

your money

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Bad Image

Photocopying of textbooks is rampant. In addition to being illegal, it hurts publishers and seriously discourages authors

SRIWIPIA SIRIPUNYAWIT

Pam, a sophomore at a reputable private university, enters a copying shop located just off campus and asks for two photocopied versions of the official textbooks for two subjects she's enrolled in this semester.

The shopkeeper immediately fetches what she needs — she keeps a stack of photocopied books ready for her student customers. Pam pays the money — only one-quarter of the original books' actual price. She walks out, without realising that she has just broken the law.

Pam is far from alone in Thai society, where many people opt for whatever is "cheaper" without considering that their decisions could potentially hurt someone else, such as the owner of a copyright.

The Copyright Law states clearly that any duplication, reproduction or copying of a copyrighted work is a violation that could result in both criminal and civil charges. However, things get a bit complicated when it comes to education.

For example, the law does allow duplication or copying of written or printed works if it is for educational and research purposes in a reasonable course. These include articles, printed works extracted from any books, and art.

However, such exceptions come with two conditions: such research and education must not be for commercial use or profit-making purposes and such actions must not conflict with or affect the interests and rights of the copyright owner. It's called "fair use", a legal principle applied around the world.

Here's the catch: Though Pam has purchased the photocopied works for educational purposes, it's still considered illegal as it affects the copyright owner. And there's no doubt that the copying shop has also broken the law as it has obviously conducted the act for commercial purposes, affecting the financial benefits of the rights owner.

Some might defend Pam since she's a student with a limited budget. But when there are 100 more just like her in the course, and hundreds or even thousands across the country taking similar courses and needing the same books, their authors and publishers could end up taking a severe financial hit.

That in fact is what's been happening to the local printing industry, says Sathit Urawongwanich, managing director of Witthayaphat Co, which publishes a lot of textbooks. He estimates that the industry is losing 20-30% of the revenue it should be earning. Meanwhile, copying shops are proliferating and prospering.

Most copying shops, he believes, realise that duplicating textbooks is illegal. "However, they tend to forget it when the money is good. There are a large number of them that keep emerging around university's campuses."

Mr Sathit also believes, though, that most students probably aren't aware that they're breaking the law.

Even if they understand the law, many students simply can't afford to pay the



Students should look at textbooks as an investment, says lawyer Areeya Ratanaya, adding that the "fair use" defence of photocopying is a very thin one at best.



"Not all students are rich," says Abac's Chalit Limpanavech, who believes cheaper textbooks are the solution.

market rate for textbooks. One former student of Assumption University (Abac) said she was a regular customer of copying shops during her school days because the books she needed were imported and expensive, since all of the courses she took were conducted in English.

"I would only get the original copies for the subjects that I really liked and if I wanted to keep the copies for good. Other than that, I would go for the photocopied ones," said the student, who asked not to be named.

"I wish the university could bring the price down so more students could afford the books. Actually, the individual books were not that expensive but it really added up when we had to buy many of them at the same time in one semester."

Alisara Chirapongse, 21, another former Abac student in Advertising, said she preferred to buy genuine copies. However, sometimes the books were not ordered in by the university so she had no choice. "Abac kids can afford it but it's just that the real copies were not available to us," she explains.

For core courses, she continues, there were a lot of required textbooks and each one cost 600 to 700 baht a copy. "If the price decreased then I suppose it would be better as the university would be willing to order them so we didn't have to resort to photocopying shops."

Chalit Limpanavech, the chairman of Abac's marketing and communications department, says the best way to cut down on violations of the law would be to force the prices of textbooks down.

"Not all students are rich. Usually

the tuition fees are already expensive, particularly for the international or English-speaking universities. This will only add more burden for the parents. . . . Meanwhile, the publishers have to compromise and drive the price down," Acharn Chalit explains.

He also suggests that more copyright owners should take legal action against copying shops. "The more they get arrested, the fewer they will become."

Both students and shopkeepers should be better aware of the issue, especially the former, he says. "It's necessary to implant this awareness in students since they are growing up to be the future of the country too."

Areeya Ratanaya, an intellectual property specialist at the international law firm Tilleke & Gibbins, says students and parents should realise that education is an asset and an investment, and as with any long-term investment, families need to make a financial plan. This includes the cost of learning materials.

She also affirms that the widespread local practice of stores and their student customers does not pass the "fair use" test since it seriously breaches the interests of copyright owners.

The problem of costly educational materials is not unique to Thailand, she notes. For high-level graduate courses in the United States, a single textbook can cost up to \$200. Some law books cost \$400-500 each. Publishers argue that the material is highly specialised and the print runs are low as a result, so they need to recover their costs.

Ms Areeya says there are better ways to protect all parties' interests. Most universities usually offer to re-purchase used books from students at half-price and resell them to other students with a small margin. Sometimes, students sell used books among themselves, advertise them on university websites or even on eBay or Amazon.com. The prices will get even cheaper this way.

"So, the market mechanism will find its way to solve the problem," she says, adding that in any case students should look at textbooks as an investment.

"Sometimes, I wonder why some students are ready to spend money on other things but not education. We usually decide to invest in things that we believe are valuable and worthwhile to us. And education should be one of them."



KOSOL NAKACHOL

Copy at your peril: Sathit Urawongwanich shows off the warning that appears whenever a page from one of his company's textbooks is photocopied.

A publisher fights back

Students who attempt to photocopy books produced by one local printer are in for a nasty surprise when their pages emerge in the tray — they won't be able to read them properly.

Witthayaphat Co managing director Sathit Urawongwanich has put technology to work to curb the rise in violations that he says are stealing 30-50% a year of his company's sales.

"Even the universities' printed materials from their own printing houses have also been photocopied," he says.

Founded in 1995, Witthayaphat specialises in textbooks used in more than 10 universities. They cover engineering, law, science, business administration, arts, languages, accounting and more. It prints 25 to 30 books a year, mostly by university teachers.

With more students preferring photocopies to the real thing, he says, it can take years to sell out the full print run — usually a very modest 2,000 to 3,000 copies — of a textbook. On average, the books are priced moderately at 200 to 400 baht.

"These violations have definitely caused huge damage to the company and to the writers as they've been discouraged by the small volumes of sales," says Mr Sathit, 42.

Now he's fighting back with special software that embeds a hidden message in the pages of the company's books. But once the page is photocopied, a clear message appears — *The Photocopying of This Text is a Violation of the Copyright Law* — and obscures some of the text.

The innovation took the company three years to complete and cost 300,000 baht. It has patented the technique and used it to print five books so far. Mr Sathit hopes it will send a message. "I suppose most students still don't know that what they've been doing is illegal. Therefore, this can be one of the ways to tell them."

"This is also one way to make the writers realise that we're taking the issue seriously and want to encourage them to keep on writing," Mr Sathit says, adding that he hopes to see sales recover by 10-15% as a result.

Prof Dr Sint Pupunij, chairman of the Technology Management Department at Rajabhat University Phetchaburi, is among the authors who have felt ripped off by copying shops.

The retired professor has written five books for Witthayaphat including *Extension Education* (579 pages, 475 baht) and *The Technique of Social Science Research* (400 pages, 300 baht). Each book took more than two years to complete. Yet, some of them, which had initial print runs of 3,000 copies, took two to three years to sell out.

"As you can see how hard it is to complete one book, so I can't help feeling a bit ripped off," Prof Sint laments, adding that the prices of the books are reasonable.

"On top of that, as everyone knows that the pay of lecturers, particularly at state universities, is little. . . . Therefore, some rely on additional income of royalty fees from books sold, which also isn't much. So this is quite unjust."