



Legal Update Week 13 - 14 (26 March – 8 April 2019)

- Highlights:** - Final judgement on the InfoQuest case set the norm regarding copyright works of news
- Excise tax measures to control pollution re: pickups and electric vehicles
 - *Labour Protection Act (No.7)

Thailand legal news

- **1 April 2019:**
 - Theses and research reports of five Thai universities (CU, SUT, SWU, MU, BU) now can be accessed and downloaded as full texts using this link <https://library.tu.ac.th/> click “One Search”.
 - The Faculty of Law, Chulalongkorn University has published its digital collection containing over 1,200 theses, research reports, and other academic papers through The Chulalongkorn University Intellectual Repository (CUIR) website.
*Please find more on this link: <https://cuir.car.chula.ac.th/>
- **2 April 2019:**
 - The Supreme Court of the Division of Intellectual Property and International Trade has rendered a final judgement on the InfoQuest (online news agency) v. defendant case. This case has set the norm regarding copyright works of news as follows:
 - [Normally] news → no copyright
 - [In this case] news + expression of idea + originality + creative effort → copyright ©
- **3 April 2019:**
 - The Department of Business development, in cooperation with DSI and other related entities, has been carrying out the serious investigation into **foreigners using Thai nominees** in 5 target businesses (travel, land and

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real estate, agriculture, shipping, and advertisement) since November 2018. Now, it has been done in 4 provinces (Phuket, Chiang Mai, Surat Thani (Koh Samui), and Krabi) and will be continued in Chon Buri, Trat (Koh Chang), Bangkok, Prachuap Khiri Khan, and Phetchaburi. A person who conducts such wrongdoing will be subject to imprisonment up to 3 years, fine from THB 100,000 – 1,000,000 (or both), and/or daily penalty from THB 10,000 – 50,000.

- **4 April 2019:**

- Official documents in the list below now can be provided in English version as requested by the owner at district offices:

- | | |
|----------------------------------|----------------------------------------|
| 1. Birth certificate | 7. Divorce certificate |
| 2. Death certificate | 8. Registration of family status |
| 3. House registration | 9. Certificate of personal name change |
| 4. Letter of birth certification | 10. Registration of family names |
| 5. Letter of national ID card | 11. Registration of joint surname |
| 6. Marriage certificate | 12. Certificate of surname change |

- **5 April 2019:**

- Visa on arrival fees waiver scheme is extended again to the end of October 2019 to cover long holidays in China (Chinese Golden Week: 1-7 October).

- **7 April 2019:**

- The Tourism Authority of Thailand considered to bring back tax relief measure to support tourism in 55 second-tier tourist provinces, after this measure was successful last year (2018). Tax deduction is supposed to be up to THB 30,000 (previously, THB 15,000).

New Cabinet resolutions

26 March 2019:

- **Approved Draft:** Three draft Royal Decrees, issued under the Revenue Code on reduction and exemption of taxes (No. ..) B.E.
 - *Please find more details on *the Memorandum re: three draft Royal Decrees cancelling tax benefits for headquarters.*

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- **Approved Draft:** Extension of conditions for receipt of newborns' subsidies

Year (launching the scheme)	Age of child	Income base of parents (THB/person/year)	Received subsidy (THB/child/month)
2015	0-1	36,000	400
2016	0-3	36,000	600
2019	0-6 ↑	100,000 ↑	600

- **Approved Draft:** Draft Cosmetics Act (No. ..) B.E.
 - Indicating clear extent and area of practice.
 - Giving definition for “establishment” “cosmetic approval procedures” and “committee”.
 - Adding cosmetic approval procedures.
- **Approved Draft:** Draft Guidelines on Corporate Governance of State-Owned Enterprises B.E.
 - Official guidelines to help governments improve efficiency and transparency in stated-owned sector.
 - To replace the guidelines B.E. 2552.

