

**Tilleke & Gibbins**

**COPYRIGHT RECORDATION**

**IN**

**THAILAND**

# THAI COPYRIGHT

Thailand's current Copyright Act, which repealed the Copyright Act of 1978, became effective on March 21, 1995. Under the Act, works that are eligible for copyright protection in Thailand do not have to be registered. However, it is recommended that copyright owners have their work and relevant information recorded with the Department of Intellectual Property (DIP), Ministry of Commerce. Some of the highlights that distinguish the current Act from the previous copyright law are:

**Computer Software:** Computer software is defined as a "literary work" and thereby entitled to copyright protection.

**Penalties:** Penalties for infringement have been increased, with offenders liable to punishment by a fine of Baht 20,000 to Baht 200,000. If the infringement is committed for commercial purposes, the offender is liable to punishment by imprisonment for a term of 6 months to 4 years or by a fine of Baht 100,000 to Baht 800,000 or both imprisonment and fine.

**Preliminary Injunction:** A copyright owner may petition the court to order a preliminary injunction against an infringing party.

**Performers' Rights:** Generally, performers enjoy exclusive rights with respect to the broadcasting of their performances, the recording of their unrecorded performances, and the reproduction of their recorded performances.

**Rental Rights:** Copyright owners enjoy exclusive rights with regard to the rental of the original or a copy of a computer program, audio-visual work, cinematographic work, and sound recording.

In most cases, **foreign copyrighted work** is protected in Thailand provided that:

- (1) the creator is a national or resident of a country which is a member of the Berne Convention or TRIPs; or
- (2) the work is first published in a country which is a member of the Berne Convention or TRIPs (or published within 30 days in a country which is a member of the Berne Convention or TRIPs after first publication in a non-member country).

As with Thai copyright owners, **it is recommended that owners of foreign copyrighted work file for copyright recordation.** In the event of a court action, such recordation may serve as supporting evidence.

**Generally, protection is for the lifetime of the creator plus a further 50 years.** Copyright notice is not required but advisable. The symbol © and the words "Copyright and All Rights Reserved" (or other words to a similar effect) should appear on the duplicate copies of work available to the public.

## INSTRUCTION NOTES

In filing an application for copyright recordation with the DIP, the following documents must accompany the application:

1. A current, duly notarized power of attorney.
2. One set of the application form in Thai which can be completed by Tilleke & Gibbins based on information provided by the client on the attached form. Certain details shall be shown for each type of copyrighted work.
3. Letter of Proof of Copyright Ownership (form attached) signed by copyright owner and notarized by a Notary Public.
4. One certified copy of national ID card/passport or one certified copy of Directors' Certificate of the copyright owner, issued not more than 6 months from application date.
5. One set of the copyrighted work. In case original cannot be submitted, one photograph of the work may be used instead.
6. Other documents, if available.

At present, there is no government fee for copyright recordation. Our counsel fee for preparing and filing an application for copyright recordation is based on time spent plus actual expenses incurred. A Certificate of Copyright Recordation will be issued to the applicant by the DIP.

