

THAILAND

New Film and Video Act Clamps Down on Piracy, Ratings System

From "The Man with the Golden Gun," through "Platoon," "The Beach," and "Bridget Jones: The Edge of Reason," Thailand is a popular destination for the production of both Thai and foreign films. Indeed, an increasing number of foreign films have been shot in Thailand in recent years, which should not be surprising given the country's range of exotic shooting locations and attractive production costs.



From evil lairs to secret communities, Krabi has seen them all

The new Film and Video Act, which entered into force on June 4, 2008, has been implemented in order to update the antiquated 1930 Movie and Video Act, which was widely criticised by the filmmakers, notably regarding the wide censorship powers of the Board of Film and Video Censors. The Act brings changes especially on the composition and duties of the Board, on the new rating system, on the procedure for shooting foreign films in Thailand and on the piracy of movies in the streets.

Board of Film and Video Censors

The Board hosts extended duties such as inspecting and rating movies to be screened, rented, exchanged or sold in Thailand; permitting the projection, exchange, rental or sale of movies and videos; authorising the advertisements of motion pictures; approving their exportation outside Thailand; and controlling foreign movies shot in Thailand. For inspection purposes, filmmakers need to submit an application to the Board prior to any shooting or showing. The criteria, procedures, and conditions of the application and approval will be determined by the Board and published in the Government Gazette.

Finally, because of its ability to engage in censorship, the Board has broad powers in determining the content of viewable films, which should be counterbalanced by the new rating system.

Rating System

A rating system of seven categories is being implemented for the first time in Thailand for films and videos, divided as follows:

- General Audience (no age restriction)
- 13 year olds and above
- 15 year olds and above
- 18 year olds and above
- 20 year olds and above
- Banned films
- Educational films

Nonetheless, at this stage, no ministerial regulations have been officially announced giving the conditions and requirements of such rating system. In September 2008, the Ministry of Culture submitted a draft of regulation to the National Video and Film Committee and the Cabinet for approval. According to reports, the draft states that no films should be banned or cut, since such power was considered to be redundant with the rating system from the Board.

Foreign Films

In the 1930 Act, no requirements were established regarding foreign movies shot in Thailand. With the keen interest of filmmakers due to the opportunities offered by Thailand's landscape, rules for the production of foreign films have been included in the Act. The Act states that directors planning to shoot movies in Thailand shall firstly file an application containing the screenplay, the plot and a short description of the movie to the Office of Tourism Development for approval by the Board and the governmental agencies in charge of the locations used for the shootings. The criteria, procedures, and conditions of the application shall be described by the Board and are to be published in the Government Gazette. Even if the movie will not be shown in Thailand, the director is nevertheless required to obtain such authorisation.

Piracy

With fake DVDs widely available for US\$3 or less, Thailand remains a hub for piracy. The Act, acknowledging this fact, requires vendors of films to obtain a lawful license to sell, exchange, or rent DVDs. Non-compliance



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may lead to an initial fine of up to US\$15,432 and additional fines of US\$309 per day for each day the violation continues. The requirements for obtaining the license will be determined in regulations, which should enter into force shortly.

Additionally, each of these video programs shall also contain mandatory information on their labels. Non-compliance may lead to a fine of up to US\$3,086. For direct-to-video movies, the same inspection as for movies shall be passed, including the rating process.

In the absence of official regulations, uncertainty remains concerning the link between the rating system and the authorisation to cut or ban movies. At the Bangkok Film Festival in September 2008, a Thai-Japanese movie "Children of the Dark" about child sex slavery was finally banned from the festival because of its inappropriate content. Further to this event, directors seemed suspicious on the continuance of censorship from the Board, which may lead to restrictions on freedom of expression.

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