

# THAILAND

## INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

### 2025 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

**Special 301 Recommendation:** IIPA recommends that Thailand remain on the Watch List in 2025.<sup>1</sup>

**Executive Summary:** The Royal Thai Government continues to struggle to systematically combat piracy. While rights holders have obtained some positive results working with the Economic Crime Suppression Division of the Royal Thai Police, after initial enforcement actions, outcomes against piracy remain largely non-deterrent. More helpfully, in 2024, rights holders achieved the first-ever full website blocking orders for domain name system (DNS) blocking. Importantly, the orders are dynamic to combat domain hopping, and Internet service providers (ISPs) are all implementing the orders. However, the time needed to procure these orders remains too long due mainly to the number of reviews of evidence and the lack of a certain timeline for Ministry of Digital Economy and Society (MDES) to draft its motion for the order. Further improvements to speed the process of obtaining and quickly implementing orders obtained through the Computer Crime Act (CCA), the law that established a judicial remedy to disable access to infringing content, are needed. After officially acceding to the WIPO Copyright Treaty (WCT) in 2022, the government is now reviewing proposed amendments to the Copyright Act to meet the requirements of the WIPO Performances and Phonograms Treaty (WPPT) with the goal of joining the treaty in 2026. IIPA urges the Government of Thailand to take advantage of this opportunity and the opportunity presented by the European Union (EU)-Thai Free Trade Agreement (FTA) negotiations to make necessary improvements to Thailand's legislative and enforcement framework, including enhancing injunctive relief under the copyright law to address online infringement more effectively. The Royal Thai Government should also remove market access barriers that negatively impact the creative industries.

## PRIORITY ACTIONS REQUESTED IN 2025

### Enforcement

- Ensure enforcement officials increase the number of enforcement actions against commercial-scale digital piracy services and, critically, bring criminal prosecutions through to convictions.
- Clarify the criminal prosecution process, which remains excessively lengthy and lacks transparency, against commercial-scale piracy websites and ensure cases move expeditiously to trial and result in deterrent sentences.
- Improve the speed of obtaining and implementing CCA Section 20(3) orders by shortening the timeframe from application to issuance of the orders (if necessary through amendment of regulations) and ensuring ISPs comply swiftly with orders, including dynamic orders to address “hopped” domains.
- Encourage e-commerce platforms to implement effective measures to prevent distribution of infringing physical goods, including by repeat infringers.
- Act against rogue collective management organizations (CMOs), which falsely purport to administer public performance rights, and combine this enforcement action with regulatory reforms to change the criteria for CMO registration.

### Legal Reforms

- Introduce legal reforms, including further amendments to the Copyright Act, to address several critical issues (e.g., providing injunctive relief, making IP infringement non-compoundable, improving the ISP safe harbor framework, improving protections for technological protection measures (TPMs) and rights management information (RMI), combatting theatrical camcording, improving CMO registration criteria, narrowing overbroad copyright exceptions,

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<sup>1</sup> For more details on Thailand's Special 301 history, see previous years' reports, at <https://iipa.org/reports/reports-by-country/>. For the history of Thailand's Special 301 placement, see <https://www.iipa.org/files/uploads/2025/01/Appendix-C-2025.pdf>.

and extending the term of copyright protection) to improve Thailand's copyright protection and enforcement framework.

### Market Access

- Remove market access restrictions negatively impacting the creative industries, such as foreign ownership and censorship restrictions, screen quotas, television must-carry requirements, and over-the-top (OTT)/video-on-demand (VOD) regulations.

