

Thesis Title : Accessibility of Anonymous Works (Orphan Works)

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ABSTRACT

At present time, by generally, accessibility of copyright works without copyright infringement may be permitted by the owner or collective societies, but not for orphan works because of difficulty to do or can not do and there are not any provision to protect accessibility of orphan works in The Copyright Act B.E.2537. Anyone who use the orphan works may take a risk to be infringement.

The study reveals that if someone take orphan works in commercial usage without exception by law and such works being in age protection like a literature without author etc. Are they able to perform that works to the public?

Because performance to the public without any permission from the copyright's owner may be infringement. In another way, if someone want to use orphan works in the right way, from whom can they ask for any permission? Are there any person or organization manage the owner's beneficiary? We could say that the provisions of law are the obstacle to use the orphan works and hardly to access of orphan works. Those provisions may conflict with Intellectual Property Law's will which perform orphan works to the public and to protect the right of the owner as well.

The amendment of The Copyright Act B.E.2537 in title of accessibility of orphan works is the direct way to access such works with easier and convenience. To settle collective societies being juristic

person for serving someone who want to find the owner could have an agreement with the societies. If the users are not satisfied with using fee setting by the societies, they should have the right to ask the Copyright Committee for setting the using fee with reasonable and fairness.

