

Thesis Title : Copy Right Protection on Pronography Film

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ABSTRACT

Nowadays, Pornography is eligible for copyright protection in United States and Japan. These countries are members of Bern Convention for the Protection of Literary and Artistic Works (Bern Convention) and Trade – Related Aspects of Intellectual Property Rights (Trips). Pornography also has been reproduced and distributed in Thailand. Conversely, pornography is not eligible for legal protection under Thai copyright law. Even though Thailand has adopted obligation under Bern Convention and Trips, but the pornography are unacceptable candidates for copyright protection. Therefore there is problem that whether international pornography which is eligible for copyright protection in the contracting parties of Bern Convention and Trips will be eligible for copyright protection in Thailand.

From the study, this paper explores that the obligations under Bern Convention and Trips are under the principle of National Treatment which provides that the protection of intellectual property granted by a member to the nationals of any other country shall be accorded immediately and unconditionally to the nationals of all other members. Therefore Thailand can deny copyright to pornography although it is eligible for copyright protection in the country of origin.

Concerning about the above issue, Thai Copyright Act B.E. 2537 still doesn't mention about national treatment principle. I would like to propose that Thailand must enact the national treatment provision for protecting the international copyrighted work.