

THAILAND

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2026 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that Thailand remain on the Watch List in 2026.¹

Executive Summary: The Royal Thai government continues to struggle to systematically combat piracy, although efforts to disable access to top piracy sites through court orders have borne fruit in 2025, leading to the blocking of some major piracy websites in Thailand. Unfortunately, pirate operators have moved faster than the authorities, quickly hopping to new domains, requiring more to be done to streamline and accelerate the process. Though rights holder collaboration with the Economic Crime Suppression Division of the Royal Thai Police has yielded some positive results, after initial enforcement actions, outcomes against piracy remain largely non-deterrent. As such, piracy overall remains a serious problem and hinders the growth of the legitimate copyright industries in Thailand. 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. At the same time, Thailand should avoid introducing other measures that are inconsistent with international standards and best practices. It is critical for the government to avoid implementing unrelated concepts into the Copyright Act as part of the accession process. The Royal Thai government should also remove market access barriers that negatively impact the creative industries.

PRIORITY ACTIONS REQUESTED IN 2026

Enforcement

- Ensure enforcement officials increase the number of enforcement actions against commercial-scale digital piracy services and, critically, bring criminal prosecutions through to convictions.
- Speed up 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, including dynamic applications, by shortening the timeframe from application to issuance of "dynamic" blocking letters to address domain hopping.
- Encourage e-commerce platforms to implement effective measures to prevent distribution of infringing physical goods, including measures to more effectively address repeat infringers.
- Act against rogue collective management organizations (CMOs) and promote best practices in collective management.

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 Internet service provider (ISP) liability framework to properly incentivize cooperation to address piracy, improving protections for technological protection measures (TPMs) and rights management information (RMI), combatting theatrical camcording, improving CMO registration criteria and oversight, narrowing broad copyright exceptions, and extending the term of copyright protection) to improve Thailand's copyright protection and enforcement framework, and refrain from introducing measures that are inconsistent with international standards and best practices.

¹ 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/2026/01/Appendix-C-FINAL-2026.pdf>.

- Ensure that the WPPT implementation is consistent with the requirements of the treaty, including by ensuring that economic rights to performers are afforded only to those performances fixed in sound recordings and not in other fixations.

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

- **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.² 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.

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*, quickly took its place. The operators have continued to evade enforcement efforts, with the newest domain, *Bearbit.org*, receiving 42.57 million visits between January and October 2025. Internet-protocol television (IPTV) services also remain a major concern. *MYIPTV4K*, a notorious pirate IPTV service offering subscription-based access to a large library of live TV streams, continues to remain popular in the region, with multiple listings on various e-commerce platforms.

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.

Cooperation over the past few years between industry, the Technology Crime Bureau, the Cyber Crime Investigation Bureau (CCIB), the ECD, and the Department of Special Investigations (DSI) has improved, resulting in some notable enforcement actions. In September 2025, DSI executed raids that resulted in the shutdown of *INWIPTV*, a major illegal IPTV piracy service, including seizure of broadcasting equipment, servers, financial records, and other

² 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.

materials.³ Also in September 2025, enforcement action was taken against several suspects linked to *Uplayhd.live* (and associated domains).⁴ While the raids are a positive development, the cases that have been brought, including against *Siambit.me*, *037hdmovie.com*, *123-hd.com*, *24-hd.com*, *i-moviehd.com*, and *Movie2free*, have been pending for long periods and have so far failed to result in deterrent outcomes against the pirate operators. Furthermore, 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.

- **Speed up 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 piracy services. It is thus 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*, *037hd*, *Siambit.me*, *24-hd.com*, *New-hd.com*, and *Serie-day.com*. The need for a more efficient prosecution process is illustrated by the lack of progress in the case against *Movies2free*,⁵ 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.⁶ However, six years later, the case still has not yet been heard before the Courts. In another example, the ECD executed a raid against the operators of *Siambit.me* in February 2024, but the case has not proceeded to prosecution more than 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.

More substantial sentences are also necessary to deter pirates. 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 only 25,000 baht (~US\$700) on the operator. Sentences handed down by Thai Courts 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 operators from engaging in this criminal enterprise.

- **Improve the speed of obtaining and implementing CCA Section 20(3) orders, including dynamic applications, by shortening the timeframe from application to issuance of “dynamic” blocking letters to address domain hopping.**

In 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 as IIPA has reported, in 2024 rights holders working together achieved positive results, with the first-ever full website DNS blocking order against piracy sites *i-moviehd* and *imoviehds*. In 2025, the Royal Thai government issued blocking orders against most major piracy sites in the country. Certain IIPA members and local rights holders have successfully brought several actions resulting in court orders to disrupt access to notorious piracy sites like *123hd*, *24hd*, *037hd*, *i-moviehd*, *uflix*, *uplay*, *dooflix*, *320hd*, *series469*, *nungmovies*, *inwiptv*, *Serieday*,

³ Over the prior 12 months, *INWIPTV* and its associated domains accumulated more than 4 million visits worldwide, with the majority of traffic originating from Thailand.

