้านการค้า และชื่อเสียงทางธุรกิจ</li> <li>2. กฎหมายประเภทหนึ่งของทรัพย์สินทางปัญญา ที่ให้ความคุ้มครองแก่ เครื่องหมายการค้าไม่จดทะเบียน และการเลียนรูป ในกรณีที่ผู้หนึ่งนำเครื่องหมายการค้าไม่จดทะเบียนหรือสินค้าของผู้อื่นไปอ้าง เลียนแบบ หรือใช้ประโยชน์ในเชิงพาณิชย์โดยไม่ได้รับอนุญาตจากเจ้าของเครื่องหมายการค้าหรือเจ้าของสินค้านั้นๆ ทำให้เจ้าของเครื่องหมายการค้าที่ไม่ได้จดทะเบียนหรือสินค้า เกิดความเสียหายทางการค้าและชื่อเสียงทางธุรกิจ</li> </ol> <p>หมายเหตุ</p> <p>ดู term record No. 16 (get-up) และ No. 50 (unregistered trademark) ประกอบ</p>	

No. 37	Term entry: patent	Sub-field: patent
		Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: PT02/1</p> <p>In common with other intellectual property rights, a patent is a form of personal property that may be assigned, licensed or charged by way of a mortgage.</p>		
<p>Extraction record 2: PT66</p> <p>Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application.</p>		
<p>Related extraction records: PT02;PT15;PT22;PT39;PT34;P T44;PT91</p>		<p>Definition in references: BL: the exclusive right to make, use or sell an invention for a specified period granted by the federal government to the inventor if the device or process is novel, useful and nonobvious</p>
<p>Intensional characteristics: - a type of property right, - available for invention</p>		
<p>Notes:</p>		
<p>Thai Terms: สิทธิบัตร (Th_E)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p> <p>หลักการที่ความตกลง TRIPS ได้บัญญัติไว้ในข้อ ๒๗ (๑) ซึ่งกำหนดให้มีสิทธิบัตรสำหรับสิ่งประดิษฐ์ใดๆ ไม่ว่าจะเป็ นผลิตภัณฑ์หรือกรรมวิธีในทุกสาขาเทคโนโลยี CH, p.140</p>		
<p>Thai extraction record 2:</p> <p>การประดิษฐ์ซึ่งได้รับความคุ้มครองตามสิทธิบัตรนั้น มีลักษณะและที่มาแห่งการให้ความคุ้มครองแตกต่างไปจากทรัพย์สินทางปัญญาประเภทลิขสิทธิ์และสิทธิของนักแสดงเป็นอย่างมาก CH, p.117</p>		
<p>Definition in Thai references:</p>		
<p>Thai definition:</p> <p>สิทธิบัตรหมายถึง สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในการประดิษฐ์ ซึ่งได้รับความคุ้มครองทางกฎหมาย</p>		

No. 38	Term entry:	Sub-field: patent
	patent application	Term variants:
		Related terms/sub-fields:
Extraction record 1: PT73 The first step in securing a patent is the filing of a patent application.		
Extraction record 2: PT74 The patent application generally contains the title of the invention, as well as an indication of its technical field; it must include the background and a description of the invention, in clear language and enough detail that an individual with an average ..		
Related extraction records:		Definition in references:
Intensional characteristics: - formality to secure patent		
Notes: distinguishing character from copyright, which need no formality		
Thai Terms: การขอรับสิทธิบัตร (Th_E)		Thai variants:
Thai extraction record 1: การขอรับสิทธิบัตรเป็นสิ่งจำเป็นสำหรับการได้มาซึ่งสิทธิบัตรการประดิษฐ์ CH, p.153		
Thai extraction record 2:		
Definition in Thai references:		
Thai definition: การขอรับสิทธิบัตรหมายถึง ข้อกำหนดประการหนึ่งในการดำเนินการตามที่กฎหมายกำหนดไว้เพื่อให้ได้มาซึ่งความคุ้มครองทางสิทธิบัตร โดยผู้ขอรับสิทธิบัตรอาจเป็นผู้ประดิษฐ์หรือไม่ก็ได้		

No. 39	Term entry:	Sub-field: Patent
	patent owner	Term variants: patentee
		Related terms/sub-fields:
Extraction record 1: PT03 Patent owners shall also have the right to assign, or transfer by succession, the patent and to conclude licensing contracts.		
Extraction record 2: PT77 A patent owner has the right to decide who may - or may not - use the patented invention for the period in which the invention is protected.		
Related extraction records: PT37		Definition in references:
Intensional characteristics: - one who has right to assign, use or transfer the patent		
Notes: syn. = patentee		
Thai Terms: ผู้ทรงสิทธิบัตร (Th_E)		Thai variants:
Thai extraction record 1: ... โดยผู้ที่ได้รับสิทธิบัตรย่อมมีฐานะเป็นเจ้าของสิทธิบัตรตามกฎหมาย ซึ่งเรียกว่า ผู้ทรงสิทธิบัตร CH, p.119		
Thai extraction record 2: สิทธิแต่ผู้เดียวของผู้ทรงสิทธิบัตรยังคงมีข้อยกเว้นในบางกรณี CH, p.119		
Definition in Thai references:		
Thai definition: ผู้ทรงสิทธิบัตรหมายถึง ผู้มีสิทธิแต่ผู้เดียวในการประดิษฐ์ที่ได้รับความคุ้มครองโดยสิทธิบัตร และอาจเป็นผู้ประดิษฐ์หรือไม่ก็ได้		

No. 40	Term entry:	Sub-field: Patent
	patentee	Term variants: patent owner
		Related terms/sub-fields:
Extraction record 1: PT40 Once a patent is issued, the patentee must enforce the patent without aid of the USPTO (United State Patent Office).		

Extraction record 2: PT54	
It is not possible to lay down a strict percentage to be applied universally because of variations in development and promotional costs and there is a danger that the patentee will be robbed of his reward if the rate is set too low.	
Related extraction records:	Definition in references: BL one who has been granted a patent
Intensional characteristics: a person who is granted a patent	
Notes:	
Thai Terms: ผู้ทรงสิทธิบัตร (Th_E)	Thai variants:
Thai extraction record 1: เมื่อได้มีการออกสิทธิบัตรให้แก่ผู้ขอรับสิทธิบัตรแล้ว ผู้ขอรับสิทธิบัตรย่อมมีฐานะตามกฎหมายสิทธิบัตรเป็น "ผู้ทรงสิทธิบัตร" (patentee) ซึ่งสามารถมีสิทธิต่างๆ ตามที่กฎหมายกำหนดไว้ CH, p.163	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition: ผู้ทรงสิทธิบัตรหมายถึง ผู้มีสิทธิแต่ผู้เดียวในการประดิษฐ์ที่ได้รับความคุ้มครองทางสิทธิบัตร โดยอาจเป็นผู้ประดิษฐ์หรือไม่ก็ได้  หมายเหตุ - ในภาษาอังกฤษ มีศัพท์ 2 คำแทนมโนทัศน์ ผู้ทรงสิทธิบัตรคือ patent owner และ patentee - ดู term record No. 39 (patent owner) ประกอบ	

No. 41	Term entry: paternity right	Sub-field: copyright
		Term variants: right of paternity
		Related terms/sub-fields: moral right, authorship
<p>Extraction record 1: CP134</p> <p>There are four rights within the ' moral right' designation, being: (a) the right to be identified as the author of a work or director of a film, the ' paternity right' ; (b) the right of an author of a work or director of a film to object to derogatory treatment of that work or film, the ' integrity right' ; (c) a general right that every person has not to have a work falsely attributed to him; (d) the commissioner' s right of privacy in respect of a photograph or film made for private and domestic purposes Notice that the Act refers to the director of a film.</p>		
<p>Extraction record 2: CP139</p> <p>Moral Rights: The author' s moral rights are provided for under Article 6bis of the Berne Convention which requires recognition of the right of an author to be named as the author of a work (the right of paternity ) and the right for an author to object to uses of a work which would bring dishonor or discredit on his or her reputation (the right of integrity).</p>		
Related extraction records:	Definition in references:	
Intensional characteristics:		
Notes: found in ipgen 2 and ipspe 6		
<p>Thai Terms:</p> <p>สิทธิในการมีชื่อเป็นผู้สร้างสรรค์งาน (coin.)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p> <p>สิทธิทางศีลธรรมประกอบด้วย ๒) สิทธิที่จะหวงกันหรือห้ามบุคคลอื่นแก้ไขหรือเปลี่ยนแปลงชื่อผู้สร้างสรรค์ หรือกระทำการใดๆ ที่เป็นการปกปิดชื่อผู้สร้างสรรค์ ที่อาจก่อให้เกิดการหลงผิดในชื่อของบุคคลสร้างสรรค์ผลงานอย่างไม่เป็นธรรม (right of paternity) VS, p.6</p>		
Thai extraction record 2:		
Definition in Thai references:		

## Thai definition:

สิทธิในการมีชื่อเป็นผู้สร้างสรรค์งานหมายถึง สิทธิประเภทหนึ่งของสิทธิทางศีลธรรม (moral right) ในการห้ามมิให้บุคคลอื่นปกปิดหรือเปลี่ยนแปลงชื่อผู้สร้างสรรค์งาน ต่างจาก สิทธิในชื่อเสียงของผู้สร้างสรรค์ (integrity right) ที่ห้ามมิให้มีการตัดแปลงงานของผู้สร้างสรรค์อันจะทำให้เกิดความเสียหายต่อชื่อเสียงของผู้สร้างสรรค์

หมายเหตุ

- ดู term record No. 21 (integrity right) และ No. 33 (moral right) ประกอบ

No.	Term entry:	Sub-field: Patent
42	petty patent	Term variants:
		Related terms/sub-fields: utility model
Extraction record 1: PT122		
(8) Petty Patent -- A petty patent will be issued for an invention which is new and is capable of industrial application but without the need for inventive steps.		
Extraction record 2: PT124		
Petty patent is a right which can be obtained only for product inventions (excluding substances, compositions and biological material) having inventive step which does not suffice for patent.		
Related extraction records:		Definition in references:
PT123;PT125 DSG54;DSG61		
Intensional characteristics: - new (novelty), - industrial application, - no need for inventive steps or insufficient inventive steps for patent		
Notes:		
Thai Terms: อนุสิทธิบัตร (Th_E)		Thai variants:
Thai extraction record 1:		
การให้ความคุ้มครองการประดิษฐ์ซึ่งยังไม่ถึงขั้นมาตรฐานการประดิษฐ์ขั้นสูง เพียงพอที่จะขอรับสิทธิบัตรการประดิษฐ์ตามกฎหมายสิทธิบัตรได้ CH, p.229		
Thai extraction record 2:		
อนุสิทธิบัตรการประดิษฐ์ จึงหมายถึงความถึง หนังสือสำคัญที่ออกให้เพื่อคุ้มครองการประดิษฐ์ที่ไม่ถึงขนาดการประดิษฐ์ขั้นสูงเพียงพอที่จะขอรับสิทธิบัตรได้ แต่ยังมีลักษณะเป็นการประดิษฐ์ขั้นใหม่และสามารถประยุกต์ในทางอุตสาหกรรมได้ CH, p.230		

Definition in Thai references:
<p>Thai definition:</p> <p>อนุสิทธิบัตรหมายถึง ประเภทหนึ่งของสิทธิบัตรที่ให้ความคุ้มครองแก่การประดิษฐ์ที่มีชั้นการประดิษฐ์ต่ำกว่าที่กำหนดไว้สำหรับการขอรับสิทธิบัตรได้ แต่มีคุณสมบัติความใหม่และการประยุกต์ในทางอุตสาหกรรม</p> <p>หมายเหตุ</p> <ul style="list-style-type: none"> <li>- มโนทัศน์ petty patent มีความใกล้เคียงกับมโนทัศน์ utility model ในเชิงการให้ความคุ้มครองแก่สิ่งประดิษฐ์ที่มีชั้นการประดิษฐ์ต่ำกว่าที่กำหนดไว้สำหรับการขอรับสิทธิบัตร ทว่า utility model มีรายละเอียดเพิ่มเติมว่าไม่จำเป็นต้องผ่านการตรวจสอบคุณสมบัติ “ความใหม่” “ชั้นการประดิษฐ์สูงขึ้นไป” และ “การประยุกต์ในอุตสาหกรรม”</li> <li>- ดู term record No. 52 (utility model) ประกอบ</li> </ul>

No.	Term entry:	Sub-field: Patent
43	plant patent	Term variants:
		Related terms/sub-fields:
Extraction record 1: PT87		
A plant patent is granted by the Government to an inventor (or the inventor's heirs or assigns) who has invented or discovered and asexually reproduced a distinct and new variety of plant, other than a tuber propagated plant or a plant found in an uncultivated ...		
Extraction record 2: PT88		
This protection is limited to a plant in its ordinary meaning: * A living plant organism which expresses a set of characteristics determined by its single, genetic makeup or genotype, which can be duplicated through asexual reproduction, but which can not otherwise be "made" or "manufacture"		
Related extraction records:	Definition in references:	
PT89		
Intensional characteristics: - grant to a person, who invents, discovers or asexually produced a distinct and new variety of plant		
Notes: USA specific		
Thai Terms: สิทธิบัตรพันธุ์พืช (adp.)	Thai variants:	

<p>Thai extraction record 1:</p> <p>สำหรับประเทศสหรัฐอเมริกา นั้น ได้กำหนดให้ความคุ้มครองการคิดค้นพันธุ์พืชใหม่ไว้ภายใต้กฎหมายสิทธิบัตรแก่การขยายพันธุ์พืชโดยใช้วิธีเพาะชำ แต่การขยายพันธุ์พืชด้วยวิธีผสมเกสรนั้นให้อยู่ภายใต้หลักเกณฑ์ของการคุ้มครองของ The Plant Variety Act of 1970 CH, p.326</p>
<p>Thai extraction record 2:</p>
<p>Definition in Thai references:</p>
<p>Thai definition:</p> <p>สิทธิบัตรพันธุ์พืชหมายถึง ประเภทหนึ่งของสิทธิบัตรที่ให้ความคุ้มครองแก่การคิดค้นพืชชนิดใหม่ด้วยการเพาะชำ</p> <p>หมายเหตุ</p> <p>เป็นรูปแบบเฉพาะของสหรัฐอเมริกา</p>

No. 44	Term entry:	Sub-field: Design
	proprietor	Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: A copyright and a design right is owned by its `owner' but for a registered design he is known as the `proprietor' .</p>		
<p>Extraction record 2:</p>		
Related extraction records:		Definition in references:
<p>Intensional characteristics: - owner of registered design</p>		
<p>Notes: special for registered design and UK specific (registered design and design right)</p>		
<p>Thai Terms:</p> <p>เจ้าของการออกแบบจดทะเบียน</p> <p>(Coin.)</p>		<p>Thai variants:</p>
<p>Thai extraction record 1:</p>		
<p>Thai extraction record 2:</p>		
<p>Definition in Thai references:</p>		

## Thai definition:

เจ้าของการออกแบบจดทะเบียนหมายถึง ผู้ที่มีสิทธิแต่ผู้เดียวในการออกแบบจดทะเบียน โดยอาจเป็นผู้สร้างสรรค์หรือไม่ก็ได้

หมายเหตุ

เป็นรูปแบบเฉพาะของสหราชอาณาจักร

No. 45	Term entry: Provisional application	Sub-field: Patent Term variants: Related terms/sub-fields: patent application
Extraction record 1: PT98 Provisional application provides the means to establish an early effective filing date in a patent application and permits the term "Patent Pending" to be applied in connection with the invention.		
Extraction record 2:		
Related extraction records:	Definition in references:	
Intensional characteristics: - means to establish, an early effective filing, - permits the term ' patent pending' , - lasts for 12 months		
Notes: USA specific		
Thai Terms: การขอสิทธิบัตรล่วงหน้า (coin.)	Thai variants:	
Thai extraction record 1:		
Thai extraction record 2:		
Definition in Thai references:		

<p>Thai definition:</p> <p>การขอสิทธิบัตรล่วงหน้าหมายถึง การขอรับสิทธิบัตรประเภทหนึ่งซึ่งมีระยะเวลาการคุ้มครอง 12 เดือน และหลังจากนั้นจะต้องดำเนินการขอรับสิทธิบัตรปกติ (non-provisional application)</p> <p>หมายเหตุ</p> <ul style="list-style-type: none"> <li>- รูปแบบเฉพาะของสหรัฐอเมริกา</li> <li>- ดู term record No. 32 (non-provisional application)</li> </ul>
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No.	Term entry:	Sub-field: Design
46	registered design	Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: DSG25</p> <p>For a registered design, the requirement for eye-appeal means that the features must be external unless the outside surface of the article is transparent.</p>		
<p>Extraction record 2: DSG09</p> <p>Both forms of design right relate to the design aspects of the shape or configuration of an article and, for registered designs only, also to pattern and ornament.</p>		
<p>Related extraction records:</p> <p>DSG02;DSG35;DSG37;DSG61 ;DSG62</p>		<p>Definition in references:</p>
<p>Intensional characteristics: - eye appeal, - registered required, - longer term protection than design right, - can be applied to 2 dimensional article</p>		
<p>Notes: DSG37 - shows the later assignment of design right, which may have higher status more qualified extracts to be found</p>		
<p>Thai Terms:</p> <p>การออกแบบจดทะเบียน (Coin.)</p>		<p>Thai variants:</p>
<p>Thai extraction record 1: นอกจากนี้ได้มีการออกกฎหมายเกี่ยวกับการออกแบบที่สามารถขอรับการจดทะเบียนโดยเฉพาะคือ the Registered Designs Act 1949 CH, p. 197</p>		
<p>Thai extraction record 2:</p>		
<p>Definition in Thai references:</p>		

## Thai definition:

การออกแบบจดทะเบียนหมายถึง

1. ประเภทหนึ่งของการออกแบบ ทั้งที่เป็นรูปทรง การประกอบกันเข้าเป็นวัตถุ หรือ วัตถุสองมิติ ที่มีความสะอาดตา ซึ่งต้องจดทะเบียนเพื่อให้ได้มาซึ่งความคุ้มครองดังกล่าว ต่างจาก สิทธิการออกแบบ (design right) ซึ่งให้ความคุ้มครองแต่เพียงรูปทรงภายนอกเท่านั้น
2. สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในการออกแบบจดทะเบียนซึ่งได้รับความคุ้มครองทางกฎหมาย และมีระยะเวลาในการคุ้มครองนานกว่าสิทธิการออกแบบ (design right)

