

Marrakesh Treaty Questionnaire – Thailand

1. Please indicate the relevant provisions in your national legislation providing for or regulating the limitations and exceptions to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

- Section 32/4 of the Copyright Act B.E. 2537 (1994) as amended by the Copyright Act (No. 4) B.E. 2561 (2018)

Section 32/4. Any of the following acts done by an authorized or recognized entity for the benefit of persons with disabilities who are unable to access copyright works by virtue of this Act due to their impairment in vision, hearing, mobility, intelligence or learning or other impairments as prescribed by the Minister in the Government Gazette shall not be deemed an infringement of copyright, provided that the purpose of such act is not for profit and Section 32 paragraph one is complied with:

(1) reproduction or adaptation of a copyright work which has already been published or communicated to the public and has been legally obtained;

(2) communication to the public of a copy of the copyright work which has been reproduced or adapted under (1), including a copy of the copyright work which has been obtained from another authorized or recognized entity inside or outside the country.

The authorized or recognized entities, formats of such reproduction or adaptation with respect to the necessity of the persons with disabilities as well as rules and procedures for the reproduction or adaptation and communication to the public shall be in accordance with the provisions prescribed by the Minister in the Government Gazette.

- The Notification of the Ministry of Commerce Re: The Use of the Exceptions to Copyright Infringement for the Benefit of Persons with Disabilities Who Are Unable to Access Copyright Works B.E. 2562 (2019)

- The Department of Intellectual Property also issued the Guidelines on the Use of Copyright Works for the Benefit of Persons with Disabilities under Section 32/4.

2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b)1 MVT? If yes, under which conditions?

Under the Thai Copyright Act, the term "communication to the public" covers the act of exportation. According to Clause 5 of the Notification of the Ministry of Commerce, the communication to the public of accessible format copies under Section 32/4 (2) shall be conducted under the following rules and procedures:

- The purpose of communication to the public is solely to benefit persons with disabilities who are unable to access copyright works pursuant to the type of disability and the necessity, and is not for profit.

- The accessible format copies to be distributed are made by the authorized or recognized entity itself in a format prescribed in the Notification or obtained from another authorized or recognized entity inside or outside the country.
- An authorized or recognized entity distributes the accessible format copies to persons with disabilities who are unable to access copyright works, or another authorized or recognized entity inside or outside the country upon request.
- An authorized or recognized entity has a system or a measure to prevent other persons other than persons with disabilities from accessing the accessible format copies made for the benefit of persons with disabilities.

Please note that the communication to the public of the accessible format copies shall not conflict with a normal exploitation of the copyright work by the copyright owner and shall not unreasonably prejudice the legitimate right of the copyright owner.

3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?

The importation is allowed when the accessible format copies are made in accordance with the limitations and exceptions under the MVT.

4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c) MVT? If yes, please provide the reference.

In the Copyright Act and the Notification of the Ministry of Commerce, it is called "authorized or recognized entity". The definition is provided in Clause 2 of the Notification, which is "an entity to provide education, instructional training, adaptive reading, or information access to persons with disabilities in vision, hearing, mobility, intelligence, or learning, on a non-profit basis, and shall include a government institution or non-profit organization whose purpose or primary activity is to provide such service." Such entity shall also be listed in the annex of the Notification.

5. Please provide a list with contact details of entities that can operate as authorized entities in your territory, and any further information that you can provide, such as number of accessible titles in the catalogue of the authorized entity and the languages covered.

The authorized or recognized entities listed in the annex of the Notification of the Ministry of Commerce are as follows:

1. Thailand Association of the Blind
Tel. (66)22463835
Website: tabgroup.tab.or.th
2. Thai Blind People Foundation
Tel. (66)22480555

3. Foundation for the Blind in Thailand under the Royal Patronage of Her Majesty the Queen
Tel. (66)23548365-68, (66)23548370-71
Website: www.blind.or.th
Email: service@blind.or.th
4. Christian Foundation for the Blind in Thailand under the Royal Patronage of His Majesty the King
Tel. (66)43239499
Website: www.cfbt.or.th
5. Thailand Caulfield Foundation for the Blind under the Royal Patronage of Her Royal Highness Princess Maha Chakri Sirindhorn
Tel. (66)22761411
Website: www.caulfield-blind.org/index.php
6. Ratchasuda College, Mahidol University
Tel. (66)28895315
Website: rs.mahidol.ac.th
Email: rswwww@mahidol.ac.th
7. National Association of the Deaf in Thailand
Tel. (66)20127459-60
Website: www.nadt.or.th
Email: nadt.info@gmail.com
8. Association for Parents of Person with Intelligences Disability of Thailand
Tel. (66)29719727
Website: www.pikarnpanya.tht.in
Email: pikarnpanya@gmail.com
9. Association of Parents of Thai Persons with Autism
Tel. (66)24112899, (66)942526145
Website: www.autisticthai.com
Email: autisticthai@gmail.com
10. Autistic Thai Foundation
Tel. (66)922893945, (66)994545395
Website: autism.autisticthai.com
Email: autisticthai@gmail.com
11. Association of the Physically Handicapped of Thailand
Tel. (66)29510445-7, (66)29510455, (66)29510337
Website: www.apht-th.org
Email: apht2005@hotmail.com
12. Special Education Bureau
Tel. (66)22885555
Website: special.obec.go.th

13. Disability Support Services Center
There are several DSS Centers in various universities in Thailand.

14. Department of Empowerment of Persons with Disabilities
Tel. (66)23543388
Website: www.dep.go.th
Email: webmaster@dep.go.th

Department of Intellectual Property
Ministry of Commerce of Thailand
December 12, 2019.