## ENFORCEMENT

Prior IIPA reports on Thailand contain a more detailed discussion of piracy and enforcement issues. This report serves only as an update to those reports and is not to be considered an exhaustive review of issues.<sup>2</sup>

- **Ensure enforcement officials increase the number of enforcement actions against commercial-scale digital piracy services and, critically, bring criminal prosecutions through to convictions.**

Both U.S. producers and distributors, as well as local Thai producers and services, are harmed by online piracy services, which specifically target Thai users with Thai-language sites.<sup>3</sup> Streaming unauthorized content is the most popular form of piracy, whether through streaming websites, apps, piracy devices, circumvention devices or software, or even through social media. Many websites serve as portals that allow users to download apps that provide access to pirated content, including the latest theatrical run motion pictures, television content, sporting events, and live streamed pay-per-view events and concerts. Many piracy websites have become lucrative platforms for advertising gambling services, and operators often use cryptocurrency and mule accounts, which make it difficult for authorities to track payments and uncover operators' identities.

The most popular streaming sites in Thailand are home-grown and operated from within the country, including *123-hd.com* (ranked 19<sup>th</sup> in Thailand according to SimilarWeb and received 332.2 million visits from Thailand between January and November 2024), *037hdmovie.com* (ranked 69<sup>th</sup> in Thailand according to SimilarWeb and received 118.2 million visits from Thailand between January and November 2024), and *320hd.com* (ranked 211<sup>th</sup> in Thailand according to SimilarWeb and received 108.8 million visits from Thailand between January and November 2024). BitTorrent indexing and tracker sites, cyberlockers, and BBS/forums also remain problematic. The popularity of peer-to-peer (P2P) networks and domestic BitTorrent sites are also significant piracy concerns. In February 2024, the Royal Thai Police Economic Crimes Division (ECD), with support from the Alliance for Creativity and Entertainment (ACE), raided and took down *Siambit.me*, the largest torrent tracker site in Thailand with an average of 5.5 million monthly visits. However, another torrent website, *Bearbit.co* (which received 22.79 million visits from June 2024 to November 2024) quickly took its place.

In Q2 2024, the top three stream-ripping sites were *SSYouTube.com* (3.2 million visits from Thailand), *savefrom.net* (1.5 million visits), and *Y2meta.app* (1.3 million visits). Unlicensed mobile apps such as Musi are also popular. Some of these services have been subject to website blocking orders or other litigation in some jurisdictions, yet no action has been taken in Thailand. Cyberlockers such as *Mega.nz* and *4shared.com* that egregiously or primarily facilitate access to infringing materials also remain a problem in Thailand. Illegal apps on smartphones are popular among Thai users seeking to access vast amounts of pirated content either for free or at a very low cost. These include apps for downloading infringing MP3 content. Increasingly, piracy websites are using content delivery networks and cloud services, making identification of website operators and server locations very difficult.

<sup>2</sup> See, e.g., IIPA, Thailand, 2024 Special 301 Report, January 30, 2024, available at <https://www.iipa.org/files/uploads/2024/01/THAILAND-2024.pdf>.

<sup>3</sup> Notwithstanding the expanding availability of legitimate services for music and audiovisual materials, increasing access to broadband Internet, particularly on mobile devices, has led to escalating piracy of recorded music, motion pictures, television and streaming content, video games, published materials, and broadcasts. Legitimate services in Thailand for content include iTunes, Google Play Store, Netflix, Disney+, Hotstar, Amazon Prime Video, HBO Go, Viu, WeTV, iQIYI, TruelD, Deezer, KKBox, Spotify, YouTube, and AIS, among others.

Cooperation over the past few years between industry and the Police Cyber Taskforce (PCT), the ECD, and the Department of Special Investigations (DSI) has improved, resulting in some notable enforcement actions against several large piracy sites, such as *Siambit.me*, *037hdmovie.com*, *123-hd.com*, *24-hd.com*, and *i-moviehd.com*. While the initial outcomes have been positive, including forfeiture of some domains, enforcement actions have failed to result in deterrent outcomes against the pirate operators. Further, the prosecution process is too slow, as discussed below. As a result, there have not been significant reductions in piracy or needed deterrence, and Thai-language piracy sites and services continue to operate largely with impunity, unfairly competing with legitimate rights holders.