หมายเหตุ

- การออกแบบจดทะเบียนมีเนื้อหาคล้ายคลึงกับการออกแบบทางอุตสาหกรรม (industrial design) ในเชิงที่ว่า การออกแบบนั้นต้องมีลักษณะเด่น สะอาดตา
- เป็นรูปแบบเฉพาะของสหราชอาณาจักรเท่านั้น

No.	Term entry:	Sub-field: Trademark
47	registered trademark	Term variants:
		Related terms/sub-fields: unregistered trademark
Extraction record 1: TM43		
TRADE MARKS AS PROPERTY The Trade Marks Bill firmly states that a registered trade mark is an item of personal property (or, in Scotland, incorporeal moveable property) and, under the provisions of the Bill, trade marks are easily alienable.		
Extraction record 2: TM18		
Furthermore, the protection of registered well-known marks must extend to goods or services which are not similar to those in respect of which the trademark has been registered, provided that its use would indicate a connection between those goods or services and the owner of the registered trademark, and the interests of the owner are likely to be damaged by such use (Articles 16.		
Related extraction records:	Definition in references:	
TM53		
Intensional characteristics: - a personal property, - a property right, - can be registered - its use indicating connection between goods and owner of registered trademark		
Notes:		

Thai Terms: เครื่องหมายการค้าจดทะเบียน (Th_E)	Thai variants:
Thai extraction record 1: บทบัญญัติแห่งกฎหมายว่าด้วยเครื่องหมายการค้าของประเทศต่างๆ กำหนดให้ความคุ้มครองสิทธิในเครื่องหมายการค้าอันได้รับการจดทะเบียน CH, p.253	
Thai extraction record 2: อย่างไรก็ตามแทบทุกประเทศในโลกได้กำหนดให้ความคุ้มครองสิทธิในเครื่องหมายการค้าอันได้จดทะเบียนไว้เป็นหลัก ฐาน CH, p.268	
Definition in Thai references:	
Thai definition: เครื่องหมายการค้าจดทะเบียนหมายถึง ประเภทหนึ่งของเครื่องหมายการค้าที่ได้รับความคุ้มครองสิทธิโดยกฎหมาย เครื่องหมายการค้า ต่างจาก เครื่องหมายการค้าไม่จดทะเบียน ที่ได้รับความคุ้มครองสิทธิโดยกฎหมายการลงขาย	

No. 48	Term entry: trade secret	Sub-field: Protection of Undisclosed Information Term variants: Related terms/sub-fields: law of breach of confidence
Extraction record 1: TS02 Trade secret The term 'trade secret' is often used in relation to confidential information associated with industrial and commercial activity		
Extraction record 2: TS16 501 "A trade secret is commonly defined as any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.		
Related extraction records: TS14;TS13		Definition in references:
Intensional characteristics: - secret info, - commercial value, - reasonable steps to keep it secret		
Notes: UK specific the law of breach of confidence		
Thai Terms: ความลับทางการค้า (Th_E)	Thai variants:	

<p>Thai extraction record 1:</p> <p>สูตร แบบแผน กรรมวิธี หรือข้อมูลใดๆ ซึ่งสามารถนำมาใช้ในธุรกิจของบุคคลหนึ่งและทำให้บุคคลนั้นได้เปรียบทางการค้าเหนือคู่แข่ง ผู้ไม่อาจทราบหรือใช้สิ่งเหล่านั้น CH, p.379</p>
<p>Thai extraction record 2:</p> <p>ร่างพระราชบัญญัติความลับทางการค้าของประเทศไทยนั้น ได้กำหนดคำจำกัดความของ ความลับทางการค้า ไว้ให้หมายความ ว่า ข้อมูลการค้าที่เป็นความลับเนื่องจากยังไม่เป็นที่รู้จักกันทั่วไป หรือเข้าถึงได้ในกลุ่มบุคคล ซึ่งโดยปกติต้องเกี่ยวข้องกับข้อมูลการค้าดังกล่าว โดยข้อมูลการค้านั้นสามารถนำไปใช้หาประโยชน์ในเชิงพาณิชย์ได้ เนื่องจากเป็นความลับ และในการเป็นความลับของข้อมูลดังกล่าว ผู้ควบคุมความลับทางการค้าได้ดำเนินการตามขั้นตอนที่สมควรในอันที่จะรักษาข้อมูลดังกล่าวไว้เป็นความลับ CH, p.379</p>
<p>Definition in Thai references:</p>
<p>Thai definition:</p> <p>ความลับทางการค้าหมายถึง</p> <ol style="list-style-type: none"> <li>1. ข้อมูล สูตร แบบแผน หรือเครื่องมือใดๆ อันไม่เป็นที่เปิดเผย และทำให้เจ้าของธุรกิจที่เป็นเจ้าของข้อมูล สูตร ดังกล่าวได้เปรียบทางการค้าเหนือคู่แข่งซึ่งเป็นผู้ที่ไม่อาจทราบหรือใช้สิ่งที่กล่าวมา</li> <li>2. สิทธิทางทรัพย์สินทางปัญญาประเภทหนึ่งในข้อมูล สูตร แบบแผน หรือเครื่องมืออันไม่เปิดเผยและทำให้เจ้าของได้เปรียบทางการค้าเหนือคู่แข่งซึ่งเป็นผู้ที่ไม่อาจทราบหรือใช้สิ่งที่กล่าวมา และได้รับความคุ้มครองทางกฎหมาย</li> </ol>

No. 49	Term entry:	Sub-field: Trademark
	trademark	Term variants:
		Related terms/sub-fields:
<p>Extraction record 1: TM06</p> <p>Trademarks Back to top The basic rule contained in Article 15 is that any sign, or any combination of signs, capable of distinguishing the goods and services of one undertaking from those of other undertakings, must be eligible for registration as a trademark, provided that it is visually perceptible.</p>		
<p>Extraction record 2: TM38</p> <p>A trademark is any word, name, symbol or device, or any combination thereof, that serves to identify and distinguish the source of one party's goods or services from those of another party.</p>		
<p>Related extraction records:</p> <p>TM05;TM33;TM52</p>		<p>Definition in references:</p>

Intensional characteristics: - sign, or any combination of signs, capable of distinguishing the goods and services of one undertaking from those of other undertakings, - word, name, symbol or device or combination thereof	
Notes:	
Thai Terms: เครื่องหมายการค้า (Th_E)	Thai variants:
Thai extraction record 1: เครื่องหมายการค้า เป็นสัญลักษณ์อันมีวัตถุประสงค์เพื่อจำแนกผลิตภัณฑ์ของผู้ประกอบกิจการค้าอีกรายหนึ่ง CH, p.254	
Thai extraction record 2: ...เครื่องหมายดังกล่าว โดยเฉพาะคำ ซึ่งรวมถึงชื่อบุคคล ตัวอักษร ตัวเลข ส่วนของภาพ และการรวมตัวของสีต่างๆ ... จะพึงมีสิทธิจดทะเบียนเป็นเครื่องหมายการค้าได้ CH, p.255	
Definition in Thai references:	
<p>Thai definition:</p> <p>เครื่องหมายการค้าหมายถึง</p> <ol style="list-style-type: none"> <li>1. สิ่งที่มีลักษณะเป็น เครื่องหมาย สัญลักษณ์ คำ หรือการประกอบกันของสัญลักษณ์ที่สามารถแยกแยะสินค้าหรือบริการของผู้ประกอบการรายหนึ่งออกจากอีกรายหนึ่ง</li> <li>2. สิทธิทางทรัพย์สินทางปัญญาในสิ่งที่มีลักษณะเป็น เครื่องหมาย สัญลักษณ์ คำ หรือการประกอบกันของสัญลักษณ์ ซึ่งได้จดทะเบียนและได้รับความคุ้มครองทางกฎหมาย</li> </ol>	

No. 50	Term entry:	Sub-field: Trademark
	unregistered trademark	Term variants:
		Related terms/sub-fields:
Extraction record 1: TM49		
<p>Quite often, passing-off actions will be brought in respect of an unregistered trade mark, a mark that has not been registered through deliberate inertia on the part of the owner of the mark, as a result of ignorance or because the mark fails to satisfy the requirements for registration.</p>		
Extraction record 2: PO08		
<p>THE SCOPE OF PASSING OFF: Compared to trade mark law, the scope of passing off is quite wide and it can protect unregistrable business names, unregistered trade marks, advertising and general 'get-up', in fact anything that is distinctive of the plaintiff's goods, services or business.</p>		

Related extraction records:	Definition in references:
Intensional characteristics: - a mark not registered through inertia, ignorance or fail to satisfy the requirements for registration - protected by passing off	
Notes:	
Thai Terms: เครื่องหมายการค้าไม่จดทะเบียน  (Adp.)	Thai variants:
Thai extraction record 1: ในขณะที่เครื่องหมายการค้าซึ่งไม่ได้จดทะเบียนไม่ได้รับความคุ้มครอง...แต่สามารถได้รับความคุ้มครองสิทธิตามหลักกฎหมายว่าด้วยการละเมิดในส่วนอันเกี่ยวกับการลงขาย CH, p.253	
Thai extraction record 2: ในบางประเทศโดยเฉพาะที่ใช้กฎหมายคอมมอนลอว์ ดังเช่นประเทศอังกฤษและสหรัฐอเมริกา ต่างมีหลักกฎหมายอันให้สิทธิในเครื่องหมายการค้าที่มีได้จดทะเบียนแก่เจ้าของเครื่องหมายการค้าของตน ภายใต้เงื่อนไขว่าต้องมีการใช้เครื่องหมายการค้านั้นอย่างแท้จริง CH, p.268	
Definition in Thai references:	
Thai definition: เครื่องหมายการค้าไม่จดทะเบียนหมายถึง ประเภทหนึ่งของเครื่องหมายการค้าที่ได้รับความคุ้มครองสิทธิโดยกฎหมายการลงขาย ต่างจากเครื่องหมายการค้าจดทะเบียนที่ได้รับความคุ้มครองสิทธิโดยกฎหมายเครื่องหมายการค้า	

No.	Term entry:	Sub-field: Patent
51	usefulness	Term variants:
		Related terms/sub-fields: industrial application
Extraction record 1: PT134 To be patentable, an invention must be new, <sup>456</sup> useful <sup>457</sup> and nonobvious.		
Extraction record 2: PT135 The term "useful" in this connection refers to the condition that the subject matter has a useful purpose and also includes operativeness, that is, a machine which will not operate to perform the intended purpose would not be called useful, and therefore would not be granted a patent.		

Related extraction records:	Definition in references:
Intensional characteristics: can be operated as intended	
Notes:	
Thai Terms: การใช้การได้ตามวัตถุประสงค์ (coin.)	Thai variants:
Thai extraction record 1:	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition: การใช้การได้ตามวัตถุประสงค์หมายถึง คุณสมบัติประการหนึ่งของการประดิษฐ์ที่ทำให้การประดิษฐ์นั้นๆ สามารถใช้ประโยชน์ได้ตามที่ได้กำหนดเป้าหมายไว้ หมายเหตุ - มโนทัศน์ usefulness มีเนื้อหาคล้ายคลึงกับมโนทัศน์ industrial application (การประยุกต์ในทางอุตสาหกรรม) ด้วยคุณสมบัติ “การใช้งาน” ดู term record No. 17 (industrial application) ประกอบ - เป็นรูปแบบเฉพาะของสหรัฐอเมริกา	

No. 52	Term entry:	Sub-field: Patent
	utility model	Term variants:
		Related terms/sub-fields: petty patent
Extraction record 1: PT126 Moreover, an application for a utility model would not require a formal verification, and the utility model would be granted without prior examination of the basic conditions relating to novelty and inventive activity, so that it could be provided rapidly and at lower cost.		
Extraction record 2: PT128 As in the case of patents, inventions which could be protected by utility model would have to be new, involve an inventive activity and be capable of industrial application.		

Related extraction records: PT127	Definition in references:
Intensional characteristics: - granted without prior examination about novelty and inventive activity - involving inventive activity and industrial application	
Notes:	
Thai Terms: แบบผลิตภัณฑ้อรรถประโยชน์ (Th_E)	Thai variants:
Thai extraction record 1: การประดิษฐ์ที่มีความก้าวหน้าทางเทคโนโลยีต่ำกว่ามาตรฐานที่จะเข้าหลักเกณฑ์ของการประดิษฐ์ที่มีชั้นการประดิษฐ์ สูงขึ้น ซึ่งเรียกการประดิษฐ์ดังกล่าวว่า utility models หรือที่บางท่านเรียกว่า แบบผลิตภัณฑ้อรรถประโยชน์ CH, p.120	
Thai extraction record 2:	
Definition in Thai references:	
Thai definition: แบบผลิตภัณฑ้อรรถประโยชน์หมายถึง <ol style="list-style-type: none"> <li>1. การประดิษฐ์ที่มีคุณสมบัติต่ำกว่าคุณสมบัติของการประดิษฐ์ที่สามารถขอรับสิทธิบัตรได้ โดยไม่มีการตรวจสอบคุณสมบัติ “ความใหม่” “ชั้นการประดิษฐ์” และ “การประยุกต์ในทางอุตสาหกรรม”</li> <li>2. ประเภทหนึ่งของสิทธิบัตรที่ให้ความคุ้มครองแก่ประดิษฐ์ที่มีคุณสมบัติต่ำกว่าการประดิษฐ์ที่สามารถขอรับสิทธิบัตรได้</li> </ol> หมายเหตุ ดู term record No. 42 (petty patent) ประกอบ	

No. 53	Term entry: utility patent	Sub-field: Patent
		Term variants:
		Related terms/sub-fields: patent
<p>Extraction record 1: PT81</p> <p>There are three types of patents: Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or compositions of matters, or any new useful improvement thereof; Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plants.</p>		
<p>Extraction record 2: PT93</p> <p>Back to the Top The Difference Between Design and Utility Patents In general terms, a utility patent protects the way an article is used and works (35 U.</p>		
Related extraction records:	Definition in references:	
<p>Intensional characteristics: - applied to process, machine, article of manufacture, compositions of matters or useful improvement, - protects way an article used</p>		
<p>Notes: PT81 can be used as context for design patent and plant patent</p>		
<p>Thai Terms:</p> <p>สิทธิบัตรสิ่งประดิษฐ์</p> <p>(Coin.)</p>	<p>Thai variants:</p>	
<p>Thai extraction record 1:</p>		
<p>Thai extraction record 2:</p>		
<p>Definition in Thai references:</p>		
<p>Thai definition:</p> <p>สิทธิบัตรสิ่งประดิษฐ์หมายถึง ประเภทหนึ่งของสิทธิบัตรที่ให้ความคุ้มครองแก่ การประดิษฐ์คิดค้น กระบวนการ เครื่องจักร วัตถุใดๆ ในการผลิต หรือการปรับปรุงสิ่งที่กล่าวมาให้ดีขึ้น โดยการคิดค้นและการปรับปรุงดังกล่าวต้องมีความใหม่ ใช้งานได้ และการไม่ประจักษ์โดยง่าย</p> <p>หมายเหตุ</p> <p>เป็นรูปแบบเฉพาะของสหรัฐอเมริกา</p>		

