

Unofficial Translation

COPYRIGHT ACT,
B.E. 2537 (1994)¹

BHUMIBOL ADULYADEJ, REX;
Given on the 9th Day of December B.E. 2537;
Being the 49th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on copyright;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Copyright Act B.E. 2537”.

Section 2. This Act shall come into force after ninety days from the date of its publication in the Government Gazette.²

Section 3. The Copyright Act, B.E. 2521 shall be repealed.

¹ Translated by Ms. Vipatboon Klaosontorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette No. 111, Part 59 a, Page 1, 21st December B.E. 2537 (1994).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 4. In this Act:

“Author” means a person who makes or creates any work which is a copyright work by virtue of this Act.

“Copyright” means the exclusive right to perform any act under this Act concerning the work created by the author.

“Literary work” means any kind of literary work such as books, pamphlets, writings, printed matter, lectures, sermons, addresses, speeches, and shall include computer programs.

“Computer program” means instructions, a sequence of coded instructions or anything used with a computer to make the computer perform its functions or to bring about a certain result, no matter what kind of computer language it is.

“Dramatic work” means a work regarding the act of choreography, dancing, gesturing, or a performance which is made up as a story, and shall include a mime performance.

“Artistic work” means a work which has one or more of the following characteristics:

(1) A work of painting or drawing, namely, a creation of shape which is composed of either lines, lights, colours, or any other thing, or the combination thereof upon one or more materials.

(2) A sculptural work, namely, a creation of a figure concerning tangible volume.

(3) A lithographic work, namely, a creation of a picture by the printing process and shall include a printing block or a printing plate used in the printing.

(4) An architectural work, namely, a design of a building or a fixed structure, an interior or exterior design of a building or a fixed structure as well as a design of an area of a building or a fixed structure, or a creation of a model of a building or a fixed structure.

(5) A photographic work, namely, a picture created by the use of image recording devices which allow the light to pass through the lens to a photographic film or a mirror, and developed by a specific formula of the developing fluid or any process which creates an image, or a recording of an image by other devices or methods.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(6) A work of illustration, a map, a structure, a sketch, or a three-dimensional work regarding geography, topography or science.

(7) A work of applied art, namely, a work which is formed by taking one or the combination of the works in (1) to (6) for any other use apart from an appreciation in the value of the work such as for a practical use of the work, for decorating materials or instruments, or for commercial use,

Whether or not any work mentioned in (1) to (7) has artistic value, and it shall include a photograph and a diagram of such work.

“Musical work” means a work regarding a song composed for playing or singing whether it has a melody and lyrics, or only a melody, and shall include musical notes and musical diagrams which have already been arranged and harmonised.

“Audiovisual work” means a work which consists of a series of images recorded on any kind of medium, regardless of the nature of such medium, and which is capable of being replayed by using a necessary device which is suitable for such medium, and shall include accompanying sounds of such work, if any.

“Cinematographic work” means an audiovisual work which consists of a series of visual images which can be continuously shown as a motion picture or recorded on another medium so as to be continuously shown as a motion picture, and shall include the sound track of such cinematographic work, if any.

“Sound recording” means a work which consists of a sequence of music, sounds of a performance, or any other sound recorded on any kind of medium which can be replayed by using a necessary device which is suitable for such medium, however, this shall not include the sound track of a cinematographic work or accompanying sounds of an audiovisual work.

“Performer” means a performer, a musician, a singer, a dancer, a choreographer and a person who acts, sings, talks, dubs, performs in accordance with a script or performs in any other manner.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“Broadcast” means a work which is communicated to the public by means of sound broadcasting on radio, sound or visual image broadcasting on television, or any other similar means.

“Reproduction” shall include any means of copying, imitating, duplicating, moulding, sound recording, video recording, or sound and video recording an original work or a copy or a publication of any substantial part of the work, whether in whole or in part. In relation to a computer program, reproduction means copying or duplicating a computer program for a substantial part from any medium by any means, without any manner of creating a new work, whether in whole or in part.

“Adaptation” means a reproduction by means of transforming, modifying or replicating a substantial part of an original work without any manner of creating a new work, whether in whole or in part.

(1) In relation to a literary work, it shall include a translation of a literary work, a transformation of a literary work or a compilation of literary works by means of selection and arrangement.

