

## **RECOGNIZED GROUP- COPYRIGHT COMMITTEE REPORT THAILAND**

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### **1. PENDING DRAFT REGULATIONS**

At the time of writing this report (beginning of August 2013), the draft amendments to the Copyright Act presented to the Committee last year have not yet been adopted by the Thai parliament. Update (if any) will be provided during the APAA Council Meeting on October 20, 2013.

The pending draft provisions awaiting consideration of the Parliament are the following:

- the “Exemptions to Copyright Infringement for disabled people and Copyright offences relating to recording movies in theater” amendment to the Copyright Act aiming in particular to criminalize unauthorized camcording in cinemas has been already approved by the Council of State and endorsed by the Cabinet on January 21, 2013.
- The amendment to the Copyright Act to ensure better protection to works in digital forms, which has been finalized by the Council of State and secured endorsement by the Cabinet on October 9, 2012.

At time of writing this report (August 2013) these amendments have not yet been adopted.

### **2. MAJOR CASES**

*Customs seizures:*

In January 2013,

- The Royal Thai Customs arrested 62 offenders and the pirated products had a value of 24,266,050 baht.

In February 2013,

- The Royal Thai Customs arrested 60 offenders and the pirated products were worth 10,944,473 baht.

In March 2013,

- The Royal Thai Customs raided 16,160 pirated products. The value of which was 6,752,304 baht.

*Police raids:*

The Royal Thai Police reported so far 339 copyright infringement cases and confiscated 63,049 exhibits.

The Department of Special Investigation (the “DSI”) seized 1,070 pirated products for total of 5 cases.

In May 2013,

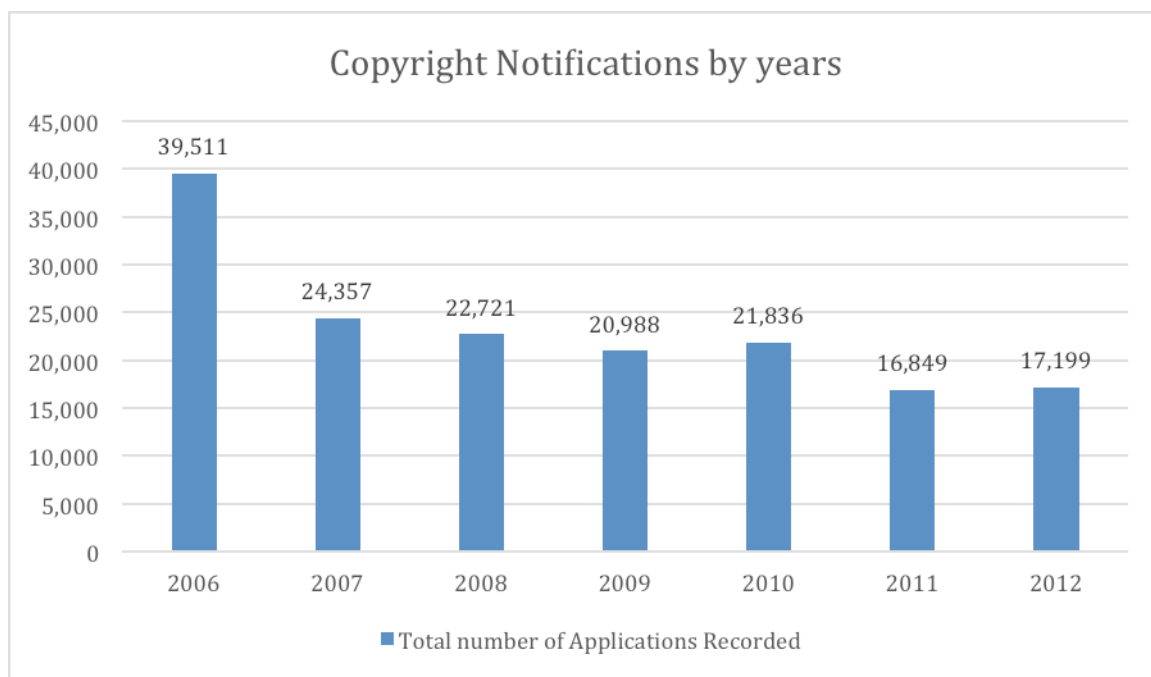
- The newly established National Intellectual Property Right Center of Enforcement (the “NICE”) arrested 3 offenders and confiscated 14,555 pirated products (shoes, trousers, glasses, gloves mobile cases and other goods).

