

Problems with Copyright Protection in Thailand

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Abstract— At present, the number of Internet users has increased continuously. In addition to enforcing the Copyright Act No. 2 and No. 3 BE 2558, and in order not to violate the provisions of this law. Internet users and service providers should be more cautious when using images or information, such as when social media users use images or information. To share or post Must have a source reference. And the name of the copyright owner clearly. As such, it is considered not guilty. When images or information are imported. Of others The source and permission of the owner of the copyright must be referenced before it otherwise may commit the offense. Due to unauthorized commercial use.

The research found that

Today, Thailand has made progress in technology to produce a variety of products to make the work of the public quality and modernity that comes from using perseverance. But production quality comes out. Some people use technology to misuse. It affects the benefit of the copyright owner. Or public Although Thailand has copyright law to protect copyrighted works, it still can not apply to modern technology. There are several types of copyrighted works in digital. Make it easy to repeat the task. Whether it is a temporary reproduction. Or permanent repetition But the law is not comprehensive enough.

With the advancement of this modern technology. It can be seen from the use of modern equipment or tools to reproduce. Production has come out to control production from production to production licensing, but there are still piracy or replication by file sharing. Computers that use Internet media as a link to file sharing. So, there are more advances in technology that lead to piracy. The equipment or tools can be used to smuggle. I can produce a copy of the copyright infringement, but only a single copy. The result was a huge income.

And even Thailand has a copyright law in 1994 that is the law that protects and fixes copyright infringement. Whether it is reproduced, adapted or made available to the public. But the law is not effective enough to protect copyrighted work. As well as the service providers are not able to prevent copyright infringement, so it is necessary to continue research and research.

Keywords— copyright, Piracy

I. INTRODUCTION

Foreign media Percy proposed political and economic risks, which were perceived by political and economic risks. The results of the survey of Asian business people on intellectual property protection have been published. And Thailand has the highest intellectual property infringement. Asian countries Thailand has laws to protect intellectual property. Piracy in Thailand, still in the top of the world, will inevitably have a direct impact on the image of Thailand.

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Thailand has enacted provisions on the protection of intellectual property. To prevent intellectual property infringement. In particular, the copyright law is the Copyright Act, BE 2537, as amended and amended, No. 2 and No. 3, 2015, for example.

1. Protection of rights management information to promote the dissemination of copyrighted works and the protection of rights. In the information that the copyright owner uses to manage their rights, others do not remove or change such information, such as deletion of information about the copyright owner. The name of the creator of the actor. If any person delete or change the information. Is considered a violation of rights management information.
2. Protects the technological measures that the copyright owner uses to protect their copyrighted work. To prevent duplication or access to copyrighted work, such as the password that the copyright holder uses. To control access to their copyrighted work on the Internet. If anyone breaks the technology. The copyright owner does not consent. There is a violation of technology measures.
3. Set Exception for Temporary Reproduction (Exception for Temporary Reproduction) to make it clear that the temporary reproduction by necessity of the computer for browsing purposes. All rights reserved. Because watching movies or listening to music from a computer. The computer needs to be reprogrammed in memory or RAM in such a way that it is technically necessary. Every time you use a copyrighted work from a computer. Users must always repeat the task. Reproduction of this nature is a temporary reproduction, which is not a violation of copyright.
4. Additional Liability Limitation of ISPs for Internet service providers, such as Youtube site owners, is not at risk of being infringed. The copyright owner can request that the court order Internet providers to remove pirated files from the website. The copyright owner must provide evidence. In court And when the court has ordered to remove the violation file from the site. And the site owner followed the court order. Website owners are not liable for Actions that claim to infringe copyright
5. Add Exceptions to Copyright Infringement on Original Distribution or Copy of Copyrighted Work The principle of exemption of intellectual property rights (Exhaustion of Rights) is clear. The sale of copyrighted works can be done without infringing the copyright, such as the sale of paintings, music CDs, CDs, movies. However, if selling a CD, the film must comply with the law. Movies and

videos, otherwise, do not violate the copyright law. However, there may be an offense under the laws of film and video.

6. The court has the power to order the confiscation or destruction of what has been used in the offense. And what has been done. Or import into the Kingdom of copyright infringement or the rights of performers.
7. Reproduction by recording audio or video, or both audio and video from copyrighted films under this Act. In cinemas under the law of film and video. Not that all Or some Without permission under Section 15 (5), during a screening in a cinema, it is considered a copyright infringement. Section 32, paragraph two (2) shall not apply.
8. Increase Penalty Any person who violates copyright under Section 28/1 shall be liable to imprisonment. From six months to four years. Or fine from one hundred thousand to eight hundred thousand. Or both.

Piracy is one of Thailand's major problems. It can be found that there is a general copyright infringement, such as music CDs, VCDs and DVDs. Both Thai and foreign movies and games software can be seen and purchased pirated products easily.

The problems that are brought about by copyright protection in Thailand are as follows.

1. Unclear Issues of Copyright Infringement The copyright law does not contain provisions on the nature of copyright infringement by technology, so it is ultimately a problem.
2. Problems in the enforcement of copyright law in Thailand. Although copyright law has been established, it is not effective.
3. The problem of using the authority of the competent official in the operation has exercised sufficient power or legitimate.
4. The problem of imposing both civil and criminal penalties can not make the violator violate the law.

Therefore, the study found that it is necessary to bring the above problem to study in order to solve the problem of copyright infringement in Thailand.