(2) In relation to a computer program, it shall include a reproduction by means of transforming, adjusting or modifying a substantial part of a computer program without any manner of creating a new work.

(3) In relation to a dramatic work, it shall include a conversion from a non-dramatic work into a dramatic work or a conversion from a dramatic work into a non-dramatic work, whether it is in its original language or in a different language.

(4) In relation to an artistic work, it shall include a conversion from a two-dimensional work or a three-dimensional work into a three-dimensional work or a two-dimensional work, or the making of a model of an original work.

(5) In relation to a musical work, it shall include an arrangement of harmonic or an alteration of lyrics or melodies.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“Communication to the public” means the making available to the public of the work by performing, lecturing, praying, playing music, making available by sounds and/or visual images, constructing, distributing or by any other means.

“Publication” means the distribution of replicated copies of a work in whichever form or nature with the author’s consent, where such replicated copies are made available to the public in a reasonable quantity according to the nature of the work but this shall not include a performance or the making available of a dramatic work, a musical work, or a cinematographic work, a recitation or a lecture of a literary work, sound and visual image broadcasting of any work, the exhibition of an artistic work and the construction of an architectural work.

“Competent official” means the person appointed by the Minister to perform under this Act.

“Director General” means the Director-General of the Department of Intellectual Property and shall include the person entrusted by the Director-General of the Department of Intellectual Property

“Committee” means the Copyright Committee.

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Commerce shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue ministerial regulations to implement this Act.

The Ministerial Regulations shall come into force after their publication in the Government Gazette.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter I

Copyright

Part I

Copyright Works

Section 6. Copyright subsists, in accordance with this Act, in works of authorship, namely, literary works, dramatic works, artistic works, musical works, audiovisual works, cinematographic works, sound recordings, broadcasts or any other work in the literary, scientific or artistic field, regardless of the method or form in which such works are expressed.

In no case does copyright protection extend to ideas or procedures, processes or systems, or methods of use or operation, or concepts, principles, discoveries, or scientific or mathematical theories.

Section 7. The following shall not be considered as copyright works according to this Act:

- (1) news of the day and facts, having the character of mere information, which are not works in the literary, scientific or artistic field;
- (2) the constitution and legislation;
- (3) regulations, rules, notifications, orders, elucidations, and official correspondence of the Ministries, Bureaus, Departments or any other governmental or local agency;
- (4) judgments, orders, judicial decisions and official reports;
- (5) translations and compilations of subsection (1) to subsection (4) which are commissioned by Ministries, Bureaus, Departments or any other governmental or local agency.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Part II
Acquisition of Copyright

Section 8. The author shall have copyright in the work which he creates, subject to the following conditions:

(1) In the case of unpublished works, the author shall be a national or domiciliary of the Kingdom of Thailand, or a national or domiciliary of a country which is a party to the convention for the protection of copyright to which Thailand is also a party, all or most of the time of the creation of the work;

(2) In the case of published works, the first publication shall be carried out in the Kingdom of Thailand or in a country which is a party to the convention for the protection of copyright to which Thailand is also a party, or in case of the first publication is carried out outside the Kingdom of Thailand or in a country which is not a party to the convention for the protection of copyright to which Thailand is also a party, if the work is published in the Kingdom of Thailand or in a country which is a party to the convention for the protection of copyright to which Thailand is also a party within 30 days from the date of first publication, or the author has qualifications prescribed in subsection (1) at the time of first publication;

In the case where the author shall be a national of Thailand, if the author is a juristic person, such juristic person shall be established under Thai law.

Section 9. In the case of a work created by an author who is an employee in the course of employment, in the absence of a writing agreement to the contrary, copyright shall vest in the author, provided that the employer has a right to communicate such work to the public in accordance with the purpose of the employment.

Section 10. In the case of a work created on commission, copyright shall vest in a commissioner unless the author and the commissioner have agreed otherwise.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 11. In the case of a work which is an adaptation of a copyright work under this Act, made with the authorisation of the copyright owner, copyright of the adapted version shall vest in the person who makes such an adaptation, without prejudice to the rights of the copyright owner in the work of the original author which has been adapted.

