

Independent Study Paper Title : Liabilities of Internet Service Provider for Online
Copyright Infringement under Copyright Act B.E. 2537
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ABSTRACT

The objective of this research focuses on the liability of Service Provider on Online Copyright Infringement that occurs from their online business operation stated in Thailand's Copyright Act B.E.2537 (1994), as well as other foreign laws such as the United States and the United Kingdom. Likewise, for studying the Safe Harbor and the Notice and Takedown policy in order to provide an exemption for the liabilities of Internet Service Provider arisen from Online Copyright Infringement, this research shall focus only the Internet Service Provider (Hosting Providers) established in Thailand.

It is found that, at present, the Copyright Act B.E.2537 does not specify the duties and liabilities of Online Copyright Infringement. Therefore, Internet Service Providers have certain duties and liabilities because the Copyright Act B.E.2537 does not provide the exemption on liabilities for the Internet Service providers arisen from Online Copyright Infringement. Hence, it is not appropriate for the Internet Service Providers to be liable for Online Copyright Infringement. It is essential to amend the Copyright Act B.E.2537 for providing the duties and exemption on liabilities for the Internet Service Providers arisen from Online Copyright Infringement.

This study provides the comprehensive understanding the copyright laws of foreign countries relating to the liability of Internet Service Provider for online Copyright Infringement, understanding the Notice and Takedown policy in foreign countries and understanding the liability of the Internet Service Provider for Online Copyright Infringement arisen from the business Operation under the Copyright Act B.E.2537.

This study is end up with the proposed recommendations on the amendment of Thai Copyright Act B.E. 2537 and applying the Notice and Takedown practice to use in Thailand as best practice in order to provide an exemption for the liabilities of Internet Service Provider arisen from Online Copyright Infringement in Thailand.