

# KUDUN & PARTNERS



Thought Leadership | Media and Entertainment

## Filming in Thailand: Key Considerations for the Foreign Entertainment Industry

Looking to film in Thailand?

The country's dynamic natural and urban landscapes, experienced local production houses, and well-equipped hospitality sector have always been major draws for the foreign entertainment industry. In the first four months of 2021 alone, Thailand earned an incredible [THB 1.2 billion in revenue](#) from international film production – despite the ongoing pandemic.

Indeed, some world-class international films have previously been made in Thailand, in whole or in part, such as The Beach with Leonardo DiCaprio, and The Deer Hunter with Robert De Niro. The scenic southern provinces of Krabi, Ko Pha-Ngan, and Phuket were used as locations to film Fast and Furious 9, whose [\\$726 million in ticket sales](#) made it the fifth-highest earning film of 2021.

However, while shooting in Thailand is enticing, successful film production also depends significantly on administrative and legal requirements. Before moving the entire production crew to Thailand, filmmakers must first ensure that they are legally eligible to shoot here in the first place. From work permit and licensing-related issues, to the intricacies of incentive applications, if any detail of the process of applying to film in Thailand goes wrong, the entire filming schedule could be delayed – costing potentially tens of thousands of dollars (and many headaches) for each day wasted.

On the other hand, if the administrative and legal hurdles are overcome, foreign filmmakers can not only capitalize on the natural scenery and talent that Thailand has to offer, but may also benefit from some attractive incentives as well.

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Here we offer a brief overview of the key considerations that surround film production in Thailand – in particular the application process that must be followed in order to film in Thailand -- and the types of monetary incentives that may fall into place as well.

### Legal steps prior to filming in Thailand

Regulations and guidelines for film production in Thailand are governed by several different but equally important government agencies, which include (but are not limited to) the Ministry of Digital Economy and Society, Film and Video Screening Office, Thai Immigration Bureau, and Thailand Film Office under the Department of Tourism (TFO). These agencies all play a critical role for foreign film shoots in Thailand. However, our focus here will be on the TFO – which governs the initial process of applying for a permit to film in Thailand – and what to take into consideration before and during your interactions with them.

Local coordinator – By law, foreign film companies must first hire a local coordinator who is officially registered with the TFO, and who will work in conjunction with them to facilitate the process of acquiring permits, licenses and other legal documentation. After acquiring the necessary information from the foreign film company, the local coordinator must submit the film permit application to the TFO on behalf of the foreign production company.

Application consideration – Upon receiving the completed filming permit application, the TFO will then forward the application to the Film, Video and Digital Media Committee (the Committee) for consideration. Foreign production companies should be aware that the time needed for such consideration varies depending on the type of media permit being applied for. Media such as TV commercials and music videos require a maximum of three working days to be considered, while other productions such as TV dramas, feature films, and mini-series could take up to ten working days.

The Committee's decision - Approval by the Committee is by no means guaranteed. Depending on the type of media permit being applied for, different types of supporting documents may be required for consideration, with final approval entirely within the Committee's discretion. For instance, a storyboard, synopsis, detailed story of the film and a final script are all required for permission to film TV dramas, feature films, mini-series, and reality shows. Once a decision is made, the Committee will notify the local

## About Us

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### Entertainment Sector

Efforts to attract higher levels of foreign investment in Thailand's entertainment and media industries are paying off, with revenues set to reach US\$14 billion by 2022. Production incentives implemented by the government's dedicated Film Office are resulting in record numbers of films being shot in Thailand, while internet and social media penetration is driving increased spending on digital advertising.

Kudun & Partners are ideal collaborators for investors looking to enter Thailand's entertainment industry. We are a modern, forward-thinking and commercially-minded legal practice that includes some of the foremost entertainment law experts in Thailand.

With a young, vibrant and dynamic team, Kudun and Partners is the right choice when it comes to the entertainment sector. Contact us today.

coordinator to liaise with the foreign production company and relevant government agencies for further proceedings and approvals – which then lead to entirely different procedures for interacting with each of these government agencies.

### **Deregulation and more incentives on the horizon**

Although the process of acquiring filming permission can be complex, the Thai government is making active efforts to provide greater incentives and to deregulate outdated and time-consuming administrative processes, as part of a broader effort to attract foreign film companies to Thailand and to maintain the country's competitiveness in the global entertainment industry.

The current incentive provided is a 15% cash rebate on every THB 50 million spent during film production. An additional 5% is provided should the production company utilize Thai staff and film in lesser-known Thai provinces. It is worth noting, however, that the entire cash rebate is capped at THB 75 million per production. Of course, receiving a film permit from the TFO is one of many criteria in place to determine eligibility for this incentive; others are spelled out in the official Thai Incentive Measures Guidelines, published by the TFO.

Newly proposed incentives could increase the rebate to 30%, to improve Thailand's competitiveness with other regional entertainment industry powerhouses such as Vietnam and Malaysia. Moreover, there is speculation that Thailand may introduce additional tax exemptions for foreign film studios, while removing outdated regulations, such as the one mandating a blood test for syphilis to obtain a work permit. Greater clarity on proposed alterations to policies and regulations is expected in early 2022, with an improved incentive system potentially confirming Thailand as a premier destination for the global film industry.

### **Lights, camera, action in Thailand**

While the TFO and local coordinators will assist foreign film production companies regarding all the necessary permits and licenses, the current complex regulations in Thailand may still prove to be a challenge for those who are new to the Thai entertainment industry or inexperienced at filming in Thailand – despite the recent talk about policy changes and deregulation on the horizon.

Smoothly navigating Thailand's entertainment industry landscape requires experience as well as sound judgment. By handling the relevant legal and administrative issues the right way, production studios have a rare opportunity to capitalize on all that Thailand has to offer as a creative hub.

This is where we come in. Kudun & Partners offers strategic assistance in leaping administrative hurdles, while also ensuring that film production operates uninterrupted by logistical and legal issues. Beyond the initial acquisition of film permits from the TFO, our many services in this field include providing additional support in the form of visas, work permits and management contracts for local and international celebrities.

Thailand's picturesque landscapes and vibrant culture will continue to draw audiences for years to come. Let **Kudun & Partners** be your strategic partner moving forward, easing and enhancing the process of creating truly captivating art in this charming, tropical land. [Contact us today](#) to get started.

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