Section 12. In the case of a work which has a characteristic of a compilation or a composition of copyright works under this Act, done with the authorisation of the copyright owner, or a compilation or a composition of data or any other material being readable or transmissible by a machine or any other instrument, copyright in such a compilation or a composition shall vest in the person who makes such a compilation or a composition by means of selection or arrangement in a manner which is not the copying of the work of another person, without prejudice to the rights of the copyright owners in the works or data or other materials of the original authors which have been compiled or composed.

Section 13. Section 8, section 9 and section 10 shall apply *mutatis mutandis* to the acquisition of copyright under section 11 or section 12.

Section 14. The Ministries, Bureaus, Departments or any other governmental or local agency shall own copyright in a work which is created in the course of their employment, under their instruction or in their control, unless otherwise agreed in writing.

Part III

Copyright Protection

Section 15. Subject to Section 9 section10 and section 14, the copyright owner shall have the exclusive rights of:

- (1) reproduction and adaptation;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (2) communication to the public;
- (3) rental of the original or the copies of a computer program, an audiovisual work, a cinematographic work and a sound recording;
- (4) giving benefits accruing from copyright to other persons;
- (5) licensing the exclusive rights as mentioned in subsection (1) subsection (2) or subsection (3) to other persons with or without conditions, provided that such conditions shall not be prescribed in such a way which unfairly restricts competition.

Whether or not the conditions as mentioned in subsection (5) in the first paragraph constitute an unfair restriction on competition shall be determined in accordance with the rules, methods and conditions set forth in the Ministerial Regulations.

Section 16. In the case where the copyright owner under this Act licenses a person to exercise the rights under section 15(5), such licensing does not deprive the copyright owner of the right to license such rights to another person unless prohibited in the licensing agreement.

Section 17. Copyright is assignable.

The copyright owner may assign his copyright, in whole or in part, to another person and may assign his copyright for a limited period of time or for the entire term of copyright protection.

The assignment of copyright mentioned in the second paragraph, which is not by inheritance, shall be made in writing and signed by the assignor and the assignee. If the duration of the assignment is not specified in the assignment contract, the assignment shall be deemed to last for ten years.

Section 18. The author of a copyright work according to this Act has the right to claim authorship of the work and the right to prohibit the assignee or any person from distorting, abridging, adapting or doing anything detrimental to the said work which would be

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

prejudicial to the reputation or honour of the author. When the author has died, the heir of the author has the right to take legal action for the enforcement of his rights throughout the term of copyright protection, unless otherwise agreed in writing.

Part IV

Term of Copyright Protection

Section 19. Subject to section 21 and section 22, copyright under this Act shall last for the life of the author and fifty years after his death

In the case of a work of joint authorship, copyright shall last for the life of the joint authors and fifty years after the death of the last surviving author.

In the case where the author or all joint authors die prior to the publication of the work, copyright shall last for fifty years after the first publication of the work.

In the case where the author is a juristic person, copyright shall last for fifty years after the creation of the work; but if the work has been published during such period, copyright shall last for fifty years after the first publication of the work.

Section 20. In the case where the work is created by a pseudonymous or anonymous author, copyright shall last for fifty years after the creation of the work; but if the work has been published during such period, copyright shall last for fifty years after the first publication of the work.

In the case where the identity of the author becomes known, section 19 shall apply mutatis mutandis.

Section 21. Copyright in a photographic work, an audiovisual work, a cinematographic work, a sound recording or a broadcast shall last for fifty years after the creation of such work;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

but if the work has been published during such period, copyright shall last for fifty years after the first publication of the work.

Section 22. Copyright in a work of applied art shall last for twenty five years after the creation of the work; but if the work has been published during such period, copyright shall last for twenty five years after the first publication of the work.

Section 23. Copyright in a work which is created in the course of employment, under instruction or in control according to section 14 shall last for fifty years after the creation of such work; but if the work has been published during such period, copyright shall last for fifty years after the first publication of the work.

Section 24. The publication according to section 19, section 20, section 21, section 22 or section 23 which is the commencement of the term of copyright protection shall include the publication with the consent of the copyright owner.

Section 25. When the term of copyright protection expires in any year, if the expiry date of the term of copyright protection is not the last day of the calendar year or the exact expiry date is not known, copyright shall last until the last day of that calendar year.

