



Copyright Law in Thailand

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Abstract

Since the Copyright Act B.E. 2521, replacing the Protection of Literary and Artistic Works Act B.E. 2474, became the out-of-date legislation and was unable to solve any problems arising from the copyright protection, for instance, the distinction of computer programme work and the exclusive right in relation to letting of audio-visual work, the new copyright law, which is the Copyright Act B.E. 2537, has been enacted in order to make it more justifiable as a copyright law for the perfect protection of copyright. This new copyright law will be useful to enhance the creativity of Thai people in the future.

The substantial amendment of some provisions in the Copyright Act B.E. 2537 is to stipulate the protection of computer programme under the meaning of literary work and the use of copyright work deriving from special circumstances, to clarify the natures and principles of the protection for each copyright work, and to modify both economic and moral rights of the owner and the author, legal measures and penalties in regard to the infringement of copyright as well as principles of international copyright.

Key words: Copyright, Copyright work, Protection of copyright, Exception from copyright.

Brief History of Thai Copyright Laws

Prior to the oncoming of the modern copyright law in Thailand, there was an announcement of Vachirayarn Library (the National Library at present) in 1894 (B.E. 2437) prohibiting any person to publish any part of or any articles published in Vachirayarnvises Books without prior permission of “Kamasamphathikasapa”. (Numnont 1962 : 17) The said announcement protected only rights regarding any articles published in Vachirayarnvises Book, but it did not extend its protection to any other books. In 1901 (B.E. 2444), during the reign of King Rama V, the Copyright Act B.E. 2445 (A.D. 1902) was promulgated. In the reign of King Rama VI, the Copyright Act B.E.



2457 (A.D. 1914) was enacted to amend all defects of the previous law. However, both Acts intentionally protected only the copyright of literary works.

In the reign of King Rama VII, the Act for the Protection of Literary and Artistic Works B.E. 2474 (A.D. 1931), which repealed the former two Acts, was promulgated on 16 June 1931 (B.E. 2474). This Act was the first modern copyright law, because it contained the universal principles of copyright law, especially protection to artistic, scientific and foreign works. After having been into force for more than forty years, the provisions of the Act for the Protection of Literary and Artistic Works B.E. 2474 were out of date, for instance, no provision about copyright protection on audio-visual works, sound records and sound and video broadcasting works, and minor penalty for copyright infringement. Therefore, the Act for the Protection of Literary and Artistic Works B.E. 2474 was repealed by the Copyright Act B.E. 2521 (A.D. 1978), which became effective on 19 December 1978 (B.E. 2521), in order to mitigate any defects of each former Act.

Owing to the rapid progress of science and technology flowing to Thailand by the current of globalization, the Copyright Act B.E. 2521 replacing the Protection of Literary and Artistic Works Act B.E. 2474 not more than fifteen years, became an out of date legislation and was unable to solve any problem arising from the copyright protection for any new form of literary and artistic works, such as computer programme, sound and visual recording from performance and leasing of audio-visual work. The government then introduced a newly revised copyright bill to the parliament. After debating about this bill, the parliament passed this bill as “the Copyright Act B.E. 2537” (A.D. 1994) and this Act has come into force on 21 March 1995 (B.E. 2538).

Nature of Copyright

Section 4 of the Copyright Act B.E. 2537 has defined the word “copyright” as follows “Copyright means the exclusive right to do any act under this Act in relation to the work made by the author”.