- **Clarify the criminal prosecution process, which remains excessively lengthy and lacks transparency, against commercial-scale piracy websites and ensure cases move expeditiously to trial and result in deterrent sentences.**

Legitimate online services are harmed by the increasing threat from copyright infringing websites. It is imperative that Thai authorities prioritize and expedite the prosecution process, ensuring that pirate website operators face timely and appropriate legal ramifications. In particular, the Royal Thai Government should swiftly prosecute commercial-scale streaming piracy sites and services, including the operators of *Movies2Free.com*, *i-moviehd.com*, *123-hd.com*, *Siambit.me*, *24-hd.com*, *New-hd.com*, and *Serie-day.com*. An example of the need for a more efficient prosecution process is *Movies2free*,<sup>4</sup> which was shut down by the DSI in November 2019. After the enforcement action, the DSI announced that the piracy site was one of the largest in Thailand and had been generating US\$160,000 per month in advertising revenue alone.<sup>5</sup> However, five years later, the case is still with the public prosecutor and has not yet progressed to the Courts. In another example, the ECD executed a raid against the operators of *Siambit.me* in February 2024, but the seized devices are still undergoing forensic analysis almost a year later. These delays highlight the challenges in the current system, in which forensic procedures and the prosecution process can extend over several years, hindering the effectiveness of legal action against such piracy operations. A commitment to robust enforcement, timely prosecutions, and appropriate deterrent penalties are essential to curtail current levels of piracy in the country.

Criminal cases move slowly through the criminal prosecution process, with cases frequently taking multiple years. For example, in May 2024, the Central Intellectual Property and International Trade (IPIT) Court issued a verdict against the operator of *We-Play.live*, imposing a fine of 25,000 baht (~US\$700) on the operator. The case began in May 2022, and it took two years until the operator was sentenced. Sentences handed down by Thai Courts also remain woefully non-deterrent, as exemplified by the insufficient fine in the *We-Play.live* case. More needs to be done to ensure that criminal cases are resolved quickly and that the sentences are sufficient to deter further operators from engaging in this criminal enterprise.

- **Improve the speed of obtaining and implementing CCA Section 20(3) orders by shortening the timeframe from application to issuance of the orders (if necessary through amendment of regulations) and ensuring ISPs comply swiftly with orders, including dynamic orders to address “hopped” domains.**

In a significant development that dates back to 2016, the Amendment to the CCA B.E. 2550 (2007), which entered into force in 2017, added IP infringement as a predicate crime in Section 20, permitting injunctive relief against ISPs to disable access to infringing websites. This was a promising reform, and in 2024 rights holders working together achieved positive results, with the first-ever full website DNS blocking order. While the case against piracy sites *i-moviehd* and *imoviehds* took seven months from initial application to the Economic Crime Suppression Division of the Royal Thai Police until MDES obtained the orders from the Criminal Court, this was in part due to drafting and evidential issues that arose in this first DNS blocking case. The orders were quickly implemented as to the first domain and later implemented as to the “hopped” domain, resulting in a 90% reduction in piracy traffic to the site. The fact that all major ISPs in Thailand have implemented the orders is notable and positive, and search engine service providers are now

<sup>4</sup> *Movies2free* was the 15<sup>th</sup> most popular site in Thailand with 34 million visits in Q3 2019.

<sup>5</sup> See <https://torrentfreak.com/police-shut-down-thailands-most-popular-pirate-site-following-hollywood-request-191108/>

removing the piracy site from search results.<sup>6</sup> The orders are dynamic, meaning they can apply to a case in which the operators “hop” to a new domain. The dynamic part of the order is subject to a new “instruction” issued by MDES.

Rights holders have followed up the first case with two further applications, both of which have now been lodged with the government. One sits with the Department of Intellectual Property (DIP) and the other with MDES, which has indicated that it is handling many cases (not just CCA cases) and has a rather extensive backlog. IIPA urges the government to establish stricter timelines in the “Ministerial Regulations and Notifications of the Ministry” to ensure CCA cases involving ongoing harm to copyright holders are handled more expeditiously (e.g., considering that DIP already carefully reviews applications before forwarding to MDES to draw up a motion for the order, MDES should be limited to 7-10 days to act upon an application determined by DIP to be in good order).