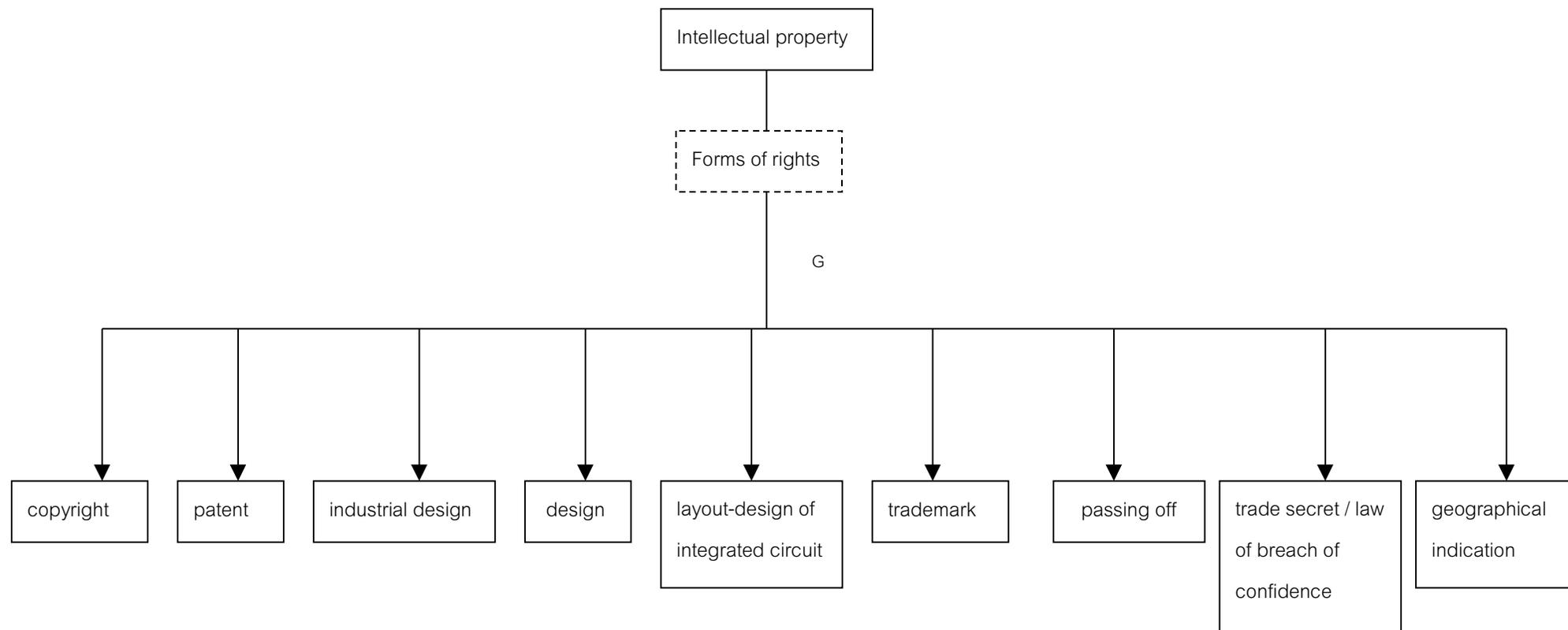
## Appendix B

### Conceptual structure of Intellectual Property

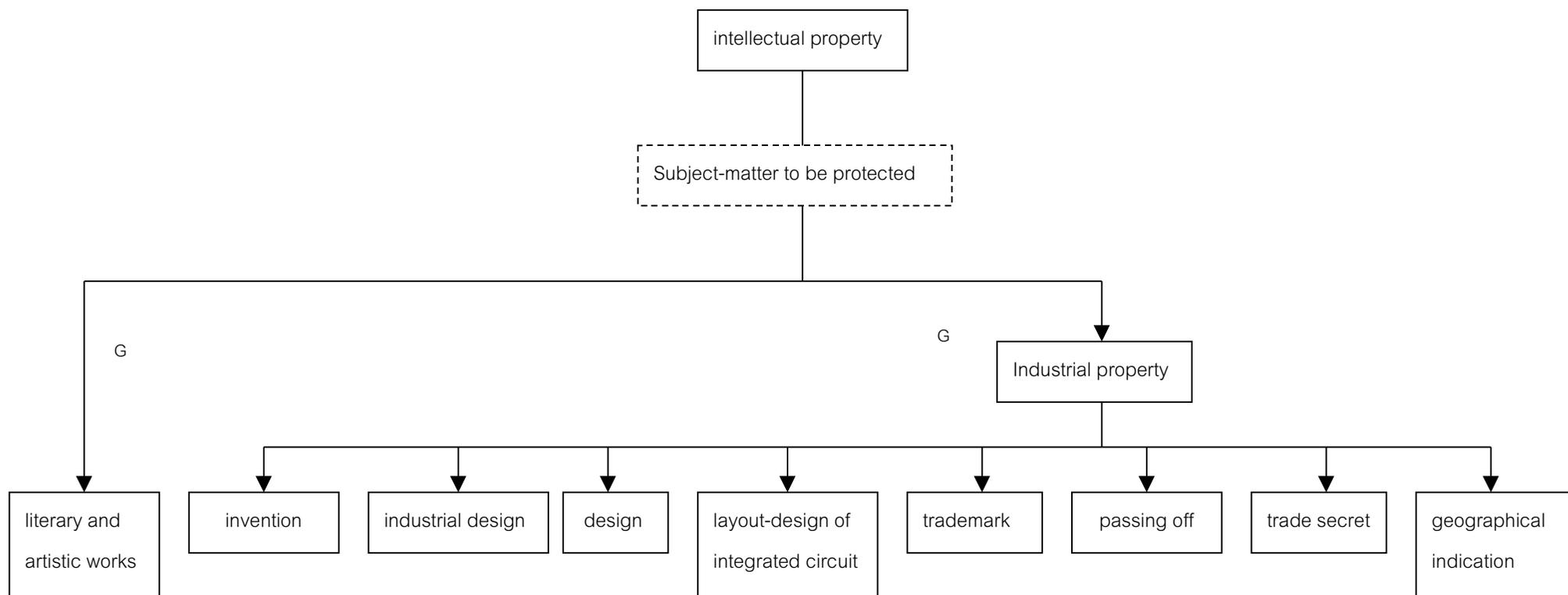
**Abbreviation**

- ◆ G = generic – specific relationship
- ◆ O-P = object – property relationship
- ◆ O = owner – object relationship
- ◆ O-O = origin – object relationship
- ◆ P-T = protector – object relationship
- ◆ P-O = process – object relationship
- ◆ A-P = actor – process relationship
- ◆ C-R = creator – object relationship
- ◆ O-E = object – evidence relationship
- ◆ F-O = form – object relationship

## The whole conceptual structure of the subject field Intellectual Property



Pic. 1



Pic. 2



## **Description of the conceptual structure of the subject field Intellectual property**

In the subject field of Intellectual Property, the most super-ordinate concept is ‘intellectual property’. This concept can be viewed from 2 different dimensions: the form of right and the subject matter to be protected<sup>1</sup>. As form of right, ‘intellectual property’ is the right to various subject matters, which are protected by the corresponding forms of rights of the concept ‘intellectual property’. These forms of rights include ‘copyright’, ‘patent’, ‘industrial design’, ‘design’, ‘layout-design of integrated circuit’, trade secret, ‘trademark’, passing off and ‘geographical indication’. Therefore, these 9 forms of rights are specific concepts to the generic concept ‘intellectual property’. For example, ‘copyright’, as a kind of intellectual property, is the right to literary and artistic works. (see IP11, IP15 and IP16). As the form of right, ‘intellectual property’ is sometimes designated by the term “intellectual property right”.

From the dimension of subject matters to be protected, the subject matters can be classified into 2 groups: one includes literary and artistic works, which are protected by the copyright. The other includes invention (protected by patent), trademark, industrial design, design, layout-design of the integrated circuit, trade secret and geographical indication. The latter group of subject matters to be protected are, furthermore, grouped under the concept ‘industrial property’, which is formed up in order to classify the intellectual properties (subject matter to be protected) according to the purposes of protection.

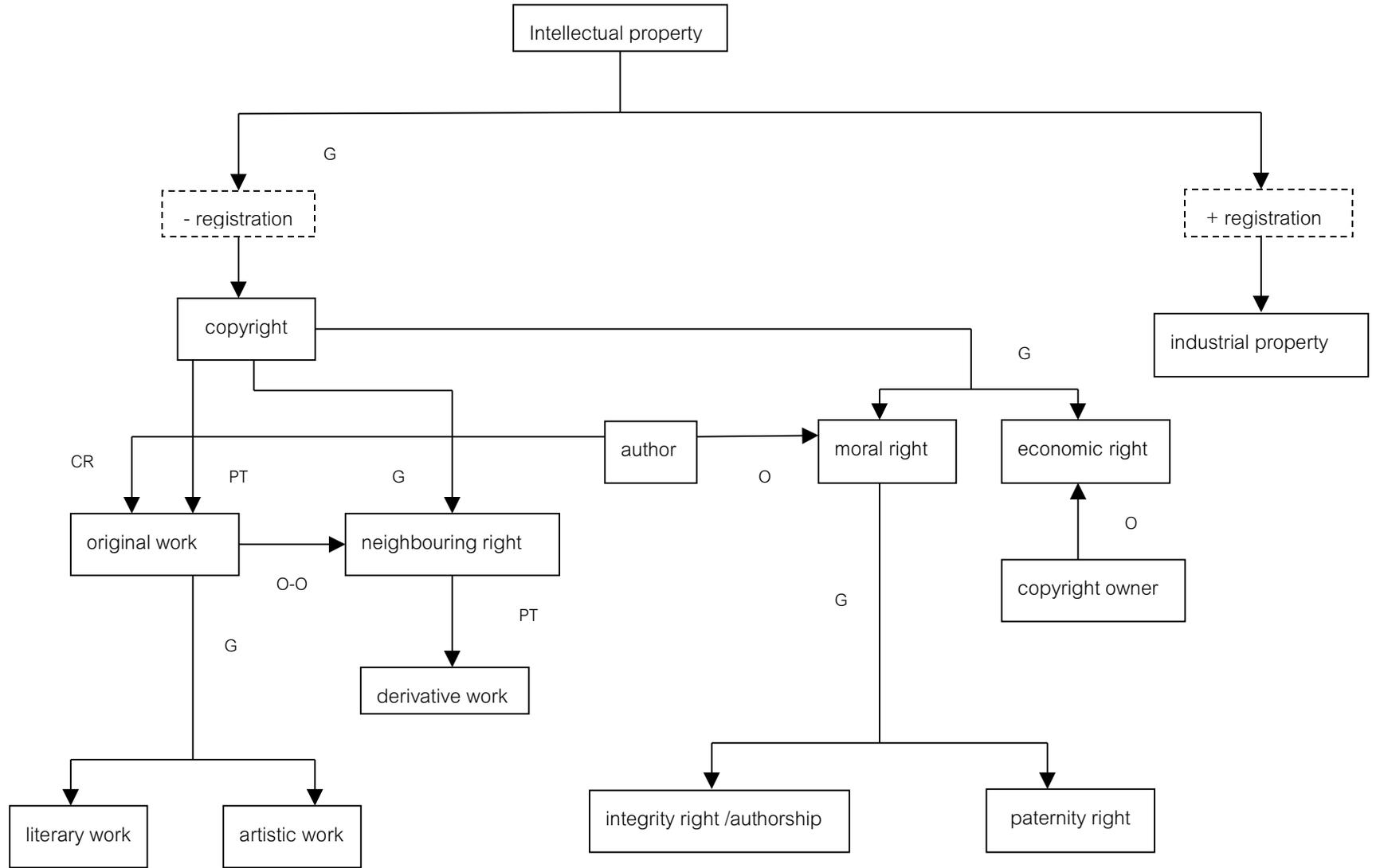
To explain precisely, the protection of the intellectual properties under the concept ‘industrial property’ squarely aims at the deterrence from the unfair competition and to stimulate the innovation and the creation of technology; whereas, the protection of literary and artistic works through the copyright aims at rewarding creators for the creative effort. (TRIPS: 2002)

Thus, the concept ‘industrial property’ holds the generic-specific relationship to all of the eight subject matters to be protected by the intellectual property right.

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<sup>1</sup> The term “subject matter to be protected” is sometimes substituted by the terms “property” and “object” in the other sub-fields in order to distinguish it from the concept of form of right.

**Description of the conceptual structure in the sub-field of copyright**



### **Description of the conceptual structure in the sub-field of copyright**

In the sub-field of copyright, we start with the concept ‘copyright’, which is a specific concept of the generic concept ‘intellectual property’. It refers to a property right subsisting in original works of literary and artistic works, which are expressed in tangible forms (CP05 and CP07). The copyright protection arises automatically after original works are created (CP53), i.e., to secure the protection given by copyright, registration is not required. The non-registration parameter, moreover, differentiates ‘copyright’ from the other form of rights in the subject field, which are required before the protection become effective. To name but a few: patent, trademark and industrial design.

The concept ‘copyright’ holds various relationships to the other concepts in the sub-field of copyright. For a start, the concept ‘copyright’ holds the protector - object relation (PT) to the concept ‘original work’, which refers to work originated from the author, not copied from another work (CP105).

The concept ‘original work’, in turn, holds the generic-specific (G) relationship to the concepts ‘literary work’ and ‘artistic work’. These 2 concepts, to be clear, should be conceived in a very broad sense, because each of them includes a vast area of works, as specified by the Berne Convention:

“literary and artistic works shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works...”

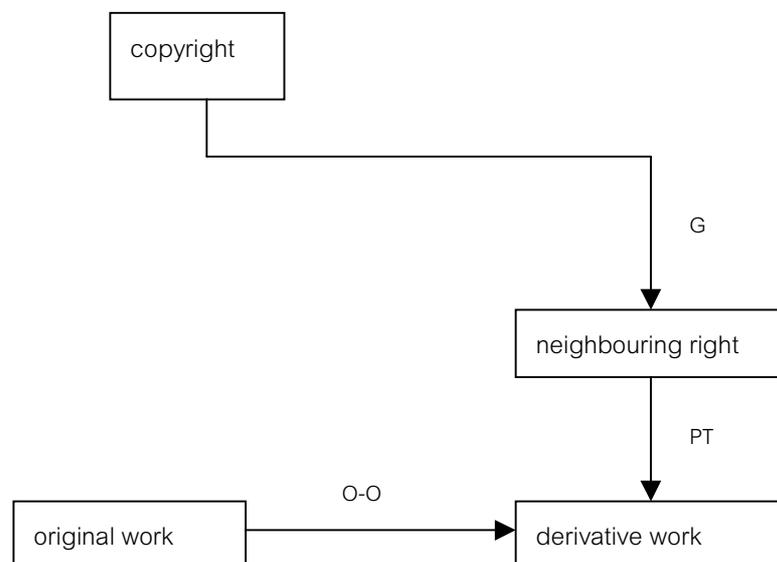
(CP122)

However, the distinction between these two concepts can roughly be made as follows: the former refers to works, which are in general expressed in words, numbers, or other

verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as, books, periodicals, manuscripts etc (CP05 and CP07). The latter refers to works, such as drawings, paintings, photographs and sculptures, and architectural designs (CP106).

‘original work’, furthermore, has the origin – object (O-O) relationship to the concept ‘derivative work’, which refers to works based upon one or more preexisting works (CP86), for example, film, sound recording, broadcasts and cable programmes etc. (CP29). Another example is when a novel is used as the basis of a movie or when a drawing is transformed into a sculpture, the movie and the sculpture in question are considered the derivative work, respectively (CP87).

Back to the generic concept ‘copyright’ again, it has, moreover, the generic (G) relationship to the concept ‘neighbouring right’, which refers to the protection given to the producer of any derivative works, for example, performers, the producers of phonograms and broadcasting organizations (CP 113).

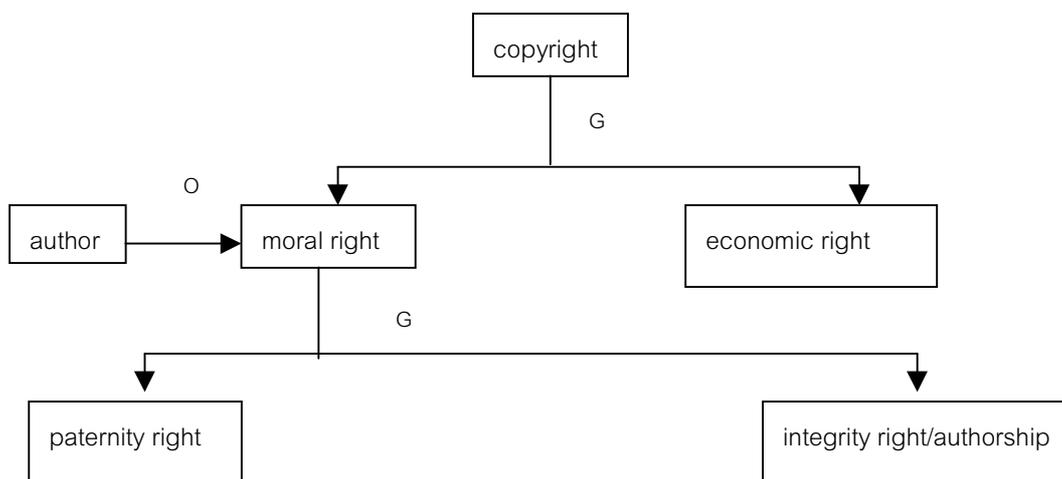


Back to the concept ‘copyright’, it incorporates 2 kinds of right and, thus, holds the generic-specific (G) relationship to them. They are the concepts ‘moral right’ and ‘economic right’.

‘moral right’ refers to the right firstly to be identified as author of the work and, secondly, to object any distortion, mutilation or other modification of the author’s work, which can affect his reputation (CP26 and CP69). The concept ‘moral right’, in turn, incorporates 2 types of right, each of which covers one of two main features of the moral right. These are ‘paternity right’ and ‘integrity right’. The former refers to the right to be identified as author (CP134 and CP139) and the latter to the right to object any distortion or modification of the author’s work (CP136 and CP139).

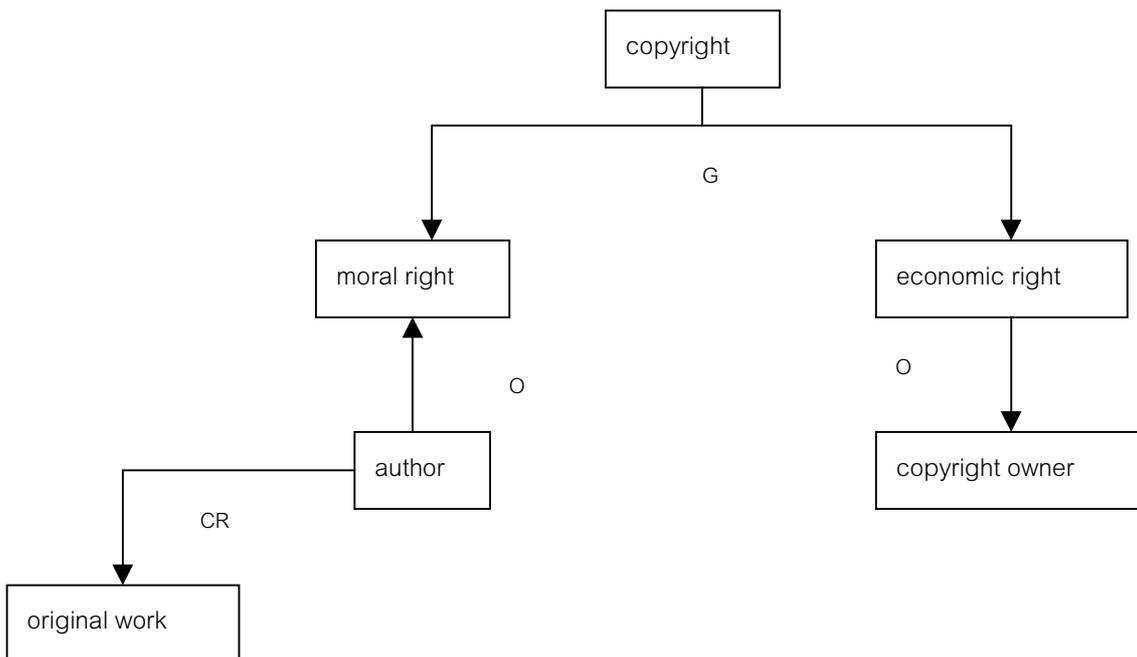
Of the concept ‘integrity right’, based on the extraction record No. CP99, it can be inferred that the concept ‘integrity right’ is designated by another term, that is, “authorship”. In comparison of the extraction record No. 136 with No. 99, it shows that the designations “integrity right” and “authorship” refers to the same concept of deterrence of other people from derogatory actions to the copyright work. As for the relationship of the concept ‘moral right’ to the concepts ‘paternity right’ and ‘integrity right’ is the generic – specific (G) relationship.

Moreover, the concept ‘moral right’ holds the owner – object (O) relationship to the concept ‘author’, put it clearly, the author is the person who have the moral right.