The purposes of the Copyright Act are to protect the benefit of a person who use his skill, effort and labour to create a work, which may be useful for all mankind. (Phillips and Firth 1990 : 115) Whenever any person makes or creates a work under the conditions of the copyright law, he will exclusively be entitled to do or exploit with regard to his work, such as reproduction, adaptation, dissemination to the public and granting licence to other persons to use the said rights, because copyright provides a very useful and effective way of exploiting a work economically. (Bainbridge 1992 : 33) However, copyright law protects the work, which any author makes or creates, in



the form in which it is expressed but does not protect the underlying ideas and information in the work. On this account, if any idea is not created to be a work in physical appearance, no copyright protection shall be extended to such idea. (Dworkin and Taylor 1990: 4)

Copyright gives exclusive right to the author who makes or creates a work, and acquires the right under the copyright law. This right is a kind of negative right, which prohibits any other person from doing any act or using it in relation to the author's work without permission. Additionally, copyright is a property right, which the owner may exercise his right wholly or in part and may assign his right for a limited period of time or for the entire term of protection of copyright. However, an assignment of copyright except by means of succession shall be made in writing signed by the assignor and the assignee, and if there is no specified period of time in any assignment, it shall be deemed that the assignment is limited for ten-year period (Section 17 of the Copyright Act B.E. 2537).

Though the copyright is able to be assigned under the law, the author of a copyrightable work still has the moral rights to be identified as an author of the work (the paternity right) and to prohibit an assignee of copyright or any other person from distorting, abridging, adapting or doing any acts in relation to the work to such an extent as to cause injury to the reputation or prestige of the author (the integrity right). Nevertheless, if the author has died, his heirs have the right in litigation in order to enforce such rights throughout the term of copyright protection unless otherwise agreed upon in writing (Section 18 of the Copyright Act B.E. 2537).

Copyrightable Works

The prerequisite of a copyright work is that it needs to be the product of human endeavour, be that endeavour ever so slight, and not simply something which occurs in nature. (Phillips and Firth 1990 : 115) The works, which are protectable under the copyright Act B.E. 2537, must be creative works, irrespective of the mode or the form in which the work is expressed. By virtue of Section 6 of the Copyright Act B.E. 2537, the copyrightable works are stipulated as one of the following works:

1. Literary work means every production in the literary domain, such as books, pamphlets, writings, printings, lectures, sermons, addresses and speeches, including computer programmes.

Furthermore, this Act also defined the meaning of computer programme as



instructions, a set of instructions or anything used with computer for making the computer work or to obtain any result, irrespective of computer programme language.

2. Dramatic work means a work relating to choreography, dancing, action or performance in dramatic composition, including a pantomime.

3. Artistic work means a work of painting and drawing, work of sculpture, work of lithography, work of architecture, photographic work, work on illustrations, maps, structures, sketches, or three-dimensional works in relation to geography, topography or science, work of applied arts, including the photograph and plan of such work.

4. Musical work means a musical composition for playing or singing, whether with rhythm and lyrics or only rhythm, including a musical note or musical diagram, the tunes which have been arranged and transcribed.

5. Audio-visual work means a work composed of a sequence of images recorded in any form of material, which is capable of being replayed by necessary apparatus for using such material, including the sound track of that work, if any.

6. Cinematographic work means an audio-visual work composed of any sequence of visual images, which is capable of being continuously shown as moving pictures, or is capable of being recorded in another material so as to be continuously shown as moving pictures, including the sound track of that moving picture, if any.

7. Sound recording means a work composed of a sequence of music, sound of a performance or any other sound recorded in any form of material, which is capable of being replayed by necessary apparatus for using such material, but not including the sound track of a cinematographic work or another audio-visual work.

8. Sound and video broadcasting work means a work communicated to the public by means of radio broadcasting, sound and video broadcasting on television or by other similar means.

9. Any other work in literary, scientific or artistic domain.

In case an author creates any work in accordance with the conditions of the Copyright Act B.E. 2537, he shall be entitled under this Act. However, Section 7 of the Copyright Act B.E. 2537 reserves that the following works are not the copyright works:

1. News of the day and facts having the character of being information only.
2. Constitutions and legislations.
3. Regulations, by-laws, notifications, orders, explanations and correspondence of the Ministries, sub-Ministries, Departments or any other state or local units.
4. Judgement, orders, decisions and reports of the government.



