

Judgment of the Central Intellectual Property and International Trade Court

Case no.(black) IP 67/2543	Siam Info Travel & Service Co.,Ltd.	Plaintiff
Case no.(Red) IP 40/2545	Mr.Ross E. Klinger and others	Defendants

Copyrights Act B.E.2537 Section 6

In order to be owner of copyright in any work and to be protected under the Copyright Act, such work must be copyright work. The Copyright Act B.E. 2537 Section 6 paragraph 1 provides that the copyright work means a work of authorship in the form of literary, dramatic, artistic, musical, audiovisual, cinematographic, sound recording, sound and video broadcasting work or any other work in the literary, scientific or artistic domain whatever may be the mode or form of its expression, and paragraph 2 provides that copyright protection shall not extend to idea, procedure, process, system, method of operation, concept, principle, discovery, or scientific or mathematics theory.

The TRAVELLINK + project described in the plaint is a data service system via electronic equipment which is a form or system of business operation. Therefore, the TRAVELLINK + project is not the work protected under the law, and is not the copyright work under the Copyright Act Section 6. The plaintiff, the 1st and the 2nd defendants, therefore, shall not be the copyright owner of the TRAVELLINK + project according to the said definition of the law.

The computer program for calculating the amount of customer's usage and the network linking system in the TRAVELLINK + project are copyright works in the form of literary. However, the plaintiff's directors have made memorandum stated that the computer program shall belong to the 1st and the 2nd defendants on theirs proportion, and shall not belong to the plaintiff. The plaintiff, therefore, is not the copyright owner of the TRAVELLINK + project, the computer program for calculating the amount of customer's usage and the network linking system.

Translated by Sittipong Tanyapongpruch