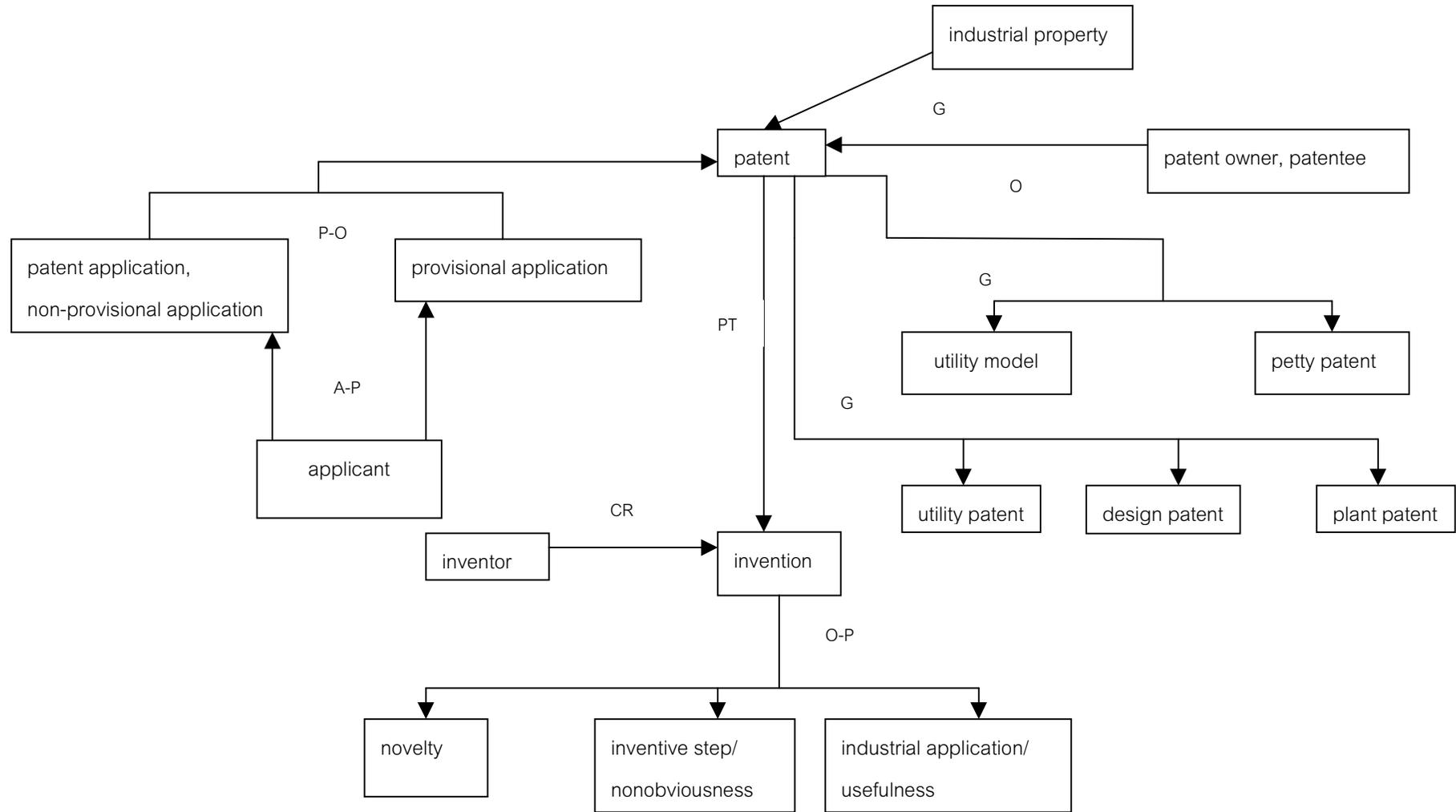


As regards the concept ‘economic right’, it is the rights of reproduction, broadcasting, public performance, adaptation, translation, public recitation, public display, distribution, and so on (CP71).

Regarding the concept ‘copyright owner’, before presenting the relationship of this concept to others, a distinction between this concept and ‘author’ should be made. As creator of a original work, the author naturally is the owner of the work. Thus he has both the moral right and economic right. Due to the fact that the ownership of a copyright work can be transferred, the concept ‘author’ and ‘copy right owner’ should be viewed as distinguished concept. The author has the moral right and the copyright owner has the economic right. Thus the concept ‘copyright owner’ holds the owner – object (O) relationship to the concepts ‘copyright’ and ‘economic right’; whereas, the concept ‘author’ holds the same relationship to the concept ‘moral right’ and the creator – object relationship to the concept ‘original work’.



**Description of the conceptual structure in the sub-field of patent**





### **Description of the conceptual structure in the sub-field of patent**

The concept 'patent' is a form of personal property and, on the other hand, a property right, which can be dealt with (see PT02/1, PT39). 'Patent', moreover, holds various relationships to the other concepts under the sub-field of Patent.

For a start, it holds the protector – object (PT) relation to the subordinate concept 'invention'. The concept 'invention' refers to the creation of a thing inclusive of suggesting the way of doing it (PT22) and the outcome of the creation, i.e., 'invention' can be a product or a process (PT66).

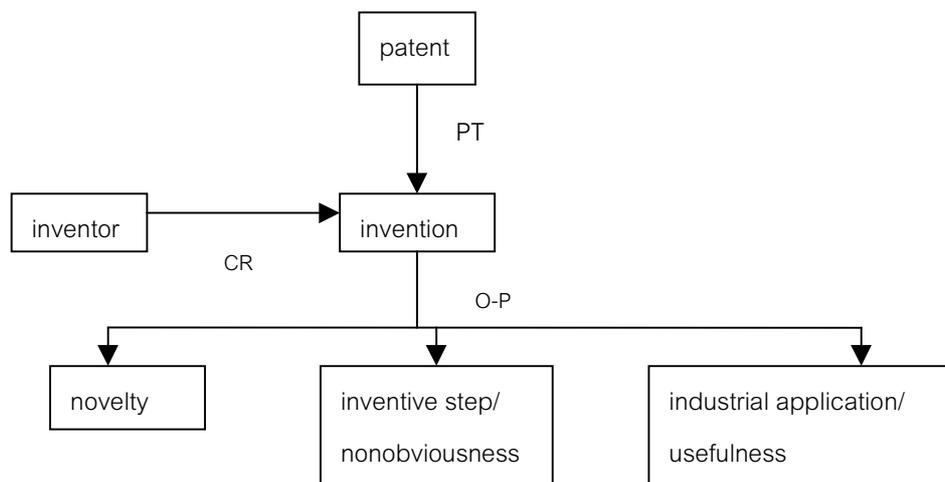
To be protected by the patent, the invention must have the following properties: 'novelty', 'inventive step' and 'industrial application'. Since these 3 properties are the key properties of the invention to be protected, they are of importance and, thus, each given the place in the conceptual structure of patent and hold the object – property (O-P) relationship to the concept 'invention'.

The concept 'novelty' refers to the property of not being anticipated by a previous patent or publication or use (PT51). The extraction record No. PT117 indicates "...it must show an element of novelty, that is, some new characteristic which is not known in the body of existing knowledge in its technical field".

As regards the concept 'inventive step', it refers to, in a broad sense, the property of being more than merely an obvious application of technology (PT30). This concept is not found in the U.S. corpus but, instead, the term "non-obviousness", which refers to the qualification of not being ordinary for a person of ordinary skill in view of the prior art at the time the invention was made (PT 113). If we compare the record No. PT113 with No. 30, it can be inferred that the concepts designated by the terms "inventive step" and "nonobviousness" are to a certain extent similar. Therefore, the term "non-obviousness" is the U.S. variant.

The concept ‘industrial application’ refers to the capability of being used in industry and agriculture or to the technical effect. Like the similarity of the concept ‘nonobviousness’ to the concept ‘inventive step’, the term ‘usefulness’ in the U.S. patent system is used for designating the concept of operativeness as intended. It, therefore, can be equated with the concept of the capability of being used in industry (PT 134 and PT135).

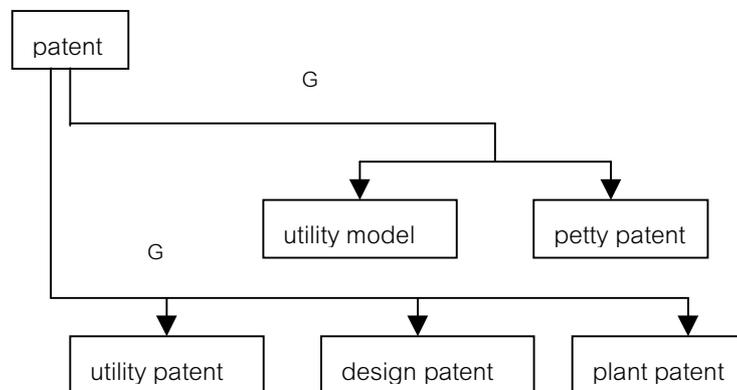
In addition, the concept ‘invention’ holds another relationship to the concept ‘inventor’, which refers to the person creating the invention. Therefore, the relationship between these concepts is the creator - object (CR) relationship.



Back to the super-ordinate concept ‘patent’ and viewing from the dimension of subject matter to be protected, ‘patent’ holds the generic relationship to the concepts ‘utility model’ and ‘petty patent’, both of which are similar. The former is mostly used among the European countries and the latter in the developing countries such as Thailand.

The concept referred to by the terms ‘utility model’ and ‘petty patent’ is the protection to inventions, which have limited degree of inventiveness and without the prior examination on the conditions of novelty and inventive activity (PT 126, PT128, PT122 and PT124). However, the difference in detail may exist in the concept designated from one country to another.

In addition, there is a classification of patents into different types as found in the U.S. patent system. These include the concepts ‘utility patent’, ‘design patent’ and ‘plant patent’. The first type gives protection to the general invention; the second one refers to the protection to design of the appearance of an article (PT92 and PT94) and the third one refers to the protection to new plant varieties (PT87 and PT88). These two latter concepts are specific to U.S. because other countries may provide other forms of protection to the design and plant varieties, for instance, the Design law of England and the Act of Plant Variety of Thailand. All of three concepts ‘utility patent’, ‘design patent’ and ‘plant patent’ are the specific concept to the generic concept ‘patent’.

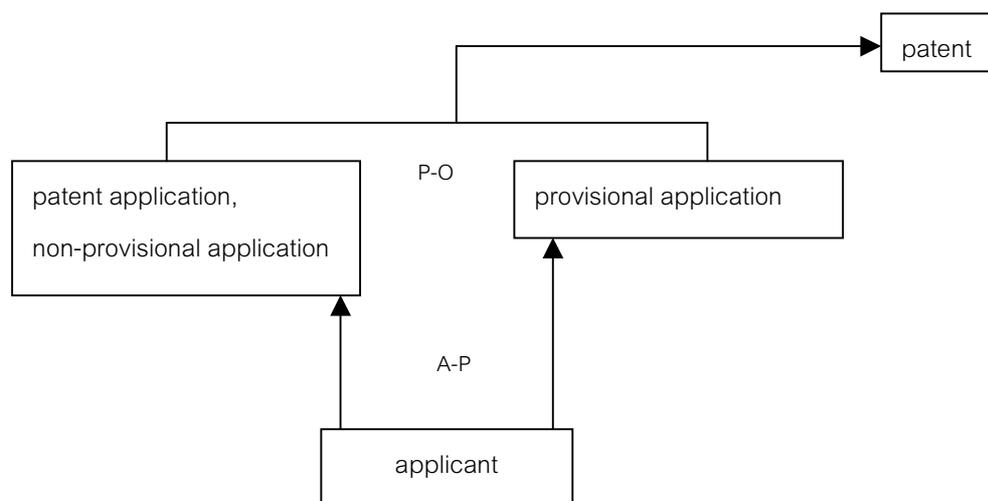


In securing the patent protection, the application for the protection is required and this requirement distinguishes the obtainment of patent protection from that of copyright protection, which arises automatically after the work being created. Therefore, ‘patent application’ is considered as a concept (CP47 and PT73). Since the nature of the concept ‘application’ is a requirement, it can be inferred that the concept ‘patent application’ holds the process – object (P-O) relationship to the concept ‘patent’.

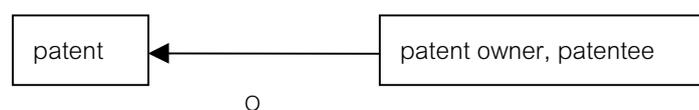
What’s more, particular for the U.S. patent system, the concept ‘patent application’ is divided into 2 concepts: ‘non-provisional application’ and ‘provisional application’. The former is similar to the regular patent application (PT130). The latter refers to the application, which does not require the examination of the invention merits (PT103) but it lasts only 12 months after the filing date (PT104). It can be said that

‘provisional application’ also holds the process – object (P-O) relationship to the concept ‘patent’

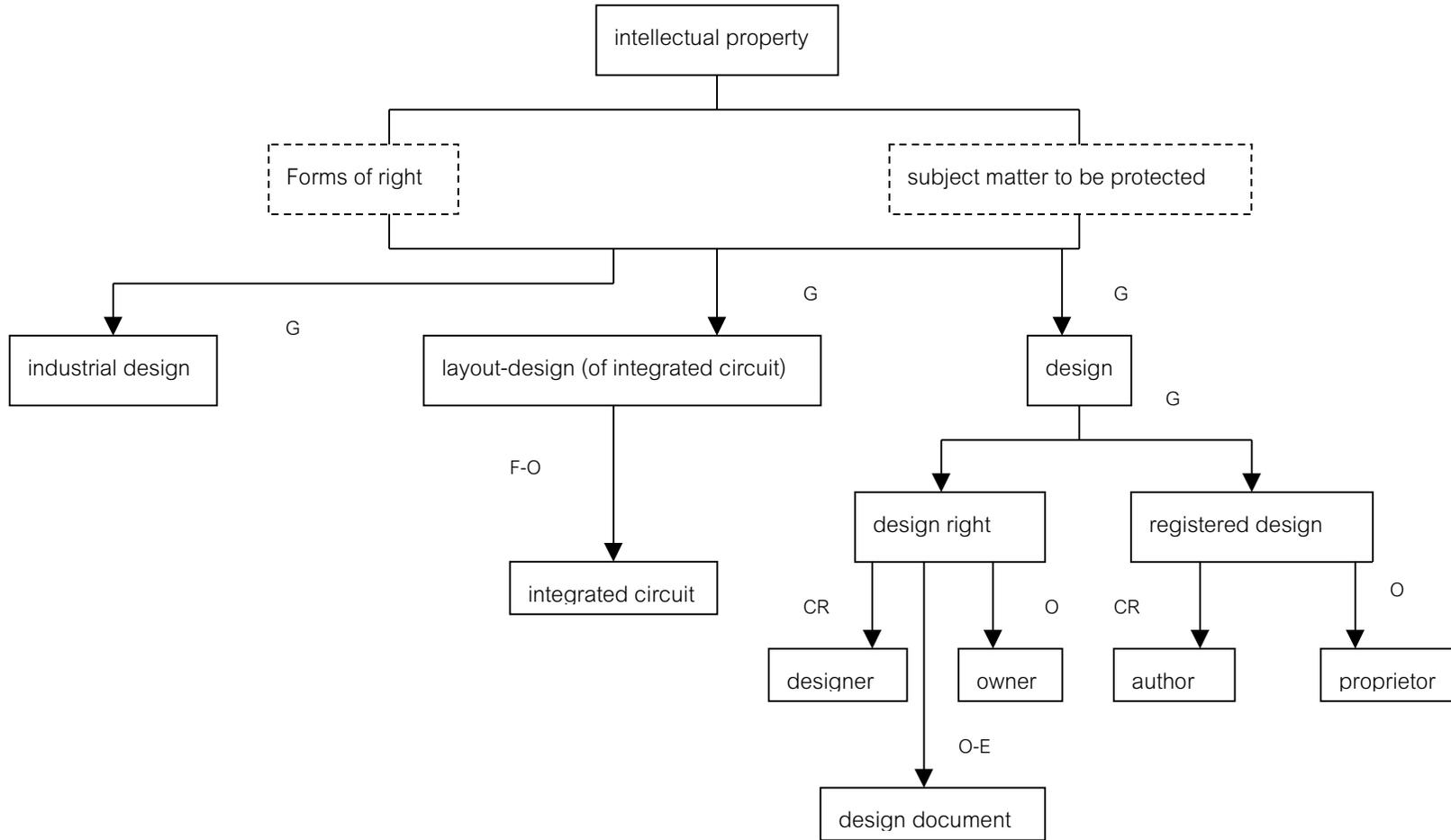
Another concept existing in the area of patent application, is the ‘applicant’ for the patent. It is considered as a concept because the applicant for a patent can be a different person from the inventor, therefore, the separate concept (PT112). Since the ‘applicant’ is a person, who applies for the patent protection, the relationship between ‘applicant’ and ‘patent application’ should be the actor – process (A-P) relationship.



Another concept subordinate to the concept ‘patent’ is the concept of ownership, which is designated by 2 term variants: ‘patent owner’ and ‘patentee’. Although the evident defining expositives (collocation with the linguistic signals) of this concept cannot be found in the corpus, the collocation with the other concepts shows that ‘patent owner’ has its place in the sub-field Patent as receiver of the protection, starting from the date of grant of patent (PT37) and also has the right to assign or transfer by succession the patent and to conclude licensing contracts (PT03). Based on the data derived from various extraction records, it can be said that the conceptual relationship between the concept ‘patent’ and ‘patent owner/patentee’ is the owner – object (O) relation.



**Description of the conceptual structure in the sub-fields of Industrial design, Design and Layout-design of integrated circuit.**



**Description of the conceptual structure in the sub-fields of Industrial design,  
Design and Layout-design of integrated circuit.**

The concept 'industrial design' is a specific concept to the generic concept 'industrial property'. From the dimension of property, 'industrial design' refers to what makes an article attractive and appealing and, thus, it adds commercial value to article, in which it embedded (DSG14). From the dimension of right, it is a form of right, which "prevents the third party without the owner' s consent, from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes" (DSG11).

Next to the sub-field of Industrial design is the sub-field "layout-design of integrated circuit". This sub-field consists of 2 concepts: 'layout-design' and 'integrated circuit'. The former refers to "the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture" (DSG04).

The latter refers to "a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function" (DSG06).

According to the record No. DSG04, from the intensional characteristic 'disposition', as the outcome of the process 'laying out', 'layout-design' can be conceived of as a form, and, thus, it holds form-object (F-O) relationship to the concept 'integrated circuit'. In addition, the concept 'layout-design (of integrated circuit)' holds generic – specific (G) relationship to the concept 'industrial property' (DSG04, DSG65 and DSG 67).

