

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

- **Name:** "Copyright Office" is the name of entity responsible for copyright recordation in Thailand.
- **Legal Status:** Copyright Office is a governmental unit subordinate to Department of Intellectual Property, Ministry of Commerce of Thailand.

2. Please provide full contact details of the copyright registering/ recording body, including location of its offices, with indication of the hours they open to public.

| Contact | Contact Information |
|--------------------|---|
| Address | Copyright Office Department of Intellectual Property 44/100 Nonthaburi 1 Road Bangkrasoe Sub-district, Maung District Nontaburi 11000 |
| Phone No. | 662-547-4704, 662-547-4630 |
| Fax No. | 662-547-4631 |
| Office Hour | 8.30 - 16.30 Monday - Friday (excluding official holidays) |
| Map | |

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

- <http://www.ipthailand.go.th>
- The Copyright Office has no central e-mail but provides a personal e-mail for each officer.

4. Is the copyright registry interconnected to any other copyright data system?

- No, a copyright database in charge of the Copyright Office is independent from any other copyright data system.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

- Announcement of Department of Intellectual Property on the Copyright Notification and Copyright Data Service B.E.2547
- Regulation of Department of Intellectual Property on the Copyright Recordation and Copyright Data Service B.E.2547 (as amended in B.E.2548)

6. What kind of copyright works can be registered/ recorded? Is the registration/recordation process different for each type of copyrighted work? Please describe the differences, if any.

- The followings are the copyrighted works eligible for recordation with the Copyright Office;
 1. Literary work
 2. Dramatic work
 3. Artistic work
 4. Musical work
 5. Audiovisual work
 6. Cinematographic work
 7. Sound recording work
 8. Broadcasting work
 9. Any other works in the literary, scientific or artistic domain
- There is no difference for the recordation process for each type of the above mentioned 9 copyrighted works.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recordation process than for works protected by copyright?

- **Performance:** Even though performance is not literally listed in the nine categories of copyrighted works, the definition of “dramatic work” includes choreography, dancing, acting, performance of dramatic arrangement, and pantomime. Therefore, the performance based on the definition of dramatic work can also be deemed as the copyright subject matter eligible for copyright recordation.
- **Broadcasting Work & Sound Recording:** As mentioned in 6., broadcasting & Sound recording are both recognized as one of nine copyrighted works protected under the Copyright Act B.E. 2537, thus being recordable with the Copyright Office.
- **Recordation Process:** The recordation process of the above mentioned subject matters is the same as the recordation process for other types of copyrighted works.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

- Yes, in case that the transferring or licensing of copyright occurs prior to the recordation, the applicant filing the application for copyright recordation needs to declare such transferring or licensing of copyright in the Form LorKhor.01, No.14. In particular, the applicant shall identify the person to whom such transferring or licensing has been made, when it has been made and whether copyright has been transferred or licensed in whole or in part.
- In case that the transferring or licensing of copyright occurs after the recordation, the Regulation of Department of Intellectual Property on the Copyright Recordation and Copyright Data Service B.E.2547 (as amended in B.E.2548) Section 12 clearly states that a copyright owner who has already filed an application for copyright recordation according to this Regulation shall notify the Copyright Office of any change of information provided such as the transferring or licensing of copyright in whole or in part or the change of name or address of applicant, and etc. within 15 days from the date of such change.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

- The recordation of security interest in the copyright is not required.

10. What is the legal effect of registration?

- Registration is not required for copyright protection. However, the notification of copyright data including name of author, title of copyrighted work and date of authorship for recordation with the Copyright Office is encouraged. Noticeably, the said notification for recordation is voluntary and has no legal effect.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

(a) Recognition of creation?

- Voluntary

(b) Transfer of rights?

- Voluntary

(c) Initiation of judicial proceedings?

- Voluntary

(d) Other changes in title/ownership (such as leasing)?

- Voluntary

If your country has a mandatory registration/recording system, please describe any legal consequences for non-compliance.

