

No.25243.

Commission of Codification.

1st. October 1923.

Mr. R. Guyon to H. R. Phya Isarabanahu Sohmana;
dinder-Secretary for the Ministry of Justice.

I am in receipt of your letter dated 20th. September 1923, forwarding a copy of a letter of the Ministry of Privy Seal, which submitted a question concerning copyright.

This question may be summarized as follows: somebody having translated into Chinese the recent law on Books, Documents and Newspapers B.E.2465, claims for a registration of his copyright; is he entitled to obtain it ?

The answer seems as follows:

1) laws of other Government's act, as seen as published in the Government Gazette, become public, and are likely to be translated in Siam into foreign languages without special authorization

2) translations on some books or other literary works are protected in other countries by way of copyright, as well as original works themselves; this is clear in the French Law (where the wording is very wide and the protection for "written works of any kind") and in the English law (where " authorized translations are protected as original works": Laws of England: on Copyright); and this in conformity with the Additional Act of Paris 1896 and the International Copyright Act 1886 published in England. In the Siamese Law, there is consequently no doubt, after such precedences and the constructions given abroad, that the words "literary work" used in the Copyright Act 1920 and the word " book" as defined in the Copyright Amendment Act B.E. 2457 shall cover translations. And one understands that translations really include a personal, original and minute work by the translator. The conclusion is therefore that the book submitted must be registered in order to receive protection under the Copyright Laws;

3) It must not be lost of sight that when copyright has been obtained under the Law for a translation into foreign language, this means that the copyright applies to the very translation submitted itself. Other persons are henceforth prevented to make new issued or copies of such a translation. But copyright so obtained does not debar other persons to make and publish translations of their own for the same work. One knows that, as a fact, the same literary work may be translated rather differently in one and the same foreign language: there are many translations of Shakespeare into French or of Moliere into English which are actually different. Consequently, other persons have still the right to make and publish translations into Chinese of the Law on Books, Documents and Newspapers B.E. 2465, provided that they do not make a mere copy of the first translation issued are protected and that their own translations appear substantially different from the protected one and really show personal work: a question of fact which it belongs to the Court to appreciate if contest arises in the matter.

Yours very sincerely,