

Thesis Title	:	Criminal Measures Regarding Piracy	
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ABSTRACT

The main objective of this thesis is to study on the defensive measures of copyright infringement in Thailand, by imposing criminal penalties on violating copyright products. This is based on the principle of Berne Convention, an international treaty governing copyright; and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) with Thailand belongs to the party. The treaty determined member countries to establish penalty on offenders with both civil and criminal offenses, as well as installing appropriate measure of copyright protection of their own state by referring on the determination measures of US, France and China.

From the research, even though both Berne Convention and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) have only imposed minimal measures for party countries to enforce both civil and criminal penalties on offenders for defensive measures on copyright violation. Each country in such party can also establish more appropriate measure of copyright protection beyond this minimal measure. Nevertheless, it is unable to deter the violation of copyright with both civil and criminal penalties in Thailand at present. If consider on elevating penalties on violating copyright products buyers, this consequently may result in placing more burdens to buyers in proofing the true intention in acting on such activity. This will extend to affect the liberty and rights of the people more than to gain advantage from such defensive measure elevation.

Therefore, the author suggests on determining defensive measures on copyright infringement by increasing law enforcement for officer effectively. The state should also establish penalty to advertisers or ones who broadcast in selling and vending, along with the supporter of such activity as stated in Copyright Act B.E. 2537 (1994), which will raise defensive measures of copyright infringement in Thailand to the next level.

