Development of the Process for Supporting Copyright Protection of Local Folk Wisdom and Fabric Pattern Identity of Thai Song Dum Ethnic Group in Suphun Buri Province
กระบวนการให้ความคุ้มครองด้านลิขสิทธิ์ในภูมิปัญญาพื้นบ้านและอัตลักษณ์ลวดลายผ้าของกลุ่มชาติพันธุ์ไทยทรงดำ จังหวัดสุพรรณบุรี

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ABSTRACT

This study entitled “Development of the Process for Supporting Copyright Protection on Local Folk Wisdom and Fabric Pattern Identity of Thai Song Dum Ethnic Group in Suphun Buri Province” is aimed to study the rationale, identity and the present aspects of local fabric pattern as one of the folk wisdom of the ethnic group. This research intends to study the process of producing and conserving the local fabric pattern as well as the appropriate way in supporting copyright protection to this local folk wisdom of Thai Song Dum ethnic group in Suphun Buri province. The study has obtained the target group through the purposive sampling which comprises all together 80 people from the groups of key informants, performers and general concerned personnel. This study is conducted in the form of qualitative research in which the research instruments being used are comprised a survey form, observation form, in-depth interview form conduct of group discussion and workshop. The data information being obtained will be analyzed according to the purposes and objectives by used Triangulation Technique. The research outcomes were presented through Descriptive Analysis.

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The research findings reveal that each single pattern of folk crafts in the fabrics being produced has represented the lifestyle, belief, custom, philosophy and identity of this particular Thai Song Dum ethnic group. The problems and obstacle found that the new generation has isn't keen of interest in fabric weaving.

In terms of the processes for supporting copyright protection on local folk wisdom and identity of Yah-Huern and Dok Phum Sawan the owner or initiator of fabric pattern has to submit the request of copyright protection on local folk wisdom to the Department of Intellectual Property at the Ministry of Commerce.

Keywords: Copy Right Protection Process, Thai Song Dum Ethnic Group, Fabric Pattern of entity

บทคัดย่อ

การวิจัยนี้มีวัตถุประสงค์เพื่อ (๑) ศึกษาความเป็นมาและอัตลักษณ์เกี่ยวกับภูมิปัญญาพื้นบ้านลวดลายผ้า (๒) ศึกษาสภาพปัจจุบัน ปัญหา และข้อเสนอแนะในการอนุรักษ์ สืบสานลวดลายผ้า (๓) ศึกษากระบวนการผลิตลวดลายผ้าทอ และกระบวนการให้ความคุ้มครองด้านลิขสิทธิ์ในภูมิปัญญาพื้นบ้านลวดลายผ้าของชาวไทยทรงดำ จังหวัดสุพรรณบุรี กลุ่มตัวอย่างเลือกแบบเจาะจง ประกอบด้วย ผู้รู้ ผู้ปฏิบัติ และประชาชนทั่วไปที่เกี่ยวข้อง รวมทั้งสิ้น ๘๐ คน ใช้วิธีวิจัยเชิงคุณภาพ เครื่องมือที่ใช้ในการวิจัย ได้แก่ แบบสำรวจ แบบสังเกต แบบสัมภาษณ์การสนทนากลุ่มและการประชุมเชิงปฏิบัติการ แล้วนำข้อมูลมาวิเคราะห์ตามความมุ่งหมาย โดยใช้เทคนิคการตรวจสอบข้อมูลแบบสามเส้า และนำเสนอผลการวิจัยโดยวิธีพรรณนาวิเคราะห์

ผลการวิจัยพบว่า ลวดลายและสีสันบนผืนผ้าทอของชาวไทยทรงดำ สามารถสื่อความหมายที่สอดคล้องกับวิถีชีวิต ความเชื่อ และประเพณี ด้านปัญหาอุปสรรคในการอนุรักษ์สืบสานลวดลายผ้า พบว่า คนรุ่นใหม่ไม่ให้ความสนใจอาชีพทอผ้า เนื่องจากมีรายได้น้อย

