

Why writers need copyright protection

by Wipawee Otaganonata

FOR their own good, Thai writers must come to grips with copyright — and the time to do so is now.

That seems to be the agreement among three people who have to grapple with this elusive topic daily.

Providing insights into the topic at a seminar on copyright organised by the National Copyright Information Office were well-known translator Suwit Kaoplod; law professor Chalyos Kemarajata; and Crime Suppression Division deputy commander Colonel Chinda D. Chinda, who is also an author and former chairman of the Copyright Protection Centre.

"There have been a lot of problems in Thailand concerning the translating of books and the transfer of copyright," said Prof Chalyos. "Many of them come from the ignorance and misunderstanding that still surround this topic."

Because Thailand is a member of the Berne Convention, it warrants automatic copyright protection; which means that materials that fall in the specified category are automatically protected against violation, with no need for their creators to register their work with any agency, explained Prof Chalyos.

"In theory, Thai copyright laws offer ample protection," said Prof Chalyos. "However, in practice, enforcement is difficult or sometimes downright impossible. Thus, the parties involved still rely heavily, too heavily, on the honour system." This being the case, problems that arise are through the legal system, which require solid evidence. One example of Chalyos' said is the copyright dispute between the latest

by the Writers' Association of Thailand. "The association has produced one form for permission to publish and another for permission to adapt the literary form into play or movie scripts.

"The association also offers legal consultant services to writers. Those who have doubts are encouraged to see the association's lawyer, Mr Thongbai Thongpaow, advised Col Chinda.

The last speaker, translator-publisher Suwit Kaoplod, provided another perspective concerning the practice of translating materials of other languages into Thai.

"In 1985, I sued another translator who copied my translated version of a bestseller, and lost on the grounds that my work was not protected under the copyright laws because it was done illegally."

After that, he decided to legitimise his works by obtaining permission from the books' rightful owners before translating them.

"Of those who translate English-language novels into Thai for publication, I'm probably the only one who does so with legal permission," he stated proudly.

Going a step further, Suwit said he now also acts as a sub-agent for certain foreign agents which own the copyright to many bestsellers. "I will report to these agents if I find that their books are being translated into Thai without their permission.



From left: Professor Chalyos Kemarajata of Chulalongkorn University's faculty of law; author and former Copyright Protection Centre chairman Pol Col Chinda D. Chinda; translator Suwit Kaoplod.

been active in the Writers' Association of Thailand.

He nevertheless acknowledged that, in many cases, writers, especially unestablished ones, have little bargaining power and have to go along with the publishers' request that no contract should be used for the sake of "convenience on both sides."

In addition, legal terms in contracts and in the copyright laws are puzzling for laymen, so many writers don't bother, opting instead for an easy contract involving no contract," said

Col Chinda suggested that writers should make use of legal contract forms made available to them

petition plus those who play dirty," said Suwit. "The market for translated novels is now quite chaotic, resulting in a situation in which readers and those who want to produce quality work lose."

Suwit predicted that the new copyright bill would result in a jump in the number of actions sought for violation of copyright. He urged Thai translators to obtain legal permission before rushing to work on foreign materials.

"Although the process of obtaining copyright was quite difficult at first — it took me close to six months to work out a contract with a foreign agency and to win the right to translate a bestseller — it later got easier. Now it takes me about 20 days."

Suwit denied that obtaining such rights will cause any great increase in the prices of translated works.

"The fee for permission is not high as many think. In my case, the expenses incurred in the process are high, since I have to consult lawyers throughout the process. However, those who translate the same bestseller as I do, advertising it at an even higher price per copy than I plan to do, he said.

without set rules, those who want to translate hot items like bestsellers have to face cut-throat com-