Section 26. The publication of a copyright work after the term of copyright protection has ended shall not result in the revival of copyright in such work.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Part V
Copyright Infringement

Section 27. Any act against a copyright work under this Act, carried out without the licence of the copyright owner according to section 15(5), shall be deemed an infringement of copyright provided that such act is any of the following:

- (1) reproduction or adaptation;
- (2) communication to the public.

Section 28. Any act against an audiovisual work, a cinematographic work or a sound recording copyrighted under this Act, carried out without the licence of the copyright owner according to section 15(5), whether against the sound and/or the visual image, shall be deemed an infringement of copyright provided that such act is any of the following:

- (1) reproduction or adaptation;
- (2) communication to the public;
- (3) rental of the original or the copies of the said work.

Section 29. Any act against a broadcast copyrighted under this Act, carried out without the licence of the copyright owner according to section 15(5), shall be deemed an infringement of copyright provided that such act is any of the following:

- (1) making an audiovisual work, a cinematographic work, a sound recording or a broadcast, whether in whole or in part;
- (2) rebroadcasting, whether in whole or in part;
- (3) making a broadcast available to be heard or seen in public and collecting money or other commercial benefits in return.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 30. Any act against a computer program copyrighted under this Act, carried out without the licence of the copyright owner according to section 15(5), shall be deemed an infringement of copyright provided that such act is any of the following:

- (1) reproduction or adaptation;
- (2) communication to the public;
- (3) rental of the original or the copies of the said work.

Section 31. Any person, knowing or having reason to have known that a work is created by infringing another person's copyright, performing any act against such work for profit, shall be deemed to infringe the copyright provided that such act is any of the following:

- (1) selling, holding for sale, offering for sale, renting, offering for rent, selling on hire purchase or offering for hire purchase;
- (2) communication to the public;
- (3) distribution in a manner which may cause damage to the copyright owner;
- (4) self-importation or importation by order into the Kingdom.

Part VI

Exceptions to Copyright Infringement

Section 32. Any act against a copyright work of another person under this Act, which does not conflict with a normal exploitation of the copyright work by the copyright owner and does not unreasonably prejudice the legitimate interests of the author, shall not be deemed an infringement of copyright.

Subject to the provision in the first paragraph, any act against a copyright work referred to in the first paragraph shall be deemed an infringement of copyright provided that such act is any of the following:

- (1) research or study of the work provided that such act is not for profit;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(2) use for personal benefit or for the benefit of the user and his family members or close relatives;

(3) criticism, review or recommendation of the work, accompanied by an acknowledgement of the ownership of copyright in such work;

(4) news reporting through mass communication, accompanied by an acknowledgement of the ownership of copyright in such work;

(5) reproduction, adaptation, exhibition or presentation for the benefit of judicial proceedings or proceedings by authorised officials, or reporting the result of such proceedings;

(6) reproduction, adaptation, exhibition or presentation by a teacher for the benefit of his teaching provided that such act is not for profit;

(7) reproduction, adaptation of part of the work or abridgement or making a summary by a teacher or an educational institution for distributing or selling to students in class or in an educational institution provided that such act is not for profit;

(8) use of the work as part of questions and answers in an examination.

Section 33. A reasonable citation, quotation, copying, imitation or a reference to part of a copyright work under this Act, with an acknowledgement of the ownership of copyright in such work, shall not be deemed an infringement of copyright provided that the first paragraph of section 32 is complied with.

Section 34. A reproduction of a copyright work under this Act by a librarian shall not be deemed an infringement of copyright in the following cases provided that the purposes of such reproduction is not for profit and the first paragraph of section 32 is complied with:

(1) reproduction for use in the library or for another library

(2) reasonable reproduction in part of the work for another person for the benefit of research or study.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 35. An act against a computer program copyrighted under this Act shall not be deemed an infringement of copyright in the following cases provided that the purposes of such act is not for profit and the first paragraph of section 32 is complied with;

- (1) research or study of the computer program;
- (2) use for the benefit of the owner of the copy of the computer program;
- (3) criticism, review or recommendation of the work, accompanied by an acknowledgement of the ownership of copyright in such computer program;
- (4) news reporting through mass communication, accompanied by an acknowledgement of the ownership of copyright in such computer program;
- (5) making copies of a computer program in a reasonable quantity by a person who has lawfully bought or obtained the computer program from another person for the benefit of keeping them for maintenance or prevention of loss;
- (6) reproduction, adaptation, exhibition or presentation for the benefit of judicial proceedings or proceedings by authorized officials, or reporting the result of such proceedings;
- (7) use of the computer program as part of questions and answers in an examination;
- (8) making an adaptation of a computer program in the case where it is necessary for use;
- (9) making copies of a computer program so as to preserve them for reference or research for the public interest.

