

##C 670502 : MAJOR LAW

KEY WORD: PROTECTION/PERFORMER'S RIGHTS

PRASIT ROAMSIN : PROTECTION OF PERFORMER'S RIGHTS

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This research aims at studying the background and the nature of protection of performer's rights from international conventions and other relevant foreign laws. Results from this research will be useful for analysis of the Copyright Act B.E.2537 (1994) of its level and adequacy of protection of performer's rights.

The research shows that protection of performer's rights results from the development of recording and audiovisual broadcasting technology. Such protection will help the existence of live performances and facilitates distribution to the public. On the other hand, secondary use of audiovisual fixation of performances will lessen the performer's chance of being hired and his ability to manage the use of the performance of his own labour. From the comparative analysis of international conventions such as Rome convention, TRIPS and Treaty for the Protection of the Rights of Performers and Producers of Phonograms of 1996 and other related foreign laws e.g. United Kingdom, Germany and Japan, it appears that the Copyright Act B.E. 2537 (1994) providing protection of performer's rights is consistent with international standards.

Considering the fast changes and development of modern technology [and the inability to foresee the future], one should consider appropriate means of protection of performer's rights for operate protection of the benefits arising from any form of performances. For example, rental of original or copies of sound recordings with the permission of the performer; collecting remuneration from recording equipment and blank cassettes used for audio or visual fixation or from broadcasting or distribution to the public of performances fixed in audiovisual works; the transfer of all rights of performer or limitation of such transfer to the right to license; the protection of his moral rights; or the government's role in management of collection of remuneration from using the fixation of performances.

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