5. Translation and collection of those in 1 to 4 made by the Ministries, sub-Ministries, Departments, or any other state or local units.

The underlying reason of this reservation is that such works are the general works consisted of necessary information, such as news, orders and any law, which all people should know. Therefore, these exceptions under Section 7, which are universally accepted principles, are stipulated for public interest.

Acquisition of Copyright

The acquisition of copyright for the protection under the Copyright Act B.E. 2537 can be classified into four categories as follows:

1. The author shall be entitled to the copyright in the work he has created under any of the following conditions (Section 8 of the Copyright Act B.E. 2537):

1.1 In the case where the work has not been yet published, the author must be a Thai national or stay in the Kingdom, or national of or stay in a country which is a member of the convention on copyright protection of which Thailand is also a member throughout the time or most of the time for creating the work.

1.2 In the case where the work has been published, the first publication must have been effected in the Kingdom or in a country which is a member of the convention on copyright protection of which Thailand is also a member, or in the case the first publication is made outside the Kingdom or in another country which is not a member of the convention on copyright protection of which Thailand is a member, if the work has been published in the Kingdom or in a country which is a member of the convention on copyright protection of which Thailand is also a member within thirty days as from the date of the first publication, or the author must be qualified according to that prescribed in 1.1 at the time of the first publication.

However, in the case where the author must be a Thai national, if he is a juristic person, such juristic person must be incorporated under the law of Thailand.

By virtue of Section 4 of the Copyright Act B.E. 2537, the meaning of the publication is a disposition of the duplicated copies of a work, regardless of its form or character, with the consent of the author, by making duplicated copies available to a reasonable number of the public having due regards to the nature of the work, but does not include a performance or display of dramatic, musical or cinematographic works, lecturing or delivering a speech on literary work, sound and video broadcasting about any work, exhibition of artistic work and construction of a work of architecture.



In the case where the author has created a work in the capacity of officer or employee, he shall be entitled to the copyright in that work, but his employer is entitled to disseminate that work to the public in accordance with the purpose of the employment, unless it has been agreed otherwise in writing (Section 9 of the Copyright Act B.E. 2537). Additionally, the employer shall be entitled to the copyright in the work the author was specifically commissioned to make, unless the author and the employer have agreed otherwise (Section 10 of the Copyright Act B.E. 2537).

2. In case of a work being by its nature an adaptation of the work copyrighted under this Act with the consent of the copyright owner, the person making such adaptation shall be entitled to the copyright under this Act, without prejudice to the right of the copyright owner in the work of the original author which was adapted (Section 11 of the Copyright Act B.E. 2537).

3. In case of a work being by its nature a compilation or composition of the works copyrighted under this Act with the consent of the copyright owner, or being a compilation or composition of data or anything else which can be read or transferred by a machine or other equipment, if the person, who compiles or composes, has done so by selecting or rearranging in its nature which is not an imitation of another person's work, the person making such compilation and composition shall be entitled to the copyright to such work under this Act, without prejudice to the right of copyright owner in the work and data or anything else of the original author which was compiled or composed (Section 12 of the Copyright Act B.E. 2537).

4. The Ministries, sub-Ministries, Departments or any other state or local agencies shall be entitled to the copyright in the works created under their employment or direction or control, unless it has been agreed otherwise in writing (Section 14 of the Copyright Act B.E. 2537).

Protection of Copyright

The copyright owner shall have the exclusive rights regarding the following acts (Section 15 of the Copyright Act B.E. 2537):

1. **Reproduction or adaptation.** By virtue of the meaning under Section 4 of the Copyright Act B.E. 2537, reproduction is any mode of copying, emulation, duplication, block-making, sound recording, video recording or sound and video recording, from the original, a duplicate or a publication in its material part, whether wholly or in part; in relation to computer programme, is any mode of copying or duplication of the



computer programme from any recording medium in its material part, and not being in the nature of making a new work, whether wholly or in part: and adaptation is a reproduction by conversion, improvement, amendment or copying of the original in its material part, and not being in the nature of making a new work, whether wholly or in part.