⁴ The sites offered around 200 live channels, including sports, news, and local programming, as well as a video-on-demand (VOD) library of approximately 15,000 titles. Collectively, these domains attracted over 1.5 million global visits in the prior 12 months, with more than 99% of traffic coming from Thailand.

⁵ *Movies2free* was the 15th most popular site in Thailand with 34 million visits in Q3 2019.

⁶ See <https://torrentfreak.com/police-shut-down-thailands-most-popular-pirate-site-following-hollywood-request-191108/>

moviehdfree, *kubhd.com*, *movie2free*, and *baan-series*, among others. The results of these actions have been to reduce user visits to these pirate sites between 80-94%. Rights holders have further achieved removal of the sites from search results.

However, progress has been backsliding because the speed with which the government is acting upon additional requests to disable access to “hopped” domains has been too slow and needed paperwork to remove those sites from search results is not forthcoming, diminishing the impact of the blocking orders on the overall piracy ecosystem. There is hope that the process will become more effective because the government is working to automate systems for filing the cases in the first instance and for notifying ISPs of the need to block the “hopped” domains. The introduction of dynamic website blocking orders to prevent a blocked site immediately moving to another domain and being accessible again would significantly improve the effectiveness of these actions.⁷ In addition, compliance remains an issue as many ISPs do not comply with court orders and the penalty provision for non-compliant ISPs is not enforced.⁸ Rights holders also encourage the Royal Thai government to turn its attention to facilitating enforcement against other piracy sites, including stream-ripping sites. Overall, these cases should not only be handled with greater priority but should be combined with enforcement efforts as outlined above for the greatest deterrent impact.

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

The distribution of infringing physical products, including counterfeit CDs, digital storage devices pre-loaded with infringing music content, and illegal streaming devices 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 repeat 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 sites, 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 promote best practices in collective management.**

The absence of regulation of collective licensing, and the establishment and operations of CMOs has resulted in many “rogue” entities purporting to operate as CMOs in Thailand. As a result, fraudsters continue to exploit the market confusion and the lack of authoritative information. The number of CMOs in operation, and the problems that creates, has caused serious market disruption, directly harming rights holders (local and international) who struggle to have their performance rights effectively managed and enforced in Thailand, legitimate CMOs, as well as users in Thailand.

In response, the Government of Thailand published a consultation on August 20, 2025 on a Draft Royal Decree on Collection of Compensation for Use of Copyrighted Works and Performers' Rights, which would introduce Extended Collective Licensing (ECL). This is a disproportionate and unwarranted response. ECL provisions are only

⁷ Dynamic website blocking orders are common in many jurisdictions including in the EU.

⁸ ISPs can be subject to fines under Section 27 of the Computer Crime Act (Baht 200,000 / \$6,400 and a further daily fine of Baht 5,000/\$160) until the ISP complies with the relevant blocking order. According to the Thai Entertainment Content Trade Association (TECA), as of December 19, 2025, only six ISPs (AIS, DTAC, TRUE, NT, 3BB, SYMC) complied with website blocking court orders.

appropriate in specific situations where a CMO already represents most rights and rights holders, but a small minority of unrepresented rights holders or rights could result in a hold up. This is not the case in Thailand, where on the contrary, there is a thriving market of licensing opportunities. ECL in Thailand would represent a disproportionate infringement of the property rights of rights holders, potentially forcing them to enter collective management without their consent. The Royal Thai government should therefore abandon plans to introduce ECL and instead focus on promoting best practices in collective management, bringing stability and certainty to the sector.

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, and extending the term of copyright protection) to improve Thailand’s copyright protection and enforcement framework, while avoiding the introduction of other measures that are inconsistent with international standards and best practices.**

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 important respects are not consistent with the WPPT. As discussed below, a significant concern is the proposal to grant economic rights to performers in performances that are fixed in any fixation, rather than limiting these rights to performances fixed in sound recordings, which is the obligation in 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).

- **Remuneration Rights:** Previous drafts of the proposed amendments had provided that a performers’ remuneration right should be introduced for sound fixations in audiovisual works. Later revisions to the draft amendments appear to have stepped back on this, though IIPA’s concerns regarding the potential inclusion of such remuneration rights remain. IIPA maintains that such remuneration rights are inconsistent with international copyright agreements and fundamentally out of step with law and practice in markets around the world, including the United States. International norms, as set forth in the Berne Convention, the WTO TRIPS Agreement, the WIPO Internet Treaties, and the Beijing Treaty, support the individual exercise of exclusive rights.
- **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 EU, 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.⁹

- **Service Provider Liability Amendments:** The 2022 amendments to the Act included helpful improvements to the intermediary liability framework, such as 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 digital services, including those that provide legal content to users in Thailand today, and should be protected. The 2022 amendments and related implementing regulations made several 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 providing for the service, promotion, manufacture, sale, or distribution of piracy devices and applications/software/add-ons available thereon violate TPMs protections.¹⁰

Additionally, while Thai law contains provisions that prevent the circumvention of TPMs that are applied to protect the copyright in digital works, the law deviates from international norms because it allows only the owner of the TPM to bring an action under the provision. International best practice is that TPMs are applied to a copyrighted work for the benefit of the copyright owner, and the copyright owner (or any other injured person) has the right to bring an action for the circumvention of these TPMs. Thailand must clarify its law on TPMs to allow a copyright owner to bring such an action in situations where TPMs were applied on its behalf.