Of the sub-field of design, the United Kingdom provides a distinctive system, which should be presented here.

The design law of United Kingdom provides that the term “design” refers to features of: shape, configuration, pattern or ornament, which are applied to an article by any industrial process. The design law consists of 2 forms of rights: design right and registered design. As forms of right, Both refer to the rights to the design but the scope of the former are limited to the shape or configuration of an article (DSG46); whereas, the scope of the latter is wider, i.e., it covers the two-dimension design on article (DSG35). As subject matters to be protected, the property “eye appeal” (DSG25) of the registered design distinguishes ‘registered design’ from the subject matter protected by ‘design right’. With the distinction mention above, it can be said that each of them refers to the different concept in the sub-field of design.

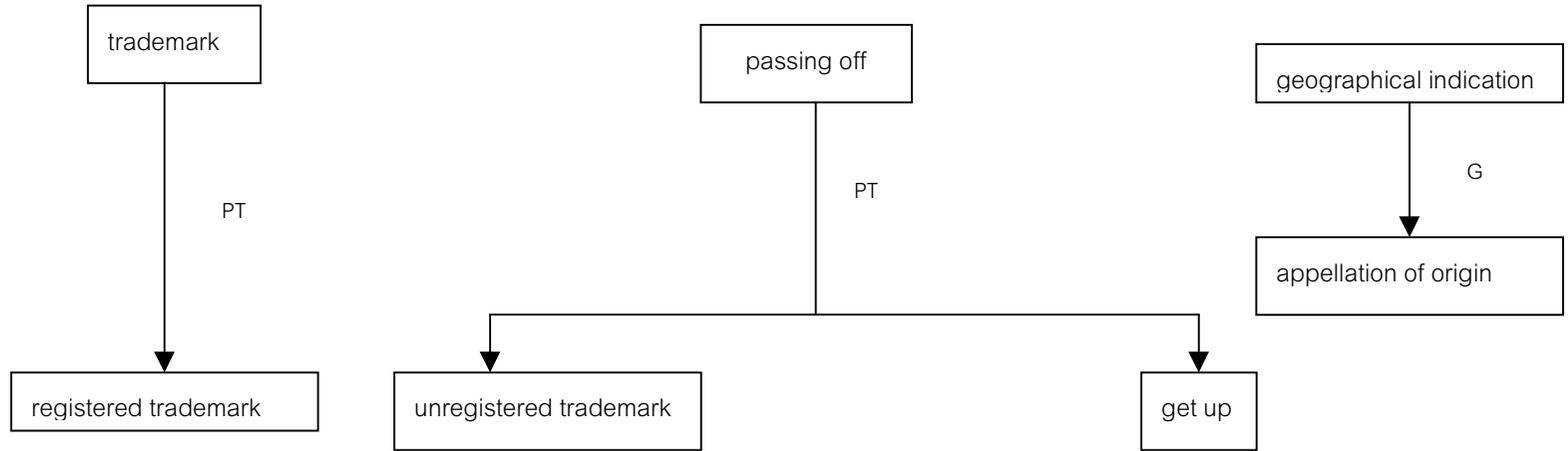
As for the conceptual relationship, the concept ‘design’ holds the generic-specific relationship to ‘design right’ and ‘registered design’.

In addition, the concepts ‘creation’ and ‘ownership’ of designs protected by different forms of rights are designated by different terms. That is to say, the concept ‘creator’ of the registered design is designated by the term “author”; whereas, that of the design right by the term “designer”.

As regards the concept ‘owner’ of the registered design is designated by the term “proprietor”, whereas, that of the design right by the term “owner”.

In securing the protection from the registered design and design right, registration and recording must be fulfilled respectively. In particular for the design right, the design document will be issued as an evidence of the recording. Thus, the term “design document” should be considered as concept with reference to the record of a design, whether in the form of drawing, written description or otherwise (DSG19) and it holds the object-evidence (O-E) relationship with the concept ‘design right. For the registered design, it is provided that the registered design requires the application to the patent office (DSG02) but no particular term is provided for the concept of application for registered design.

**Description of the conceptual structure in the sub-field of Trademark**



### **Description of the conceptual structure in the sub-field of Trademark**

Like the other forms of intellectual property right, the concept ‘trademark’ can be viewed from 2 dimensions, i.e., property (object) and form of right. To begin with the dimension of property, ‘trademark’ refers to:

“sign, or any combination of signs, capable of distinguishing the goods and services of one undertaking from those of other undertakings, must be eligible for registration as a trademark, provided that it is visually perceptible.” (TM06)

As a form of right, ‘trademark’ gives the protection to the owner of the trademark by ensuring the exclusive right in dealing with the trademark (TM34).

The extraction shown above confirms the place of ‘trademark’ as a concept in the subject field “Intellectual Property”.

In securing such a protection, the trademark is required to be registered, thereby another concept arises, i.e., ‘registered trademark’, which refers to a property (TM43). In case it fails the registration, such trademark becomes ‘unregistered trademark’, which is protected by the law of Passing off.

Being a property, which can be protected by the law of Passing off, ‘unregistered trademark’ should be considered as a concept, which is distinguished from the concept ‘registered trademark’.

As regards the concept ‘passing off’, it originally refers to a tort where one trader is attempting to take unfair advantage of another trader’s goodwill (PO05). It, moreover, refers to a protection to ‘unregistered trademark’ (PO08). Therefore, it holds the protector – object (P-O) relationship to the concept ‘unregistered trademark’.

In addition, this conceptual relationship applies to the other object concept: ‘get up’. The concept ‘get up’, although its defining expositives are not found, it can be inferred from the extraction records that this concept refers to adaptations made to any sign as the trademark, which is distinctive to a product but similar to another one (PO26

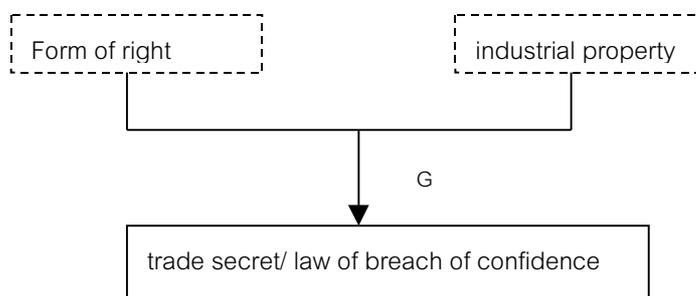
and PO29). A number of trade disputes caused by this similarity brings about the application of the law of Passing off to the get-up. As a result, the concept 'get-up' is formed up as object, which is protected by the law of Passing off (PO22, PO26 and PO27).

The next concept to be explained is 'geographical indication', which refers to a sign used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin (TM28). By the nature of a sign and the essence in reputation just as with the sub-fields 'Trademark' and 'Passing off', geographical indication can be viewed both as an property (object) and form of right. As a form of right, 'geographical indication' provides the protection to objects, which have the qualifications mentioned above.

'geographical indication' consists of another type of geographical indication, i.e., 'appellation of origin'. It refers to a special kind of geographical indication, used on products that have a specific quality that is exclusively or essentially due to the geographical environment in which the products are produced (TM30).

Based on the extraction records No.28 and 30, it can be inferred that the concept referred to by the term "appellation of origin" limits its scope precisely to the "geographical environment" in which the product is produced; whereas, the scope of the concept 'geographical indication' is wider in respect of the area.

### The description of the conceptual structure of sub-field of Trade secret



In the area of the protection of undisclosed information, the concept ‘trade secret’ refers to confidential information, which is secret in the sense that it is accessible by an individual or a group of people, who normally deal with it. Because of the secretive nature, such trade secret also has commercial value.

According to the TRIPS Agreement, which reads:

“Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology. In this category fall inventions (protected by patents), industrial design and trade secrets.” (TRIPS:2002)

‘trade secret’ is a concept, which holds generic-specific relationship to the concept ‘industrial property’. Furthermore, since the protection of trade secret is provided by many countries in the form of an exclusive law, the concept ‘trade secret’ can be understood as a form of right to the protection of the confidential information. For the United Kingdom, the term “law of breach of confidence” refers to such a right.

Appendix C  
Tables of extraction records

### **The biography of the researcher**

Sittikoon Chuenchomrat, borned in June 30, 1972, graduated the Bachelor Degree with 2<sup>nd</sup> Class honours in 1995 from the Faculty of Arts, Chulalongkorn University. At present, he is a student of the Graduate School, Chulalongkorn University and a staff of the Intensive Thai Program, Faculty of Arts, Chulalongkorn University.

TABLE OF EXTRACTION RECORDS

Sub-field: Copyright

Extract. Cod	Term Potential	Context Extraction	S-Field	Corp. Code	Gram Cat	Related term	Note
CP01	authorship	Authorship and ownership are, in relation to [copyright] , two distinct concepts, each of which attract their own peculiar rights; the author having moral right and the owner of the copyright possessing economic rights.		ipgen_2	N		authorship; ownership; moral right; economic right
CP02	ownership	CP01		ipgen_2	N		
CP03	author	Sometimes the author of a work will also be the ownership of the [copyright] in the work, but this is not always so and many works have separate authors and owners as far as copyright is concerned.		ipgen_2	N		variant = author of a work owner is distinctive from author
CP04	ownership	Ownership flows from authorship; the person who makes the work is normally the first owner of the [copyright] in the work, providing that he has not created the work in the course of employment in which case his employer will be the first owner of the copyright.		ipgen_2	N		
CP05	copyright	[Copyright] Copyright is a property right which subsists (exists) in various 'works', for example, literary works, artistic works, musical works, sound recordings, films and broadcasting.		ipgen_2	N		ling signal: is
CP06	author	The author of a work is the person who creates it and he (or his employer) is normally the first owner of the [copyright] which will last until 50 years after the author's death or 50 years after it was created depending on the type of work.		ipgen_2	N		ling signal: is related term: owner
CP07	copyright	[Copyright] does not protect ideas only the expression of an idea (that is, its tangible form), and it is free to others to create similar, or even identical works as long as they do so independently and by their own efforts.		ipgen_2	N		copyright protects the expression of idea
CP08	copyright	[Copyright] gives rise to two forms of rights: proprietary or economic rights in the work, for example the right to control copying, and, secondly, moral rights which leave the author, who may no longer be the owner of the copyright, with some control over how the w		ipgen_2	N	economic right; moral right	ling signal: give rise to
CP09	moral right	The moral rights are independent of the economic rights and hence the importance of the distinction between the author of a work and the owner of the [copyright] subsisting in it.		ipgen_2	NP		
CP10	copyright	When other rights such as [copyright] are added to industrial property the phrase used to describes the entirety of rights is intellectual property and this has become the phrase normally used to describe these individual, and sometimes disparate, rights collectively.		ipgen_2	NP		
CP11	copyright work	For the right to apply, the work must be a 'copyright work', that is a work in which [copyright] subsists; furthermore, the right is subject to exceptions and only applies as regards certain acts carried out in relation to the work.		ipgen_2	NP		dealing with application

CP12	copyright owner	A [copyright] owner who is also the author can thus provide for the continuing integrity of the work by contractual means.		ipgen_2	NP		
CP13	copyright owner	However, only the copyright owner could bring a legal action and an author who did not own the [copyright] in his work had to stand by helplessly unless the treatment of the work was defamatory.		ipgen_2	NP		
CP14	paternity right	Right to be identified as the author or director of a work (the paternity right) The right to be identified as the author of a literary, dramatic, musical or artistic work or as the director of a film is a new departure for United Kingdom [copyright] law.		ipgen_2	NP		syn: authorship
CP15	copyright	[Copyright] law is, because of the nature of the drafting of the current Act and previous Acts, directed to the expression of ideas rather than the ideas themselves.		ipgen_2	NP		
CP16	copyright	a well-defined legal principle that copyright protects expression but not ideas; indeed the Copyright Act of 1976 specifically states that ideas, procedures, processes, systems, methods of operation, concepts principles and discoveries are excluded from [copyright] protection.		ipgen_2	NP		
CP17	moral right	This Act takes due account of 'moral rights', inalienable rights which belong to the author irrespective of the ownership of [copyright] .		ipgen_2	NP		author and owner are separate
CP18	moral right	These moral rights, such as the right to be recognized as the author of a work and the right to object to a derogatory treatment of the work, remain with the author irrespective of subsequent ownership and dealings with the ownership of the [copyright] .		ipgen_2	NP		complex defining expositives
CP19	ownership	Ownership of the [copyright] in a work will often remain with the author of the work.		ipgen_2	N	author/ authorship	
CP20	copyright	For example, [copyright] in a literary work endures until the end of the period of fifty years from the end of the calendar year in which the author dies.		ipgen_2	NP		duration of protection excluded because in application
CP21	derivative work	For derivative works of [copyright] there will usually be several rights associated with the work and the exploitation of works in which numerous rights exist can be fairly complex although collecting societies such as the Performing Right Society do lead to some simplification.		ipgen_2	NP		
CP22	author	In terms of some types of works this will be self-evident; for example, the [author] of a work of literature is the person who writes it, the author of a piece of music is its composer, the author of a photograph is the photographers and so on.		ipgen_2	N		lin sig = is
CP23	author	, the [author] being the person who created it or made the arrangements necessary for its creation, depending on the nature of the work.		ipgen_2	N		ling sig = being

CP24	author	In principle, there is nothing to prevent as a corporate body being the author of a work as section 154 (1) (c) recognizes that a work may qualify for copyright protection if the [author] is a body incorporated under the law of the United Kingdom.		ipgen_2	N		author can be person; organization
CP25	author	59) The identification of the [author] is important for determining the first ownership of copyright and also for measuring the duration of the copyright.		ipgen_2	N		
CP26	moral right	There are four rights within the ' [moral] right' designation, being: (a) the right to be identified as the author of a work or director of a film, the 'paternity right'; (b) the right of an author of a work or director of a film to object to derogatory treatment of that work or film, the 'integrity right'; (c) a general right that every person has not to have a work falsely attributed to him; (d) the commissioner's right of privacy in respect of a photograph or film made for private and domestic purposes Notice that the Act refers to the [director] of a film.		ipgen_2	NP		To be searched for the full record
CP27	moral right	Often there will be a conflict between a [moral] right and an economic right, an example being in the case of employee - authors.		ipgen_2	NP		
CP28	derivative work	65) For [derivative] works of copyright there will usually be several rights associated with the work and the exploitation of works in which numerous rights exist can be fairly complex although collecting societies such as the Performing Right Society do lead to some simplif		ipgen_2	NP		rights not clear
CP29	derivative work	Other works, such as films, sound recordings, broadcasts, cable programmes and typographical arrangements can be described as [derivative] or entrepreneurial works and there is no requirement for originality.		ipgen_2	NP		
CP30	derivative work	These works could be described as [derivative] as they were usually based on a Part I work.		ipgen_2	NP		relevant extract
CP31	derivative work	Sound Recordings, Films, Broadcasts or Cable Programmes These are the [derivative] works.		ipgen_2	NP		example of derivative w
CP32	derivative work	Sometimes, however, a [derivative] work is not based on one of the 'original' works.		ipgen_2	NP		
CP33	originality	34) Originality One can be excused for believing that this means that work must be new or innovative in some sense but, in copyright law, the word 'original' does not have its ordinary dictionary meaning and the courts have interpreted [originality] very loosely.		ipgen_2	N		this is a character of copyright
CP34	copyright owner	A [copyright] owner who is also the author can thus provide for the continuing integrity of the work by contractual means.		ipgen_2	NP		
CP35	rights in performances	Right in Performances Live [performances] give rise to two different rights, the performer's right and a recording right.		ipgen_2		performer's right; recording right	UK specific limited to live performances only not found in other corpus

CP36	rights in performances	However these rights in  performances  are required to give the performer himself some rights that we will not otherwise have, unless he is performing a song which he has written himself, to prevent someone (colloquially known as a 'bootlegger') making a recording of the performance without p		ipgen_2	Syntac. U		example of neighbouring right
CP37	rights in performances	The former is not dissimilar to the author's moral right in copyright, whilst the latter is akin to the  copyright  owner's economic right.		ipgen_2	Syntac. U		
CP38	copyright work	For the right to apply, the work must be a '  copyright  work', that is a work in which copyright subsists; furthermore, the right is subject to exceptions and only applies as regards certain acts carried out in relation to the work.		ipgen_2	NP		
CP39	copyright work	A broad classification can be made between the various types of  copyright  work.		ipgen_2	NP		
CP40	literary work	literary work Section 3(1) of the Copyright, Design and Patent Act 1988 defines a literary work as any work, other than a dramatic or musical work, that is written, spoken or sung, and includes a table or compilation, a computer program, and preparatory  design  material for a computer program.		ipgen_2	NP		musical work shall be separated from literary and artistic work?
CP41	literary work	It should already be clear that a literary work does not have to be a work of literature and this is implied by the inclusion of tables, compilations, computer programs and preparatory  design  material for computer programs in the category of literary work.		ipgen_2	NP		
CP42	copyright	Section 106 of the 1976  Copyright  Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following: To reproduce the work in copies or phonorecords; To prepare derivative works based upon the work; To distribute copi		ipspe_2	NP		US specific related term: the owner of copyright
CP43	copyright	Copyright  is a form of protection provided by the laws of the United States (title 17, U.		ipspe_2	NP		US specific/Ling sig = is
CP44	copyright	The  copyright  in the work of authorship immediately becomes the property of the author who created the work.		ipspe_2	NP		no need to register
CP45	co-owner	The authors of a joint work are co-owners of the  copyright  in the work, unless there is an agreement to the contrary.		ipspe_2			
CP46	original work	Copyright  protects "original works of authorship" that are fixed in a tangible form of expression.		ipspe_2	NP		
CP47	copyright	No publication or registration or other action in the  Copyright  Office is required to secure copyright.		ipspe_2	NP		info for copyright defi
CP48	publication	The 1976  Copyright  Act defines publication as follows: "Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending.		ipspe_2	N		
CP49	publication	Publication is an important concept in the  copyright  law for several reasons: Works that are published in the United States are subject to mandatory deposit with the Library of Congress.		ipspe_2	N		

