

Translation

NOTIFICATION OF THE ELECTRONIC TRANSACTIONS DEVELOPMENT AGENCY  
NO. DPS. 1/2556  
RE: CRITERIA FOR CALCULATION OF  
RETROACTIVE AVERAGE MONTHLY ACTIVE USERS IN THE KINGDOM (AMAU)

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Whereas the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) requires the Electronic Transactions Development Agency to issue a Notification prescribing the criteria for calculation of retroactive average monthly active users in the Kingdom (AMAU) in order to ascertain the characteristics of digital platform services that are subject to prior notification before commencing business operations, the information related to users that a person wishing to operate a digital platform service business is required to notify the Agency before commencing the business operation, and the annual notification of information, as well as the notification of cessation of the digital platform service business;

By virtue of the provisions of section 8 (2) and section 12 paragraph one and paragraph two, and section 18 (1) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), the Director of the Electronic Transactions Development Agency hereby issues the Notification as follows.

**Clause 1.** This Notification is called the “Notification of the Electronic Transactions Development Agency No. DPS. 1/2556 Re: Criteria for Calculation of Retroactive Average Monthly Active Users in the Kingdom (AMAU)”.

**Clause 2.** This Notification shall come into force as from the 21<sup>st</sup> day of August B.E. 2566 (2023).

**Clause 3.** In this Notification:  
“operator” means a person who operates a digital platform service business that is subject to prior notification;

\*Published in the Government Gazette, Vol. 140, Part 197 d, Special Issue, page 35, dated 18<sup>th</sup> August B.E. 2565 (2022)

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“operator under section 8 paragraph four” means an operator who provides a digital platform service that does not possess the characteristic under section 8 paragraph one or is exempted under section 8 paragraph three of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022);

“business user” means a person who offers goods or services to consumers through a digital platform service;

“consumer” means a person who receives goods or services or is offered or is invited by an operator or a business user to receive goods or services, and shall include a person who duly uses the goods or receives the service, but does not include a business user;

“user” means a person who uses a digital platform service, and shall also include a business user and a consumer;

“Agency” means the Electronic Transactions Development Agency.

**Clause 4.** This Notification applies to operators and operators under section 8 paragraph four.

**Clause 5.** The operator and the operator under section 8 paragraph four shall calculate the average monthly active users in the Kingdom (AMAU) by finding the monthly active users in the Kingdom (MAU) and averaging it in accordance with the criteria prescribed in this Notification.

## CHAPTER I

### CRITERIA FOR FINDING THE MONTHLY ACTIVE USERS IN THE KINGDOM (MAU)

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**Clause 6.** The operator and the operator under section 8 paragraph four shall find the monthly active users in the Kingdom (MAU) by counting unique users who are active in the said month.

**Clause 7.** In the case where a user uses the digital platform service more than once a month or a user accesses the digital platform service through several channels, such as URLs, applications, or accesses several different domains, the said user may be counted as one user using a method that is able to distinguish such user as one user. Such method may consist of any of the following methods:

(1) In the case where the digital platform service has user accounts, such as signing in or logging in, the unique user who signs in to use the service shall be counted as one user.

(2) In the case where a digital platform service does not have user accounts, the unique user may be counted by using any other indicator that adequately elucidates the method to obtain the number of unique users, such as:

- (a) IP address;
- (b) Cookies identifier;
- (c) Radio frequency identification tags (RFID);
- (d) Device identification.

This provision does not preclude the use of any other methods or indicators for counting the number of unique users.

**Clause 8.** The number of active users each month shall be counted from activities that signify actual use of services by users, in accordance with the nature or type of the digital platform service. In this regard, reference may be made to the example activities in the manual in Appendix A annexed to this Notification.

**Clause 9.** For the purpose of counting the number of active users under clause 8, the following may be considered:

(1) A user who searches for the digital platform service of the operator through a search engine and does not have any activity that signifies actual use of the operator's digital platform service should not be included.

(2) A user of another digital platform service who is given a link to access such digital platform service through a digital platform service of the operator and does not have any activity that signifies actual use of the said digital platform service should not be included.

(3) The indirect use by a related service provider of such operator, such as a courier, a warehouse service provider, should not be included, except in the case where the said service provider is a main user of such digital platform service.

(4) If the operator has a technical method to identify inauthentic users, such as an interaction, a calculation, or an autonomous data scanning by non-humans or bots, the operator may choose not to include the number of such users in the counting of active users.

