

**Transitional Regulations of the Central Intellectual Property and International Trade Court on Guidelines for the Foreign Body Corporate Copyright Owner Demanding One Half of the Court Fine, B.E. 2546 (2003)**

Translation

Whereas, in compliance with the context on one half of the Court fine payable to the copyright owner under section 76 of the Copyright Act, B.E. 2537 (1994), the Central Intellectual Property and International Trade Court has experienced certain technical problems where such copyright owner is a foreign body corporate who finds it inconvenient to receive payment of the Court's cheque representing one half of the fine, thereby multiplying in the Court's account the amount of money held suspended for payees, the Judicial Administration Commission has, in its 7/2546 meeting on 28 February B.E. 2546 (2003), passed a resolution that clause 44 of its Regulations on General Finance, B.E. 2545 (2002) be applied to the problematic situation *mutatis mutandis* until Regulations on Litigation Finance are specifically issued covering the aforesaid instances. In order to resolve any inconveniences and to ensure fairness of the proceedings on the Court fine payment as mentioned, the Central Intellectual Property and International Trade Court hereby issues these Regulations as follows:

**Clause 1**

These Regulations are called the "Transitional Regulations of the Central Intellectual Property and International Trade Court on Guidelines for the Foreign Body Corporate Copyright Owner Demanding One Half of the Court Fine, B.E. 2546 (2003)".

**Clause 2**

These Regulations shall come into force on and from the date of their announcement.

**Clause 3**

These Regulations shall apply only to the case where the copyright owner is a foreign body corporate.

**Clause 4**

The copyright owner who, in claiming one half of the Court fine, finds it inconvenient to receive payment of the Court's cheque may submit to the Court a request itemizing all of such inconveniences and asking that one half of the Court fine be awarded through a cheque made payable to the copyright owner's agent duly authorized to enforce the cheque in his own name as the payee.

**Clause 5**

In addition to the request under clause 4, the copyright owner is required to produce the power of attorney which

- (1) is valid for a maximum of one year,
- (2) names the copyright owner's agent duly authorized to receive payment of the Court fine under the Copyright Act, B.E. 2537 (1994), and
- (3) includes a clause showing that the copyright owner shall be liable for any damage resulting from such receipt of payment of the Court's cheque.

**Clause 6**

The power of attorney as mentioned in clause 5 must remain valid at least until the date on which the Court's cheque is issued, and must exclude any clause on appointment of a sub-agent or substitute.

**Clause 7**

The agent duly authorized by the copyright owner as referred to in clause 4 and clause 5 is also required to make a document evidencing that the agent shall be liable for any damage

to the Court and to the copyright owner as may result from such receipt of payment of the Court's cheque.

**Clause 8**

Only such request as accompanied by the document under clause 4, clause 5 and clause 7 shall be taken into consideration.

Announced on this 1<sup>st</sup> day of April B.E. 2546 (2003)

Mr. Prachya Kosaiyaganonth

Chief Judge of the Central Intellectual Property and International Trade Court

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