

**Notification of the National Broadcasting and Telecommunications Commission
on Criteria and Procedures for Granting A Permit to Manufacture, Import, Sell, or Offer
for Sale or Install Receiver, Apparatus or Device Enabled for Receiving or Decoding
Signals to Receive Programs of the Subscription Broadcasting Business
B.E. 2555 (2012)**

Whereas it is expedient to prescribe criteria and procedures for granting a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business with the view to inform the person who intends to operate the aforementioned business of the criteria and procedures for an application in accordance with Section 70 of the Broadcasting Business Act B.E. 2551 (2008);

By virtue of Section 27 (4) (6) and (24), Section 37 and Section 81 paragraph two of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) being an Act which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 35, Section 36, Section 41, Section 43, Section 45, Section 46, Section 47, Section 61 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the National Broadcasting and Telecommunications Commission hereby prescribes criteria and procedures for granting a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business as follows:

Clause 1 This Notification shall be called “Notification of the National Broadcasting and Telecommunications Commission on Criteria and Procedures for Granting A Permit to Manufacture, Import, Sell, or Offer for Sale or Install Receiver, Apparatus or Device Enabled for Receiving or Decoding Signals to Receive Programs of the Subscription Broadcasting Business B.E. 2555 (2012)”

Clause 2 This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3 Any notifications, regulations, rules or any other ordinances having been prescribed in, or contrary or contradictory to this Notification shall be superseded by this Notification.

Unofficial Translation

Clause 4 In this Notification:

“Subscription broadcasting business” means an radio or television broadcasting service to which customers subscribe under terms and conditions set out by the operator whereas such the operator has no intention to provide free broadcasting services irrespective of whether fee is applied;

“Receiver, apparatus or device” means a receiver, apparatus or device used for receiving or decoding signals for receiving programs broadcasted by the subscription broadcasting business;

“Radiocommunication equipment” means a radiocommunication equipment under the law on radiocommunications;

“Import” means importing into the Kingdom but not including a shipment into the Kingdom which has been stored at the Free Zone before exporting;

“Sell” means trade, supply, pass out, exchange or transfer and shall include rent, lease or lend;

“Applicant” means a person applying for a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device under this Notification;

“Branch office” means a branch office of the juristic person granted a permit under this Notification;

“Commission” means the Broadcasting Commission;

“Competent official” means an official appointed by the National Broadcasting and Telecommunications Commission to undertake duties under this Notification;

“Office” means the Office of the National Broadcasting and Telecommunications Commission.

Unofficial Translation

CHAPTER I

Application for a Permit

Clause 5 Any person wishing to manufacture, import, sell, or offer for sale or install receiver, apparatus or device shall submit an application in accordance with the forms attached to this Notification and specify the type of application.

In the case where the receiver, apparatus or device under paragraph one is a radiocommunication equipment, the applicant must also apply for relevant radiocommunication permit under the law on radiocommunications.

Clause 6 In applying for a permit under Clause 5, completed application form and relevant documents or necessary information for consideration must be submitted as detailed below;

- a. Credentials of the applicant
 - (1) A copy of national identification card or a copy of other legally acceptable identification card
 - (2) A copy of commercial registration certificate
 - (3) A copy of corporate registration certificate and memorandum of association certified and issued by responsible registrar not longer than three months which contain a name list of person in authority of such juristic person and objectives relating to manufacturing, importing, selling or offering for sale or installation of the receiver, apparatus or device together with a copy of the person in authority's identification card
 - (4) In the case of authorization: power of attorney together with a copy of national identification card and a copy of household registration of both the authorizing and the authorized person
- b. Relevant documents and information necessary for consideration

Unofficial Translation

- (1) A document describing technical information of the receiver, apparatus or device, e.g. catalog, technical specification, and conditional access, etc.
- (2) Technical standard certificate for such receiver, apparatus or device
- (3) In the case of an application for a permit to manufacture, the applicant must submit a list of miscellaneous components for the production of such receiver, apparatus or device
- (4) In the case of an application for a permit to import, a proforma invoice or purchasing order of such receiver, apparatus or device must be submitted
- (5) In the case of an application for a permit to sell or offer for sale or install, as the case may be, a list of items and number of receiver, apparatus or device, address or place of storage must be submitted
- (6) Any other documents necessary for consideration as the Commission may deem it appropriate (if any)

Application may be submitted to the competent official in person or by authorizing other person or by reply registered mail to the Office.