2. Dissemination to the public. Under Section 4 of the Copyright Act B.E. 2537, dissemination to the public means making the work available to the public by means of performing, lecturing, praying, playing, causing it to be displayed by sound or by image or both, constructing, disposing or by any other means.

3. Letting the original or the duplicates of computer programme works, audio-visual works, cinematographic works and sound recording works.

4. Granting benefits accruing from the copyright to other persons.

5. Granting licence to other persons to use the right under (1) (2) or (3), with or without imposing any condition, but such condition shall not be stipulated in its nature for being the restrictive to unfair competition. However, in the case where copyright owner by virtue of this Copyright Act grants licence to a person to exercise the said right, this licence shall be regarded as a non-exclusive licence, and the copyright owner can grant such licence to anyone else to exercise such right, unless the written licence specifies the prohibition (Section 16 of the Copyright Act B.E. 2537).

Terms of Copyright Protection

Generally, the copyright in a work shall subsist for life of the author and shall continue to subsist until the end of the period of fifty years from the death of the author. Nevertheless, in case of a work of joint authorship, the copyright in such work shall subsist for the life of the joint authors and shall continue to subsist until the end of the period of fifty years from the death of the last surviving joint author. Additionally, if the author or every joint author died before the publication of the work, the copyright shall subsist for a period of fifty years from the date of its first publication (Section 19 of the Copyright Act B.E. 2537).

In case of the author being a juristic person, or using a pseudonymous or is anonymous and being of unknown identity, the copyright in such work shall subsist for a period of fifty years from the date of its creation, but if the work is published during the said period, the copyright shall subsist for a period of fifty years from the date of its first publication (Paragraph 4 of Section 19 and Section 20 of the Copyright Act B.E. 2537).



Besides, the copyright in the photographic, audio-visual, cinematographic, sound recording or sound and video broadcasting work, or the copyright in the work created in accordance with the employment or direction or control of Ministries, sub-Ministries, Departments or any other state or local agencies shall subsist for a period of fifty years from the date of its creation, but if the work is published during the said period, the copyright shall subsist for a period of fifty years from the date of its first publication (Section 21 and Section 23 of the Copyright Act B.E. 2537).

However, the copyright in the work of applied art shall only subsist for a period of twenty-five years from the date of its creation, but if the work is published during the said period, the copyright shall subsist for a period of twenty-five years from the date of its first publication (Section 22 of the Copyright Act B.E. 2537).

The publication of any copyrighted work after the termination of the term of copyright protection shall not give rise to the copyright in that work anew, for instance the publication of a musical work after fifty years from the death of the composer does not give rise to the copyright in that work anew (Section 26 of the Copyright Act B.E. 2537).

Infringement of Copyright

As mentioned above, the Copyright Act provides the exclusive rights to the copyright owner, so infringement of copyright means the act which any person is committed to the copyrighted work without permission of the copyright owner. The infringement of copyright is divided into two kinds as follows:

1. Direct Infringement. Any one of the following acts in relation to every type of the copyrighted works, except a sound and video broadcasting, shall constitute an infringement of copyright: (Section 27, Section 28 and Section 30 of the Copyright Act B.E. 2537)

- (1) reproduction or adaptation;
- (2) dissemination to the public.

However, in relation to an audio-visual work, cinematographic work, sound recording work or computer programme, the infringement of copyright also includes the letting of an original or duplicate of such works (Section 28 and Section 30 of the Copyright Act B.E. 2537).

Moreover, any one of the following acts in relation to a copyrighted sound and video broadcasting work shall constitute an infringement of copyright: (Section 29 of



the Copyright Act B.E. 2537)

- (1) a production of audio-visual work, cinematographic work, sound recording or sound and video broadcasting work, whether wholly or in part;
- (2) a rebroadcasting of sound and visual images, whether wholly or in part;
- (3) an arrangement of the sound and video broadcasting work to be heard and/or seen by the public, by asking for a fee or other commercial benefits in return.