การให้ความคุ้มครองภูมิปัญญาพื้นบ้านผ้าทอ “ลายหยาเฮือน” และ “ลายดอกพุ่มสวรรค์” เจ้าของลวดลายดำเนินการยื่นคำขอจดแจ้งภูมิปัญญาท้องถิ่นไทย และขอจดแจ้งลิขสิทธิ์ประเภทจิตรกรรม และประเภทศิลปประยุกต์ ต่อสำนักงานลิขสิทธิ์ กรมทรัพย์สินทางปัญญา

คำสำคัญ : ภูมิปัญญาพื้นบ้านลวดลายผ้า, ลิขสิทธิ์, อัตลักษณ์

1. Introduction

Thailand has a variety of local or folk wisdoms which are regarded as the valuable heritage that identify the cultural strength and identity of the nation. Nevertheless, this valuable identity remains to encounter some problems, due to the fact that many aspects of local wisdom have been carelessly neglected and abandoned to continue properly. These problems are found to cause by some other groups who illegally perform their own identity inappropriately without any well handling and supervision, thereby ruining the values of their folk arts and culture pitifully.[1] If these problems are ignored, we may not be able to identify particularly that which of the folk products or fabric patterns are the identity of which local wisdom or belonging to which ethnic groups. If these situations are remained to be ignored, we may not be able to identify which patterns of these particular products being sold in every region are the identities of which regions of Thailand. This problem is regarded as the significant factor which impacts the values of fabric patterns belonging to the ethnic group, and this problem is found to furthermore impact the disappearance of the weaving occupation which has long been the art of local wisdom and lifestyle of their ancestor.[2]

In raising the values and preserving the outstanding identity of the fabric pattern of particular ethnic group, it is seen that a significant measure should be made in terms of providing the right of Copyright Protection Law for the advantage of creative wisdoms of the ethnic group.

Fabric weaving of Thai Song Dum is seen as the outstanding creative identity which conveys particular meaning in terms of their lifestyle as well as their belief, custom and worship of Thai Song Dum ethnic group.

To provide this ethnic group with the correct information on the copyright protection process, it should be seen as the best beneficial mean in conserving the identity of the existing fabric pattern of Thai Song Dum ethnic group which may furthermore help develop their new styles of fabric patterns. Besides, this measure

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[1]Sootket Boriboonsri, **The Local Wisdom,** (Bangkok : DarnSutha Print, 2012.) p.21.

[2]Voraphol Poonpanich. **The Protection According to the Concept of Local Wisdom.** (Master of Law Thesis. Law Department Chulalongkorn University, 2005) p.78.

may continue to raise the abilities of this ethnic group to increase the value of income generation in their community.

In providing relevant knowledge and information on copyright protection law is seen as the best measure in solving the existing problem on the fabric pattern identity of Thai Song Dum local wisdom and the provision of this knowledge may help pave the way in providing the copyright protection to other types of local wisdom in the community.

2. Research objectives

1) To study the rationale and identity in relation to the local or folk wisdom regarding the fabric pattern of Thai Song Dum ethnic group in Suphun Buri province.

2) To study the present aspects as well as the problems and suggestion in conserving the fabric pattern identity of Thai Song Dum ethnic group in Suphun Buri province.

3) To study the processes of producing and conserving the local fabric pattern as well as the appropriate way in supporting copyright protection to the local wisdom of Thai Song Dum ethnic group in Suphun Buri province.

3. Research questions

1) Please describe the background and identity of the local wisdom in relation to the fabric weaving of Thai Song Dum ethnic group in Suphun Buri province.

2) Please identify the present aspect of Thai Song Dum ethnic group as well as their problems and solutions including the recommendation regarding the conservation of the identity of Thai Song Dum's pattern of fabric weaving.

3) What should be the process of fabric weaving production of Thai Song Dum ethnic group and the process of copyright protection of their local wisdom identity in relation to the pattern of their fabric weaving?