- **Encourage e-commerce platforms to implement effective measures to prevent distribution of infringing physical goods, including by repeat infringers.**

The distribution of infringing physical products, including counterfeit CDs and digital storage devices pre-loaded with infringing music content, remains an issue on e-commerce platforms in Thailand. According to the Thai Entertainment Content Trade Association (TECA) report, the DIP took swift action against repeated infringers by cooperating with e-commerce platform Shopee, within two days after TECA sent the report to DIP regarding music products that infringed the rights of its members. DIP has provided good support to TECA for a range of activities, including work on site blocking for stream ripping, conducting anti-piracy workshops with TECA, assisting TECA and platforms with the Memorandum of Understanding on the Protection of Intellectual Property Rights (IPR) on the Internet, and working on repeat infringer and other infringement issues. However, repeat infringers are still able to distribute infringing products on various e-commerce platforms.

E-commerce platforms should implement effective measures to prevent the distribution of infringing products on their platforms, including by repeat infringers (including, for example, “Poohstudio1999”, which manifested itself across several platforms and using several derivative names like “poohstudio1976”). Authorities should, *inter alia*, leverage the existing Memorandum of Understanding on the Protection of IPR on the Internet for meaningful action by e-commerce platforms.

- **Act against rogue CMOs and combine this enforcement action with regulatory reforms to change the criteria for CMO registration.**

The industry has seen rogue CMOs falsely assert public performance rights for outdoor screenings in Thailand on behalf of rights holders. The music industry is also concerned that many operators of restaurants, bars, shops, and other commercial establishments have been harassed by “rogue” entities, despite having obtained licenses from legitimate CMOs and paid royalties for the use of sound recordings played on their premises. A proliferation of these “rogue” entities has caused serious market disruption, directly harming music rights holders, legitimate CMOs, as well as users in Thailand. Enforcement officials should proactively act against these rogue CMOs and, as discussed below, legal reforms are also needed to effectively address this problem.

## **LEGAL REFORMS**

- **Introduce legal reforms, including further amendments to the Copyright Act, to address several critical issues (e.g., providing injunctive relief, making IP infringement non-compoundable, improving the ISP safe harbor framework, improving protections for technological protection measures (TPMs) and rights management information (RMI), combatting theatrical camcording, improving CMO registration criteria,**

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<sup>6</sup> Under Section 27 of the CCA, ISPs can be subject to fines (Baht 200,000 / US\$6,400 and a further daily fine of Baht 5,000 / US\$160) until they comply with the relevant blocking order.

**narrowing overbroad copyright exceptions, and extending the term of copyright protection) to improve Thailand's copyright protection and enforcement framework.**

On July 13, 2022, Thailand officially acceded to the WCT, effective October 13, 2022. After amending the Copyright Act in February 2022, the Government of Thailand undertook a review of the Copyright Act and consulted on an amendment bill to meet the requirements of the WPPT, with the goal of acceding to the treaty by the end of 2026. Despite feedback from rights holders, the proposed amendments remain broadly drafted, and in some respects are not consistent with the WPPT. The draft amendments also propose removing minimum penalties in the Act, which could result in non-deterrent penalties for copyright infringement. The proposal, if enacted, could send a troubling signal that copyright infringement does not have serious adverse economic impacts on rights holders, authors, and performers. The following are critical issues with the proposed amendments to the Copyright Act that should be addressed in subsequent drafts to ensure that the Royal Thai Government achieves its stated goals of modernizing its copyright law, complying with its international obligations, and fully implementing and adhering to the WCT and WPPT (collectively, the WIPO Internet Treaties).