- The copyright recording system in Thailand is on the voluntary basis.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

- Section 61 of Copyright Act B.E. 2537 provides that;

"A copyrighted work of an author as well as rights of a performer of a country which is a member of the Convention on the protection of copyright or the Convention on the protection of performers' rights of which Thailand is also a member or a copyrighted work of an international organization of which Thailand is a member shall be protected by this Act.

The Minister has an authority to proclaim the names of the member countries of the Convention on the protection of copyright or the Convention on the protection of performer's rights in the Government Gazette."

Based on Section 61, courts are obligated to provide copyright protection to foreign copyrighted works if the requirements of Section 61 are met.

Since copyright protection according to Copyright Act B.E. 2537 does not depend on registration, but creation of work, courts may consider the copyright registration affected by the public authorities in other countries as evidence of copyright protection only.

Specifically, a certificate of a foreign copyright registration may possibly constitute the *prima facie* evidence of the validity of the copyright and of the facts stated in the certificate. It is worth noting, however, that the credibility of such evidence shall be within the careful discretion of the courts.

13. What are the requirements for registration?

(a) What are the mandatory elements of request for registration/recording?

- A work of authorship must be originated from the author of copyrighted work and must be independently created (i.e., not copied, adapted or modified from another person's work). In addition, the work of authorship must fall into one of the 9 categories listed in Section 6 of the Copyright Act B.E.2537.
- The application for copyright recording shall be filed by the copyright owner or his/her representative or any authorized persons.
- The applicant shall complete the form (Form LorKhor.01) provided by the Copyright Office and file the form together with all required documents as follows:
 1. One copy of the completed application form
 2. Documents confirming copyright ownership
 3. A piece of work of authorship, its copy or one photograph of the work

4. One copy of ID card or one copy of certificate of juristic person formation whose issuance date must not exceed 6 months
5. Other supplementary documents (if any) e.g. the evidence of copyright ownership, the document authorizing to act on behalf of the copyright owner (i.e., power of attorney) and a copy of the intellectual property representative card.

- The applicant shall provide the details of work of authorship when filing the application.

(b) Does the request need to be submitted in specific form? Can the request be submitted by the post? Can the request be submitted electronically?

- The application for copyright recordation shall be completed on the form (Form LorKhor.01) provided by the Copyright Office and filed together with all required documents as mentioned in 13.
- The application can be filed in person or by post.
- The application can be filed electronically. However, the original required documents have to be filed to the Copyright Office later on.

(c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?

- Yes, a copy of work must be submitted together with the application for copyright recordation.
- A copy of work in the digital format is acceptable for copyright recordation.

(d) Is there a registration/recordation fee? If so, how much is the registration fee?

- No.

(e) What is the average time taken to complete the registration/recordation process?

- After receiving all required documents from the applicant, the Copyright Office may take approximately 10 working days to complete the recordation process.

14. Are foreigners allowed to register/record their creations? Are people without legal assistance in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?

- Yes, foreigners are allowed to file an application for copyright recordation of their works of authorship with the Copyright Office.
- People without legal assistance can directly file an application for copyright recordation with the Copyright Office. The recordation process is not difficult to understand and requires no legal knowledge in depth. If they have any

inquiries, they can consult with the Copyright Office for information and clarification.

- The recordation process for foreign works or objects of related rights is the same as the one for domestic works. However, the documents to be filed with the Copyright Office may be different slightly. For example, a foreign applicant is required to file a copy of his/her passport instead of a copy of ID card. Also, if the applicant is a foreign juristic person, a notarized certificate of juristic person formation needs to be filed with the Copyright Office.

15. Are the files stored in digital form?

- Yes, the files are stored in both digital and paper forms.

16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter or related rights, etc) ? Is it possible to correct or update relevant information?