2 April 2019:

- **Approved Principle:** Additional regulations re: health insurance for foreigners with Non-Immigrant Visa-O-A (Long Stay/Retirement) (1 year)
 - Health insurance which has insurance money for outpatient (OPD) not less than THB 40,000 and for inpatient (IPD) not less than THB 400,000 is required (mandatory).
- **Approved Principle:** Issuance of official documents through digital system
 - Proposed by the Office of the Public Sector Development Commission.
 - The purposes are to develop e-Service in public sector and to reduce the use of papers.

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Royal Gazette Update:

Date	Part	Subject																																																						
5 April 19	Gor	<p>● Min. Reg. re: Excise Tax Tariff (No.5) B.E. 2562</p> <p>- Excise tax measures to control pollution:</p> <p>1. Pickups and double-cab pickups</p> <table border="1"> <thead> <tr> <th rowspan="3">Type of Vehicle (Pickups)</th> <th rowspan="3">CO₂ emission (g./km.)</th> <th rowspan="2">Old Excise Tax Rate</th> <th colspan="2">New Excise Tax Rate</th> </tr> <tr> <th>PM > 0.005 g./km.</th> <th>PM ≤ 0.005 g./km. <u>or</u> use B20</th> </tr> <tr> <th>Rate (%)</th> <th>Rate (%)</th> <th>Rate (%)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">No Cab</td> <td>≤ 200</td> <td>2.5</td> <td>2.5</td> <td>2</td> </tr> <tr> <td>> 200</td> <td>4</td> <td>4</td> <td>3</td> </tr> <tr> <td rowspan="2">Space Cab</td> <td>≤ 200</td> <td>4</td> <td>4</td> <td>3</td> </tr> <tr> <td>> 200</td> <td>6</td> <td>6</td> <td>5</td> </tr> <tr> <td rowspan="2">Double-cab</td> <td>≤ 200</td> <td>10</td> <td>10</td> <td>9</td> </tr> <tr> <td>> 200</td> <td>13</td> <td>13</td> <td>12</td> </tr> <tr> <td>Double-cab using fuel and electricity (hybrid)</td> <td>≤ 175</td> <td>8</td> <td>8</td> <td>6</td> </tr> </tbody> </table> <p>2. Electric Powered Vehicles (EV)</p> <table border="1"> <thead> <tr> <th>Type of Vehicle (EV)</th> <th>Current Excise Tax Rate</th> <th>Excise Tax Rate (1 Jan 2020 – 31 Dec 2022)</th> <th>Excise Tax Rate (1 Jan 2023 – 31 Dec 2025)</th> </tr> </thead> <tbody> <tr> <td>Without BOI</td> <td>8</td> <td>8</td> <td>8</td> </tr> <tr> <td>With BOI</td> <td>2</td> <td>0</td> <td>2</td> </tr> </tbody> </table> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/042/T_0001.PDF</p>	Type of Vehicle (Pickups)	CO ₂ emission (g./km.)	Old Excise Tax Rate	New Excise Tax Rate		PM > 0.005 g./km.	PM ≤ 0.005 g./km. <u>or</u> use B20	Rate (%)	Rate (%)	Rate (%)	No Cab	≤ 200	2.5	2.5	2	> 200	4	4	3	Space Cab	≤ 200	4	4	3	> 200	6	6	5	Double-cab	≤ 200	10	10	9	> 200	13	13	12	Double-cab using fuel and electricity (hybrid)	≤ 175	8	8	6	Type of Vehicle (EV)	Current Excise Tax Rate	Excise Tax Rate (1 Jan 2020 – 31 Dec 2022)	Excise Tax Rate (1 Jan 2023 – 31 Dec 2025)	Without BOI	8	8	8	With BOI	2	0	2
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7 April 19	Gor	<ul style="list-style-type: none">● Act amending the Revenue Code (No.50) B.E. 2562 re: the use of foreign currency (other than Thai currency) http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/045/T_0006.PDF
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