CHAPTER 2

Procedure for Granting a Permit

Clause 7 For granting a permit under this Notification, the Commission may appoint a competent official to act on its behalf.

Granting a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device, as the case may be, shall be in accordance with the forms attached to this Notification.

Unofficial Translation

Clause 8 The Commission shall consider granting a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device, as the case may be, within a specified time prescribed under the Notification of the National Broadcasting and Telecommunications Commission on Procedures and Timeframe for Consideration of Requests or Complaints Relating to the Broadcasting Business as follows:

- (1) The Office shall examine the accuracy and completeness upon receiving an application, the credentials and the documents required. If details of the credentials, the documents or information are virtually incomplete or inadequate, the Office will not consider such the application and return all the submitted documents to the applicant;
- (2) If the documents are complete and correct and the subject receiver, apparatus or device contains the attributes or qualifications that are able to receive or decode the signals in receiving programs broadcasted by the subscription broadcasting business as the Commission deemed appropriate, or meets standards set out by the Commission, the application shall be granted and the applicant shall be notified to pay the said permit fees in accordance with the rate specified under Clause 13.

If it appears that the application form or relevant credentials and documents required for the consideration are incomplete or inadequate, the Office shall notify the applicant to correct or submit additional documents within fifteen days as from the date of receiving the notice. If the applicant is unable to act accordingly by due date, the application will not be considered and all the submission will be returned to the applicant immediately;

Clause 9 The Commission does not permit the use of a receiver, apparatus or device to receive or decode signals for receiving programs of unlicensed subscription broadcasting business.

In the case that the Commission refuses the application, the Office shall inform the applicant in writing and explicit grounds for refusal within ten working days as from the date of finalizing its consideration.

Clause 10 In considering a permit to manufacture, import, sell, or offer for sale or install, as the case may be, if the receiver, apparatus or device is also a radiocommunication equipment, and in the case that the Commission deems it appropriate to grant the permission, the official responsible for license issuance under the law on radiocommunications shall issue a permit to produce, import, trade or possess a radiocommunication equipment, as the case

Unofficial Translation

may be, to the applicant at one time. The applicant has the duty to pay for a licensing fee under the law on radiocommunications.

Clause 11 In considering a permit to manufacture, import, sell, or offer for sale or install receiver, apparatus or device of which a brand name, model or batch was checked by the Office, or previously permitted by the Commission, an automatic licensing procedures shall apply. If relevant credentials and documents are complete and accurate, and if the objectives are the same with what had been permitted earlier, the granting procedures will be completed within fifteen days from the date of receiving the application.

Clause 12 The permits under this Notification are as follows:

- (1) Permit to manufacture has a term for each issuance for one year from the date of permission
- (2) Permit to import has a term for each issuance for 180 days from the date of permission
- (3) Permit to sell has a term for each issuance for one year from the date of permission
- (4) Permit to offer for sale or install, as the case may be, has a term for each issuance for one year from the date of having been granted a permit

Clause 13 Person granted a permit under this Notification has the duty to pay for a fee as set out below:

- | | |
|--------------------------------------------------------------|------------------|
| (1) Permit to manufacture or import: | 10 baht per unit |
| (2) Permit to sell : | 5,000 baht |
| (3) Permit to offer for sale or install, as the case may be: | 1,000 baht |
| (4) A substitute permit (per copy): | 100 baht |