2. Indirect Infringement. Any person, who know or should have reason to know that a work was made by an infringement of the copyright of another person, does any of the following acts in relation to such work for profit purposes, shall be deemed to commit an indirect infringement of copyright: (Section 31 of the Copyright Act B.E. 2537)

- (1) selling, possessing to sell, offering to sell, lets for hire, offering to hire, selling by hire-purchase or offering to sell by hire-purchase;
- (2) dissemination to the public;
- (3) distributing in such manner as to be prejudicial to the copyright owner;
- (4) importing or making an order for importation into the Kingdom.

Exception from Infringement of Copyright

Section 30 of the Copyright Act B.E. 2537 provides the exceptions from infringement of copyright, that is an act done in relation to the copyrighted work of another person by virtue of this Act shall not constitute an infringement of copyright, if done as follows:

- (1) research or study of the work, which is not done for making profit;
- (2) use for one's own benefit or for that of members of his family, or close relatives;
- (3) criticism, comment or review of the work accompanied by an acknowledgement of the copyright ownership in such work;
- (4) report of current events through the mass-media, accompanied by an acknowledgement of the copyright ownership in such work;
- (5) reproduction, adaptation, exhibition or making available for the purpose of judicial or administrative proceedings under the law, or for the purpose of a report of the said proceedings;
- (6) reproduction, adaptation, exhibition or making available by a teacher for teaching purposes, which is not done for making profit;



(7) reproduction or adaptation of a part of such work, or abridging or making a summary by a teacher or educational institution for distributing or selling to students in the class or in educational institution, provided that it is not done for making profit;

(8) utilization of the work as a part of the examination questions and answers.

Regarding the exception of the infringement of copyright of the computer programme, Section 35 of the Copyright Act B.E. 2537 stipulated that an act done in relation to copyrighted computer programme shall not be deemed an infringement of copyright, if there is no objective for making profit, in the following cases:

(1) research or study of that computer programme;

(2) use for the benefit of the owner of the copy of the computer programme;

(3) criticism, comment or review of the work accompanied by an acknowledgement of the copyright ownership in such computer programme;

(4) report of current events through the mass-media, accompanied by an acknowledgement of the copyright ownership in such computer programme;

(5) duplicating computer programme in an appropriate number by the person who legitimately purchased or obtained the computer programme from another person, so as to keep for using of maintenance or for loss prevention;

(6) reproduction, adaptation, exhibition or making available for the purpose of judicial or administrative proceedings under the law, or for the purpose of a report of the said proceedings;

(7) utilization of the computer programme as a part of the examination questions and answers;

(8) adapting computer programme in case of being necessary for using;

(9) making duplicate of computer programme so as to keep for reference or research for public interest.

Additionally, a reasonable recitation of, copying from, emulation of, or reference to any part of the copyrighted work, which is accompanied by acknowledgement of the copyright ownership in such work, shall not be deemed an infringement of copyright (Section 33 of the Copyright Act B.E. 2537).

Moreover, the Copyright Act B.E. 2537 states that any one of the following acts shall not be deemed an infringement of copyright:

1. reproduction for use in the library or for supplying to the other libraries, or reasonable reproduction of certain part of the work for supplying to the other person for the purpose of research or study, by the librarian of a library, if not being made for



profit-making proposes (Section 34).

2. performing a dramatic work or musical work for suitable dissemination to the public, if not being made or conducted for making profit as a result of such dissemination, and not charging for admission fee, whether directly or indirectly, and the performers not receiving remuneration for such performance, in case that being conducted by an association, foundation or other organization having a charitable, educational, religious or social welfare purpose (Section 36).