- **Injunctive Relief:** To improve the effectiveness of enforcement against online copyright piracy, the draft amendments should provide mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities (analogous to the CCA remedy, which applies to all IP crimes). The current FTA negotiations between the EU and the Royal Thai Kingdom present a good opportunity to agree to disciplines in this area, since the EU proposal includes language based on Article 8.3 of the Information Society Directive of the European Union, providing for the possibility of "an injunction against intermediaries whose services are used by a third party to infringe an intellectual property right."
- **Infringement a Non-Compoundable Offense:** IIPA urges the Royal Thai Government to amend the Copyright Act to ensure that IP infringement becomes a non-compoundable state offense, thus enabling the police to act on their own initiative (i.e., *ex officio*) without any requirement of a formal complaint from rights holders. In the age of online piracy, this ability for authorities to take ownership of investigations and cases is critically important.<sup>7</sup>
- **Service Provider Liability Amendments:** The 2022 amendments to the Act included helpful improvements to the intermediary liability framework, including requiring an effective notice-and-takedown mechanism and repeat infringer policies. Nevertheless, further improvements are still needed. First, as noted above, in line with the text being negotiated with the EU, the government should establish the possibility of "an injunction against intermediaries whose services are used by a third party to infringe an intellectual property right." Second, and relatedly, the law should clearly establish an initial basis for liability of online service providers for infringements carried out by third parties using their services. This secondary liability provides legal incentives for online service providers to cooperate with rights holders to deter the unauthorized storage and transmission of copyrighted materials on their services. Without a clear basis for secondary liability, safe harbors (granting exemptions for such liability) would be unnecessary. Third, the eligibility criteria for safe harbors should be clarified to ensure that appropriate repeat infringer policies are an additional condition for safe harbor eligibility rather than an exemption to liability. Finally, the eligibility criteria for safe harbors from liability should include, in addition to the notice-and-takedown requirement, a requirement for ISPs to implement other measures demonstrated effective in preventing or restraining infringement and conditions that the service provider does not have actual or constructive knowledge of the infringing content and does not receive a financial benefit directly attributable to the infringing activity.
- **TPMs:** TPMs are critical for the success of services that are providing legal content to users in Thailand today, and they need to be protected. The 2022 amendments and related implementing regulations made several

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<sup>7</sup> In May 2022, the Supreme Court of India held that offenses under Section 63 of the Copyright Act, 1957 are cognizable and non-bailable offences. *M/s Knit Pro International v The State of NCT of Delhi & Anr.*, CRIMINAL APPEAL NO. 807 of 2022, Sup. Ct. India, May 20, 2022. Thailand should follow India's lead on this issue to fully modernize its system and provide the tools necessary to tackle online piracy.

improvements to TPMs protections in Thailand, including prohibiting acts of circumvention of TPMs and trafficking in circumvention technologies, devices, components, and services (e.g., enabling actions against stream-ripping websites or other such services). IIPA requests the government issue further regulations or guidelines on the provisions for TPMs to clarify that service, promotion, manufacture, sale, or distribution of piracy devices and applications/software/add-ons available thereon violate TPMs protections.<sup>8</sup>

