

Thesis Title	:	Protection of Host's Gesture According to Copyright Act 1994	
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ABSTRACT

The aim of this research is to examine whether gestures made by television hosts are protected under Copyright Act B.E. 2537 as dramatic works, and whether the definition of the word “performer” under such act includes the hosts making such gestures. Also, in this research, a possibility that these distinctive host gestures may be protected under Trademark Act B.E. 2534 (1991) as service marks is considered.

By comparison with International Convention, relevant international laws, and Thai laws, Copyright Act B.E. 2537 uses criteria for protecting copyright works in the category of dramatic works that are consistent with international standards, i.e. the quantity of the works must not be small. From this research, it is found that copyright protection cannot be extended to gestures made by television hosts. Therefore, the hosts cannot be included in the definition of the word “performer” since a performer must become a medium of copyright works.

However, as gestures made by television hosts are distinctive and can distinguish the programs/sources, characterized as a type of services, from others, the gestures can be interpreted as service marks and should therefore be protected under Trademark Act B.E. 2534 (1991) through registration of gestures. This can be accomplished by taking action shots of each gesture or by adopting the same method for registering shape and configuration of an object. By applying the existing law to the protection of such gestures, the problem with the protection of host gestures can be overcome.