

The Author and the Right of Attribution in Asia

– is there a Change that is going to come in the Era of Globalisation of Copyright?

It is important to note that internalisation of trade and globalisation of law and economies has become an issue largely due to the technology and economic convergence all over the Asian countries. But still, even though it has been widely recognized that intellectual protection system serves as a catalyst for development in knowledge-based societies, it has been often stated that Asian countries lack the enforcement against IP piracy by the local authorities. It is nevertheless adhered sometimes that this adversity shall change as soon as the Asian countries will be going through the change from “IP appropriators” to “IP protectors” just as the “K.E. Maskus curve” depicts it. According to this theory e.g. China shall undergo this transformation before the year 2015. No mistaking there’s a strong need to highlight and emphasize the importance of copyright protection, which has got an increasing impact on all facets of economic progress, but more importantly than that, it is advisable to demistify basic concepts that establish the legal foundations of copyright system. One of them would be the concept of authorship. For more effective protection of copyright in Asian countries it is advisable and necessary to enquire whether the deep understanding of legal copyright institutions is there to be found. The proper comprehension of terms, institutions and concepts emerges as a prerequisite for recognizing the importance of securing the protection of pecuniary and moral author’s rights. Thus far the lack of adequate and effective protection has been noticed on economic grounds by giving the widespreading copyright piracy as a main example of not supporting the strong protection by Asian countries. Still one seems to forget that copyright comprises not only pecuniary rights but also moral rights. This speech provides an analysis of moral rights understanding on the instance of the attribution right enforcement in Asian countries. The research also shows how the legal term of the “author” has been comprehended under Asian regulations and whether a legal person is to be recognized an author as well. This analysis will give an answer to a question if ambiguous legal concepts and regulations shall be perceived as a smattering of laws with roots in the colonial experience or as a beginning of new copyright apprehension era. For this purpose the regulations of following countries were examined: Thailand, Malaysia, Indonesia, Singapore, Cambodia, Philippines, Vietnam, India, China, Taiwan, Hong Kong and Japan.