**Copyright Act of Thailand**

**(No. 4)**

**B.E. 2561 (2018)**

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**His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun**

Given this 8th day of November 2018,

Being the 3rd year of the present Reign.

 His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been graciously pleased to proclaim that,

 Whereas it is deemed expedient to revise the law governing copyright,

 And whereas this Act contains certain provisions relating to the restriction of personal rights and freedom, for which Section 26 incorporating Section 37 of the Constitution of the Kingdom of Thailand provide that such can be carried out by virtue of provisions of a law,

 And the reasons and necessity of restricting personal rights and freedom under this Act are to enable the disabled who are unable to access to copyrighted works owing to impairment of vision, hearing, mobility, intellectuality or learning, or other impairments, to equally obtain opportunity as enjoyed by others in accessing to copyrighted works, and the enactment of this Act is in line with the conditions provided in Section 26 of the Constitution of the Kingdom of Thailand,

 Be it, therefore, enacted by H.M. the King, with the advice and consent of the National Legislative Assembly acting as the Parliament, as follows:

 **Section 1.** This Act shall be called “Copyright Act (No. 4) B.E. 2561 (2018)”.

 **Section 2.** This Act shall be enforced after the lapse of one hundred and twenty days from the date of its publication in the Government Gazette onwards.

 **Section 3.** The provisions of (9) of paragraph two of Section 32 of the Copyright Act B.E. 2537 (1994) as amended by the Copyright Act (No. 3) shall be repealed.

 **Section 4.** The following shall be added as Section 32/4 of the Copyright Act B.E. 2537 (1994):

 “Section 32/4. Any of the following acts by an organization permitted or recognized organization for the benefits of the disabled who are unable to access to copyrighted works under this Act owing to impairment of vision, hearing, mobility, intellectuality, or learning, or other impairments, as prescribed by the Minister in the Government Gazette, shall not be regarded as a violation of copyright, provided it is not for the purpose of profit making, and Section 32, paragraph one, have been duly complied with:

 (1) Duplication or modification of a copyrighted work which has been advertised or published to the general public and it has been obtained by legitimate means.

 (2) Publication to the general public of a copy of a copyrighted work which has been duplicated or modified under (1), including a copy of a copyrighted work obtained from a permitted or recognized organization in Thailand or abroad.

 A permitted or recognized organization, a form of duplication or modification according to necessity of the disabled, including bases and procedures on duplication or modification and publication to the general public under paragraph one, shall be as prescribed by the Minister in the Government Gazette.”

 **Section 5.** The provisions of Section 53 of the Copyright Act B.E. 2537 (1994), amended by the Copyright Act (No. 2) B.E. 2558 (2015), shall be repealed and replaced by the following:

 “Section 53. The provisions of Section 32, Section 32/2, Section 32/3, Section 32/4, Section 33, Section 34, Section 36, Section 42, and Section 43, shall apply to the rights of actors mutatis mutandis.”

 Countersigned:

**General Prayuth Chan-o-cha**

 Prime Minister

**Note:** The reason of promulgating this Act is because Thailand will become a member of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and the said Treaty states that member states shall enact a law to support the exceptions of copyright violation, so that the persons who are blind, visually impaired, or otherwise print disabled may access to copyrighted works. It is then deemed suitable to revise the exceptions of copyright violation for the benefits of the disabled under the Copyright Act B.E. 2537 (1994), so that it be in conformity with said Treaty. Therefore, it is a necessity that this Act be enacted.

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11th November 2018]

*[Translated by Bangkok Business and Secretarial Office Limited. Please note that this is an unofficial translation. Although greatest care has been taken to ensure the accuracy, the translator cannot accept any responsibility for any errors or omissions.]*

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