CHAPTER 3

Supervision and Regulation

Clause 14 A person granted a permit to manufacture, import, sell or offer for sale or install receiver, apparatus or device, as the case may be, shall have the following duties:

Unofficial Translation

- (1) Keep records of the receiver, apparatus or device items at the location or storage as indicated in Clause 6 b(5) ready for inspection by the competent official in due time;
- (2) Submit copies of the records of the receiver, apparatus or device items for inspection by the competent official within 30 days following December 31 of each year. Except all products on each account have been sold out or installed, the provision of Clause 15 shall apply;
- (3) Facilitate the competent official who performs the inspection of the manufacturing, import, sale or offer for sale or installation of receiver, apparatus or device.

Clause 15 When each batch of receiver, apparatus or device had been completely sold out or installed, the permit holder shall submit the records or copies of the records of the receiver, apparatus or device for inspection by the competent official within sixty days as from the date of selling out or completing the installation.

Clause 16 If the permit holder who is a juristic person which has a branch office registered with the authority responsible for legal registration wishes to sell or offer for sale or install the receiver, apparatus or device through the existing or future branch office, the permit holder is allowed to carry out the undertaking without having to seek other permission from the Commission.

In this case, each branch office shall exhibit a copy of the juristic person's permit at a visible place for inspection by the competent official.

Clause 17 If the permit holder violates or fails to comply with the criteria or conditions set out under this Notification or notification, regulation, rules, ordinance or conditions relating to the permission to manufacture, import, sell, or offer for sale or install receiver, apparatus or device prescribed by the Commission, the Commission may issue an order the permit holder to refrain from violating act, to rectify, improve, or act in correct or appropriate manner within timeframe prescribed, or issue a warning in writing, or suspend or revoke the permit.

Unofficial Translation

Transitory Provisions

Clause 18 The persons who have been manufacturing, selling or offering for sale or installing the receiver, apparatus or device when this Notification comes into force, who wish to continue such business, shall file an application for a permit to manufacture, sell or offer for sale or install the device, as the case may be, in accordance with the criteria prescribed in this Notification within sixty days from the date this Notification takes effect. Upon submitting the application for a permit with the Commission, the persons shall have the right to continue the business until the Commission notifies them of the decision not to grant a permit.


Announced on the 2nd day of October B.E. 2555 (2012)

Colonel Natee Sukonrat

Chairman of the Broadcasting Commission

For Chairman of the National Broadcasting and Telecommunications Commission

Unofficial Translation

 <p>Office of the National Broadcasting and Telecommunications Commission</p>	<p>Application Form</p> <p>For A Permit to Manufacture, Import, Sell, or Offer for Sale or Install Receiver, Apparatus or Device Enabled for Receiving or Decoding Signals to Receive Programs of the Subscription Broadcasting Business</p>	<p>Form.....</p>
		<p>Official Use</p>
		<p>Document No.....</p> <p>Date</p>

Supply accurate and complete information in the form and tick ✓ in the ()

<p>1. Details and supporting documents of the applicant</p>	
<p>Shop/ Individual Name Shop's name.....</p> <p style="padding-left: 150px;">By the name of (Mr., Mrs., Miss).....Surname.....Nationality.....</p> <p style="padding-left: 150px;">Identity Card No.□ - □□□□ - □□□□□ - □□ - □ Date of Birth.....</p>	
<p>Juristic Person/Entity NameJuristic Person Registration No.. ...Registration date.....</p> <p>Address No. ...Village No.....Building.....Lane..... Road.....</p> <p>Sub-district.....District.....Province.....Postal Code.....</p> <p>Tel..... Fax:.....E-mail:</p>	
<p>For Application: Submit the following documents</p> <p>() Copy of identification card</p> <p>() Copy of commercial registration certificate (for a shop)</p> <p>() Copy of juristic person registration certificate and memorandum of association (not more than 3 months) and copy of identification card of the person in authority</p>	<p>For Authorization: Submit the following documents</p> <p>() Power of attorney</p> <p>() Copy of identification card of the authorizing person</p> <p>() Copy of identification card of authorized person</p> <p>() Copy of household registration of authorizing person</p> <p>() Copy of household registration of authorized person</p>