- The criteria are name of copyright owner, name of author, title of work, application number of recordation application and filing date of recordation application.
- Yes, it is possible to correct or update relevant information. This has to be done by the copyright owner within 15 days from the date of change. The copyright owner shall submit the Form LorKhor.02 together with the following documents:
 1. The Certificate of Copyright Recordation or a copy of the completed application for recordation.
 2. Copies of relevant documents such as a copy of written assignment, a copy of written license, a copy of census registration in case of change of address, etc.

17. Does the system have a search facility?

- Yes, it does. The Copyright Office provides a search facility on its website (www.ipthailand.go.th). In order to use this facility, a login username and a password are required.

18. Is it accessible by the public? Is the search facility available online?

- Yes, the search facility is accessible by the public and also available online.

19. Is access granted to the work registered or its copies?

- The accessibility to the work recorded or its copy depends on a grant of the applicant for copyright recordation. Specifically, at the time of filing the application, the applicant needs to show his/her intent regarding the access of application by filling in the Form LorKhor.01. Three options are available accordingly;

1. The applicant allows access to his/her application documents, other filed supplemental documents, and the submitted copy of work.
2. The applicant does not allow access to his/her application documents, other filed supplemental documents, and the submitted copy of work.
3. Others (please identify)

Option 3 means that the applicant is free to create his/her own conditions upon the request to investigate his/her application documents, other filed supplemental documents, and the submitted copy of work.

Noticeably, Form LorKhor.05 needs to be filed with the Copyright Office in order to access application documents, other filed supplemental documents, and a submitted copy of work.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

- Depending on a grant of the applicant for copyright recordation as answered in 19.

21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or limitation on liability) ? Please briefly describe the main elements of that legislation.

- Thailand currently has no legislation particularly dealing with orphan works.

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?

- No, there is currently no industry in Thailand aiming at identifying and/ locating the copyright owner of orphan works.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?

- The Copyright Office has continuously paid attention and studied several possibilities to deal with the orphan works.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

- No, Thailand currently has no system identifying or listing works or objects of related rights in the public domain.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

- No, private institutions or initiatives do not provide additional mechanisms to access recorded information from the public system.

26. Please provide statistics on following registrations/recordations:

(a) Number per statistical period (last five years)

| Year | Number of Applications for Copyright Recordation |
|---------------------------|--|
| 2010 (Oct 2009- Jan 2010) | 9,444 |
| 2009 (Oct 2008- Sep 2009) | 24,304 |
| 2008 (Oct 2007- Sep 2008) | 22,888 |
| 2007 (Oct 2006- Sep 2007) | 26,310 |
| 2006 (Oct 2005- Sep 2006) | 35,733 |

(b) Number per nationality (last five years)

| Year | Number of Applications for Copyright Recordation | |
|---------------------------|--|---------------|
| | By Thai | By foreigners |
| 2010 (Oct 2009- Jan 2010) | 9,412 | 32 |
| 2009 (Oct 2008- Sep 2009) | 23,849 | 455 |
| 2008 (Oct 2007- Sep 2008) | 22,662 | 226 |
| 2007 (Oct 2006- Sep 2007) | 26,170 | 140 |
| 2006 (Oct 2005- Sep 2006) | 35,675 | 58 |

(c) Number of inquiries/requests for information filed per statistical period (last five years).

| Year | Number of requests for information filed |
|------|--|
| 2010 | - |
| 2009 | - |
| 2008 | 180 |
| 2007 | 260 |
| 2006 | 360 |

(d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

- The Copyright Office does not statistically gather the information regarding the recorded works already entering into the public domain.

B. Legal Deposit

27. Does your country have a legal deposit system/s in place?

- Yes, Thailand has the legal deposit system for printed materials.

28. Please list relevant national legislation regulating the legal deposit.

- The Printing Notification Act B.E. 2550
- Ministerial Regulation: Requirement and Method for Submission, Notification, Change of Notified Items, Cancel of Notified items, Determination of Notification Form, and Fee Rate for Notification of Newspaper Publishing (B.E. 2551)
- Announcement of the Office of Prime Minister: Appointment of the Publishing Notification Official According to the Printing Notification Act B.E. 2550 (B.E. 2551)

29. Is the legal deposit mandatory or voluntary in your country? If mandatory, what are the legal consequences in case of non compliance?

