

Thesis Title : Promblem Relating to the Access to the Copyright Works in
Electronic Media for the Blind

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ABSTRACT

This thesis is aimed to investigate the conceptual framework governing the extension of protection the blind under the Copyright Act B.E.2537 (A.D.1994). The thesis also analyzing the impact of application of Technological Protection Measure (TPMs) upon information access and control. The provisions relating to TPMs in three outstanding copyright laws from three countries are used to compare to Thai copyright law in order to work out how TPMs can balance the interest between right holders and public at large including disable people. In particular, copyright works access for the blind should be in common concerns. Finally, this thesis specifically studies on the effective ways to grant the protection for the blind under the scheme of basic freedom and human rights. Moreover, non-discrimination and equality should be treated in the same way as others in this information society.

The blind should have right to access copyright works for research or study and private use in order to be able to benefit themselves as well as to improve their abilities. They accordingly can pursue a career and have the ability to rely on themselves or at least to be a minimum burden to other people. In order to support the blind to access copyright works, provisions relating to TPMs and anti- circumvention must be clearly imposed without causing any

difficulties for information access. It is believed that TPMs could be an obstructed for the blind to access copyright works due to its sophisticated technology and restrictive access function.

Therefore, exceptions to and limitations on copyright relating to TPMs should be clearly imposes in copyright registration. More importantly, TPMs under the scope of statutory license or compulsory license should be inevitably considered. Author is accordingly of view that compulsory license should be applied within the determination of reasonable portion. This paper recommends that the compulsory license in copyright law should be able to assign to the future protection of the disable as the blind. It should be a reasonable portion to use copyright works to the limit of time and amount to copy, or modify or display and publicize them to the public. It should also allow the copyright owner compensation, if there has too many copies, modify or publicize on products. However, the copyright owner has to accept with the third party who works on copyright works for the blind also the copyright owner still can make the deal of using limit set compensation. In addition, The Copyright Act. B.E. 2537 (1994) should have clearly on limit of use and cover on exception of Copyright Law and anti-circumvention of TPMs then to balance the benefit to blind and copyright owners.