

ABSTRARCT

Thesis Title : The Legal Problems on Collection of Royalties from
Copyrights and Performers' Rights in Sound
Recording Works

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The objectives of this thesis are to study the system of the collection of royalties from copyrights and performers' rights in sound recording works for the right of communication to the public in Thailand by comparing with the systems in Germany and Japan, to analyze the present Thai Law ; namely, the Copyright Act B.E. 2537, its legal problems of such collection of royalties. This will be the suggestions for the consideration of the revision and the issuance of law to control, monitor and support the administration of the collection body to be an appropriate organization as well as to promote an effective administration and a fairness among every relevant parties.

The study reveals that in Thailand, at present there are only collective organizations for musical works and sound recording works but performer' s works have not been set up yet . These collection organizations have the similar objectives, that is, to keep the benefit and maintain the right of communication to the public by licensing to any persons who publicize musical works and

sound recording works, including the collection of royalties by such authorization. Besides , this thesis also makes comparing study about the same case with foreign countries such as Germany and Japan. Both countries have their own laws to monitor the administration of collective organizations which may assist their systematic administration and their effective royalties collection. The owners of copyright will be able to unite strongly before there is the issuance of law to support. In case of Thailand, since there is no culture of unity of the copyright owners and no law to monitor and check the administration of collective bodies, thus, each body has not the same standard of collection and there is the problem of collecting from the individual copyright owners. This causes the burden and difficulties to the users resulting in the obstacle for the implementation and the unfairness to the relevant parties ; namely, both the owners of copyright and users. As the result, it needs law to support, control, monitor and check the administration to provide advantages to owners of copyright and users and the fairness to serve the Copyright Act's determination.