



## **The Amendment to Copyright Act.**

The proposed amendment of Thailand's Copyright Act ( "Proposed Amendment") is currently under the legislative process with the noteworthy changes. The Proposed Amendment is prepared for Thailand to be ready for the WIPO Copyright Treaty and to bring Thai copyright laws in line with the requirements of the Treaty.

The major proposed amendments are summarized as follows:

- Whereas the current law provides copyright owners of photographic work with protection for 50 years from first creation or publication of the copyright, the Proposed Amendment provides protection for the authors lifetime, plus 50 years.
- Injunctive relief against copyright infringement and protection from infringement liability for internet service providers (ISPs) contained in the existing legislation has proved singularly ineffectual.
- Using the notice-and-take-down system, the Proposed Amendment will bolster safe harbor provisions which exempt ISPs from liability for copyright infringement committed by their service users, similar to the provisions contained within the Digital Millennium Copyright Act in the USA.
- The emphasis allows copyright owners to notify ISPs of an alleged infringement. The ISPs will immediately, as a precaution, take down the data in question. They will simultaneously notify the user who posted the material, thus allowing them the opportunity to oppose the removal. Should the user bring a counter-notice, the ISP will notify the copyright owner to confirm whether to reinstate the data or maintain the 'take-down'.
- Technical Protection Measures (TPMs) will also be strengthened in the Proposed Amendment Act . The TPM violations included prohibiting providing services from shirking their TPM responsibilities and outlines clearer definitions of liability relating to manufacturers, sellers, distributors of products, equipment or providers of services intended to evade TPMs.