

Independent Study Paper Title : The Copyright Protection on Web Search Engine
Author : Ms. Vanaree Jarusumpunchit
Major : Master of Laws (Business Law)
Advisor : Dr. Wariya Lamlert

ABSTRACT

The objective of this research is to focus on the problem of copyright protection on web search engine in Thailand, in order to discover the proper methodology to protect search engine websites from being accused of copyright infringement. The method that was used to the research is the comparison between the protection of web search engine in Thai Copyright law and foreign laws namely the United States and the United Kingdom.

It is found that while the numbers of web search engine users are continuously increasing, web search engines often face the problems that some of the information provided by a search engine may be infringing upon copyrighted works. At this moment, there are no provisions, as yet, in Thai Copyright Act B.E. 2537 to protect the search engine websites from being sued especially, the case study of Google which is the outstanding web search engine where knowledge accumulation is provided worldwide.

This study provides the comprehensive understanding of the important roles of web search engine in providing useful information and it concerns on copyright infringement. There are four key points examined in this study. Firstly, the problem found in web search engine which is accuse of copyright infringer due to being an intermediary between the right holder and the right user in access information. Secondly, the comparative analysis of copyright regimes in Thailand and foreign countries that govern the rights and duties of web search engine. Thirdly, the comparison between roles of web search engine and librarian in the library, that is rather good analogy. Lastly, the application of fair use and fair dealing doctrines related to web search engines.

This study is end up with the proposed recommendations on the amendment of Thai Copyright Act B.E. 2537 to protect the fair use of web search engines in Thailand. Additionally, the manual guide for librarians should be provided, and the importance should be stressed to the supportive encouragement of regulations to standardize the search engines in each search engine website.