3. a reproduction, for the benefit of the government service by an authorized official or under the direction of the official, of a copyrighted work, which is in the possession of the government (Section 43).

However, such mentioned acts done in relation to the copyrighted work by virtue of this copyright Act, which shall not constitute the infringement of copyright, must not conflict with the normal exploitation in the copyrighted work of copyright ownership and not unreasonably affect to the legitimate right of the copyright owner (Paragraph 1 of Section 32 of the Copyright Act B.E. 2537).

Furthermore, with regard to any act done to the artistic work, the Copyright Act B.E. 2537 states that any drawing, painting, building, engraving, moulding, carving, lithographing, photographing, cinematographic taking, video broadcasting or any similar in relation to any artistic work which is normally displayed in a public place and is not the work of architecture; or the drawing, painting, engraving, moulding, carving, lithographing, photographing, cinematographic taking, or video broadcasting in relation to the work of architecture; or the photographing or cinematographic taking or video broadcasting of any work in which any artistic work is included as a component part, shall not constitute an infringement of copyright in such artistic work (Section 37, Section 38 and Section 39).

Penalty and Prescription

The penalty stipulated in the Copyright Act B.E. 2537 is much higher than the one stipulated in the Copyright Act B.E. 2521. Any person directly infringing the copyright under Section 27, Section 28, Section 29 or Section 30 shall be liable to a fine from twenty thousand baht to two hundred thousand baht. If the said offence is committed for commercial purpose, the offender shall be liable to imprisonment for a term from six months to four years or to a fine from one hundred thousand baht to eight hundred thousand baht or to both (Section 69).



Any person indirectly infringing the copyright under Section 31 shall be liable to a fine from ten thousand baht to one hundred thousand baht. If the said offence is committed for commercial purpose, the offender shall be liable to imprisonment for a term from three months to two years or to a fine from fifty thousand baht to four hundred thousand baht, or to both (Section 70).

Furthermore, any person, who having been convicted of an offence under this Act, commits an offence hereunder again within five years from the date he is released from his punishment, shall be liable to double penalty prescribed for that penalty (Section 73).

In the case where a juristic person commits an offence under this Act, every director or manager of such juristic person shall be regarded as joint offenders with juristic person, unless he can prove that such act of the juristic person has been done without his knowledge or consent (Section 74).

In case of all articles made or imported into the Kingdom, which constitute an infringement of copyright under this Act, and still owned by the offender, they shall become the property of the copyright owner, whereas all articles used for committing an offence shall be forfeited (Section 75).

However, the offences under this Copyright Act shall be compoundable offences (Section 66). Additionally, the prescription of an action for infringement of copyright under this Act is a special prescription that differs from the prescription of wrongful acts in accordance with the Civil and Commercial Code. That is three years from the day when the copyright owner becomes aware of the infringement and the identity of the offender, but it must not be entered later than ten years from the date of infringement of copyright (Section 63).

The Use of Copyright in Special Circumstances

The new dimension of the Copyright Act B.E. 2537 is the stipulation of the provision relating to the use of copyright work in special circumstances. Section 54 of this Act provides that a Thai national desiring to apply for a licence to use the copyright work which has been disseminated to the public in the form of printed matter or other similar forms, for the benefit of study, instruction or research, which having not the purpose for making profit, may submit an application to the Director-General of the Department of Intellectual Property by giving evidence that the applicant has applied for a licence to use the copyright in the translation of work into Thai or in the reproduc-



tion of the duplicated work, which used to be published in translation into Thai, from the copyright owner, but the application was rejected, or after the reasonable period of time having been taken, no agreement could be concluded, if it appears that at the time of submitting such application to the Director-General;

1. the copyright owner has not arranged for or permitted any person to make the translation into Thai of such work for publication within three years after the first publication of the work; or

2. the copyright owner has published the translation into Thai of his work for publication, but after three years from the most recent publication of the translation, there has been no further publication of that translation and there has been no duplicate of that translation in the market.

