

## C370221: MAJOR LAW,

KEY WORD: COPYRIGHT / ROYALTY / TRIBUNAL / STRUCTURE / AUTHORITIES

MONTAKANTI PUNPAIROJ : THE COPYRIGHT ROYALTY TRIBUNAL IN COPYRIGHT LAW : A STUDY OF STRUCTURE AND AUTHORITIES. THESIS ADVISOR : ASSO. PROF. DHAJJAI SUBHAPHOLSIRI, 194 pp. ISBN 974-582-838-6

This thesis is aimed to study the structure and authority of Copyright Royalty Tribunal in some foreign countries and to analyze the effects of the existence of the system so as to be considered in conjunction with the possibility of establishing an appropriate pattern of the Tribunal or Committee in Thailand.

The research shows that the protection of economic right under the present Thai Copyright Law does not avail the copyright owner of adequate and fair benefit from the users because the "fair use" provisions are broad and seemingly unlimited. Moreover, the grant of exclusive rights to the copyright owner is not clear enough to make the copyright owner realize that he is entitled to claim for the royalty should someone uses his work. Besides, technological development plays an important role in stimulating the unauthorized exploitation of the copyright work. The comparative study of relevant laws in other countries such as the United States, England, Australia and Japan shows that the introduction of compulsory licensing of works which are commonly used by the public as well as the creation of Copyright Royalty Tribunal whose major authorities are to stipulate the royalty rate and adjust it in accordance with the economic condition and supervise the operation of collecting societies which perform as the agents of copyright owners not to monopolize the market would considerably help reduce the court disputes. Submitting the matter to the Copyright Royalty Tribunal requires less expenses and time than to the Court. The Tribunal is formed by members who are experts in various fields.

This thesis recommends that an administrative committee should be established within the Copyright Act to perform the duty of fixing the royalty for the use of copyright work under compulsory license scheme and controlling the collection of royalty by the collecting agencies. The Committee should consist of the Director-General of the Department of Intellectual Property, an Deputy Director-General and other distinguished members appointed by the Cabinet. The establishment of the Committee would promote more use of some types of copyright work and distribute fairer interest among the copyright owners and the users than the existing condition.