(5) In the case where the digital platform service provides services related to storing computer data for the benefit of others, the number of active users must not include users of the user who stores data with the operator;

(6) In the case where a digital platform service provides a search engine service, the number of active users must not include website owners whose website appears in the list of searches of such search engine service.

**Clause 10.** In counting unique users who are active according to this Notification, the operator is not granted the right to gather profiles or engage in tracking activities against the users beyond the provision of regular services for such digital platform service. It also does not serve as grounds or basis for the collection, use or disclosure of personal data of the users under the law on personal data protection law.

**Clause 11.** In the case where the operator or the operator under section 8 paragraph four provides a digital platform service to more than one type of users, the said operator shall count the number of monthly active users in the Kingdom (MAU) separately by type of user.

**Clause 12.** In the case where the operator or the operator under section 8 paragraph four provides more than one type of digital platform services, the said operator shall count the number of monthly active users in the Kingdom (MAU) separately by type of digital platform service.

In the case where the number of monthly active users in the Kingdom (MAU) cannot be counted separately by type of digital platform service, it shall be deemed that the total number of monthly active users in the Kingdom (MAU) of all types of digital platform services is the number of monthly active users in the Kingdom of each type of digital platform service.

**CHAPTER II**  
**CRITERIA FOR THE CALCULATION OF**  
**AVERAGE MONTHLY ACTIVE USERS IN THE KINGDOM (AMAU)**

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**Clause 13.** The number of average monthly active users in the Kingdom (AMAU) shall be calculated by dividing the number of monthly active users in the Kingdom (MAU) acquired in accordance with the criteria prescribed in Chapter II by the number of months in accordance with the criteria as follows:

(1) In making the annual notification of information on business operations for operators who have notified their business operation to the Agency and operators under section

8 paragraph four, the count of months shall begin from January or the month when prior notification is given to the Agency in that year and extend until December of the same year.

(2) In notifying the business dissolution for operators who have notified their business operation to the Agency and operators under section 8 paragraph four, the count of months shall begin from January or the month when prior notification is given to the Agency in that year and extend until the last month when the notification of business dissolution is given to the Agency.

(3) In notifying information under section 12 for those wishing to operate a digital platform service pursuant to section 43 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), the count of months shall begin from the first month of service provision in 2023 and extend until the month the prior notification is given to the Agency.

In the case where a month is not a complete month, the number of monthly active users in the Kingdom of the said month shall not be used for the calculation under this clause.

**Clause 14.** In calculating the average monthly active users in the Kingdom (AMAU), if the operator and the operator under section 8 paragraph four identifies that the number of monthly active users in the Kingdom (MAU) for that month is irregular and caused by an unforeseeable event, such as a cybersecurity incident or other incidents of similar nature, the said operator shall not be required to include the number of monthly active users in the Kingdom (MAU) of that particular month in the calculation of the average. The total number of months to be considered under this clause shall not exceed three months.

In the case where the business operator takes an action under paragraph one, the operator shall notify the Agency of number of users which is irregular and details of such unforeseeable event.

### CHAPTER III

#### NOTIFICATION OF AVERAGE MONTHLY ACTIVE USERS IN THE KINGDOM (AMAU) BEFORE COMMENCING BUSINESS OPERATION

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**Clause 15.** Once the average monthly active users in the Kingdom (AMAU) is calculated, if the digital platform service has more than five thousand users per month, the business operator shall notify the Agency of the operation of such digital platform service business

using the form prescribed in Notification of the Agency relating to forms for prior notification of the operation of digital platform service businesses, and explain the method for calculating the number of average monthly active users in the Kingdom (AMAU).

If the digital platform service has monthly users equal to or less than five thousand users per month, the operator under section 8 paragraph four providing such digital platform service shall notify the Agency of the brief detail prior to commencing the business operation using the form prescribed in Notification of the Agency relating to forms for prior notification of the operation of digital platform service businesses.

**Clause 16.** Once the average monthly active users in the Kingdom (AMAU) is calculated, if the digital platform service has users in the Kingdom more than ten percent of the population of the whole Kingdom as prescribed in section 18 (1) of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), the operator may notify the Agency of the total number of users in the Kingdom before the time period prescribed in section 15 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022). The notification shall be made in the form prescribed in the Notification of the Agency relating to forms for annual notification of information on the operation of digital platform service businesses and notification of change of information. The method for calculating the number of average monthly active users in the Kingdom (AMAU) shall also be explained.