CP50	publication	Publication of a work can affect the limitations on the exclusive rights of the [copyright] owner that are set forth in sections 107 through 121 of the law.		ipspe_2	N		
CP51	duration	The year of publication may determine the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the [Copyright] Office) and for works made for hire.		ipspe_2	N		
CP52	copyright	[Copyright] is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business.		ipspe_2	NP		
CP53	copyright	[Copyright] is secured automatically when the work is created, and a work is created" when it is fixed in a copy or phonorecord for the first time.		ipspe_2	N		
CP54	copyright owner	he term " [copyright] owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right.		ipspe_2	NP		
CP55	author	The copyright in the work of authorship immediately becomes the property of the [author] who created the work.		ipgen_2	N		related term: creator
CP56	original work	Copyright protects "original works of [authorship] " that are fixed in a tangible form of expression.		ipspe_2	NP		copyright defi
CP57	derivative work	In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative [work] is sufficient.		ipspe_6	NP	compilation	under the generic term: work
CP58	sound recordings	for Phonorecords of Sound Recordings* * Sound recordings are defined in the law as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other [audiovisual] work.		ipspe_2	NP		
CP59	copyright	In respect of this paragraph and paragraphs 3 and 4, [copyright] obligations with respect to existing works shall be solely determined under Article 18 of the Berne Convention (1971), and obligations with respect to the rights of producers of phonograms and performers in existing phonograms shall be determined solely		ipgen_1	NP		rights of producers of phonograms
CP60	computer program	This provision confirms that computer programs must be protected under [copyright] and that those provisions of the Berne Convention that apply to literary works shall be applied also to them.		ipgen_1	NP		literary work & computer program generic relation
CP61	copyright	[Copyright] protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such.		ipgen_1	NP		copyright protection
CP62	copyright work	Article 11 provides that authors shall have in respect of at least computer programs and, in certain circumstances, of cinematographic works the right to authorize or to prohibit the commercial rental to the public of originals or copies of their [copyright] works.		ipgen_1	NP		

CP63	copyright work	11 Rental Rights In respect of at least computer programs and cinematographic works, a Member shall provide authors and their successors in title the right to authorize or to prohibit the commercial rental to the public of originals or copies of their [copyright] works.		ipgen_1	NP		
CP64	owner of copyright	However, it is not necessary to grant such rights to [broadcasting] organizations, if owners of copyright in the subject-matter of broadcasts are provided with the possibility of preventing these acts, subject to the provisions of the Berne Convention.		ipgen_1	NP		info for derivative work; neighbouring right
CP65	artistic work	News] (1)The expression &#8220;literary and [artistic] works &#8221; shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.		ipspe_1	NP		literary work and artistic work can be seperated because it is connected by 'and'
CP66	artistic work	itled in another country of the Union only to such special protection as is granted in that country to designs and models; however, if no such special protection is granted in that country, such works shall be protected as [artistic] works.		ipspe_1	NP		
CP67	economic right	At the international level, the economic and moral rights are conferred by the Berne Convention for the Protection of Literary and [Artistic] Works, commonly known as the "Berne Convention".		ipgen_3	NP	moral right	economic and moral rights
CP68	author	That person (called the "creator" or the " [author] " or "owner of rights") can control the destiny of the work.		ipgen_3	N		
CP69	moral right	The moral rights include the [author] 's right to object to any distortion, mutilation or other modification of his work that might be prejudicial to his honor or reputation.		ipgen_3	NP		
CP70	copyright	[Copyright] is the legal protection extended to the owner of the rights in an original work that he has created.		ipgen_3	NP		
CP71	economic right	The [economic] rights are the rights of reproduction, broadcasting, public performance, adaptation, translation, public recitation, public display, distribution, and so on.		ipgen_3	NP		
CP72	original work	Copyright is the legal protection extended to the owner of the rights in an [original] work that he has created.		ipgen_3	NP		

CP73	original work	Certain other contributors] (1)Without prejudice to the copyright in any work which may have been adapted or reproduced, a cinematographic work shall be protected as an [original] work.		ipgen_3	NP		ling sig = shall be protected as
CP74	original work	The owner of copyright in a cinematographic work shall enjoy the same rights as the author of an [original] work, including the rights referred to in the preceding Article.		ipgen_3	NP		
CP75	copyright	Unlike copyright protection which attaches automatically at the moment of fixation, an inventor must specifically request protection by filing a [patent] application and establish that the invention meets all of the statutory requirements of patentability.		ipspe_6	NP	patent application	difference between cp and pt patent application may not need defi
CP76	sound recordings	for Phonorecords of Sound Recordings* * Sound recordings are defined in the law as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other [audiovisual] work.		ipspe_2	NP		
CP77	Phonorecord	56 "Phonorecords" are material objects in which sounds, other than those accompanying a motion picture or other [audiovisual] work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.		ipspe_2	N		syn. Sound recordings, phonograms see CP108
CP78	literary work	Literary works are works, other than [audiovisual] works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, films, tapes, disks, or cards, in which they are embodied		ipspe_6	NP		
CP79	audiovisual work	103 Motion Pictures and other [Audiovisual] Works The Copyright Act provides definitions of "audiovisual works" and the subcategory "motion pictures": "Audiovisual works" are works that consist of a series of related images which are intrinsically intended to be shown by the use of machin		ipspe_6	NP		audiovisual and multimedia works should be excluded because theirs intensions refers to the field of media
CP80	motion picture	104 "Motion pictures" are [audiovisual] works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.		ipspe_6	NP		partitive
CP81	multimedia work	multimedia works include two or more of the following preexisting elements: text (literary works), computer programs (literary works), music (musical works and sound recordings), still images (pictorial and graphic works) and moving images ( [audiovisual] works).		ipspe_6	NP		
CP82	copyright	Use of the notice may be important because it informs the public that the work is protected by copyright, identifies the [copyright] owner, and shows the year of first publication.		ipspe_2	NP		notice
CP83	copyright owner	The term " [copyright] owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right.		ipspe_2	NP		

CP84	exclusive right	The exclusive rights of the  copyright  owner include -- (1) to reproduce the copyrighted work in copies or phonorecords; (2) to prepare derivative works based upon the copyrighted work; (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or oth		ipspe_6	NP		
CP85	compilation	110 Compilations and  Derivative  Works A compilation is "a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.		ipspe_6	N		
CP86	derivative work	A  derivative  work is a work "based upon" one or more preexisting works.		ipspe_6	NP		
CP87	derivative work	112 A  derivative  work is created when one or more preexisting works is "recast, transformed, or adapted" into a new work, such as when a novel is used as the basis of a movie or when a drawing is transformed into a sculpture.		ipspe_6	NP		
CP88	derivative work	113 Translations, musical arrangements and abridgments are types of  derivative  works.) includes compilations and  derivative  works.		ipspe_6	NP		opposed to WIPO see CP101
CP89	derivative work	114 The copyright in a derivative work or compilation, however, extends only to the contribution of the author of the  derivative  work or compilation (the compiler), and does not affect the copyright protection granted to the preexisting material.		ipspe_6	NP		derivative work and compilation is separate concept
CP90	derivative work	A compilation or  derivative  work is copyrightable if it represents an 'original work of authorship' and falls within one or more of the categories listed in section 102.		ipspe_6	NP		
CP91	derivative work	A '  derivative  work' is a work based upon one or more preexisting works, such 5y• a translation, musical arrangement, dramatization, fictionalization, motion picture version, sow~ed recording, art reproduction, abridgment, condensation, or any other form in which		ipspe_6	NP		
CP92	derivative work	A work consisting of editorial revisions, annotations, elaborations, or other modifications whichnmkus a whole, represent an original work of authorship, is a '  derivative  work.		ipspe_6	NP		
CP93	first owner	Artistic copyright: The author is the first owner of an artistic copyright unless he is an employee creating the work in the course of his employment in which case his employer is the  first  owner (s.		ipgen_2	NP		first owner is used much in copyright and design law
CP94	moral right	The  moral  rights include the author's right to object to any distortion, mutilation or other modification of his work that might be prejudicial to his honor or reputation.		ipgen_3	NP		
CP95	moral right	At the international level, the economic and  moral  rights are conferred by the Berne Convention for the Protection of Literary and Artistic Works, commonly known as the "Berne Convention".		ipgen_3	NP		

CP96	economic right	At the international level, the economic and  moral  rights are conferred by the Berne Convention for the Protection of Literary and Artistic Works, commonly known as the "Berne Convention".		ipgen_3	NP		closed related to CP75
CP97	compilation	4 Article 5 Compilations of Data (Databases) Compilations of data or other material, in any form, which by reason of the selection or arrangement of their contents constitute  intellectual  creations, are protected as such.		ipgen_3	N		under literary work
CP98	moral right	the moral rights (the right to claim  authorship  and to object to any derogatory action in relation to a work, which would be prejudicial to the author's honour or reputation), or of the rights derived therefrom.		ipgen_1	NP		
CP99	authorship	Means of redress] (1)Independently of the author&#8217;s economic rights, and even after the transfer of the said rights, the author shall have the right to claim  authorship  of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.		ipgen_3	N		authorship can be claimed by author
CP100	work of authorship	Code) to the authors of "original works of  authorship  ," including literary, dramatic, musical, artistic, and certain other intellectual works.		ipspe_2	NP		work of authorship is variant of work?
CP101	work of authorship	The copyright in the work of  authorship  immediately becomes the property of the author who created the work.		ipspe_2	NP		
CP102	work of authorship	Copyright protects "original works of  authorship  " that are fixed in a tangible form of expression.		ipspe_2	NP		original can be an feature of work being protected by copyright
CP103	author	The copyright claimant is defined in Copyright Office regulations as either the  author  of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author.		ipspe_2	N		the owner must be licensed by the author/ author had higher status
CP104	original work	(3)Translations, adaptations, arrangements of music and other alterations of a literary or  artistic  work shall be protected as original works without prejudice to the copyright in the original work.		ipgen_3	NP		ling sig = 'shall be protected as' see CP85 original work opposed to derivative work
CP105	original work	Rather,  originality  is usually taken to require that the work in question originated from the author, its creator, and that it was not copied from another work.		ipspe_1	NP		
CP106	artistic work	o categories: Industrial property, which includes inventions (patents) , trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works,  artistic  works such as drawings, paintings, photographs and sculptures, and architectural designs.		ipgen_3	NP		samples of artistic works for supporting the separation fo literary work from literary work

CP107	copyrighted work	Once the copyright owner transfers ownership of a particular copy (a material object) embodying a [copyrighted] work, the copyright owner's exclusive right to distribute copies of the work is "extinguished" with respect only to that particular copy.		ipspe_6	NP		variant of copyright work frequently found in US text
CP108	sound recordings	IN THE FIELD OF RELATED RIGHTS, the national legislation of some countries provide for a right of remuneration payable to performers or producers of phonograms or both when commercial [sound] recordings are communicated to the public or used for broadcasting.		ipgen_3	NP		variant of phonorecord
CP109	copyright owner	The term "[copyright] owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right.		ipspe_2	NP		frequently used in US CP
CP110	copyright owner	Unpublished Works The author or [copyright] owner may wish to place a copyright notice on any unpublished copies or phonorecords that leave his or her control.		ipspe_2	NP		author and copyright owner are 2 concepts
CP111	joint author	Section 88 deals with joint works and, briefly, makes the following provisions: (a) for a joint [author] (or director) to take advantage of the paternity right he must assert the right himself.		ipgen_2	NP		
CP112	joint author	An assertion by one joint [author] will not benefit the other; (b) the right to object to derogatory treatment applies to each joint author or director individually.		ipgen_2	NP		
CP113	neighbouring right	Whereas the rights provided by [copyright] apply to authors, "related rights", also known as "neighboring rights" concern other categories of owners of rights, namely, performers, the producers of phonograms and broadcasting organizations.		ipgen_3	NP		variant = related right
CP114	related right	Related rights differ from [copyright] in that they belong to owners regarded as intermediaries in the production, recording or diffusion of works.		ipgen_3	NP		
CP115	neighbouring right	The link with [copyright] is due to the fact that the three categories of related rights owners are auxiliaries in the intellectual creation process since they lend their assistance to authors in the communication of the latter's works to the public.		ipgen_3	NP		
CP116	related right	[Related] rights are the rights that belong to the performers, the producers of phonograms and broadcasting organizations in relation to their performances, phonograms and broadcasts respectively.		ipgen_3	NP		variant = neighbouring rights
CP117	neighbouring right	Productions that do not meet this originality requirement, but still merit some protection, are protected under a system of "[neighboring] rights.		ipspe_6	NP		
CP118	neighbouring right	[Neighboring] rights are similar to the rights protected by copyright or authors' rights and are applied to protect the rights of producers of phonograms, performers and broadcasters.		ipspe_6	NP		

CP119	neighbouring right	[Neighboring] rights, while similar in economic character to authors' rights, may be protected at a lower level than authors' rights and are entirely separate and distinct from the higher-level rights granted to authors.		ipspe_6	NP		
CP120	copyright	Section 106 of the 1976 Copyright Act generally gives the owner of [copyright] the exclusive right to do and to authorize others to do the following: To reproduce the work in copies or phonorecords; To prepare derivative works based upon the work; To distribute copies or phonorecords of the work to the public		ipspe_6	N		related term: owner of copyright
CP121	copyright	[Copyright] protects "original works of authorship" that are fixed in a tangible form of expression.		ipspe_6	N		related term: original works of authorship
CP122	literary work	News] (1)The expression &#8220;literary and artistic works&#8221; shall include every production in the literary, scientific and [artistic] domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and		ipspe_1	NP		
CP123	literary work	The Copyright, Design and Patent Act 1988 affords copyright protection to computer programs and preparatory design material for computer programs as [literary] works.		ipgen_2	NP		design materials/computer program as literary work
CP124	literary work	Under the Copyright, Design and Patents Act 1988, this sterile overlap is removed and a [literary] work is defined to exclude a dramatic work.		ipgen_2	NP		UK excludes dramatic work from literary work
CP125	song	A song will, therefore, have two copyrights, one in the music and one in the words of the song, the latter being a [literary] work.		ipgen_2	N		
CP126	economic right	As a part of this tradition, in addition to the protection of the author's [economic] rights, the protection of the author's "moral rights" is an essential part of the system.		ipspe_6	NP		
CP127	economic right	[Economic] rights, in some instances, may be subordinated to moral rights.		ipspe_6	NP		
CP128	literary work	95 [Literary] works include computer programs,96 articles, novels, directories, computer databases, essays, catalogs, poetry, dictionaries, encyclopedias, and other reference materials.		ipspe_6	NP		
CP129	copyright	Categories of Protectible Works The Copyright Act enumerates eight broad categories of protectible subject matter: (1) [literary] works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works.		ipspe_6	N		

CP130	literary work	Generally, multimedia works include two or more of the following preexisting elements: text (literary works), computer programs ( [literary] works), music (musical works and sound recordings), still images (pictorial and graphic works) and moving images (audiovisual works).		ipspe_6	NP		text is literary work
CP131	literary work	99 A phonorecord generally embodies two worowm*-- a musical work (or, in the case of spoken word recordings, a [literary] work) and a sound recording.		ipspe_6	NP		
CP132	derivative work	A work consisting of editorial revisions, annotations, elaborations, or other modifications whichnmkus a whole, represent an [original] work of authorship, is a 'derivative work.		ipspe_6	NP		
CP133	rights in performances	Rights in [performances] are not restricted to music and are available in respect of a dramatic performance, the reading or recital of a literary work and, a recent addition, the performance of a variety act such as by a juggler.		ipgen_2	NP		UK specific similar to neighbouring right
CP134	paternity right	There are four rights within the 'moral right' designation, being: (a) the right to be identified as the author of a work or director of a film, the ' [paternity] right'; (b) the right of an author of a work or director of a film to object to derogatory treatment of that work or film, the 'integrity right'; (c) a general right that every person has not to have a work falsely [attributed] to him; (d) the commissioner's right of privacy in respect of a photograph or film made for private and domestic purposes Notice that the Act refers to the director of a film.		ipgen_2	NP		
CP135	paternity right	78) Right to be identified as the author or director of a work (the [paternity] right) The right to be identified as the author of a literary, dramatic, musical or artistic work or as the director of a film is a new departure for United Kingdom copyright law.		ipgen_2	NP		
CP136	integrity right	The [integrity] right is described by section 80 (1) as the right belonging to the author or director not to have work subjected to derogatory treatment.		ipgen_2	NP		
CP137	integrity right	The [integrity] right also applies to works which existed prior to the commencement date of the Copyright, Designs and Patents Act 1988, subject to certain conditions.		ipgen_2	NP		
CP138	originality	Rather, [originality] is usually taken to require that the work in question originated from the author, its creator, and that it was not copied from another work.		ipgen_2	N		
CP139	paternity right	Moral Rights The author's moral rights are provided for under Article 6bis of the Berne Convention which requires recognition of the right of an author to be named as the author of a work (the right of [paternity] ) and the right for an author to object to uses of a work which would bring dishonor or discredit on his or her reputation (the right of integrity).		ipspe_6	NP		variant: right of paternity, right of integrity

TABLE OF EXTRACTION RECORDS

Field : Intellectual Property

Extract. Code	Term Potential	Context Extraction	S-Field	Corp. Code	Gram Cate	Related termF.	Note
IP01	intellectual property right	Members shall ensure that enforcement procedures as specified in this Part are available under their law so as to permit effective action against any act of [infringement] of intellectual property rights covered by this Agreement, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements.		ipgen_1	NP		
IP02	right holder	Application Any right holder initiating the procedures under Article 51 shall be required to provide adequate evidence to satisfy the competent authorities that, under the laws of the country of importation, there is prima facie an infringement of the [right] holder's intellectual property right and to supply a sufficiently detailed description of the goods to make them readily recognizable by the customs authorities.		ipspe_6	NP		
IP03	right holder	ly empowered authority, and provided that all other conditions for importation have been complied with, the owner, importer, or consignee of such goods shall be entitled to their release on the posting of a security in an amount sufficient to protect the [right] holder for any infringement.		ipspe_6	NP		
IP04	intellectual property law	[Intellectual] Property Law is that area of law which concerns legal rights associated with creative effort or commercial reputation and goodwill.		ipgen_2	NP		
IP05	intellectual property	The subject matter of [intellectual] property is very wide and includes literary and artistic works, films, computer programs, invention, designs and marks used by traders for their goods and services.		ipgen_2	NP		
IP06	intellectual property	There are several different forms of rights or areas of law giving rise to rights that together make ups [intellectual] property.		ipgen_2	NP		forms of rights : copyright; patent