4. Extents of the research study

4.1 The extent of the target area – Thai Song Dum community in Suphun Buri province

4.2 Extent of the contents

1) Background and identity of fabric weaving of Thai Song Dum ethnic group in Suphun Buri province.

2) Present aspect and problems in relation to the process of weaving production, style, pattern, colors and materials including the conservation, restoration and development of the fabric pattern of Thai Song Dum ethnic group.

3) Processes of producing the fabric weaving and copyright protection on local wisdom of Thai Song Dum fabric weaving pattern.

4.3 Population and target group

1) The target population comprised the ethnic group of Thai Song Dum in Suphun Buri province who earned for living from fabric weaving, the community scholars, lawyer and concerned personnel.

2) The target group was done through purposive sampling of 80 people comprising the following:

(1) Group of knowledgeable people who were the concerned key personnel officials, group of cultural staff, the abbots of the Buddhist temples, community leaders, community elderly and community scholars.

(2) Group of tasks performers which comprised the head and the members of fabric weaving group, staff of the Department of Intellectual Property, and the lawyer concerned.

(3) Group of general informants comprising members of Thai Song Dum group and lawyers.

4.4 Extent of the research methods - this included the general information studies from the text and field survey as well as observation, interview, group discussion and workshop.

4.5 Extent of time and duration – started with the collection of data information on 2 August , 2012 and undertook field survey during 12 April, 2015 as well as launching the field studies from 12 August, 2013 to 25 September, 2017.

5. Research implementations

5.1 Research design – Qualitative study.

5.2 Research instruments

1) Survey form – to be used for the collection of basic information on the target area.

2) Observation form – to be used for observing the steps of weaving process and the process of applying for the copyright protection.

3) Interview form – to be used for the in-depth interview on the processes of fabric weaving, pattern designing and copyright protection of local wisdom.

4) Group discussion – to be organized through the use of Mind Mapping technique and to be clearly connected with the discussion issues.

5) Workshop - to be participated by the expert and knowledgeable resource persons who have skills and knowledge concerning weaving and copyright protection of local wisdom. The workshop aimed to confirm the correction of the research studies and to take the recommendation of the research study.

5.3 Data collection

1) Data were collected from printed materials by considering the completed and corrected information to be used as the guideline for data collection in the field site.

2) Data were collected from the general people within and outside the target site regarding the basic information of the research target area.

3) Data collection from the interview – this research instrument was developed through data collection from the printed materials and the outcome of the survey. This instrument had been reviewed of its accuracy by 2 experts in order to undertake the in-depth interview with open-ended questions.

4) Data were collected through group's discussion. Each group comprised 6-12 members to undertake the discussion on the issues related to the aims and objectives of the study.

5) Data were collected through workshop to be participated by the group of selected personnel from the experts regarding local wisdom as well as concerned law in relation to the protection of local wisdom. The workshop issues were to be related to issues and objectives of the research study.

5.4 Data processing and data analysis

The data were collected from the field sites were to be reviewed for processing and grouping according to the particular objectives of the study as follows :

1) Review of data were collected from all printed materials and group the particular types of these data according to the research objectives as set forth.

2) Review of data were collected from the field survey as well as from the interview and from the group discussion, then undertake the paraphrase from the transcription cassette and group them according to the research objectives.

3) Integrate all data put were collected from printed materials, field survey, observation, interview and group discussion, then re-check the accuracy of all data by using Triangulation Technique before analyzing and doing the summary.

4) Present the summary of basic data analyze to the workshop of the research experts in order to reconfirm the summary of the research study.

5.5 Presentation of the results of data analysis – to be done in terms of presenting new insights of knowledge through the descriptive analysis in relation to the aims of the study with theoretical confirmation.

6. Research findings :

The research revealed that the rationale and identity of Thai Song Dum's local wisdom on the fabric weaving remained to stick with the old style of performance in which the outstanding styles of their fabric patterns still be the pictures of plants, animals and articles, while the colors of those picture remained to be black or strong navy blue, white, yellow, green, strong reddish and orange. All of these colors tended to mean something concerned with their concept, their lifestyle and their belief.