<p>2. Purpose of the application</p>	
<p>Under the Broadcasting Business Act B.E. 2551 (2008)</p> <p>() Manufacture</p> <p>() Import</p> <p>() Sell</p> <p>() Offer for sale</p> <p>() Install</p> <p>a receiver, apparatus or device to receive or decode signals for receiving programs of the subscription broadcasting business</p>	<p>Under the Radiocommunications Act B.E. 2498 (1955)</p> <p>() Manufacture</p> <p>() Import</p> <p>() Trade</p> <p>() Possess</p> <p>a radiocommunication equipment</p> <p>In the case that the receiver, apparatus or device is a radiocommunication equipment under the Radiocommunications Act B.E. 2498 (1955), application must also include the form Chor. Kor. 1</p>
<p>() Substitute permit (attach all documents listed in section 5)</p>	

Unofficial Translation

Purposes :

- For personal use only for viewing whereas the signals are not used for seeking commercial interests
- Subscription television business
- Non-subscription television business
- For a business which is not the television business (specify)
- State agency's mission (specify)
- Television broadcast in collaboration with state agencies (specify)
- Sample used for price bidding/demonstration
- For standard accreditation of receiver, apparatus or device
- Study, research and experiment
- Other (specify)

****Identify and attach relevant documents in accordance with the application for a permit to manufacture or import**

Status of receiver, apparatus or device

- Not been imported
- Been imported, but held at customs. Product value is approximatelybaht
- Been imported and passed the customs procedures. Now the receiver, apparatus or devices are kept at
- Manufactured in the Kingdom and kept at.....

****Identify and attach relevant documents in accordance with the application for a permit to manufacture or import**

3. Details and supporting documents

Documents

- Catalog of receiver, apparatus or device (in case of an application for manufacturing or importing)
- Technical Specification of receiver, apparatus or device (in case of an application for manufacturing or importing)
- Number of sample products...units (in the case where the official performs an inspection and testing)
- List of components used for the receiver, apparatus or device production (in case of manufacturing purpose)
- List of items and location or storage place for the receiver, apparatus or device (in the case of application for sale or offering for sale or installation)
- Confirmed Purchase Order Document or Proforma Invoice or Purchase Order or Invoice (in the case of an application for importing)
- Permit to commercialize a radiocommunication equipment No..... Date (for the receiver, apparatus or device which is a radiocommunication equipment for the purpose of manufacturing, importing, offering for sale)

Total number of documents pages

Unofficial Translation

4. Details of receiver, apparatus or device/radiocommunication equipment
Unit.....Brand.....Model.....
Type of signal reception (...) Terrestrial (...) Satellite (...) Cable (...) IPTV (...) Others.....
Conditional access.....
Produced by.....Country.....Amount.....Unit

For receiver, apparatus or device that passed the verification and certification of standards
Class.....NBTC ID.

5. Substitute Permit
Evidentiary documents
() Claim of loss lodged with a police station or the Office of the National Broadcasting and Telecommunications Commission (in the case of a permit that has been lost)
() Original permit (in the case of a permit that has been damaged)

I hereby certify that the above statement and attachments to this application are true.

.....
Signature (applicant/authorized person) Position Company Seal
Date/...../.....

Official Use

Note:

Application Examiner:

Signature
(.....)

Permit Holder

Date/...../.....

Warning remarks: Failing to provide factual information to the competent official shall be an offense relating to false statement under the Criminal Code, section 137 which is liable to not more than six-month imprisonment or a fine not more than 1,000 baht or both.

