

**BCCT Legal & Tax Committee**  
**Minutes of meeting**  
**on 12.00pm on 12 December 2017**

Held at the office of PKF Thailand Ltd, 28/F Sathorn Square Office Tower, 98 North Sathorn Rd., Bangkok

**Present:** Stephen Frost (SF), Chris Thatcher (CT), John Casella (JC), Rajen Ramiah (RR), Christophe Robert (CR), Andrew Hay (AH), Ghaf Khan (GK), Peter Shelford (PS1), Damian Norris (DN) Pichard Sukparangsee (PS4).

**Apologies:** Paul Brailsford (PB), James Lawden (JL), Fergus Evans (FE), Pardorn Suchiva (PS2), Kevin Harrington (KH), Michael Anastasia (MA), Panisa Suwanmatajarn (PS3), Damian Norris (DN), Tatiana Bespalova (TB), Chris Burkett (CB), Emi Rowse (ER). Alan Polivnick (AP),

SF took the chair and welcomed all those who attended the meeting today.

The minutes of the previous meeting were approved.

GK said that with regard to the new Computer Crimes Act, the penalties were not so much an issue, as the enforcement. In his experience, the punishments were relatively low. It might be possible to negotiate a settlement in the case of small companies.

RR said that that Thailand was now a signatory to the Madrid Convention on the registration of trademarks. The problem of a shortage of patent examiners in Thailand was under consideration. GK said it was taking one year or more to register a patent. SF said that the UK government had offered services to assist Thailand through British assistant patent examiners.

PS and JC referred to the ability to file visa and work permit applications online which was due to become available on 1 January 2018. This was only regarding cases in the Eastern Economic Corridor (the EEC). There followed a discussion on the new SMART visa concept due to come into force in 2018. Under this a four year visa could be granted without the need for separate work permit. This was discussed further. The final version of the requirements for a SMART visa had not yet been formulated.

DN turned to BEPS (Base Erosion Profit Shifting) and Thailand. The incentives available in Thailand were not compliant with the OECD (Organisation for Economic Co-operation and Development) rules. Thailand was not an OECD country but had agreed that OECD rules should apply on this subject. SF referred to the incentives available to the International Headquarters (IHQ) and the International Trading Centre (ITC). The rules could apply to patent licencing fees as well. The OECD was looking at the legislation in other countries. South Korea was under investigation. Tax treaty shopping may be declared illegal. A general discussion ensued.

PS4 and DN raised the subject of tax on digital commerce. How was internet commerce to be taxed? There were no acknowledged international standards. It was a complex issue. A general discussion took place on this. In Thailand the rules were still

under consideration. Regarding VAT, the basic rate was still 7%. But this is only being extended on a year-by-year basis. The new property tax to replace Land and House Tax was still under discussion.

PS1 said there might be a change to the maximum lease rule of 30 years.

PS1 said there was a change to the public company rules regarding calling extraordinary general meetings and from now, only 10% of shareholders were needed to call such a meeting.

PS1 said there were changes to the Bankruptcy Act, the effect would be to speed up the procedure for creditors to acquire assets.

Turning to events:

JC said that his firm would be willing to put on an event on employment law changes on the Eastern Seaboard.

AH said that his firm would be willing to put on an event on arbitration.

It was agreed that an event on intellectual property: something like Recent Developments and Practical Enforcement could be organised.

**Next meeting:** It was agreed to hold the next committee meeting at the office of Orion Law Office on 20 February 2018.

**Any Other Business:** There being no other business, the meeting was closed at 2.00pm.

Stephen Frost  
Chairman

Approved as correct minutes: \_\_\_\_\_