- The legal deposit is mandatory in Thailand. Section 19 of the Printing Notification Act B.E. 2550 provides that printmakers or publishers who do not comply with Section 9 (the legal deposit requirement) would be in charge of the administrative fine no more than 10,000 baht.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

- Preservation of culture and knowledge of Thai people
- Record of printing history
- Collection of statistical information

31. Is there any connection or interaction among legal deposit and copyright protection?

- Generally, there is no connection or interaction between the legal deposit and copyright protection. Specifically, the legal deposit and copyright are required by different law and responsible by different governmental entities.

On one hand, the legal deposit is required by the Printing Notification Act B.E. 2550 and administered by the National Library, the Fine Arts Department, Ministry of Culture.

On the other hand, the copyright protection is provided by Copyright Act B.E. 2537 and administered by Copyright Office, Department of Intellectual Property, Ministry of Commerce.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

- The Copyright Act B.E. 2537 does not provide a specific provision regarding making copies or adapting formats of deposited works for the preservation purpose.

However, since the legal deposit is administered by the National Library, Section 34 of the Copyright Act B.E. 2537, which is a provision on fair use of copyright works by library, should be applied here.

Section 34 provides that "A reproduction of copyright work by virtue of this Act by a librarian in the following cases is not deemed an infringement of copyright; provided that the purpose of such reproduction is not for profit and Section 32 paragraph one is complied with:

- (1) reproduction for use in the library or another library;
- (2) reasonable reproduction in part of a work for another person for the benefit of research or study."

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

- The object of legal deposit under the Printing Notification Act B.E. 2550 includes all types of books printed in Thailand but does not include the followings;

- newspaper (Section 8)
- printed materials of government of governmental units (Section 5(1))
- card, blessing card, emblem, forms, and reports usually used for private, social, politic, commercial or printed materials used in the short period such as pamphlet or brochure. (Section 5(2))
- note book, exercising book or painting book (Section 5(3))
- thesis, explanatory documents, schooling curriculum, other printed materials in the same token disseminated in educational institution (Section 5(4))

34. Does your legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

- The legal deposit must be conducted within 30 days from the disseminating date. (Section 9)
- The legal deposit applies to all books printed in Thailand whether they are distributed abroad or not.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

- newspaper (Section 8)
- printed materials of government of governmental units (Section 5(1))
- card, blessing card, emblem, forms, and reports usually used for private, social, politic, commercial or printed materials used in the short period such as pamphlet or brochure. (Section 5(2))
- note book, exercising book or painting book(Section 5(3))
- thesis, explanatory documents, schooling curriculum, other printed materials in the same token disseminated in educational institution (Section 5(4))

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between online and off-line material? Please clarify relevant differences?

- Yes, Section 8 paragraph three identifies that the printed materials include printed materials in the electronic format for sale or for free. Therefore, electronic books are included as an object required for the legal deposit. (Section 9) Regardless of Section 8 paragraph three, in practice the legal deposit is not applied to electronic books at present.
- Section 8 paragraph three does not state the distinguishing between the online and off-line materials.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

- Section 9 requires that the depositor has to deposit 2 copies with the National Library.
- There is no special condition for limited or de luxe edition. Section 9 applies to all editions of book.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

- Legally, the printmaker is responsible for delivering the legal deposit. (Section 9) In practice, the publishers often deliver the legal deposit instead.

39. What are the time requirements for legal deposit?

- Within 30 days from the disseminating date.

40. Is there a payment or compensation involved in legal deposit? If so, please indicate its amount.

- No

41. What is/are the entity/entities responsible for acting as legal depository?

- National Library of Thailand

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

- Yes, the general public can access to legally deposited materials under some conditions.
- The general public can use the deposited printed materials only on the condition that the printed materials are not available on site in the National Library. If the printed materials are available on site, use of deposited materials is not permissible.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

- Yes, the depository/depositories provide publicly available search facilities, which is available online.

