

ABSTRACT

Thesis Title : Software Copyright for Educators : A Comparative Study
Between Thailand and United States of America :
A Case Study of the Fair Use

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The copyright act of computer program as literary works affected the utilization of these programs, especially educators. This research defined educators as "a persons or groups of persons" who played the key role in systematic planning, developing, managing educational system and production instructively media. The copyright act may be deny the right to access and use of the programs to develop a teaching and learning process especially in the field of science and technology. Computer program technology keep on changing rather rapidly most educators were confused and unsure of the protections of these acts. The most meaningful way to solve this problem is to study and define the acts in order to promote the up-to-date understanding of the acts throughly and be able to use the copyright act in real situatiuon effectively.

The purposes of this research were three folds;

1. to study any thing protected as computer programs, any thing weren't protected under the law, components of works protected by copyright law, the educator's right in works such as creator's rights (moral right), owner's rights and used of copyright in special circumstances.

2. to study and compare copyright law between Thailand and the United States of America were as follws; object of the law, ideas which weren't protected and Thailand's exemptions from infringement of copyright and the United States of America's fair use of the copyright acts : a case study of computer program.

3. to study the exemptions from infringement of Thailand's copyrights, which were not overly constructed to the specification of scope and at the same time helping of the principles's fair use.

This research employed documentary research technique. The results of a comparative study between Thailand and the United States of America : A case study of the fair use were as follows;

1. The primary purposes of copyright of Thailand and The United States of America were protected the public interest and good-faith's of user over the owners of exclusive rights.

2. Some ideas of work which were exemption from the copyright acts must be strictly constructed under intention and object of the law.

3. To sever the principles of ideas and expression of ideas of the United States of America were adopted in infringement of judicial copyright's proceedings of Thailand.

4. The principles of exemption from infringement in Thailand's law were more user-benefit than the fair use principles of the United States of America.

5. A study or research toward reverse engineering was possible, eventhough the work was done contradicted to the principles of exemption from infringement of computer programs.

6. The RAM and harddisk recording of the programs were defined as the utilization of copyright law of Thailand and reproduction for use as indicated by the United States of America's copyright law.

7. Reproduction or adaptation of computer program for personal use were possible and legal.

8. The utilization of computer program outside limitation of copyright law but still using under the 3 principles of exemption were possible.

9. The utilization of computer program for social-benefit were possible eventhough this utilization was against the infringement from exemption of Thailand's copyright law.