

Independent Study Title : Infringement of Copyright on Data Interchange
through Internet
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Degree : Master of Laws (Business Law)
Academic Year : 2006
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ABSTRACT

The overall objective of this research is to focus on the infringement of copyright on data interchange through the internet – as is applicable in Thailand. The study reveals that indirect support or assistance by online service providers, e.g. provision of directories of copyright works or data interchange programs for their users, cannot, as yet be considered as primary and secondary infringement under the Copyright Act B.E.2537. Therefore, Thailand should enact a specific law to govern and specify liability of online service providers, thereby standardizing practice of court proceedings.

The scope of "fair use", which is an existing exemption of copyright infringement, should be carefully scrutinized. The court should apply careful discretion to determine the scope of "private use" so as to protect the legal rights of copyright owners.

Additionally, the mechanisms for examination of witnesses together with the execution of international judgments (for internet copyright infringement) are currently inefficient. Copyright owners should therefore be made fully aware of these problems i.e. despite judgments being made in their favor; awarded compensation(s) may never be received.

This study provides an explanation of current Copyright Law in Thailand, analysis of the inherent problems, and comparison of collective/international systems – so as to lay guidelines in the solution of the identified Thai legal problems. Moreover, analysis of this paper will provide invaluable background and direction to any researcher intending to study the infringement of copyright on data interchange through internet.