

THEMATIC TITLE	LEGAL PROBLEMS RELATING TO MORAL RIGHT PROTECTION: A CASE STUDY ON MUSIC COMPOSERS AND MUSIC ARRANGERS
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ABSTRACT

Music never die, but music is more and more diversified and also varied depending on the taste of people in each society. Hence, music production needs a lot of efforts because it comprises of the creative process of composing, arranging, recording, editing, mixing, and mastering audio to create a final piece of music. Nevertheless, the most important process derives from the creative work of music composers and music arrangers. Since a music work is the result of the great perseverance and expertise of the music composers and the music arrangers, therefore both of them shall have not only recognition and protection of copyright, but also they shall have moral right's recognition and protection as well. In this regard, the moral right is a natural right or legitimate right on the reputation and honor of music creator. For these reasons, most of countries around the world has enacted their internal laws to protect copyright and also moral right for these purposes. In the legal sense, the moral right is a specific right quite apart from the copyrights, or in other word, copyright is an economic rights aiming to protect the remuneration of the creator, while moral right is not for such purpose. That's why it rather protects the reputation or the honor of the creator instead of financial benefits as in the case of copy right's protection.

At present, Thailand has only one provision for protecting moral rights in Section 18 of the Copyright Act B.E. 2537. It is obvious that this article reflects only the basic principles of moral rights. This mean that the music creator shall have 4 types of rights, for instance, paternity

right (the right to be acknowledged as the author of his or her creative work of music), integrity right (the right to prevent derogatory of treatment of his/her work), Fault attribution right (the right not to be named as the author of a work that he/she did not create, and disclosure right (the right to withhold publication of an image or broadcast) in the sense that it prohibits the transferee of copyright or other person distorting, shortening, modifying or doing anything else to that work for damage to reputation or the honor of the creator.

After having examined foreign copyright laws compared with Thailand's copyright laws, the author has opinion that Thailand's copyright law is still not sufficiently comprehensive and it should be amended in accordance with the standard level of moral rights protection under the same level of protection in developed countries and complied with the international obligations that Thailand is accepted to be bound as State party to the conventions or various international agreements that provide protection for moral rights.