Given on the 22<sup>nd</sup> Day of June B.E. 2566 (2023)

(signed) *Chaichana Mitrpant*

(Mr. Chaichana Mitrpant)

Director

Electronic Transactions Development Agency

APPENDIX A  
 TO THE NOTIFICATION OF THE ELECTRONIC TRANSACTIONS DEVELOPMENT AGENCY  
 NO. DPS. 1/2556  
 RE: CRITERIA FOR CALCULATION OF  
 RETROACTIVE AVERAGE MONTHLY ACTIVE USERS IN THE KINGDOM (AMAU)

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User Manual

Example of Activities Indicating Use of Services on Digital Platform Services

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
<b>Marketplace</b> <i>[Online intermediation services]</i>	Marketplace (Goods)	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a products or a shop</li> <li>• Have at least one product available for sale on the digital platform service</li> <li>• Scroll a list of products or shops</li> <li>• Press to chat or communicate with another user</li> <li>• Press to choose a products</li> <li>• Press to add a product to the cart</li> <li>• Press to buy a product</li> <li>• Complete a payment</li> </ul>
	Marketplace (Services)	
<b>Sharing Economy Platform</b>	Ride/ Car sharing	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a service or a type of vehicles</li> <li>• Have at least one vehicles available for rent on the digital platform services (in case of car sharing) or press to open the service (in case of ride sharing)</li> <li>• Press to choose a location for pickup and delivery</li> </ul>

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
		<ul style="list-style-type: none"> <li>• Scroll a list of vehicles</li> <li>• Press to chat or communicate with another user</li> <li>• Press to choose a service</li> <li>• Press to buy a service</li> <li>• Complete a payment</li> </ul>
	Knowledge sharing	<ul style="list-style-type: none"> <li>• <b>Log in to the system</b></li> <li>• <b>Press to search for an online educational and entertainment media</b></li> <li>• <b>Have at least one item of online educational and entertainment media available for sale on the digital platform service</b></li> <li>• Press to choose online educational and entertainment media</li> <li>• Scroll a list of online educational and entertainment media or a list of service providers</li> <li>• Press to chat or communicate with another user</li> <li>• Press to choose an online educational and entertainment media</li> <li>• Press to buy an online educational and entertainment media</li> <li>• Press to play an online educational and entertainment media</li> <li>• Complete a payment</li> </ul>
	Space sharing	<ul style="list-style-type: none"> <li>• <b>Log in to the system</b></li> <li>• <b>Press to search for a location to lease</b></li> </ul>



Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
		<ul style="list-style-type: none"> <li>• Have at least one location available for lease on the digital platform service</li> <li>• Press to choose a location to lease</li> <li>• Scroll a list of locations for lease or a list of location owners</li> <li>• Press to chat or communicate with another user</li> <li>• Press to choose a location for lease</li> <li>• Press to lease a location</li> <li>• Complete a payment</li> </ul>
	Labor sharing	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a service</li> <li>• Have at least one service available for sale on the digital platform service</li> <li>• Press to choose a service</li> <li>• Scroll a list of services or a list of service providers</li> <li>• Press to chat or communicate with another user</li> <li>• Press to buy a service</li> <li>• Complete a payment</li> </ul>
<b>Communication Platform</b> <i>[Number-independent interpersonal communication services]</i>	General	<ul style="list-style-type: none"> <li>• Press to start or participate in communication via the digital platform service</li> <li>• Press to add friends or create a chat</li> <li>• Press to send a message</li> </ul>
	C-commerce	
<b>Social media</b>	General	<ul style="list-style-type: none"> <li>• Log in to the system</li> </ul>