Nowadays, it found that the people of this ethnic group usually dress themselves with Thai Song Dum costume in particular events concerning their special custom.[3] However, the problems and obstacles usually found among them are mostly caused by the new generation who attend less interest on fabric weaving occupation. Therefore, the former custom and culture of Thai Song Dum is going to be swallowed and urbanized by the new culture, thereby making the old

[3] Ratchapol Patpiboon. **Process for Transferring the Cultural Style of Fabric Weaving of Thai Song Dum Ethnic Group.** (Master's Degree Thesis in Non-Formal Education Chiang Mai University, 1995) p.93..

style of fabric pattern is lacked of protection which also contributes to the lack of new style of fabric pattern.

In terms of sustaining the conservation of fabric weaving, the collaboration should be made among the government agencies and private organizations to promote the competition of fabric pattern weaving in any special occasions such as conducting street market for selling clothes and fabric weaving of Thai Song Dum. Besides, some measure should be made in terms of clothes wearing campaign in which Thai Song Dum style of fabric weaving should be dressed among teachers, students and city officials every Friday.

It found that the process of making appropriate style of fabric weaving under Thai Song Dum identity is developed according to the imagination of people on various kinds of animals and plants as well as other general objects being seen in their lives and applied what have seen into sketching of the pattern of their fabric weaved. For example, the fabric pattern called "Yah-Huern" complies with the meaning of "the ability to lead the life happily under particular environment", while the fabric pattern called "Dok-Phum Sawan" represents a respective growth and development of Thai Song Dum ethnic group. It also implies living with vigilance and awareness among Thai Song Dum people.[4]

As for the process in terms of copyright protection on the local wisdom of Thai Song Dum's fabric pattern, the owner of fabric pattern has to submit the forms of request to the Department of Intellectual Property identifying his or her inspiration for initiating this fabric pattern.

7. Discussion of the results

According to the research findings on the color identity of Thai Song Dum, it found that there are 6 outstanding colors concerned. Of them are black or dark blue, white, yellow, green, strong red and orange. This information has complied with the research study done by Miss Jareewan Chanpla and her team (2554 : 17-

[4]Kritsada Disbanjong. **Development of he Processes for Supporting Copyright Protection of Local Folk Wisdom and Fabric Pattern Identity of Thai Song Dum Ethnic Group in Suphun Buri Province.** (PhD dissertation, Cultural Sciences. MahasarakarmUniversity, 2015) p.138.

18) whose findings state that each particular color being used for Thai Song Dum's fabric weaving has implied their particular feelings in which it transfers the meaning of their simple lifestyle.

At present, it found that Thai Song Dum ethnic group remains to use the former process of weaving as the old days, but turns to use or buy the fabric materials from other areas instead of growing by themselves. This has implied to the information regarding to the structural theory of the outstanding duty written by A.R. Radcliffe Brown and Bronislaw Malinowski which stated that when social change occurred it was simple that the people changed their way of finding fabric resources in which they would buy from the outside rather than growing by themselves and this was seen more convenient for them as well as decreasing the steps of production and increasing the total amount of fabric weaving.

As for the research findings in terms of the problems and obstacles, it found that the urban society had changed clothing and occupation aspects of Thai Song Dum ethnic group. This was due to the urban cultural trends which had role over the cultural practices of Thai Song Dum ethnic group. This information was incompliance with the Theory of cultural diffusion stated by Clark Wissler and Alfred Kroeber that the culture was transferable from one center point to another areas in which human beings may have the capability in communicating to one another.[5] This may as well identify about the cultural trends of the urban area that have significant role over the change of clothing and occupation of Thai Song Dum ethnic group.

