



## Legal Update Week 5 - 6 (29 January – 11 February 2019)

- Highlights:** - Thailand joined the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled
- Extra 8 days for tax e-filing is applied until 31 January 2021.
  - Draft Patent Act and draft Labour Relations Act have been approved by the Cabinet

### Thailand legal news

- **29 January 2019:**
  - Thailand joined the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (“Treaty”), effective on 28 April 2019. Reproduction, adaptation, and/or the making available of copyright works to disabled persons (under the conditions) will be an exemption for copyright infringement. \*Thailand becomes the 49<sup>th</sup> member of the Treaty and the 3<sup>rd</sup> country in the ASEAN, aside from Singapore and Philippine.
- **30 January 2019:**
  - Six leading automotive companies (Toyota Mazda, Honda, Nissan, BMW, and Mitsubishi) invited buyers to receive AIRBAG check-up and repair services without additional costs for specified models below:
    1. **Toyota:** COROLLA 2001-2013, VIOS 2007-2013, YARIS 2006-2013, CAMRY 2001-2006, and ALPHARD 2008-2014
    2. **Mazda:** MAZDA2 2009-2014, BT50 2006-2011, CX-9 2007-20012, RX-8 2004-2007, and MAZDA6 2007
    3. **Honda:** CITY 2003-2013, JAZZ 2004-2013, CIVIC 2001-2014, CR-V 2002-2013, ACCORD 2003-2012, FREED 2009-2013, STREAM 2002-2004, BRIO 2012-2014, AMAZE 2014, and ODYSSEY 2004-2006
    4. **Nissan:** MARCH 2010-2011, NAVARA 2007-2014, TIDA 2006-2012, SUNNY NEO 2000-2006, TENNA 2004-2008, CEFRIRO 2002, ALMERA 2011, and X-TRAIL 2004-2005

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5. **BMW**: SERIES3 (E46) 2000-2005, SERIES 5 (E39) 2000-2003, and X5 (E53) 2001-2003
  6. **Mitsubishi**: TRITON 2005-2014, LANCER 2006, DELICA SPACE WAGON 2015, and PAJERO 2008-2009
- \* Car owners can use Vehicle Identification Number (VIN) to check initial information at [www.checkairbag.com](http://www.checkairbag.com) or call center of the companies.
- **4 February 2019:**
    - The Tobacco Authority of Thailand planned to increase price of cigarettes to be in line with the new excise tax rate (40%) which will be effective on 1 October 2019. One packet of cigarettes will be increase to at least THB 93.
  - **5 February 2019:**
    - From 15 February 2019, all **Rabbit Cards** (BTS sky train card) are required to be registered for identity verification purposes (KYC: Know Your Customer) according to Anti-Money Laundering Act B.E. 2542 when adding card value or buying trip pass. \*The unregistered Rabbit Cards will still be normally usable. However, for the next time of value adding or buying trip pass, card owner is required to show ID card (or passport, in case of a foreigner) for registration.
  - **6 February 2019:**
    - The Revenue Department announced that extra 8 days after the statutory deadline for tax e-filing is expanded for another 2 years, until 31 January 2021.
  - **11 February 2019:**
    - The new Land and Building Tax Act is now waiting to be announced on the Royal Gazette. Additionally, rules and regulations issued under such act are supposed to be around 20 drafts and will be enacted within 120 days after the effective date of such act.

## New Cabinet resolutions

### 29 January 2019:

- **Approved Draft: Draft Dormitory Act (No. ..) B.E. ....**
  - A private dormitory shall not admit lodger who is studying basis education, unless such private dormitory has been registered with an educational institution.
  - Non-licensed dormitories under this Act shall apply for dormitory operation license within 30 days after this Act has been enacted.

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- **Approved Draft: Draft Patent Act (No. ..) B.E. ....**
  - Reduce process and duration for applications such as duration for divisional applications (120 → 90 days), request for invention examination (5 → 3 years).
  - Avoid double patenting.
  - Declare the source of genetic resources and traditional knowledge.
  - Export of medicines to countries with insufficient production capacity (to be in line with TRIPS Article 31 bis).
  - Etc.
- **Approved Draft: Draft Witness Protection Act (No. ..) B.E. ....**
  - Criminal cases regarding terrorism and human trafficking are subject to special protection measures.
  - In case of necessary and urgent circumstances, the Witness Protection Office may use general measures to protect the witness.
  - The Witness Protection Office shall not be under the firearm law.
  - Officials under this Act shall attain stipulated training.

## 5 February 2019:

- **Approved Draft: Draft Labour Relations Act (“LRA”) B.E. ....**
  - \* *Full summary will be made as a memorandum when this Act is published on the Royal Gazette.*
  - Cease the use of Labour Relations Act B.E. 2518 and its amendments.
  - Add more requirements for an agreement relating to employment conditions (working conditions) i.e. “retirement condition or end of the contract” and “Other benefits of the employer or employee related to employment or work”.
  - When labour dispute arises, the demanding party shall notify a conciliation officer in writing within 48 hours (previously, 24 hours).
  - Add further options for labour dispute that cannot be settled.
  - Amend regulations for lockouts and strikes.
  - Etc.
- **Approved Draft: Draft Food Act (No. ..) B.E. ....**
  - Registration fees and other collecting fees under this Act shall be the right of the FDA or appointed authorities, without the need to submit as public revenue.
  - Add more categories of impure food: foods that contain drugs or any substance that may be harmful to health.
  - A person who produces, imports, or sells prohibited foods shall be punished with imprisonment not exceeding 5 years or fined not exceeding THB 500,000, or both (previously, imprisonment max. 2 years, fine max. THB 20,000, or both).
  - Control and supervise food advertisements.
  - Etc.

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## Royal Gazette Update:

Date	Part	Subject
8 February 19	Gor	<ul style="list-style-type: none"><li>● Min. Reg. prescribing name of a clinic and its information, professions in a clinic, medical service fees, price of drugs and medical supplies, other fees, and right of patients B.E. 2562</li></ul> <p>- medical service fees, doctor fees, price of drugs and medical supplies, and other fees must be clearly and openly shown at the clinic.</p> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/016/T_0015.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/016/T_0015.PDF</a></p>