Section 36. The public performance, as appropriate, of a dramatic work or a musical work which is not organised or carried out for seeking profit from such activity and without direct or indirect charge and the performs not receiving remuneration for such performance shall not be deemed an infringement of copyright provided that it is carried out by an association, foundation, or any other organisation having objectives for public charity, education, religion or social welfare and the first paragraph of section 32 is complied with.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 37. Drawing, painting, constructing, engraving, moulding, carving, lithographing, photographing, filming, visual image broadcasting or any similar act against an artistic work, except for an architectural work, which is always openly located in a public place shall not be deemed an infringement of copyright in such artistic work.

Section 38. Drawing, painting, constructing, engraving, moulding, carving, lithographing, photographing, filming or visual image broadcasting any architectural work shall not be deemed an infringement of copyright in such architectural work.

Section 39. Photographing or filming or visual image broadcasting any work of which an artistic work is a component shall not be deemed an infringement of copyright in such artistic work.

Section 40. In the case where copyright in an artistic work is jointly owned by another person apart from the author, the subsequent creation of the artistic work by the author in a manner which is reproducing part of the original artistic work or using the printing pattern, sketch, diagram, model or data obtained from the study used in the creation of the original artistic work, if it appears that the author does not reproduce or copy a substantial part of the original artistic work, shall not be deemed an infringement of copyright of such original artistic work.

Section 41. A restoration of any building which is an architectural work copyrighted under this Act by maintaining its original form shall not be deemed an infringement of copyright.

Section 42. In the case where the term of protection of copyright in a cinematographic work has already expired, communication to the public of such cinematographic

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

work shall not be deemed an infringement of copyright in a literary, dramatic, artistic, musical, audiovisual work, a sound recording or any work used to create such cinematographic work.

Section 43. A reproduction of a copyright work under this Act which is in the possession of the government for the benefit of government service by an authorised official or by order of such authorised official shall not be deemed an infringement of copyright provided that the first paragraph of section 32 is complied with.

Chapter II Performers' Rights

Section 44. A performer has the exclusive rights in relation to the following acts concerning his performance as follows:

- (1) sound and visual image broadcasting or communication to the public of a performance, except for sound and visual image broadcasting or communication to the public from a recording of a performance which has been recorded;
- (2) recording a performance which has not been recorded;
- (3) reproducing a recording of a performance which has been recorded without the authorisation of the performer, or a recording of a performance made with the authorisation of the performer for other purposes, or a recording of a performance which falls within the exceptions to an infringement of performers' rights under section 53.

Section 45. Any person sound broadcasting a recording of sounds of a performance which has been disseminated for commercial purposes or communicating a copy of such work to the public directly shall pay an equitable remuneration to the performer. In the case where the remuneration is not agreed upon, the Director General shall be the one who

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

issues an order determining the amount of the remuneration by taking into consideration the normal rate of remuneration in such business.

A party may file an appeal against an order made by the Director General under the first paragraph to the Committee within ninety days from the date of receipt of the letter informing him of the order made by the Director General. The decision of the Committee shall be final.

Section 46. In the case where a performance or a recording of sounds of a performance involves more than one performer, such performers may appoint a joint agent to take care of or manage their rights.

Section 47. A performer shall be entitled to the rights in his performance as provided in section 44 if the following conditions have been met:

- (1) a performer has a Thai nationality or has a residence in the Kingdom or;
- (2) a performance or a major part of such performance takes place in the Kingdom or in a country which is a party to the convention for the protection of performers' rights to which Thailand is also a party.

Section 48. A performer shall be entitled to the right to receive the remuneration according to section 45 if the following conditions have been met:

- (1) a performer has a Thai nationality or has a residence in the Kingdom while making a recording of sounds of a performance, or while claiming his rights or;
- (2) a recording of sounds of a performance or a major part of a recording of sounds of a performance takes place in the Kingdom or in a country which is a party to the convention for the protection of performers' rights to which Thailand is also a party.