As regards to the conservation of fabric pattern, it was found that both government and private organizations had done to promote the collaborations in terms of providing additional knowledge concerning fabric weaving as well as conducting many events in promotion of the local wisdom and selling of local products. This was in accordance with the research of Buntoon Sethasirote and Jes Thonavanich which stated that 3 of the most significant objectives on the conservation of the local wisdom and culture were (1) to keep the local wisdom

[5]Songkhun Chanthajon, **Cultural Theory and Society,** (Mahasarakarm : Mahasarakarm University Print, 2010,) p.20.

and culture for the benefit of the society, (2) to conserve and promote development of local wisdom and culture to remain in the society, and (3) to prevent the outsiders to take the benefit from the local wisdom and culture inappropriately.

As regards the processes for development of Thai Song Dum's identity on fabric pattern, it was found that at the first step the initiators made a creative design according to their inspiration by sketching the draft of the pattern from what they had imagined about, after which they allow the local informant to check whether their drafted pattern was in accordance with the belief and lifestyle of Thai Song Dum. The next process was to dye the fabric with the natural colors being selected, after which it would be continued to the final process of weaving. This was seen to comply with Brown and Malinowski on the structural theory on the outstanding duty in which they stated that a society was comparable to human beings or human organs that had the duty in supporting the working system of others coherently, and this had implied to the weaving process that had to be respectively developed step by step.

As for the process of copyright protection of local wisdom found that "Yah-Huern" and "Dok-Phum Sawan or Paradise Flower" were the new fabric patterns being recently produced through the process Thai Song Dum weaving. This had lead to the need of copyright protection in which the said patterns were needed to be registered at the first stage as the local wisdom, and then the second stage was to register for the request of copyright protection. The registration forms were to be filled out with the description of the owner's inspiration on the initiation of the said fabric pattern. This had implied to the structural theory on the outstanding duty of Brown and Malinowski in which they stated similarly as aforementioned that a society was comparable to human beings or human organs that had the duty in supporting the working system of others coherently.

8. Recommendation

8.1 Recommendation further research applications :

1) The findings of Thai Song Dum identity and local wisdom on the fabric weaving was concerned with the lifestyle, belief, culture and worship of Thai Song Dum ethnic group in which the group's members of fabric weaving should

take into consideration as the good example for designing the model of fabric pattern in support of the dress and costume of Thai Song Dum ethnic group.

2) In the processes of fabric pattern designing which related to the belief, lifestyle, culture and worship, the group members of fabric weaving as well as the weaving designer, the fabric designer and designers of other products of Thai Song Dum should as well undertake these same models and processes were used for other products apart from fabric weaving.

3) As for the finding in terms of the law and copyright protection, the fabric designer and designers of other products should take into consideration before making a design of other products. They should observe the details in terms of the identity and belief of Thai Song Dum ethnic group, and should agree with the fact that the fabric weaving of Thai Song Dum may further develop its new design in order to increase the market value in the future.

4) The findings in terms of the request for copyright protection, the fabric weaving group members should bring into consideration as the model for doing of their own request.

5) The findings in terms of the process for registering of local wisdom of Thailand as a whole, the fabric designers as well as weaving group's members should consider as the model or the example for proceeding onto requesting for the protection of future local wisdoms to be initiated in the kingdom of Thailand.

6) As for the findings as mentioned in 1.1 – 1.5, the staff officials at Department of Intellectual Property, Provincial and District Cultural Offices, Provincial and District Community Development Offices, Councils, District and Provincial Administrations, and officials concerned with the local wisdom should take this issue into consideration in promoting development of the future policies concerning the law of protection.

8.2 Suggestions for further research studies :

1) The study should be undertaken with regarding to the conservation and the protection law of local or folk wisdom in terms of intellectual property, patents, trademarks as well as geographical indicators, etc., all of which should be considered in order to provide the protection of the local wisdom in various dimensions until the particular law and regulation are finally stated.

2) The problems in terms of copying the local fabric pattern of various ethnic groups should be further studied.

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3) The local wisdom of other ethnic groups should be studied in order to learn of their particular identities.

4) The guideline for drafting the particular laws should be considered in order to promote the conservation of the local wisdom as well as all wisdoms of the people in the Thai kingdom as a whole.

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