IP07	intellectual property right	Some [intellectual] property rights, in respect of particular ideas, works or things, are secured by the successful completion of a formal application and registration procedure		ipgen_2	NP		registration procedure - facet
IP08	intellectual property	In the context of [intellectual] property it is with trade and industrial secrets that we are primarily concerned.		ipgen_2	NP		
IP09	patent right	Patent law A patent right, because it gives its owner a monopoly, is the form of [intellectual] property par excellence.		ipgen_2	NP	patent	patent right
IP10	intellectual property	10) [Intellectual] property is property in legal sense: it is something that can be owned and dealt with.		ipgen_2	NP		a definition of IP
IP11	intellectual property	Most forms of [intellectual] property are 'choses in action', right that are enforced only by legal action as opposed to possessory rights.		ipgen_2	NP		
IP12	intellectual property	11) [Intellectual] property gives rise to rights and duties.		ipgen_2	NP		content of definiton
IP13	intellectual property right	18) The lifespan of an invention or a work of copyright can comprise several different stages, and, during these stages, different [intellectual] property rights may afford protection to the invention or work.		ipgen_2	NP	patent; copyright	
IP14	intellectual property right	[Intellectual] property rights work together to provide legal protection throughout the life of the product until such time as all the rights have expired for one reason or another.		ipgen_2	NP		
IP15	intellectual property right	5) Industrial Property Traditionally, a number of intellectual property rights were known collectively as [intellectual] property.		ipgen_2	NP		variant of IP:intellectual property rights
IP16	intellectual property	Statutory forms of [intellectual] property are declared to property rights but even common law forms have been recognized as producing a form of property right.		ipgen_2	NP		ling signal: is declared

IP17	intellectual property	the rights of performers, producers of sound recordings and [broadcasting] organizations); trademarks including service marks; geographical indications including appellations of origin; industrial designs; patents including the protection of new varieties of plants; the layout-designs of integrated circuits; and undisclosed inf		ipgen_1	NP		forms of IP protection - right of performer - right of producer of sound recording and broadcasting - trademark and service mark geographical indication including appellation of origin - industrial design - patent - protection of new varieties of plants - lay-out design of integrated circuits - undisclosed information
IP18	exclusive right	The exclusive rights include the right of reproduction and the right of importation, sale and other distribution for [commercial] purposes.		ipgen_1	NP		a key characteristic of IP
IP19	intellectual property	Intellectual property refers to creations of the mind: inventions, literary and [artistic] works, and symbols, names, images, and designs used in commerce.		ipgen_3	NP		ling signal: refers to
IP20	intellectual property	Intellectual property is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and [artistic] works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.		ipgen_3	NP		ling signal: is divided into
IP21	industrial property	Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, [artistic] works such as drawings, paintings, photographs and sculptures, and architectural designs		ipgen_3	NP		



TABLE OF EXTRACTION RECORDS

Sub-field: Trademark

Extract. Code	Term Candidate	Context Extraction	S-Field	Corp. Code	Gram Cat	Related Term	Remark
TM01	trademark	Trade marks and business goodwill are other ways in which the invention could be successfully exploited by the [inventor] or the owner of the patent.		ipgen_2	N		
TM02	geographical indication	Geographical indications Back to top [Geographical] indications are defined, for the purposes of the Agreement, as indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good		ipgen_2	NP		
TM03	trademark	A [trade] mark is any sign which can distinguish the goods and services of one trader from those of another.		ipgen_4	N		
TM04	trademark	A [trade] mark is used as a marketing tool so that customers can recognise the product of a particular trader.		ipgen_4	N		
TM05	trademark	To be registrable a [trade] mark must be: * distinctive for the goods/ services for which registration is sought, and * not deceptive, or contrary to law or morality, and * not identical or similar to any earlier marks for the same or similar goods/services.		ipgen_4	N		
TM06	trademark	Trademarks Back to top The basic rule contained in Article 15 is that any sign, or any combination of signs, capable of distinguishing the goods and services of one undertaking from those of other undertakings, must be eligible for registration as a [trademark] , provided that it is visually perceptible.		ipgen_2	N		
TM07	trademark	However, actual use of a [trademark] shall not be permitted as a condition for filing an application for registration, and at least three years must have passed after that filing date before failure to realize an intent to use is allowed as the ground for refusing the application (Article 1		ipgen_2	N		trademark nedd registration
TM08	trademark	The registration of a [trademark] which uses a geographical indication in a way that misleads the public as to the true place of origin must be refused or invalidated ex officio if the legislation so permits or at the request of an interested party (Article 22.		ipgen_2	N		related to geographical indications
TM09	trademark	Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a [trademark] .		ipgen_2	N		trademark definition
TM10	trademark	Members shall publish each [trademark] either before it is registered or promptly after it is registered and shall afford a reasonable opportunity for petitions to cancel the registration.		ipgen_2	N		publish
TM11	registered trademark	Article 21 Licensing and Assignment Members may determine conditions on the licensing and assignment of trademarks, it being understood that the compulsory licensing of trademarks shall not be permitted and that the owner of a registered [trademark] shall have the right to assign the trademark with or without the transfer of the business to which		ipgen_2	NP		compulsory licence; in case of assignment, this applies to other regis IP

TM12	geographical indication	registration of a  trademark  which contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the trademark for such goods in that Member is of such a nature as to mislead the public as to the true		ipgen_2	NP		
TM13	geographical indication	The registration of a  trademark  for wines which contains or consists of a geographical indication identifying wines or for spirits which contains or consists of a geographical indication identifying spirits shall be refused or invalidated, ex officio if a Member's legislation so permit		ipgen_2	NP		
TM14		poses of the Agreement, as indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its  geographical  origin (Article 22.		ipgen_2			
TM15	geographical indication	Thus, this definition specifies that the quality, reputation or other characteristics of a good can each be a sufficient basis for eligibility as a  geographical  indication, where they are essentially attributable to the geographical origin of the good.		ipgen_2	NP		
TM16	geographical indication	Geographical  indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essent		ipgen_2	NP		
TM17	trademark owner	Cancellation of a mark on the grounds of non-use cannot take place before three years of uninterrupted non-use has elapsed unless valid reasons based on the existence of obstacles to such use are shown by the  trademark  owner.		ipgen_2	NP		not fixed term
TM18	registered trademark	Furthermore, the protection of registered well-known marks must extend to goods or services which are not similar to those in respect of which the trademark has been  registered  , provided that its use would indicate a connection between those goods or services and the owner of the registered trademark, and the interests of the owner are likely to be damaged by such use (Articles 16.		ipgen_2	NP		
TM19	unfair competition	Unfair  competition can be broken down into two broad categories.		ipspe_4	NP		just topic / purpose of IP
TM20	unfair competition	First, the term "  unfair  competition" is sometimes used to refer only to those torts that are meant to confuse consumers as to the source of the product.		ipspe_4	NP		just topic / purpose of IP
TM21	unfair competition	The other category, "unfair trade practices", comprises all other forms of  unfair  competition.		ipspe_4	NP		just topic / purpose of IP
TM22	unfair competition	The most familiar example of  unfair  competition is trademark infringement.		ipspe_4	NP		just topic / purpose of IP
TM23		Another common form of  unfair  competition is misappropriation.					

TM24	trade secret	Other practices that fall into the area of [unfair] competition include: false advertising, "bait and switch" selling tactics, unauthorized substitution of one brand of goods for another, use of confidential information by former employee to solicit customers, theft of trade secrets, breach of a restricti		ipspe_4			related to trade secret
TM25		A [trademark] is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.		ipspe_4			
TM26	service mark	A service mark is the same as a [trademark] , except that it identifies and distinguishes the source of a service rather than a product.		ipspe_4			
TM27		Trademarks are generally distinctive symbols, pictures, or words that sellers affix to distinguish and identify the origin of their products.		ipspe_4			
TM28	geographical indication	A [geographical] indication is a sign used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.		ipgen_3	NP		
TM29	geographical indication	Most commonly, a [geographical] indication consists of the name of the place of origin of the goods.		ipgen_3	NP		
TM30	appellation of origin	An appellation of origin is a special kind of [geographical] indication, used on products that have a specific quality that is exclusively or essentially due to the geographical environment in which the products are produced.		ipgen_3	NP		
TM31	geographical indication	The concept of [geographical] indication encompasses appellations of origin.		ipgen_3	NP		
TM32	geographical indication	A [geographical] indication points to a specific place or region of production that determines the characteristic qualities of the product that originates therein.		ipgen_3	NP		
TM33	trademark	What is the difference between a [geographical] indication and a trademark? A [geographical] indication tells consumers that a product is produced in a certain place and has certain characteristics that are due to that place of production.It may be used by all producers who make their products in the place designated by a [geographical] indication and whose products share typical qualities.		ipgen_3	N		
TM34	trademark	A [trademark] provides protection to the owner of the mark by ensuring the exclusive right to use it to identify goods or services, or to authorize another to use it in return for payment.		ipgen_3	N		
TM35	trademark	First, an application for registration of a trademark must be filed with the appropriate national or regional [trademark] office.		ipgen_3	N		
TM36	trademark	What is the difference between a geographical indication and a [trademark] ?A [trademark] is a sign used by an enterprise to distinguish its goods and services from those of other enterprises.		ipgen_3	N		

TM37	trademark	Trademark A [trademark] is quite different from either a copyright or a patent.		ipspe_6	N		
TM38	trademark	A [trademark] is any word, name, symbol or device, or any combination thereof, that serves to identify and distinguish the source of one party's goods or services from those of another party.		ipspe_6	N		
TM39	trademark	The purpose of a [trademark] is twofold -- to identify the source of products or services and to distinguish the trademark owner's goods and services from those of others.		ipspe_6	N		
TM40	trademark	The owner of a [trademark] is entitled to the exclusive right to use the mark.		ipspe_6	N		
TM41	trademark	[Trade] marks are afforded legal protection through a system of examination, publication and registration.		ipgen_2	N		
TM42	trademark	Clause 1(1) of the Bill defines a [trade] mark as being any sign capable of being represented graphically and which is capable of distinguishing the goods or services of one undertaking from another.		ipgen_2	N		
TM43	registered trademark	TRADE MARKS AS PROPERTY The Trade Marks Bill firmly states that a registered [trade] mark is an item of personal property (or, in Scotland, incorporeal moveable property) and, under the provisions of the Bill, trade marks are easily alienable.		ipgen_2	NP		
TM44	registered trademark	An exclusive licence is one authorizing the licensee, to the exclusion of all others including the proprietor, to use a registered [trade] mark, clause 24 (1).		ipgen_2	NP		
TM45	trademark	As it may take some months between application and registration, the provisions in the Bill relating to assigning, licensing and registration are also effective in relation to an application to register a [trade] mark, clause 27.		ipgen_2	N		
TM46	passing off	21 Passing of f INTRODUCTION The law of passing off and [trade] mark law have common roots and therefore are, in many respects, very similar.		ipgen_2	NP		relation of TM and PO
TM47	passing off	Passing off is a tort and can be described as the common law form of [trade] mark law.		ipgen_2	NP		
TM48	passing off	Business 'goodwill' is protected by passing off and, whilst this may be associated with a particular name or mark used in the course of trade, this area of law is significantly wider than [trade] mark law in terms of the scope of materials that can be protected.		ipgen_2	NP		relation between business goodwill, passing off and TM
TM49	unregistered trademark	Quite often, passing-off actions will be brought in respect of an unregistered [trade] mark, a mark that has not been registered through deliberate inertia on the part of the owner of the mark, as a result of ignorance or because the mark fails to satisfy the requirements for registration.		ipgen_2	NP		distinctive from regis. Tm
TM50	trademark	[Trade] mark law requires some use of the mark whereas in passing off, no express use or mention of a trade name is required, mere implication is adequate.		ipgen_2	N		use of TM required



TABLE OF EXTRACTION RECORDS

Sub-field: Trade Secret

Extract. Code	Term Candidate	Context Extraction	S-Field	Corp. Code	Gram Cat	Related Term	Remark
TS01	law of confidence	The law of confidence protects ideas and is a useful ally to other [intellectual] property rights , often being the only form of protection when the subject matter is still in its embryonic state.		ipgen_2	NP		
TS02	trade secret	Trade secret The term ` [trade] secret' is often used in relation to confidential information associated with industrial and commercial activity.		ipgen_2	NP		
TS03	trade secret	It might cover secret processes of manufacture or designs or special methods of construction or other information of a sufficiently high degree of confidentiality so as to be classed as a [trade] secret.		ipgen_2	NP		
TS04	trade secret	State secrets received a great deal of publicity a few years ago as a result of the publication of Spycatcher written by Peter Wright, a former assistant director of MIS, but it is in relation to trade secrets and business information that the law of [confidence] is of everyday importance.		ipgen_2	NP		
TS05	law of breach of confidence	Whereas other rights such as copyright and patents are particularly useful when the subject matter is made public by exploitation by the right owner, the law of breach of [confidence] gives protection to things not released to the public or even part of the public.		ipgen_2	NP		UK specific
TS06	injunction	Indeed, this is the whole point of the law of [confidence] and its most useful feature is that an injunction can be obtained preventing an anticipated wrongful release or use of the information that is the subject matter of the confidence.		ipgen_2	N		injunction excluded/ application
TS07	trade secret	In terms of patent law, [confidence] is vital to the grant of a patent as it is essential that details of the invention do not fall into the public domain before the filing of the patent application, otherwise the patent will be refused.		ipgen_2	NP		confidence is characteristic of TS and PT/ related to patent
TS08	injunction	The defendant had argued that the prints were not improperly taken but it was said that his possession must have originated in a breach of trust, a breach of [confidence] or a breach of contract and, therefore, an injunction was granted preventing the exhibition.		ipgen_2	NP		injunction excluded/ application
TS09	trade secret	dential, (b) information which an employee must treat as confidential, but which, once learned, reasonably remains in the employee's head and becomes part of his skill and experience, (c) specific trade secrets so confidential that a continuing duty of [confidence] applies even beyond the termination of employment or service contract.		ipgen_2	NP		
TS10	trade secret	17 Whilst it is clear that a secret industrial process containing an inventive step is capable of being a [trade] secret, the position is less predictable in terms 'of confidential price lists, databases containing customer names and addresses and clients' accounts.		ipgen_2	NP		related to inventive step /industrial process

TS11	trade secret	Information relating to clients' credit ratings and the types of goods that they buy may be very valuable and, in the right circumstances, fall to be considered a [trade] secret.		ipgen_2	NP		related to commercial activities
TS12	trade secret	the circumstances and attention should be given to the following: (i) the nature of employment - a higher obligation might be imposed where the employee regularly handled confidential material; (ii) the nature of information - it should be an authentic [trade] secret or at least highly confidential; (iii) whether the employer stressed the confidential nature of the material; and (iv) whether the information could be easily isolated from other material the employee was free to use, this being useful evidential		ipgen_2	NP		nature of trade secret
TS13	trade secret	2, the protection must apply to information that is secret, that has [commercial] value because it is secret and that has been subject to reasonable steps to keep it secret.		ipgen_1	NP		
TS14	trade secret	Natural and legal persons shall have the possibility of preventing information lawfully within their control from being disclosed to, acquired by, or used by others without their consent in a manner contrary to honest [commercial] practices (10) so long as such information: (a) is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; (b) has [commercial] value because it is secret; and (c) has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.		ipgen_1	NP		
TS15	trade secret	Other practices that fall into the area of [unfair] competition include: false advertising, "bait and switch" selling tactics, unauthorized substitution of one brand of goods for another, use of confidential information by former employee to solicit customers, theft of trade secrets, breach of a restricti		ipspe_4	NP		related to trade secret
TS16	trade secret	501 "A [trade] secret is commonly defined as any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.		ipspe_6	NP		
TS17	injunction	The defendant had argued that the prints were not improperly taken but it was said that his possession must have originated in a breach of trust, a breach of confidence or a breach of contract and, therefore, an [injunction] was granted preventing the exhibition.		ipgen_2	N		a protection to trade secret
TS18	injunction	Because of this the most appropriate remedy is the quia timet [injunction] which will be granted to prevent general publication or other disclosure of the subject-matter of the confidence.		ipgen_2	N		
TS19	law of confidence	The law of [confidence] also covers business transactions and negotiations and an obligation of confidence will be implied in a great many situations where there is no express agreement as to confidentiality.		ipgen_2	NP		

TS20	law of confidence	Indeed, this is the whole point of the  law  of confidence and its most useful feature is that an injunction can be obtained preventing an anticipated wrongful release or use of the information that is the subject matter of the confidence.		ipgen_2	NP		
TS21	law of breach of confidence	To recap, for an action in  breach  of confidence, the following things are required: (a) The information must have the necessary quality of confidence about it.		ipgen_2	NP		

TABLE OF EXTRACTION RECORDS

Sub-field: Passing off

Extract. Code	Term Candidate	Context Extraction	S-Field	Corp. Code	Gram Cat	Related Term	Remark
PO01	passing off	If your  trade  mark is not registered you may seek redress through the courts under common law in a passing off action.		ipgen_4	NP		UK specific
PO02	passing off	Passing  off The tort of passing off is, in effect, a common law version of trade mark law.		ipgen_2	NP		UK specific
PO03	passing off	Indeed, trade mark law developed from  passing  off which in turn developed from the tort of deceit.		ipgen_2	NP		
PO04	passing off	Being common law,  passing  off can be more flexible than trade mark law and can apply to marks that would not be sufficiently distinctive for registration as a trade mark.		ipgen_2	NP		
PO05	passing off	As with trade mark law,  passing  off is concerned with the protection of business goodwill and reputation and this has the secondary effect of protecting the buying public from trade deception.		ipgen_2	NP		
PO06	passing off	This is the tort of  passing  off where one trader is attempting to take unfair advantage of another trader's goodwill.		ipgen_2	NP		
PO07	anti-competitive practices	Control of anti-competitive practices in contractual licences Back to top Article 40 of the TRIPS Agreement recognizes that some licensing practices or conditions pertaining to intellectual property rights which restrain  competition  may have adverse effects on trade and may impede the transfer and dissemination of technology (paragraph 1).		ipgen_1	NP		
PO08	passing off	THE SCOPE OF PASSING OFF Compared to  trade  mark law, the scope of passing off is quite wide and it can protect unregistrable business names, unregistered trade marks, advertising and general `get-up', in fact anything that is distinctive of the plaintiff's goods, services or business.		ipgen_2	NP		this record is shared by unregistered TM
PO09	passing off	Passing  off is a tort and can be described as the common law form of trade mark law.		ipgen_2	NP		
PO10	goodwill	Business `goodwill' is protected by  passing  off and, whilst this may be associated with a particular name or mark used in the course of trade, this area of law is significantly wider than trade mark law in terms of the scope of materials that can be protected.		ipgen_2			
PO11	goodwill	The owner of the goodwill has a property right that can be protected by an action in  passing  off.		ipgen_2			
PO12	goodwill	The words `reputation' and `goodwill' are often used interchangeably but it is really in connection with goodwill that  passing  off is concerned.		ipgen_2			
PO13		Quite often,  passing  -off actions will be brought in respect of an unregistered trade mark, a mark that has not been registered through deliberate inertia on the part of the owner of the mark, as a result of ignorance or because the mark fails to satisfy the requirements for		ipgen_2			