Section 49. The performers' rights provided in section 44 shall last for fifty years from the last day of the calendar year in which the performance takes place. In the case where

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

a performance is recorded, the performers' rights shall last for fifty years from the last day of the calendar year in which the recording of the performance takes place.

Section 50. The performers' rights provided in section 45 shall last for fifty years from the last day of the calendar year in which the recording of sounds of the performance takes place.

Section 51. The performers' rights provided in section 44 and section 45 is assignable, in whole or in part, and can be assigned for a limited period of time or for the entire term of the protection.

In the case where there are more than one performer involved, each performer shall have the right to assign only the rights which particularly belong to him.

The assignment of copyright by other means apart from by inheritance shall be made in writing and signed by the assignor and the assignee. If the duration of the assignment is not specified in the assignment contract, the assignment shall be deemed to last for three years.

Section 52. Any person, who does any of the acts specified in section 44 without the authorisation of the performer, or does not pay a remuneration to the performer according to section 45, shall be deemed to infringe the performers' rights.

Section 53. Section 32, section 33, section 34, section 36, section 42 and section 43 shall apply *mutatis mutandis* to the performers' rights.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter III

Use of Copyright in Special Circumstances

Section 54. A Thai national who wishes to obtain a copyright licence for a work which has been communicated to the public in the form of printed materials or other similar forms according to this Act, for the benefit of study, teaching or research which does not have profit-seeking purposes, may submit an application to the Director General by showing proof that the applicant has already sought a copyright licence from the copyright owner to make a translation of the work in Thai or to reproduce copies of the translation already published in Thai, however, his application has been rejected or after a reasonable period of time, an agreement cannot be reached, if at the time of submitting the application, it appears that:

(1) the copyright owner has not made a translation or authorised any person to make a translation of his work in Thai for publication within three years after the first publication of the work or;

(2) the copyright owner has already published the translation of his work in Thai for publication, yet, beyond three years after the last publication of such translation of the work, no further publication of the translation of his work has been made and copies of such published translation are out of print.

The application with regard to the first paragraph shall follow the following rules, procedures and conditions:

(1) the Director General shall not issue an order to grant a licence for an application according to the first paragraph if the period of time specified in (1) or (2) of the first paragraph has elapsed for a period not exceeding six months;

(2) in the case where the Director General issues an order to grant a licence, the grantee shall have the exclusive rights to make a translation or publish the authorised translation of the work, and in the case where the period of time specified in the licence has not elapsed or has elapsed for a period not exceeding six months, the Director General shall

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

not grant any other person any licence to make a translation of the same copyright work in Thai;

(3) the grantee shall be prohibited from assigning the granted licence to another person;

(4) if the copyright owner or the grantee can show the Director General that he has already made a translation in Thai or has already published the translation in Thai which has the same content as the printed material authorised according to section 55, and has distributed the printed material at an appropriate price compared to that of another work of the same nature being distributed in Thailand, the Director General shall issue an order that the licence granted to the grantee be terminated and shall inform the grantee of such order without delay.

The grantee shall have the right to distribute the copies of the printed material already made or published before the termination order by the Director General until their stock is exhausted;

(5) the grantee shall be prohibited from exporting the copies of the printed material of the licensed translation or publication of such translation in Thai unless the following conditions have been met:

- (a) the oversea recipient is a Thai national;
- (b) the printed material is used for the purposes of study, teaching or research;
- (c) the exportation of the printed material is not for a commercial purpose and;
- (d) the country to which the printed material is exported allows Thailand to export or distribute the printed material to or within that country.

Section 55. On receipt of the application according to section 54, the Director General shall arrange an agreement between the concerning parties in respect of the remuneration and the conditions of the licence. In the case where an agreement cannot be reached, the Director General shall be the person who issues an order determining an equitable

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

remuneration by taking into consideration the normal rate of remuneration in such business, and may determine the conditions of the licence as he deems appropriate.

Once the remuneration and conditions have already been set, the Director General shall issue the certificate of the licence to the applicant.

The parties may file an appeal against an order made by the Director General under the first paragraph to the Committee within ninety days from the date of receipt of the letter informing him of the order made by the Director General. The decision of the Committee shall be final.