- **RMI:** Exceptions to protections for RMI are over broad and should be narrowed. For example, the blanket exclusion of educational institutions, archives, libraries, and non-profit broadcasting organizations from violations of 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.¹¹ Criminalizing the act of camcording, including audio-only captures, without requiring a link to copyright infringement, would empower

⁹ 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.

¹⁰ 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.

¹¹ 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.

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:** As noted above, the Government of Thailand should abandon plans to introduce ECL and instead focus on promoting best practices in collective management, bringing stability and certainty to the sector. Moreover, any regulation on collective management should not be extended to apply to rights over audiovisual productions and should not affect the audiovisual market built on direct licenses.
- **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 cannot access a 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 that may provide accessible format copies and how such copies may be distributed. However, 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. 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 to faithfully implement the Marrakesh Treaty and 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 adversely affecting the development of the Thai music market. Further, if the term of protection is not extended in time, some Thai classics from the 1970s—including the classics of Soontaraporn, Suraphol Sombatcharorn, 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.
- **Reversion of Rights:** The Amendment Act to the Copyright Act proposes to establish that rights in public performances of sound recordings that are transferred under sale agreements shall revert to the performers after five years. This would force record companies to renegotiate with performers every five years, creating a highly complex database of remuneration agreements (as some performers would possibly withdraw their consent, some will allow it to lapse), and require CMOs to track in much more finite detail the correctness of this database to ensure accurate distributions. The total increase in administrative costs would lead to a lesser pool of money to distribute to artists. Instead of proceeding with this change, the Government of Thailand should focus on educating artists so that they can make informed decisions about their rights and freely negotiate according to their own circumstances.

- **Penalties:** The Government of Thailand is proposing to remove the minimum penalty rate for infringement of copyright. The WPPT requires a deterrent and effective set of criminal penalties. Rather than remove the minimum penalty rate, the government should reduce the minimum penalty rate and introduce a first-time waiver section, or instead retain minimum penalties for repeat infringers only. At the same time, the Government of Thailand is considering making non-payment of the remuneration to performers by producers of sound recordings an infringement of copyright. This would be disproportionate and contrary to global standards.
- **Ensure that the WPPT implementation is consistent with the requirements of the treaty, including by ensuring that economic rights to performers are afforded only to those performances fixed in sound recordings and not in other fixations.**

The proposed amendments discussed above also provide for new additional rights for performers; however, the subject matter is not defined or determined. These new economic rights vest in performances that have been “fixed in fixations,” and “fixations” are not defined. Such an expansion is not necessary for alignment with the WPPT and may create significant challenges in the practical application of rights within the audiovisual industry. The scope of the proposed new performers’ protection exceeds WPPT requirements and aligns more closely with protections under the Beijing Treaty on Audiovisual Performances, which grants performers exclusive rights in performances fixed in audiovisual media, a treaty to which Thailand is not yet a party.¹² It is important that the scope of performers’ rights instead strictly reflects and is aligned with the provisions of the WPPT to ensure clarity and consistency in the application of the law. The current outcome does not align with the purpose of the proposed amendment, i.e. proper implementation of the WPPT.

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, last publicly disseminated in May 2025, helpfully removes the screen quota. IIPA strongly encourages the Thai government to remove the screen quota in the final Film Law, which will now need to be approved by the new Cabinet following Thailand’s general elections expected in Q1 2026.

Screening Requirements: The Department of Cultural Promotion (DCP), under MOC, is strictly enforcing approval requirements for all film screenings. According to Section 25 of the current Film and Video Act B.E. 2551 (2008), all films screened in cinemas must have a rating certification and license number from the DCP. A key challenge is the requirement to submit the full script, complicating the approval process.

¹² See Art. 7 – 10 of the Beijing Treaty on Audiovisual Performances.

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, which will now need to be approved by the new Cabinet following Thailand's general elections expected in Q1 2026.

Broadcasting Regulatory Environment License Renewal Uncertainty: Domestic free-to-air broadcasters face significant uncertainty as all Digital TV licenses reportedly expire in 2029 and the NBTC has not yet provided a transparent renewal framework. This ambiguity is already suppressing licensing spending and freezing investment decisions, which in turn constrains market access for rights holders and undermines planning for lawful distribution. IIPA urges Thai authorities to provide transparent, timely guidance to stabilize the broadcast and streaming ecosystem and support lawful market access for rights holders.

Television Must-Carry Requirements: There has been some media reporting suggesting the 2012 “must carry” rules—which require that the programs aired on free-TV be broadcast on any platforms (including satellite and IPTV) without conditions—may 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. Adding to the regulatory uncertainty, in 2025 NBTC consultations have floated licensing constructs for OTT/VOD, 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.

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.