

Independent Study Paper Title	Legal Issues related to Online Advertisement Regulation
Author	Ms. Arpakhon Khamvan
Major	Master of Laws (Business Law Program)
Advisor	Asst. Prof. Dr. Poom Moolsilpa

ABSTRACT

Nowadays, improper content of online advertisements has become a crucial issue in Thailand because more and more advertisers initiate various methods to attract internet users by publicizing content that are inaccurate. Advertisements with improper content have been publicized and spread out widely, such improper content may include advertisement with misleading information, exaggerate advertisement, advertisements inappropriate for children, environment, political and etc. These advertisement was not applied by the Thailand laws in all parts. The current Computer-related Crime law may apply only to some circumstances such as forge advertising or false advertisements. The Consumer Protection law of Thailand, however, cannot be applied for online advertisement because the definition of advertisement media does not cover all circumstances of online media related violations. Moreover, the Communication Media Law which include the Print Recordation Law, the Broadcasting and Television Business Law, and the Movie and Video Law of Thailand cannot be applied to online media as well because these law specifically apply for newspaper, print matters, television and radio programmes, and movie or video games and karaoke only. Therefore, the online advertisement in Thailand was not the law to control all the improper content which unfair for the internet users in recently. There was the law which control only part of circumstance and it was the criminal enforcement. The existing laws are not suitable for controlling content of online advertisement and there is a need to screen or retain unfair content of online advertisement for internet users.

From this research, it became visible that the regulation of the United Kingdom related to the UK code of Non- Broadcasting Advertising, Sale Promotion and Direct

Marketing regulation to control online advertisements has been adopted. This Code is a self-regulation system between advertisers where advertisers are entitled to sign an agreement to control the content of online advertisement in same manners as to not deceive internet users. The Code provides a clear definition of advertisement media. It states clearly that the regulation shall cover all non-broadcasting advertising media including electronic media (banner and pop up), spam- email, and others. Moreover, the Code imposes prohibitions that are visibly divided into two parts. Part one is the General Rules which applies to controlling all products and services under any circumstances on online media. The most important issue was for advertisers and products owners to be aware about social responsibility. The second part is the Specific Rules which covers more specific products such as medicine, weight control, alcohol, financial, employment and others.

Therefore, Thailand should be legislate new law to control related online advertisement which using the authority of state statutory conduct. The new law shall apply for only online advertisement related commercial purpose. The product owners and the advertisers shall be obey the law to crate the online advertisement follow the statement of the law. The content shall divide in 3 part, first the general rule to control all products advertising in online media. Second, the specific rule to control the important products or services which include financial, employment, alcohol, insurance, medicine and others in online media. The last is the prohibit products to publicize in online media which match to the other law such as tobacco, gambling, and others. This new law shall change the control system related online advertisement to suitable and effectively for our country.