International Copyright

Regarding the protection of international copyright, on July 17, A.D. 1931 (B.E. 2474), Thailand became a contracting state of the Berne Convention for the Protection of Literary and Artistic Works A.D. 1886 (B.E. 2429) or “the Berne Convention” (Rattanaphichat 1986 : 52) which was established at Berne, Switzerland on 9 September 1886 (B.E. 2429) by the International Union for the Protection of Copyright. Being a contracting state of the Berne Convention, Thailand is obliged to comply with this Convention. If Thailand desires the Convention to be legally applicable, it has to provide an internal law containing the provisions in the Convention, thus making the Convention become an internal law. (Mongkolnavin 1976 : 182)

Therefore, the Act for the Protection of Literary and Artistic Works B.E. 2474 began to stipulate the provision relating to the International Copyright in Chapter 2, but there was only a provision recognizing the translation work in that Act. Although Section 42 of the Copyright Act B.E. 2521 embraced the protection of international copyright more than that of the former Act, such Section 42 ambiguously provided the protection of international copyright, because of providing that international copyrights shall be protected according to the conditions stipulated by a Royal Decree. Besides this, the Royal Decree B.E. 2526 (A.D. 1983) and the Royal Decree B.E. 2536 (A.D. 1993) promulgated in accordance with such Section 42, stipulated too much complicated and restricted principles for protection of international copyright in Thailand, for examples the definition of the country of the origin of work, and the conditions regarding the term of the protection of international copyright work and the translation of literary or dramatic work.



Consequently, the Copyright Act B.E. 2537 protects international copyright more obvious than the provisions under the former copyright laws, because the conditions relating to the acquisition of copyright of any work which foreign author created in another country, which used to stipulated in the said Royal decree, are included in Section 8 regarding the acquisition of copyright under Chapter 2 of this Act, as mentioned above. Moreover, in Chapter 5 about the International of Copyright by virtue of this Act, Section 61 also provides the protection of copyrighted works belonging to foreign authors distinctly.

Section 61 of the Copyright Act B.E.2537 provides the protection of international copyright as follows:

1. Any copyrighted work of the author of a contracting state to the convention relating to the protection of copyright to which Thailand is also a contracting state shall be protected by this Act. Therefore, any copyrighted work of the author of any contracting state to the Berne Convention for the Protection of Literary and Artistic Works, such as United State of America, United Kingdom and Japan, shall be protected under the Copyright Act B.E. 2537.

2. Any copyrighted work of an international organization of which Thailand is a member shall be protected by this Act. By this principle, any copyrighted work of an international organization of which Thailand is a member, such as United Nations(UN), World Health Organization(WHO), shall also be protected under the Copyright Act B.E. 2537.

However, Paragraph 2 of Section 61 of the Copyright Act B.E. 2537 stipulates to the Minister of Commerce to have an authority to announce the names of the countries which are the contracting states of the Berne Convention in the Government Gazette.

BIBLIOGRAPHY

Bainbridge, David I. *Intellectual Property*. London: Pitman, 1992.

Dworkin, Gerald and Taylor, Richard D. *Blackstone's Guide to Copyright, Designs and Patents Act 1988*. London: Blackstone Press Limited, 1990.

Mongkolnavin, Ukrit. *The Explanation of International Law*. Bangkok: Faculty of Law, Chulalongkorn University, 1966.

Numnont, Surat. "Copyright." *Humanity Journal* (Chapter 1, 1962 : 17).

Phillips, Jeremy and Firth, Alison. *Introduction to Intellectual Property Law*. London: Butterworths, 1990.



Pittayaporn, Mana. *The Explanation of the Act for the Protection of the Literary and Artistic Works*. Bangkok : Ramkhamhaeng University Press, 1965.

Rattanapichat, Tawach. *The Protection of Literary and Artistic Works*. Bangkok : Department of Fine Arts, 1968.