## INFORMATION FOR COPYRIGHT RECORDATION

1. Name of copyright owner: .....  Nationality: ..... Personal/Entity I.D. No. □□□□□□□□□□□□	2. Name of agent: .....  Nationality: ..... Personal/Entity I.D. No. □□□□□□□□□□□□						
Address:  <div style="text-align: right;">Postal code:</div>	Address:  <div style="text-align: right;">Postal code:</div>						
Telephone:      Telefax:	Telephone:      Telefax:						
3. Local address of contact: .....							
4. Name or pseudonym of creator: .....  Nationality: ..... Personal/Entity I.D. No. □□□□□□□□□□□□	5. Name or pseudonym of co-creator: .....  Nationality: ..... Personal/Entity I.D. No. □□□□□□□□□□□□						
Address:  <div style="text-align: right;">Postal code:</div>	Address:  <div style="text-align: right;">Postal code:</div>						
Telephone:      Telefax:	Telephone:      Telefax:						
Date of birth or entity registration date:	Date of birth or entity registration date:						
Date of death (for individual only):	Date of death (for individual only):						
6. Name of work (please provide the correct spelling): .....							
7. Nature of this work: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>Literary work</b>                      done in the following form:   <input type="checkbox"/> book            <input type="checkbox"/> pamphlet      <input type="checkbox"/> writing  <input type="checkbox"/> printing        <input type="checkbox"/> lecture        <input type="checkbox"/> sermon  <input type="checkbox"/> address         <input type="checkbox"/> speech  <input type="checkbox"/> computer program  <input type="checkbox"/> other literary domains (specify): .....                 </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>Dramatic work</b>                      done in the following form:   <input type="checkbox"/> choreograph  <input type="checkbox"/> dancing  <input type="checkbox"/> pantomime  <input type="checkbox"/> action or performance in a dramatic composition                 </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> <b>Artistic work</b>                      done in the following form:   <input type="checkbox"/> painting      <input type="checkbox"/> photograph  <input type="checkbox"/> sculpture    <input type="checkbox"/> illustration, map  <input type="checkbox"/> lithograph   <input type="checkbox"/> applied art  <input type="checkbox"/> architectural work                 </td> </tr> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> <b>Sound recording</b>   <input type="checkbox"/> <b>Musical work</b>   <input type="checkbox"/> song melody                      <input type="checkbox"/> musical notes  <input type="checkbox"/> song melody and lyrics        <input type="checkbox"/> musical diagram (score)  <input type="checkbox"/> song lyrics composed to suit a melody                 </td> <td style="vertical-align: top;"> <input type="checkbox"/> <b>Audio-visual work</b>   <input type="checkbox"/> <b>Sound and video broadcasting work</b>   <input type="checkbox"/> sound broadcasting work  <input type="checkbox"/> video broadcasting work  <input type="checkbox"/> sound and video broadcasting work                 </td> <td style="vertical-align: top;"> <input type="checkbox"/> <b>Cinematographic work</b>   <input type="checkbox"/> <b>Any other work of a literary, scientific, or artistic nature</b>   <input type="checkbox"/> knitting      <input type="checkbox"/> embroidery  <input type="checkbox"/> other (specify): .....                 </td> </tr> </table>		<input type="checkbox"/> <b>Literary work</b> done in the following form:  <input type="checkbox"/> book <input type="checkbox"/> pamphlet <input type="checkbox"/> writing <input type="checkbox"/> printing <input type="checkbox"/> lecture <input type="checkbox"/> sermon <input type="checkbox"/> address <input type="checkbox"/> speech <input type="checkbox"/> computer program <input type="checkbox"/> other literary domains (specify): .....	<input type="checkbox"/> <b>Dramatic work</b> done in the following form:  <input type="checkbox"/> choreograph <input type="checkbox"/> dancing <input type="checkbox"/> pantomime <input type="checkbox"/> action or performance in a dramatic composition	<input type="checkbox"/> <b>Artistic work</b> done in the following form:  <input type="checkbox"/> painting <input type="checkbox"/> photograph <input type="checkbox"/> sculpture <input type="checkbox"/> illustration, map <input type="checkbox"/> lithograph <input type="checkbox"/> applied art <input type="checkbox"/> architectural work	<input type="checkbox"/> <b>Sound recording</b>  <input type="checkbox"/> <b>Musical work</b>  <input type="checkbox"/> song melody <input type="checkbox"/> musical notes <input type="checkbox"/> song melody and lyrics <input type="checkbox"/> musical diagram (score) <input type="checkbox"/> song lyrics composed to suit a melody	<input type="checkbox"/> <b>Audio-visual work</b>  <input type="checkbox"/> <b>Sound and video broadcasting work</b>  <input type="checkbox"/> sound broadcasting work <input type="checkbox"/> video broadcasting work <input type="checkbox"/> sound and video broadcasting work	<input type="checkbox"/> <b>Cinematographic work</b>  <input type="checkbox"/> <b>Any other work of a literary, scientific, or artistic nature</b>  <input type="checkbox"/> knitting <input type="checkbox"/> embroidery <input type="checkbox"/> other (specify): .....
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Submitted Works: ..... .....							





**SUMMARY OF PARTICULARS OF CREATED WORKS**

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(Signature of Owner): .....  
( )

Date: .....

**LETTER OF PROOF OF COPYRIGHT OWNERSHIP**

By these presents, I/we, Mr./Mrs./Miss/Company/Limited Partnership \_\_\_\_\_  
\_\_\_\_\_ located at \_\_\_\_\_  
\_\_\_\_\_ with Registration No. (if available) \_\_\_\_\_  
hereby certify that I/we am/are the sole and exclusive copyright owner of the copyrighted work in the  
nature of \_\_\_\_\_  
with the name of the creative work being \_\_\_\_\_  
for which an Application to Provide Information for Copyright Recordation was filed with the Department  
of Intellectual Property on \_\_\_\_\_.

I/We hereby declare that the foregoing is true in every respect. If it is evident hereinafter that I/we  
am/are not the copyright owner, and such act on my/our part is detrimental to any person or the  
Department of Intellectual Property, I/we hereby take responsibility for the damage incurred.

Signature of Copyright Owner: .....  
( )

Title (if available): .....  
Seal (if available)

Date: .....



**TRADEMARKS AND PATENTS**

An information booklet concerning the filing of trademark and patent applications in Thailand are  
available upon request.

**Contact Persons:**

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