

On the general question of copyright protection, Thailand has agreed to protect US works and expand protection to cover works created before the US became a member of the Berne Copyright Convention.

On computer software, Thailand has agreed to allow its courts to decide whether computer software is protected under the present copyright law. Software will be protected in accordance with the Thai obligations to the Berne Convention, if the court decides they are entitled to this. Otherwise the Thai side is willing to hold talks to provide appropriate measures to protect the works in accordance with Thai law.

It is foreseeable that there will be some US firms taking legal action against Thai computer vendors in the coming years. The Thai courts' decision will be sought on the issue of software copyright protection.

While the US presently has to playing a waiting game, it has been firm in its search for a commitment from the Thai Government. The US insists Thailand must apply administrative measures to provide copyright protection if the Thai court rules that the copyright law fails to cover computer software. In this case the protection will be provided on the basis of the Thai-US Treaty of Amity and Economic Relations.

While the current position is unfortunately very unclear, it is believed that agreed protection measures for computer software will be provided in the medium term future.

Success obtained by USA on software copyright protection will of-course in due course be enjoyed by other countries.