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
<i>[Online social networking services]</i>	S-commerce	<ul style="list-style-type: none"> <li>● <b>Press to view a post, a page or other contents</b></li> <li>● Scroll timeline</li> <li>● Press like or express other emotions</li> <li>● Press to comment</li> <li>● Press to upload a content</li> </ul>
<b>Ads Service</b> <i>[Online advertising services]</i>	-	<ul style="list-style-type: none"> <li>● See an advertisement</li> <li>● Post an advertisement</li> <li>● Use a service from an advertisement media service provider</li> <li>● Log in to the system</li> <li>● Press to view a post, a page or other contents</li> <li>● Scroll timeline</li> </ul>
<b>Streaming Platform</b> <i>[Video-sharing platform services]</i>	Audiovisual music sharing	<ul style="list-style-type: none"> <li>● <b>Log in to the system</b></li> <li>● <b>Press to view a post, a page or other contents (including press to play music or video)</b></li> <li>● Scroll timeline</li> <li>● Press like or express other emotions</li> <li>● Press to upload contents</li> <li>● Press to comment</li> <li>● Press to chat or communicate with another user</li> <li>● Press to choose a service item</li> <li>● Press to buy a service</li> <li>● Complete a payment</li> </ul>
<b>Searching Tools</b>	Online Search Engines	<ul style="list-style-type: none"> <li>● <b>Press to search</b></li> <li>● <b>Press to view information from the search result</b></li> </ul>

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
	Specialized Search Tools	<ul style="list-style-type: none"> <li>• Press to search</li> <li>• Press to view information from the search result</li> </ul>
News Aggregator	-	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to view a post, a page or other contents</li> <li>• Scroll timeline</li> <li>• Complete a payment</li> </ul>
Map	-	<ul style="list-style-type: none"> <li>• Press to search a location</li> <li>• Press to view location details</li> <li>• Press to navigate</li> </ul>
Payment System	-	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to make a payment</li> <li>• Press to transfer money</li> </ul>
System support	Web Browser	<ul style="list-style-type: none"> <li>• Insert message or web address in URL box</li> <li>• Press to direct to website</li> <li>• Use the website, e.g., scroll to view information, press to access menus in the website</li> </ul>
	Operating System	<ul style="list-style-type: none"> <li>• Start using, use or update a device installed with such operating system</li> <li>• Publish, update or present at least one software by using a programming language or a software developing device of such operating system or by the operation of such software on such operating system</li> </ul>
	Hosting Service	<ul style="list-style-type: none"> <li>• Upload a website onto the server of the service provider</li> </ul>

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
		<ul style="list-style-type: none"> <li>• Host a website through hosting service</li> </ul>
	Internet Service Provider	<ul style="list-style-type: none"> <li>• Connect to the system</li> <li>• Internet</li> <li>• Receive or send information via Internet system</li> </ul>
	Virtual Assistants	<ul style="list-style-type: none"> <li>• Start using service, ask a question or access service through an order or a device</li> <li>• Present a software for at least one virtual assistant or present at least one function enabling the existing software to be accessible through at least one such virtual assistant</li> </ul>
	Cloud services	<ul style="list-style-type: none"> <li>• Use from a user of cloud services charging a service fee, regardless of whether or not such service fee has already been incurred, and from a user that provides a service hosted on the cloud service</li> </ul>
Other	Investment Marketplace	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a financial product</li> <li>• Have at least one financial product available for sale on the digital platform service</li> </ul>
	Insurance Marketplace	<ul style="list-style-type: none"> <li>• Scroll a list of financial products or a list of financial product providers</li> <li>• Press to choose a financial product</li> <li>• Press to specify the number of units or sale and purchase value</li> <li>• Press to buy or sell a financial product</li> </ul>

Appendix A		
Types of digital platform services	Sub-types of digital platform services	Examples of activities indicating interactions on digital platform services
		<ul style="list-style-type: none"> <li>• Complete a payment</li> </ul>
	Peer to Peer Lending /Crowdfunding Platform	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a credit, a business or a project intended to invest in</li> <li>• Have at least one item of credit or capital available on the digital platform service</li> <li>• Press to apply for credit or capital</li> <li>• Scroll a list of credit, businesses or projects intended to invest in</li> <li>• Press to provide credit or capital</li> </ul>
	Health Platform	<ul style="list-style-type: none"> <li>• Log in to the system</li> <li>• Press to search for a service</li> <li>• Have at least one service available for sale on the digital platform service</li> <li>• Press to choose a service</li> <li>• Scroll a list of services or a list of service providers</li> <li>• Press to chat or communicate with another user</li> <li>• Press to choose a service</li> <li>• Press to buy a service</li> <li>• Complete a payment</li> </ul>
	Specialized Search Tools (Medical)	<ul style="list-style-type: none"> <li>• Press to search</li> <li>• Press to view information from the search result</li> </ul>