Chapter VI

Copyright Committee

Section 56. There shall be a committee called “the Copyright Committee”, consisting of the Permanent Secretary of the Ministry of Commerce as Chairperson of the Committee and the qualified members of the Committee appointed by the Council of Ministers not more than twelve persons. At least six qualified members of the Committee shall be appointed from representatives of associations of owners of copyright works or performers’ rights and from representatives of associations of users of copyright or performers’ rights.

The Committee may appoint any person to act as Secretary and as Assistant Secretary.

Section 57. The qualified members of the Committee shall hold office for a term of two years. A member who vacates office may be re-appointed.

In the case where a member vacates office before the expiration of the term of office or in the case where the Council of Ministers appoints additional members while the appointed qualified members, the member appointed to replace the vacated member or the

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

additional member shall serve for the remaining term of office of the qualified members already appointed.

Section 58. A qualified member shall vacate office before the expiration of the term of office upon:

- (1) death;
- (2) resignation;
- (3) discharge by the Council of Ministers;
- (4) becoming bankrupt;
- (5) becoming an incompetent or quasi-incompetent person;
- (6) having been sentenced to imprisonment by a final judgment unless it was a sentence for an offence committed by negligence or for a petty offence.

Section 59. The quorum of the meeting of the Committee shall be not less than one half of the total number of the members. In the case where the Chairperson is absent from the meeting or is not able to perform his duty, the members present in the meeting shall elect one of the members to preside over the meeting. Decisions of the meeting shall be based on a simple majority.

Each member has one vote. In the event of equal votes, the Chairperson shall have an additional casting vote.

Section 60. The Committee shall have the following powers and duties:

- (1) to give advice or consultation to the Minister with regard to the issuance of any ministerial regulation under this Act;
- (2) to decide any appeal made against any order of the Director General under section 44 and section 45;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(3) to promote or support any association or organisation of authors or performers regarding the collection of royalties from users of copyright works and performers' rights and the protection or safeguard of rights or any other benefit under this Act;

(4) to consider other matters as assigned by the Minister.

The Committee shall have the power to appoint a subcommittee to consider or perform any matter as assigned by the Committee and section 59 shall apply *mutatis mutandis* to meetings of the Subcommittee.

While being on duty, the Committee or the Subcommittee shall have the power to issue a written order summoning any person to give statements or to submit any documents or any objects for consideration as necessary.

Chapter V

International Copyright and Performers' Rights

Section 61. A copyright work of an author or the rights of a performer of a country which is a party to the convention for the protection of copyright or the convention for the protection of performers' rights to which Thailand is also a party, or a copyright work of an international organisation of which Thailand is a member shall be protected under this Act.

The Minister shall have the power to announce the list of the names of the countries which are parties to the convention for the protection of copyright or the convention for the protection of performers' rights in the Government Gazette.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter VI

Cases regarding Copyright and Performers' Rights

Section 62. It shall be presumed in a case with respect to copyright or performer's rights, no matter it is a civil or criminal case, that the work in dispute is a copyright work or the subject of performer's rights by virtue of this Act and the plaintiff is the owner of copyright or performer's rights in such work or subject, unless the defendant argues that no one owns the copyright or the performer's rights or disputes the plaintiff's right.

As for a work or a subject bearing a name or a substitution for name of a person claiming to be the owner of copyright or performer's rights, the person who owns the name or the substitution for name shall be presumed to be the author or the performer.

As for a work or a subject bearing no name or no substitution for name, or bearing a name or a substitution for name but ownership in copyright or performer's rights is not raised therein and having a name or a substitution for name of a person claiming to be the printer or the publisher or the printer and publisher, the person who is the printer or the publisher or the printer and publisher shall be presumed to be the owner of copyright or performer's rights in such work or subject.

Section 63. No action of copyright infringement or performer's rights infringement shall be filed after three years as from the day the owner of copyright or performer's rights becomes aware of the infringement and of the identity of the infringer; provided that the action shall be filed not later than ten years as from the day the infringement of copyright or performer's rights takes place.

Section 64. In the case of infringement of copyright or performer's rights, the court has the authority to order the infringer to compensate the owner of copyright or performer's rights with damages the amount which the Court considers appropriate by taking

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

into account the gravity of injury, including the loss of benefits and the expenses necessary for the enforcement of the right of the owner of copyright or performer's rights.

Section 65. In case there is an explicit evidence that a person is doing or about to do any act which is an infringement of copyright or performer's rights, the owner of copyright or performer's rights may seek a judicial injunction to order the person to cease or refrain from such act.

