

THESIS TITLE	PROBLEMS ON COPYRIGHT LICENSING OF MUSICAL WORKS : A CASE STUDY ON DUPLICATE COLLECTION OF ROYALTIES FROM COPYRIGHT USER
KEYWORD	PROBLEM / LICENSE / COPYRIGHT / MUSICAL WORK / DUPLICATE COLLECTION OF ROYALTIES
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FACULTY	GRADUATE SCHOOL SRIPATUM UNIVERSITY
YEAR	2007

ABSTRACT

The study regarding “Problems on Copyright Licensing of Musical Works: A Case Study on Duplicate Collection of Royalties from Copyright User” aims to analyze the problems on copyright licensing of musical works and duplicate collection of royalties from copyright users in musical and voice record works in order to find out the causes of problems and to analyze an appropriateness of legal measures for copyright licensing and collection of royalties. It also aims to propose the appropriate legal measures to be guideline in redressing any problems related thereto in the future.

In this thesis, the Copyright Act, B.E. 2537 (1994), the legal principle of intention under the Penal Code, and the legal principle on the civil consent which is the general principle are studied in order to analyze and compare with the problems on duplicate collection of royalties and the legal enforcement by the copyright owner, in which the copyright user has presently been affected. From the study, it is found that the causes of problems on duplicate collection of royalties are derived from the copyright licensing of musical works which lack the certainty, leading to inability to know who the true copyright licensee is. They are also derived from the inappropriate system of royalties in musical works, causing the decentralization of the copyright owners. Moreover, the causes of problem stem from the law which provides the protection for the copyright owner, but not for the copyright user. Presently, the causes of duplicate collection of royalties of the copyright owner affect severely the copyright user because the copyright user has to pay the royalties for the same work to two persons viz. the musical

work owner and the voice record owner. In this regard, if the copyright user cannot complete the request for license, the copyright owner is entitled to take both civil and criminal legal actions against the copyright user subject to the Copyright Act, B.E. 2537 (1994) even though the copyright user has no intention in the infringement of copyright.

This study is useful for and leads to the possible ways in redressing the problem on the duplicate collection of royalties from the copyright user by providing the legal measures relating to the collection system of royalties and the protection provision for the copyright user. Therefore, it should be the guideline in considering and finding out the ways to amend the law in which the copyright user should not be affected anymore.