44. Is legal deposit linked to any number code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

- The legal deposit has no link to any number codes including the ISBN and ISSN

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; © audiovisual works.

- Statistics on the number of deposits per year for the following items : print material

| | |
|------|--------------|
| 2005 | 22,386 items |
| 2006 | 25,795 items |
| 2007 | 41,600 items |
| 2008 | 58,421 items |
| 2009 | 65,777 items |

The answers to this questionnaire have been provided on behalf of:

Country: Thailand

by

Name and contact information (including telephone and e-mail): Tanitta Jotidilok

Tel: (662) 547-4704 Email: tanitas@moc.go.th

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

Specific

Open

Mixed

Others, please describe: _____

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

Yes

No

Partially, please describe: _____

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

Yes

No

If yes, please describe: Sections 32-43 of the Copyright Act B.E.2537 provide limitations and exceptions, which do not require any further authorization or payment of remuneration.

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe: _____

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

Yes

No

If yes, please describe: Please see Section 54-55

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

Yes
 No

If yes, please describe: Please see section 32 of the Copyright Act B.E.2537.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

Yes
 No

If yes, please describe: _____

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

Yes
 No

If yes, please describe: _____

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

Yes
 No

If yes, please describe: _____

10. Does your national statute protect technological measures?

Yes
 No

11. Does your national statute protect rights management information?

Yes
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes
- No

If yes, please describe: _____

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: The current Copyright Act does not contain the provision of TPM. However, the draft amendment which is currently under the reconsideration of the Council of State includes the provision of TPM.

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes
- No

If yes, please describe: _____

15. If recourse to legal proceeding is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____ N/A _____

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes
- No

Please describe: Please see section 35 of the Copyright Act B.E.2537

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes
- No

Please describe: The current Copyright Act does not contain the provision of temporary use of digital works. However, the draft amendment which is currently under the reconsideration of the Council of State includes the provision of temporary use of digital works.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

Please describe: The current Copyright Act does not contain of the activities of the service providers of digital transmission of works. However, the draft amendment which is currently under the reconsideration of the Council of State includes the provision of the activities of the service providers of digital transmission of works.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes
 No

If yes, please describe: _____

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: _____ N/A _____

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/7, SCCR/10/8), do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis.

If you do not consider that the analysis is correct, please describe why:

-
22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
 No

Please list them: Section 32(1), (6), (7), (8)
Section 35(1), (7)
Section 36

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
- Distance education
- Both

Please list them: Section 32(1), (6), (7), (8)
Section 35(1), (7)
Section 36

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes
- No

If yes, please describe: Please see section 53 of the Copyright Act B.E.2537

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes
- No

If yes, please describe: Please see section 53 of the Copyright Act B.E.2537

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes
- No

If yes, please describe: Please see section 32 paragraph 1 of the Copyright Act B.E.2537

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions

Others. Please describe: Everyone can use such limitations and exceptions if the act does not conflict with a normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate right of the owner of copyright.

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: _____

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: _____

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

Reprography

Digital copying

Others. Please describe: _____

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

Yes

No

If yes, please describe: _____

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: _____

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or object of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: Please see section 32 paragraph 1 of the Copyright Act B.E.2537

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: Everyone can use such limitations and exceptions if the act does not conflict with a normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate right of the owner of copyright.

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

- Yes
 No

If yes, please describe: _____

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: Please see section 54 of the Copyright Act B.E.2537

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: Translate the work into Thai (Please see section 54 of the Copyright Act B.E.2537)

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translation for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: Thai nationals

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes
 No

If yes, please describe: _____

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe: _____

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe: _____

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: No provision regarding limitations and exceptions for making available in digital networks for educational purposes.

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: No provision regarding limitations and exceptions for making available in digital networks for educational purposes.

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: _____

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: _____ N/A _____

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2), do you consider that analysis is correct?