- **RMI:** Exceptions to protections for RMI are overly broad and should be narrowed. For example, the blanket exclusion of educational institutions, archives, libraries, and non-profit broadcasting organizations from violating the RMI protections is inappropriate and unjustified.
- **Theatrical Camcording Provision Should Be Revised:** Thailand enacted anti-camcording legislation in 2014. However, the anti-camcording provision falls short because it requires a link between the act of theatrical camcording and a copyright infringement, instead of criminalizing the camcording act itself.<sup>9</sup> Criminalizing the act of camcording, including audio-only captures, without requiring a link to copyright infringement, would empower law enforcement to intercept illegal recordings before they enter the online pirate ecosystem. These provisions should be revised to ensure that the possession of an audiovisual recording device in an exhibition facility with the intent to copy or transmit a whole or part of an audiovisual work (including the video, the soundtrack, or both) is prohibited, and that exhibition facilities are given standing to bring complaints. Those engaging in the act proscribed should be subject to interdiction by cinema employees and the police, immediate seizure and forfeiture of the equipment used and any unlawful copies made, as well as civil and criminal penalties.
- **Collective Management Provisions:** The current collective management and collection system for music is unwieldy and remains unclear, with many collecting bodies operating in the market. IIPA welcomes indications from DIP that it is keen to resolve this issue. However, the DIP proposal at this stage is only to introduce a voluntary code of conduct for CMOs, which is not a sufficient response to the long-standing challenge in the Thai market. The number of CMOs now stands at 35, with 13 of them confirmed to have applied DIP's code of conduct. Although DIP intends to certify and promote these qualified CMOs, there is no policy to prevent new CMOs from registering. The Copyright Act should therefore be amended to include provisions setting out certain principal conditions for CMOs to operate in Thailand, such as complying with a code of conduct that requires good governance, transparency, fair and accurate distribution, and of course actually representing the rights holders it claims to represent. Regarding the latter point, IIPA recommends that the Copyright Act be amended to provide that an entity wishing to act as a CMO must be registered with the Ministry of Commerce, must be authorized by rights holders, and must comply with the code of conduct. Registration criteria should be fair, objective, transparent, and reasonable and include the requirement for the CMO to operate in a transparent and non-discriminatory manner and in accordance with principles of good governance. In deciding whether to grant permission to a CMO to operate (i.e., register a CMO), the Ministry should consider the number of members, as well as the size of the catalogue of titles and rights under management, and should be entitled to refuse any application for registration or revoke any registration if the CMO does not satisfy such conditions. However, the Thai government should resist proposals to create, by government dictate, a single collection body. While voluntary cooperation between CMOs can be cost-effective and beneficial for participating CMOs and rights holders, experience shows that mandatory single collection bodies lead to inefficient and unaccountable structures.<sup>10</sup>

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<sup>8</sup> Piracy devices include media boxes, set-top boxes, or other devices that allow users, through the use of installed piracy apps and software, to stream, download, or otherwise access unauthorized content from the Internet. Such devices are still being purchased in malls and on e-commerce websites but are rarely sold with pre-installed infringing applications, making enforcement action and takedowns more challenging.

<sup>9</sup> Thailand continues to represent a potential risk for illicit theatrical camcording, particularly in relation to illegal Thai audio tracks. A large number of Thai audio files are still being made and subsequently edited onto illicit movie versions. If effectively implemented, the Copyright Act provision that deems camcording an infringement of copyright could help, but this provision should be strengthened to adequately address the problem.

<sup>10</sup> An example of a well-functioning voluntary joint organization is MPC Music Co. in Thailand, which is a joint licensing agency formed by two collective management organizations (CMOs), Phonorights (Thailand) Co., Ltd. (PNR) (for sound recording rights) and Music Copyright (Thailand) Co. Ltd. (MCT) (for musical works rights).

- **Exception for the Visually, Hearing, Intellectually, or Learning Impaired:** Copyright Act Number 4 B.E.2561 (2018) was published in November 2018 and entered into force in March 2019. The Act permits persons with disabilities who do not have access to copyrighted work due to impairment in vision, hearing, movement, intellect or learning, or other deficiencies to have equal opportunities to other persons to access, make copies, modify, or distribute the copyrighted work. DIP has issued a Ministerial Regulation on the details of authorized or recognized entities and how such copies may be distributed. The Thai exception goes well beyond the mandate of The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which creates a limitation and exception for the benefit of the blind, visually impaired, and otherwise print disabled. That exception is mandatory for individual WIPO members that ratify the Treaty. From the music industry's perspective, in accordance with the Marrakesh Treaty, sound recordings should not be covered by the exception at all, and in the alternative, the exception should be properly defined and restricted in scope to apply solely to specific acts regarding specific works for the benefit of specific individuals, with adequate safeguards, and with equitable remuneration payable to rights holders. This exception should be amended or implemented in such a way that it faithfully implements the Marrakesh Treaty and does not conflict with the “three-step test” of the Berne Convention, WTO TRIPS Agreement, and WIPO Internet Treaties.
- **Inadequate Term of Protection:** Thailand should extend its term of copyright protection to align it with the international trend of 70 years after the death of the author, or, in cases in which term is calculated based on publication (such as sound recordings), to at least 70 years from publication. Unfortunately, the most recent amendments to the Copyright Act did not change the term of protection, which remains at 50 years. In the case of sound recordings, there are now at least 73 countries worldwide that provide for a term of protection of 70 years or more. Thailand is encouraged to act quickly to catch up with the new international standard of protection, or risk development of the Thai music market being adversely affected. Further, if the term of protection is not extended in time, some Thai classics from the 1970s—including the classics of Soontaraporn, Suraphol Sombatcharom, and Paiboon Buth—will fall out of copyright protection, even though they are still widely consumed by the public. This will have a negative effect on local artists' income, especially those who have retired and rely on the royalties for a living.