Educational Objectives

1. **To study the problem of copyright protection in Thailand.**
2. **To study the concept of copyright protection in Thailand and abroad.**
3. **To study copyright law in Thailand and abroad.**
4. **To analyze issues related to copyright protection in Thailand.**
5. **To study the solution to the problem of copyright protection in Thailand.**

II. HYPOTHESIS

Law enforcement on copyright protection under Thai copyright law is still ineffective. Due to unclear issues of action, it is considered a violation of copyright. Problems of

the authority of the competent officials. The criminal and civil penalties, which are not appropriate for the punishment of the infringer, make the perpetrator guilty of repeat offenses, because the reward is immense.

A. Scope of Study

The scope of this study is to study the protection of copyright under the Copyright Act 1994 and the Law on copyright protection of foreign countries.

B. How to Proceed

Study this thesis. Use the document research methodology. By researching relevant laws, legal texts, academic papers. Relevant publications from the library of various institutions and the Internet (Internet) for analysis to reach the conclusion. And the solution to the problem.

III. SUMMARY

Today, Thailand has made progress in technology to produce a variety of products to make the work of the public quality and modernity that comes from using perseverance. But production quality comes out. Some people use technology to misuse. It affects the benefit of the copyright owner. Or public

Although Thailand has copyright law to protect copyrighted works, it still can not apply to modern technology. There are several types of copyrighted works in digital. Make it easy to repeat the task. Whether it is a temporary reproduction. Or permanent repetition But the law is not comprehensive enough. With the advancement of this modern technology. It can be seen from the use of modern equipment or tools to reproduce. The production of the work is legal. In order to control the production from the production stage to the production license, there are still piracy or duplication by sharing files on the computer using the internet as a link to file sharing.

Although Thailand has a copyright law in 1994, the law is used to protect and fix the problem of copyright infringement. Whether it is reproduced, adapted or made available to the public. But the law is not effective enough to protect copyrighted work. Can be separated as follows.

1. The ambiguity of the meaning of the act of infringement.

The lack of clarity of the acts of copyright infringement, such as duplication, even Thailand will have to amend and add provisions to reproduce. However, the lack of clarity in reproduction under Section 4 of the Copyright Act, BE 2537 (1994), does not cover the use of modern technology for reproduction in the future. From the ambiguity of the act of copyright infringement, there is a problem in enforcing the law. Since the copyright law under the Copyright Act 1994 does not cover the reproduction of modern technology. This causes the problem. Even with the legislation on technology measures and even the rights management information, there are still piracy from online service providers.

2. Issues related to the use of competent officials.

Granting authority to the competent authority under the Copyright Act, BE 2537 (1994), does not give power to suppress piracy. And give the power to the very competent. Has only the power to promote or support the protection. Or protect the rights under the Act only.

The competent official under the Copyright Act BE 2537, which is designated as a competent official under the Criminal Code. In the case where there is a suspicion of an offense under the Copyright Act, BE 2537 (1994), it shall have the power to enter into the building, place of production or storage of any person, seized or attached or ordered by any person.

Although Thailand has provisions to determine the authority of the competent. Both appear in copyright law and other relevant laws. By doing so, it is the level of the organization or the government. The government must set clear policies on the suppression of piracy. And law enforcement agencies must be considered. Develop people who are capable of enforcing the law effectively and can be honest in their work.

3. Problems in Law Enforcement

Enforcement of copyright law And other laws relating to the suppression of copyright infringement. Even though the authority has been assigned to the competent authority in carrying out various activities, whether operating under the ministerial regulations. Or the relevant ministry's announcement can be made. Especially the officials under the Penal Code.

But due to the authority to the competent. It is not easy to make law enforcement possible. Because of the offense. And there are many pirated work. There is a general release. It is beyond the power of the competent official to work. And the process of operation, whether it is to investigate, arrest, search, etc. must rely on an arrest warrant. Complaints filed by the copyright owner. It has a complicated and complicated procedure. It is an obstacle to the performance of the competent officials.

However, due to the laws, regulations, and practices, it is still a problem to suppress piracy. The lack of decisive measures. And there are some copyright laws that should be improved. And law enforcement by government agencies that are still deficient in the practice, such as the interpretation of the law. And the work of the relevant agencies should be responsible for their work. Or between agencies and agencies. This makes the operation ineffective and unsuccessful.

4. Problems with penalty setting.

The penalty is imposed on the infringer. Liability for both civil and criminal. Direct and indirect

Determining the criminal penalty rate for copyright infringement. Mostly for commercial purposes. They are liable to imprisonment and fines. The provision of liability for copyright infringement under section 27-31, where such provisions, despite the imposition of penalties, are not severe enough to cause fearful infringement. I do not want to go back to the wrong again.

Most of the violators of copyright infringement upon release. I will return to the wrong again. But this repeated offense. The copyright law also provides for the provision of penalties for repeat offenders in Section 73. Although Section 73 provides for penalties for offenders repeatedly. The penalty is two times the penalty imposed for the offense. Penalties for misrepresentation, modification, publicity. Rent a copy or copy. This is a civil liability for the infringer to indemnify the copyright owner. The liability is at the discretion of the court, so it is unclear whether the appropriate compensation is adequate or not. Or the loss of the copyright owner's benefit. But with the offense under this Act. It is a mistake to make the gap of law that makes the copyright infringement of the lawless.

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