

NARINTORN TANGSRIPAIROJE : COMPULSORY LICENSING OF COPYRIGHT.
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The main objective of this thesis is to study about a Compulsory License system as in the two major multilateral conventions : The Berne Convention for the protection of literary and artistic works (Paris Act, 1971) and Universal Copyright Convention (U.C.C., 1971).

As a general rule, this research found that, in the modern world, the advance of technology of communication as well as the reproduction of protected works have been rapidly developed and posed new problems. A Fair Use Concept could not preserve economic rights of the right owners when copyright works have been used by the others. Since some uses of protected works are free. In addition, copyright works cannot be shared by a wide public because such fair use will serve only for the benefit of private use or for the benefit of individual person.

Compulsory License can solve such problems and can make copyright works available to the public. It prevents any injury of the right owners in the market place. Furthermore compulsory license system provides conveniences for most copyright proprietors and public; namely, in some cases the right owner is not given an absolute right subjecting all uses of the protected work to his prior authorisation, but only the right to equitable remuneration for each use.

Equitable remuneration can be separated into two categories. First, remuneration which is determined by the competent authorities and provided in the law. Second, remuneration which bases on the negotiation between copyright owners and users. However, under a certain condition, if copyright owners and users could not reach an agreement, judicial authorities or administrative authorities will settle remuneration for the parties by comparing with the remuneration in the provisions.