- Yes
- No
- The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

53. Does your national statute contain any limitations or exceptions that permit copyright by libraries and archives for purposes of preservation or replacement?

- Yes
- No

Please describe: Please see Section 34 (1) of the Copyright Act B.E.2537 use the phrase "reproduction for use in the library or another library" which might include purposes of preservation or replacement.

54. What types of works may be reproduced for these purposes?

Please describe: All kinds of copyright work by virtue of the Copyright Act B.E.2537

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe: Please see section 32 paragraph 1 of the Copyright Act B.E.2537

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Please see section 34 of the Copyright Act B.E.2537

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes
 No

Please describe: _____

58. What types of works may be reproduced for these purposes?

Please describe: N/A

59. Does your national statute include specific provisions regarding orphan works?

- Yes
 No

Please describe: _____

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes
 No

If yes, please describe: _____

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: _____ N/A _____

62. Are these impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe: A "reasonable" production in part of a work for another person for the benefit of research or study is allowed under section 34 of the Copyright Act B.E.2537. However, the court has discretion in interpreting what a "reasonable" production is. This will be decided by the court on case-by-case analysis.

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Please see section 34 of the Copyright Act B.E.2537

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe: Section 34 of the Copyright Act B.E.2537 uses the phrase "reproduction for use in the library or another library" which might include interlibrary.

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes
 No

Please describe: _____

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7), do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities or virtually impaired persons, including the reading impaired?

- Yes
 No

Please describe: _____

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes
 No

Please describe: _____

70. What other conditions must be met in order for such uses to be authorized?

Please describe: _____ N/A _____

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe: _____

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
- No

Please describe: _____

73. Does your national statute specify the formats that fall under this exception?

- Yes
- No

Please describe: _____

74. What other conditions must be met in order for such uses to be authorized?

Please describe: _____ N/A _____

75. Does your national statute contain any limitations or exceptions that permit the important and/or exportation of material accessible to the deaf persons?

- Yes
- No

Please describe: _____

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes
- No

Please describe: _____

77. Does your national statute specify the formats that fall under this exception?

- Yes
- No

Please describe: _____

78. What other conditions must be met in order for such uses to be authorized?

Please describe: _____ N/A _____

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

Yes

No

Please describe: _____

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

Yes

No

If yes, please describe: Department of Intellectual Property has drafted and submitted the bill of the specific exceptions related to visually impaired persons, hearing loss persons, intellectual disabilities, etc. to the Secretariat of the Cabinet.

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____ N/A _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

Please describe: _____

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

Yes

No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

Religious Activities

Cultural Activities

Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the conditions of the nature of the religious activities?

- Yes
 No

If yes, please describe: Please see section 36 of the Copyright Act B.E.2537

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
 No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: Please see section 36 of the Copyright Act B.E.2537

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
 No

If yes, _____

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes
 No

If yes, please describe: _____

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the conditions of the nature of social activities?

- Yes

No

If yes, please describe: Please see section 36 of the Copyright Act B.E.2537

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

Yes

No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

Yes

No

If yes, please describe: Please see section 36 of the Copyright Act B.E.2537

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

Yes

No

If yes, please describe: _____

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

Yes

No

If yes, please describe: _____

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with right holders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

Yes

No

If yes, please describe: _____

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
- Caching infringing material
- Storing infringing material at the direction of a user
- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: The current Copyright Act does not contain the provision of ISP. However, the draft amendment which is currently under the reconsideration of the Council of State includes the provision of ISP.

98. What conditions, if any, must be met in order for an online service provider to qualify for limitation of liability, exception to liability, or statutory safe harbor?

Please specify: _____ N/A _____

Part VII: General questions to cover areas left out in Part I and VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: Section 32(3), (4), (5) and Section 33

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- No

If yes, please describe: Sections 33, 37,38, 39, 40, 41, 42 and 43 of the Copyright Act B.E.2537

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

Yes

No

If yes, please describe: _____

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.
