

THEMATIC TITLE	PROBLEMS ON THE PROTECTION FOR THE DERIVATIVE WORKS UNDER THAILAND'S COPYRIGHT LAW: A COMPARATIVE STUDY OF INTERNATIONAL, FOREIGN AND DOMESTIC LAW
KEYWORDS	DERIVATIVE WORK / PREEXISTING WORK / ORIGINAL WORK / ORIGINALITY / PREEXISTING MATERIAL OF WORK
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ABSTRACT

This present study aims to examine concepts, theoretical formulations, definition, and interpretation of derivative works under Originality principle. The study would also compare and contrast the acquisition and protection of derivative works under international, foreign, and Thai, copyright laws, in order to propose solutions for the issues of ambiguity and limitation of protection on derivative works prepared from copyrighted original works infringement.

This comparative study of copyright laws found that the protection of derivative works under the currently enforced Thai Copyright Act B.E. 2537 has a number of significant problems. Firstly, the definition of “derivative works” is rather ambiguous and narrowly defined. Secondly, the analysis of the application of the Originality principle for derivative works in Thai court is still unclear and unstandardized.

The researcher suggests an amendment to the Copyright Act B.E. 2537 to clearly provide the definition and annotation of “Derivative work” in the legal term section. Additionally, Section 11 of the Copyright Act B.E. 2537 should be amended in a fashion that is agreeable with existing international copyright Law, in order to ensure its effective enforcement and applicability to the present time.