Unofficial Translation



The National Broadcasting and Telecommunications Commission

Grant a permit to.....receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business

Permit No. Date
Permit granted to
Business Registration No.
Address
Province Tel.

Of receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business

Manufactured by

For

Items are listed below

No.	Amount (Units)	Items
		Brand model/batch
		Frequency
		Details in the attachment copies
		Remarks

This permit shall be valid until

(Signature).....

Competent Official

Licensing Bureau 2

Tel. 0 2271 0151-60 Ext. 471; Fax: 0 278 5202-3

Unofficial Translation

Conditions for the Permit

To Manufacture, Import, Sell, or Offer for Sale or Install

Receiver, Apparatus or Device

Under Section 70 of the Broadcasting Business Act B.E. 2551 (2008)

1. The use of a receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business, either in whole or in part, for any other benefit other than that specified in this document is prohibited.
2. The permit is not transferable.
3. The permit holder must strictly comply with the Broadcasting Business Act B.E. 2551 (2008), conditions of the permit, regulations, rules, notifications, ordinances or requirements of the National Broadcasting and Telecommunications Commission or other related laws.
4. A receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business must be used for the lawful business permitted by the National Broadcasting and Telecommunications Commission or other relevant agencies.
5. Keep records of the receiver, apparatus or device items ready for inspection by the competent official in due time.
6. Submit copies of the records of the receiver, apparatus or device items for inspection by the competent official within 30 days following December 31 of each year. Except all products have completely been sold out or installed, the list or such copies of the records of the receiver, apparatus or device items must be submitted to the competent official for verification within 60 days after the products have completely been sold out or installed.
7. The permit holder or branch office shall exhibit a copy of permit for juristic person at a visible place for inspection by the competent official.
8. The Office of National Broadcasting and Telecommunications Commission shall revoke the permit if the permit holder violates the conditions attached to the permit.



The National Broadcasting and Telecommunications Commission

Grant a permit to.....receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business

Permit No.

Date

Permit granted to

Business Registration No.

Address

Province

Tel.

Of receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business

This permit shall be valid until

(Signature).....

Competent Official

Unofficial Translation

Conditions for the Permit

To Manufacture, Import, Sell, or Offer for Sale or Install

Receiver, Apparatus or Device

Under Section 70 of the Broadcasting Business Act B.E. 2551 (2008)

1. The use of a receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business, either in whole or in part, for any other benefit other than that specified in this document is prohibited.
2. The permit is not transferable.
3. The permit holder must strictly comply with the Broadcasting Business Act B.E. 2551 (2008), conditions of the permit, regulations, rules, notifications, ordinances or requirements of the National Broadcasting and Telecommunications Commission or other related laws.
4. A receiver, apparatus or device enabled for receiving or decoding signals to receive programs of the subscription broadcasting business must be used for the lawful business permitted by the National Broadcasting and Telecommunications Commission or other relevant agencies.
5. Keep records of the receiver, apparatus or device items ready for inspection by the competent official in due time.
6. Submit copies of the records of the receiver, apparatus or device items for inspection by the competent official within 30 days following December 31 of each year. Except all products have completely been sold out or installed, the list or such copies of the records of the receiver, apparatus or device items must be submitted to the competent official for verification within 60 days after the products have completely been sold out or installed.
7. The permit holder or branch office shall exhibit a copy of permit for juristic person at a visible place for inspection by the competent official.
8. The Office of National Broadcasting and Telecommunications Commission shall revoke the permit if the permit holder violates the conditions attached to the permit.

This English Translation is prepared with the sole purpose of facilitating the comprehension of foreign participants in the broadcasting rules and regulations and shall not in any event be construed or interpreted as having effect in substitution for or supplementary to the Thai version thereof.

Please note that the translation has not been subjected to an official review by the Office of the National Broadcasting and Telecommunications Commission (The Office of the NBTC). The Office of the NBTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.