Statistics of Copyright Notifications

Source: Department of Intellectual Property

\*The statistics in 2013 are available until July 2013

Type of Works	Number of Applications Recorded				
	2009	2010	2011	2012	2013 (end of July)
Literary	3,621	4,283	4,317	3,323	1,674
Dance	26	23	14	14	2
Artistic	4,968	6,776	4,625	4,811	2,516
Musical	10,653	9,427	6,688	8,447	4,038
Audiovisual	790	639	484	376	426
Cinematographic	31	61	29	31	35
Sound Recording	290	216	401	159	105
Broadcasting	2	0	1	0	0
Others	607	411	290	38	18
Total	20,988	21,836	16,849	17,199	8,814



Source: Department of Intellectual Property

### 3. Destruction of Confiscated Products

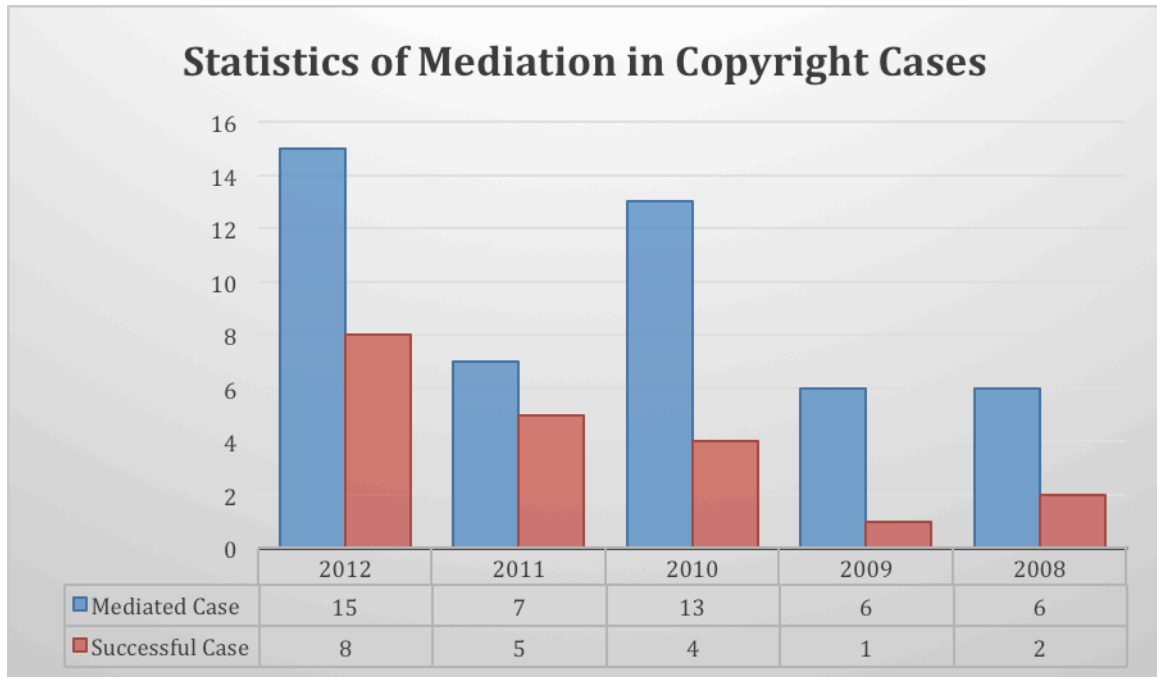
The Thai department of Intellectual Property disposed of counterfeit items as follows:

Date	Amount (Pieces)	Value (THB)
8 February 2010	217,686	43,000,000
9 June 2010	47,697	48,000,000
15 September 2010	613,374	2,265,000,000
30 June 2011	93,993	58,000,000
29 August 2011	1,229,331	3,142,000
29 March 2012	80,000	182,000,000
7 September 2012	1,134,843	1,860,000,000
28 February 2013	79,524	182,000,000

Source: Department of Intellectual Property

4. Statistics of Mediation in Copyright Cases

The number of mediation cases in the case of copyright is increasing and about 50% of mediated cases are settled.



Source: Central Intellectual Property and International Trade Court

5. Statistics of Civil Cases- copyright

Grounds for Legal proceedings	Copyright Infringement		Copyright Infringement (*Petty Case)	
	2012	2013	2012	2013
Pending Cases	23	27	1	7
New Cases	28	27	9	7
Total	51	54	10	14
Capital of New Cases	655,706,053	170,698,828	1,400,000	693,185
Granted Decision	24	15	3	7
Pending	27	39	7	7

Source: Central Intellectual Property and International Trade Court

\*Petty case is a case where the relief application does not exceed three hundred thousand (300,000) baht.

\*\*Statistics in 2013 are available until July 30, 2013.

6. Statistics of Criminal Copyright Cases

The number of new copyright cases has decreased significantly compared to previous years in 2013 (total of cases per year is usually around 2,000 and there has been only 600 new cases so far this year).

Grounds for Legal proceedings	Copyright Infringement (Section 27)	Infringement of audiovisual work, cinematographic work, sound recording (Section 28,29)	Infringement of computer program (section 30)	Selling, offering for sale of work infringement the copyright (section 31)
	2013	2013	2013	2013
Pending Cases	-	-	-	129
New Cases	-	-	-	565
Total	-	-	-	694
Capital of New Cases	-	-	-	-
Granted Decision	-	-	-	585
Pending	-	-	-	109

Source: Central Intellectual Property and International Trade Court

\*Statistics in 2013 are available until July 30, 2013.