PO14	passing off	However, it is clear that the tort applies in a business context, directly or indirectly, although in other circumstances a passing off type of activity could amount to defamation 4 The main point about  passing  off is that goodwill has been developed and another trader might try to take advantage of that goodwill, to cash in on it to the detriment of the first trader.		ipgen_2	NP		
PO15	passing off	The preservation of business goodwill is the prime concern of  passing  off but the protection of consumers from deception is an ancillary effect.		ipgen_2	NP		
PO16	passing off	Passing  off may overlap with other rights, especially trade marks and copyright, and a given set of circumstances may give rise to an action involving two or more different rights.		ipgen_2	NP		
PO17	passing off	Lord Oliver said that all the main ingredients of a  passing  off action, namely goodwill, misrepresentation and damage, were present.		ipgen_2	NP		
PO18	passing off	The essence of a  passing  off action was said to be a deceit practised on the public.		ipgen_2	NP		
PO19	passing off	But  passing  off can go even further in the subject matter protected and can protect, in principle, anything associated with goodwill such as a method of doing business or a theme used in advertising.		ipgen_2	NP		
PO20	passing off	In all the cases, copying of the features claimed as registrable as trade marks by other traders would probably amount to  passing  off.		ipgen_2	NP		
PO21	get-up	He goes on to confirm that the property right is not a right in the name, mark or get-up itself but that it is a right in the reputation or goodwill of which the name, mark or  get  -up is the badge or vehicle.		ipgen_2	VN		
PO22	get-up	In most cases, the defendant will have deliberately used some name, mark or  get  -up designed to capture part of the plaintiff's business but a fraudulent motive is not essential to the tort.		ipgen_2	VN		
PO23	get-up	If a trader has just started in business or just started using an unregistered mark or `  get  -up' he may be unable to succeed in a passing off action.		ipgen_2	VN		VN = verb - noun
PO24	get-up	Although a newly registered trade mark has immediate protection, with passing off the plaintiff must be able to prove that he has built up a reputation around the name, mark or `  get  -up'.		ipgen_2	VN		
PO25	get-up	The scope of passing off can be considered in terms of the meaning of `in the course of trade', the extent of marks and `  get  -up' protected and geographical range.		ipgen_2	VN		
PO26	get-up	The defendant sold lemon juice in a similar but not identical container (it was bigger, having a green cap and a flat side) and was restrained from passing off its lemon juice as that of the plaintiffs by use of a deceptively similar `  get  -up'.		ipgen_2	VN		meaning of 'get up' must be figured out it possibly deals with word like 'ize'

PO27	get-up	It was held that the plaintiff had established a [get] -up in the red coloured wrapper that was distinctive of his cough sweets and there was a danger of confusion especially as few purchasers could read the words 'Pecto' and it was shown that many customers asked for 'red paper cough sweets'.		ipgen_2	VN		meaning of 'get up' must be figured out
PO28	get-up	Although no deception was proved on the part of the defendant, the [get] -up of the defendant's sweets was calculated to deceive and the injunction granted to the plaintiff in the Court of Appeal in Singapore was confirmed.		ipgen_2	VN		
PO29	get-up	As the word 'gourmet' was descriptive, small differences in [get] -up would be sufficient to avoid confusion.		ipgen_2	VN		

## TABLE OF EXTRACTION RECORDS

Sub-field: Industrial Design, Design and Lay-out design of Integrated Circuit

Extract. Code	Term Candidate	Context Extraction	S-Field	Corp. Code	Gram Ca	Related Term	Remark
DSG01	design right	The other system of design protection is called the design right and is provided for along  copyright  lines.	design	ipgen_4	NP	copyright	its author = designer
DSG02	registered design	Registered designs give stronger protection but require application to the  Patent  Office.		ipgen_4	NP		its author = creator relation to patent; whereas, design right to copyright
DSG03	layout-design	These provisions deal with, inter alia, the definitions of "integrated circuit" and "  layout  -design (topography)", requirements for protection, exclusive rights, and limitations, as well as exploitation, registration and disclosure.		ipgen_1	NP		
DSG04	layout-design	A "layout-design (topography)" is defined as the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an  integrated  circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture.		ipgen_1	NP	integrated circuit	
DSG05	integrated circuit	These provisions deal with, inter alia, the definitions of "integrated circuit" and "layout-  design  (topography)", requirements for protection, exclusive rights, and limitations, as well as exploitation, registration and disclosure.		ipgen_1	NP		
DSG06	integrated circuit	integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is  intended  to perform an electronic function.		ipgen_1	NP		
DSG07	designer	Confusingly, the creator of a registered  design  is known as its author whereas the creator of a design in which the design right subsists is known as the designer.		ipgen_2	N	copyright/ 'creator'	
DSG08	registered design	Design law - registered designs and the  design  right A new object or article may be designed which is not sufficiently novel or inventive to satisfy the exacting requirements for the grant of patent.		ipgen_2	NP		look mor info in BB_IP_1
DSG09	registered design	Both forms of design right relate to the  design  aspects of the shape or configuration of an article and, for registered designs only, also to pattern and ornament.		ipgen_2	NP		distinction of regis. Design from design right
DSG10	design right	It can, however, also apply to many registrable designs and there is a large overlap between the two forms of  design  rights.			NP		overlap between regis. Design/design right

DSG11	industrial design	industrial design the right to prevent third parties not having the owner's consent from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for [commercial] purposes.		ipgen_1	NP		
DSG12	layout-design	contributing for commercial purposes a protected layout-design, an integrated circuit in which a protected layout-design is incorporated, or an article incorporating such an integrated circuit only in so far as it continues to contain an unlawfully reproduced [layout] -design.		ipgen_1	NP		integrated circuit part-whole relation to layout-design
DSG13	industrial design	the rights of performers, producers of sound recordings and broadcasting organizations); trademarks including service marks; geographical indications including appellations of origin; [industrial] designs; patents including the protection of new varieties of plants; the layout-designs of integrated circuits; and undisclosed information including trade secrets and test data.		ipgen_1	NP		
DSG14	industrial design	[Industrial] designs are what make an article attractive and appealing; hence, they add to the commercial value of a product and increase its marketability.		ipgen_3	NP		
DSG15	industrial design	Protecting [industrial] designs helps economic development, by encouraging creativity in the industrial and manufacturing sectors, as well as in traditional arts and crafts.		ipgen_3	NP		
DSG16	industrial design	In most countries, an industrial design must be registered in order to be protected under [industrial] design law.		ipgen_3	NP		
DSG17	industrial design	Depending on the particular national law and the kind of design, an [industrial] design may also be protected as a work of art under copyright law.		ipgen_3	NP		
DSG18	design document	Tangible form requirement The design right springs into force when the design is recorded in a [design] document or, alternatively, when an article has been made to the design whichever happens first.		ipgen_2	NP		
DSG19	design document	'[Design] document' is defined by section 263, which contains minor definitions, as 'any record of a design, whether in the form of a drawing, a written description, a photograph, data stored in a computer or otherwise'.		ipgen_2	NP		
DSG20	registered design	The person creating a work of copyright or a [registered] design is known as the 'author' whereas the creator of a design in which the design right subsists is called a 'designer'.		ipgen_2	NP		author vs designer / related to copyright
DSG21	proprietor	A copyright and a design right is owned by its 'owner' but for a [registered] design he is known as the 'proprietor'.		ipgen_2	N		owner of regis design is proprietor
DSG22	registered design	[Registered] design: The author is the original proprietor of the design subject to two exceptions.		ipgen_2	NP		author is original proprietor

DSG23	industrial application	A definition of 'applied industrially' is given in rule 35 of the [Registered] Design Rules 1989 but this definition is made for the purposes of section 6 of the Act dealing with the industrial application in terms of corresponding designs relating to artistic works.		ipgen_2	NP		
DSG24	petty patent	Several options faced Parliament: it could introduce a petty patent system similar to that existing in some European countries, it could extend [registered] design law to include functional designs or it could leave protection to be gained via the medium of drawings		ipgen_2	NP		functional design
DSG25	registered design	For a [registered] design, the requirement for eye-appeal means that the features must be external unless the outside surface of the article is transparent.		ipgen_2	NP		eye appeal as a characteristic
DSG26	registered design	OWNERSHIP OF [REGISTERED] DESIGN The person creating a design is known as the author of that design and the basic rule is that the author is entitled to be the original proprietor of the design.		ipgen_2	NP		ownership of design
DSG27	proprietor	Usually, a person commissioning a design will be the proprietor of the [registered] design and will also be the owner of the design right.		ipgen_2	N		relation between regis design and design right
DSG28	design	' [Design] ' means the 'design of any aspect of the shape or configuration (whether external or internal) of the whole or part of an article'.		ipgen_2	N		
DSG29	design	A [design] means features of: shape configuration • pattern or ornament which are applied to an article by any industrial process, being features which in the finished article appeal to and are judged by the eye.		ipgen_2	N		defi of design
DSG30	design	A [design] , to be registrable, must be new and have individual character.		ipgen_2	N		related to regis design
DSG31	design	For both the formal and informal right, a [design] should have a distinctive character define'.		ipgen_2	N		characteristic of design
DSG32	joint design	Joint first owners are possible where there is a joint design, being one created by two or more designers where the contribution of each is not distinct from the other(s), and a [design] will satisfy the qualification requirements if only one individual or person meets those requirements.		ipgen_2			
DSG33	author/designer	The person creating a work of copyright or a registered design is known as the 'author' whereas the creator of a [design] in which the design right subsists is called a 'designer'.		ipgen_2	N		UK specific: 'author' for registered design designer for design right
DSG34	design right	Originality For a [design] right to subsist in a design it must be original.		ipgen_2	NP		charac of design right
DSG35	registered design	Registered designs can be applied to two-dimensional articles, such as a textile design whereas a [design] to which the design right applies must relate to shape or configuration.		ipgen_2	NP		relation of design right to shape distinctive charac of regis design from design right
DSG36	registered design	For a registered [design] , the requirement for eye-appeal means that the features must be external unless the outside surface of the article is transparent.		ipgen_2	NP		

DSG37	registered design	If the design right is later assigned without an assignment of the registered [design] , the court has the power to order rectification of the register on the application of any person aggrieved, section 20(1)4\$ Section 2(2) of the Registered Designs Act 1949 envisages the situation where the design or the right to apply the design to any		ipgen_2	NP		design right is an outcome rendered from registration
DSG38	design right	The [design] right is comparatively weak as it is not a monopoly right and it is of short duration.		ipgen_2	NP		
DSG39	design right	The [design] right is, at the present time, unique to the United Kingdom, although designs that are subject to this right might fall within the sphere of other rights in different countries.		ipgen_2	NP		design right is UK specific
DSG40	design right	Like copyright, the [design] right is a property right that is subject to qualification requirements.		ipgen_2	NP		
DSG41	corresponding design	If the [design] is applied to an article and that article is a copy of an artistic work, it is known as a `corresponding design' and previous use of the artistic work does not prevent the design being new providing that the prior use does not include commercial exploita		ipgen_2			found only in Bainbridge
DSG42	novelty	The requirement of novelty must be more stringent because it permits no anticipation of the [design] whatsoever (although this is measured by registration or publication only).		ipgen_2	N		novelty is a character for patent and design
DSG43	owner of design right	The owner of the [design] right is given, effectively, ten years to exploit his design.		ipgen_2	NP		
DSG44	owner of design right	For example, the first owner of a [design] right might be the designer, his employer or commissioner or the person responsible for the first marketing.		ipgen_2	NP		
DSG45	design right	The basic rationale of the two [design] right model is that there should be a formal right subject to registration that can last for up to 25 years and an informal right that can endure for a much shorter period of time (3 years is suggested in the Green Paper).		ipgen_2	NP		
DSG46	design right	The Patent Office describe the [design] right as: a new intellectual property right which applies to original, non-commonplace designs of the shape or configuration of articles.		ipgen_2	NP		UK specific
DSG47	design right	Like copyright, the [design] right is a property right that is subject to qualification requirements.		ipgen_2	NP		
DSG48	design right	Some functional designs cannot be registered and some registered designs fall outside the [design] right provisions.		ipgen_2	NP		
DSG49	design right	Examples of designs in which a [design] right is capable of subsisting are exhaust pipes and other parts for motor vehicles, tools, kitchen utensils, office equipment, packaging. [Design] right is limited so that it will not usually extend to features that must be the shape they are so that they can fit or match another article.		ipgen_2	NP		
DSG50	design right	The [design] right is declared by section 213(3) not to subsist in: (a) Methods or principles of construction.		ipgen_2	NP		distinctive from patent

DSG51	design right	All other features of the shape or configuration of both the television set and the stand are in principle - and subject to the other requirements such as originality - capable of [design] right protection.		ipgen_2	NP		characs: shape and configuration of dsgn right
DSG52	design right	Originality For a [design] right to subsist in a design it must be original.		ipgen_2	NP		charac: original dsgn right
DSG53	registered design	Otherwise, if international protection is required for a design, it must be obtained by application to the appropriate states under their [registered] designs or petty patents systems.		ipgen_2	NP		regis dsgn in UK specific and equivalent to petty patent
DSG54	petty patent	A petty patent is like a weaker variety of patent which is used in some countries, for example Germany, Italy and Spain, as a half way house between full patents and [registered] designs.		ipgen_2	NP		
DSG55	registered design	However, in a denial of the United Kingdom requirement for eye-appeal for [registered] designs there will be no requirement that the appearance should be a material factor for either the registered or informal right.		ipgen_2	NP		eye appeal not for regis design
DSG56	registered design	The model of [registered] designs proposed in the harmonization Directive will be based on five-year periods of registration renewable in five-year blocks up to a maximum of 25 years.		ipgen_2	NP		duration of regis dsgn
DSG57	registered design	13 it was held that the rules that apply to anticipation of patents also apply to [registered] designs.		ipgen_2	NP		relaion of regis dsgn to the patent
DSG58	registered design	A contrast can be made at once with [registered] designs for which protection is along lines analogous to patent law.		ipgen_2	NP		regis dsgn along with patent relation to patent system
DSG59	registered design	However, [registered] designs can also relate to parts of articles - for example, a new design of spout for a teapot will not be rejected simply because it relates only to a part of the teapot and not the whole pot.		ipgen_2	NP		regis dsgn applies only to a part of an article
DSG60	registered design	The first exception and the must-match exception are identical to those for [registered] designs but the surface decoration exception distinguishes the two rights.		ipgen_2	NP		
DSG61	petty patent	[Petty] patents are cheaper and of shorter duration than full patents.		ipgen_2	NP		
DSG62	designer	Design right: The designer is the [first] owner, subject to exceptions relating to employees and commissioned designs.		ipgen_2	N		
DSG63	designer	For example, the [first] owner of a design right might be the designer, his employer or commissioner or the person responsible for the first marketing.		ipgen_2	N		
DSG61	registered design	The [registered] design lasts for up to 25 years, initially granted for five years and then subject to renewal every 5 years, whereas the design right can last for 15 years but this will be reduced if the design is applied commercially during its first five years.		ipgen_2	NP		
DSG62	registered design	Of the two United Kingdom systems, one requires registration, has some features in common with patent law in a very [broad] sense, and applies to designs that have and are intended to have eye-appeal.		ipgen_2	NP		see more in textbook P 8

DSG63	exclusive right	What rights registered designs bring A registered design brings the [exclusive] right to make, import, export, sell or hire out any article to which the design has been applied, or to let others use the design under terms agreed with the registered owner, in the UK and the Isle of Man.		ipgen_4	NP		exclusive right' found in registered design
DSG64	integrated circuit	Members shall consider unlawful the following acts if performed without the authorization of the right holder: (9) importing, selling, or otherwise distributing for commercial purposes a protected layout-design, an [integrated] circuit in which a protected layout-design is incorporated, or an article incorporating such an integrated circuit only in so far as it continues to contain an unlawfully reproduced layout-design.		ipgen_1	NP		record shows P/W relationship between layout-design and integrated circuit
DSG65	layout-design	The obligation to protect layout-designs applies to such [layout] -designs that are original in the sense that they are the result of their creators' own intellectual effort and are not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of their creation.		ipgen_1	NP		requirements are similar to those of invention
DSG66	layout-design	Treaty Members agree to provide protection to the layout-designs (topographies) of integrated circuits (referred to in this Agreement as "[layout] -designs") in accordance with Articles 2 through 7 (other than paragraph 3 of Article 6), Article 12 and paragraph 3 of Article 16 of the Treaty on Intellectual Property in Respect of Integrated Circuits and, in addition, to comply with the following prov		ipgen_1	NP		
DSG67	layout-design	Subject to the provisions of paragraph 1 of Article 37, Members shall consider unlawful the following acts if performed without the authorization of the right holder: (9) importing, selling, or otherwise distributing for commercial purposes a protected [layout] -design, an integrated circuit in which a protected layout-design is incorporated, or an article incorporating such an integrated circuit only in so far as it continues to contain an unlawfully reproduced layout-design.		ipgen_1	NP		
DSG53	owner	requires Members to grant the owner of a protected industrial design the right to prevent third parties not having the [owner] 's consent from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.		ipgen_1	N		
DSG54	design right	Duration of design right An important date in measuring the duration of a [design] right is the end of the calendar year during which the design was first either recorded in a design document or an article was made to the design.		ipgen_2	NP		this record shows the requirement of registration