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KEY WORD: COPYRIGHT/ INFRINGEMENT/ COMPUTER PROGRAM

KRITHPAKA BOONFUENG : COPYRIGHT INFRINGEMENT OF COMPUTER PROGRAM.

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The propose of this thesis is to study the possibilities of copyright infringement of computer program and to study the process of judiciary involvement in Thai Court.

From data analysis it found that the process of copyright infringement in computer program is quite different than other in the field of general literary work, because computer program is heavily involve with science and technology including Copyright Act BE.2537, which did not specifically mention about copyright infringement in the field of computer program. Therefore it could not be reinforced effectivity and it could not be used as a guidelines to adjust the law, which has caused an uncertainty in how to change or adjust the law pertaining to computer program infringement, which need to be changed according to evolution, development and method of transferring of technology in the field of computer program.

Again from data analysis also found that Thai judiciary system has no guidelines to consider the case of computer program infringement, especially in this area of infringement which almost always much more complicated than regular cases of general literary work infringement. Therefore they could be an inadequate evaluation in judgement in the copyright infringement of computer program if the guidelines were not well established. This thesis is trying to introduce the way of evaluation and waking judgement in the field of computer program violation.

Therefore there should be an improvement in Copyright Act BE.2537 in the section that involved copyright infringement in the computer program to make it much more clearer and in detail that could be compound to international standard. Also Thai judiciary system should begin to study and lay out a plan on how to consider the case of copyright infringement in computer program to make it suitable and is able to settle the dispute in the claim that involve computer program infringement effectively.

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