The judicial injunction according to paragraph one does not prejudice the owner of copyright or performer's rights to claim damages under Section 64.

Section 66. The offence in this Act is a compoundable offence.

Chapter VII Competent Officials

Section 67. For the purpose of performing duties under this Act, an competent official shall be an official under the Criminal Code and shall have the following authority and functions:

(1) to enter a building, office, factory or warehouse of any person during sunrise and sunset or during working hours of such place or to enter a vehicle for the purposes of searching for the merchandise or examining when there is a reasonable doubt that an offence according to this Act is committed;

(2) to seize or to confiscate documents or objects relating to the offence for the purpose of legal proceedings when there is a reasonable doubt that an offence according to this Act is committed;

(3) to order any person to give statements or to submit accounts, documents or other evidences in the case where there is a reasonable ground to believe that such statements,

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

accounts, documents or evidences shall be useful for the finding of evidence or the use as evidence for proving the offence according to this Act.

Any person concerned shall provide appropriate assistance to a competent official on duty.

Section 68. To perform his duties, a competent official shall show any person concerned his identification card.

The identification card of the competent official shall be in accordance with the form prescribed by the Minister.

Chapter VIII

Penalties

Section 69. Any person who infringes copyright or performers' rights according to section 27, section 28, section 29, section 30 or section 52 shall be liable to a fine of twenty thousand baht to two hundred thousand baht.

If any offence referred to in the first paragraph is committed for commerce, the offender shall be liable to imprisonment for a term of six months to four years or to a fine of one hundred thousand baht to eight hundred thousand baht, or to both.

Section 70. Any person who infringes copyright according to section 31 shall be liable to a fine of ten thousand baht to one hundred thousand baht.

If an offence referred to in the first paragraph is committed for commerce, the offender shall be liable to imprisonment for a term of three months to two years or to a fine of fifty thousand baht to four hundred thousand baht, or to both.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 71. Any person not coming to give statements or not submitting documents or other objects as ordered by the Committee or the subcommittee regarding the third paragraph of section 60 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty thousand baht, or to both.

Section 72. Any person, who obstructs or fails to render facilities to a competent official in the execution of his or her duties under section 67 or disobeys or ignores the orders of the competent official under section 67, shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty thousand baht, or to both.

Section 73. Any person who has committed any offence or has been sanctioned under this Act, subsequently commits an offence under this Act within five years after being discharged from the penalty, shall be liable to twice the penalty prescribed for the offence.

Section 74. (unenforceable)³

(The ruling of the Constitutional Court No. 5/2556 dated May 16, 2556 was that section 74 of the Copyright Act B.E. 2537 was inconsistent with section 39 paragraph two of the Constitution of the Kingdom of Thailand. Therefore, it was unenforceable under section 6 of the Constitution of the Kingdom of Thailand.)

Section 75. All articles made in or imported into the Kingdom which constitute an infringement of copyright or performers' rights under this Act, whose titles still belong to the offender under section 69 or section 70, shall become the property of the owner of copyright or performers' rights. Any article used for committing an offence shall be confiscated.

³ In the case where a juristic person has committed an offence under this Act, all directors or managers of such juristic person shall be deemed joint offenders with the juristic person unless they can prove that the juristic person has committed the offence without their knowledge or consent.

Section 76. One half of the fine imposed by a judgment shall be paid to the owner of copyright or performers' rights provided that this does not prejudice the right of the owner of copyright or performers' rights to bring a civil action for damages for an amount which exceeds the amount of the fine already received by the owner of copyright or performers' rights.

Section 77. The Director General shall have the authority to impose the fine for the offence under the first paragraph of section 69 and the first paragraph of section 70

Transitional provisions

Section 78. Existing copyright works by virtue of the Act for the Protection of Literary and Artistic Works B.E. 2474 or the Copyright Act B.E. 2521 on the day this Act comes into force shall enjoy the copyright protection provided under this Act.

The works which have been made before this Act comes into force and which are not copyright works by virtue of the Act for the Protection of Literary and Artistic Works B.E. 2474 or the Copyright Act B.E. 2521, but become copyright works by virtue of this Act, shall enjoy the copyright protection provided under this Act.

Countersigned by

Chuan Leekpai

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.