## **MARKET ACCESS**

- **Remove market access restrictions negatively impacting the creative industries, such as foreign ownership and censorship restrictions, screen quotas, television must-carry requirements, and over-the-top (OTT)/video-on-demand (VOD) regulations.**

**Foreign Ownership Restrictions:** Foreign ownership of terrestrial broadcast networks is prohibited in Thailand. Further, rules established in 2015 require National Broadcasting and Telecommunications Commission (NBTC) approval when a television license holder seeks to either invest more than 25% directly or more than 50% indirectly in another licensed company. This rule severely limits investment and creates significant barriers to entry for U.S. companies.

**Screen Quota:** Section 9(5) of the Motion Picture and Video Act (MPVA) allows the Film Board to establish ratios and quotas for foreign films. If implemented, such restrictions would create new barriers and reduce consumer choice. In August 2024 the Ministry of Culture (MOC) proposed replacing the MPVA with a new Film Law; the latest draft, publicly disseminated in September 2024, helpfully removes the screen quota. IIPA strongly encourages the Thai government to remove the screen quota in the final amendments.

**Censorship Restrictions:** The MPVA imposes onerous classification and censorship requirements on films. Thailand should remove these onerous requirements, including the 15-day period for obtaining ratings and censorship approval, the associated high costs for film ratings, and the severe penalties for failure to comply. The proposed new

Film Law would implement self-regulation for theatrical and OTT/VOD releases, and IIPA is continuing to actively monitor the progress of this draft Law.

**Television Must-Carry Requirements:** Recent media reports suggest the 2012 “must carry” rules—which require that the programs aired on free-TV be broadcast on any platforms (including satellite and Internet protocol TV (IPTV)) without conditions—will finally be reversed by the NBTC. Until this is done, the regulations raise important IPR issues, precluding the ability of rights holders to enter exclusive distribution arrangements in Thailand.

**OTT/VOD Regulation:** Various government agencies, including the NBTC, have publicly noted their interest in regulating OTT services as recently as August 2023, including the possibility of requiring streaming operators to set up a local presence to respond to government requests around content that the government finds objectionable (a form of mandatory content moderation) as well as to “promote” local content via local content investment obligations. These regulations, if enacted, would limit consumer choice, stifle business development, and add further burdensome barriers to market entry.

**Network Usage Fees:** The NBTC has publicly commented on the need for content providers to pay network usage fees. Such fees, if implemented, would undermine freedom of contract and prejudice the interests of content providers operating in the market.

## **COMPLIANCE WITH EXISTING OBLIGATIONS TO THE UNITED STATES**

Many of the deficiencies in Thailand’s enforcement framework described above—including inadequate efforts to combat piracy, burdensome and inefficient civil and criminal procedures, and inadequate and non-deterrent civil and criminal remedies—run afoul of Thailand’s obligations under the WTO TRIPS Agreement enforcement provisions, including Articles 41, 42, 45, and 61.