Government of Nepal
Ministry of Culture, Tourism & Civil Aviation
Nepal Copyright Registrar's Office

जि. प्र. का. द. नं.: ०४७/०६३/६४

प्रतिलिपि अधिकार बुलेटिन

सूचना तथा सचेतनाका लागि

Copyright Bulletin

नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयको चौमासिक प्रकाशन

असार १७, २०६४ | Volume 1, Issue 3 | July 1, 2007

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यदि तपाईंसंग बौद्धिक सम्पत्ति, प्रतिलिपि अधिकार एवं तत्सम्बन्धी अधिकारका विषयमा कुनै कानूनी वा अन्य जिज्ञासा भएमा आफूलाई लागेका प्रश्नहरु हामीलाई लेखी पठाउनुहोला । यस बुलेटिनका आगामी अङ्कहरुमा तपाईंका प्रश्नहरुको उत्तर दिने प्रयास गर्नेछौं ।

धन्यवाद ॥

Establishment of Royalty Collection Society

The first ever royalty collection society in Nepal, "Music Royalty Collection Society Nepal (MRCSN)" has been established in the musical sector on June 8, 2007 as per the decision of Nepal Copyright Registrar's Office. The Society has been established after the approval of the application submitted by the Adhoc Committee of MRCSN led by the senior lyricist Mr. Ratna Shamsher Thapa.

The Society has, at present, incorporated the lyrists and the music composers as its members. It has aimed to collect the royalty from the users in the secondary use of the musical creations on the behalf of its members. The Society will later distribute the royalty amount to the concerned creators as per their share. Earlier the report submitted by the study committee formed under the renowned lyricist Mr. Kali Prasad Rijal had suggested the possibility of royalty collection society in the musical field.

The registration certificate of MRCSN was distributed to the Society by the Senior Writer Mr. Pradeep Kumar Gyawali amidst a function. The function was also addressed by Dr. Bhoj Raj Ghimire, lyricist, Mr. Madhav Prasad Ghimire,

Dr. Ghimire addressing the function

Secretary Ministry of Culture,Tourism & Civil Aviation(MoCTCA), Mr. Shree Purush Dhakal, Member Secretary MRCSN and Mr. Ram Prasad Bhattarai, Registrar, Nepal Copyright Registrar's Office (NCRO). The speakers have highlighted the importance of MRCSN in providing the benefits of the musical creations to the concerned creators. The Government of Nepal has provided an amount of Rs. 300,000.00 in the fiscal year 063/64 as the initial administrative support to the Society.

Copyright Training for the District Court Judges

Participants attending the training

Nepal Copyright Registrar's Office in co-operation with Enhancing Nepal's Trade Related Capacity Project, UNDP organized a two days residential training to the district court judges on "Copyright and Related Rights" at Dhulikhel, Kavre on March 29-30, 2007. Twenty-five district court judges from various districts had participated the training program. Inaugurating the training, the Minister for Culture, Tourism and Civil Aviation Mr. Pradeep Kumar Gyawali expressed his view that any country in the today's world can develop only with the proper use of knowledge, information and intellectual property. He also said that with the advent of new digital technologies, the rate of piracies of intellectual property including copyright and related right is growing tremendously and the training like this would help to enhance the legal authorities in combating with the infringements.

Addressing the program Mr. Madhav Pd. Ghimire, the Secretary, MoCTCA said that the knowledge based economy and activities are the need of the 21st century and in these aspects if we can control the piracy of copyrighted materials and promote the development of various creations, we can secure a bright future for the coming generations.

Altogether six different papers related to copyright and related rights were presented in the two days program by various renowned experts in this field. To impart the knowledge about the main provisions of the Copyright Act, 2002 and Copyright Rules, 2004 to the judges and make them aware of the recent trends including the international treaties and conventions in the field of copyright and related rights were the main objectives of the training.

Group photo with participants

सम्पादकीय

राम प्रसाद भट्टराई
रजिष्ट्रार

स्रष्टा प्रोत्साहित हुने अवसर

सिर्जनाले परिवार, समुदाय हुँदै राष्ट्रलाई अगाडि लैजाने र विज्ञान प्रविधि, कला, साहित्य एवं संस्कृति लगायतका बौद्धिक सिर्जनाका माध्यमबाट विश्व सञ्चालन हुने गरेको वस्तु तथ्य छर्लङ्ग छ । तर विश्व हाँक्ने सिर्जनाले सही व्यवस्थापनको अभावमा संरक्षण प्राप्त गर्न नसक्ने र सिर्जनाको अव्यवस्थित एवं अवैध प्रयोगले स्रष्टा लाभ विहीन हुने मात्र होइन कि अरूले नै खेती खाइदिने अवस्थाले जरो समेत गाडेको छ । यस्ता विसंगतिपूर्ण अवस्था र कृयाकलापलाई नियन्त्रण गर्दै सिर्जनाको व्यवस्थित प्रयोग गर्नुका साथै बौद्धिक सिर्जनाको व्यावसायिक प्रयोग हुँदा सो वापत स्रष्टालाई पनि लाभ पुऱ्याउनु पर्छ भन्ने दृष्टिले प्रतिलिपि अधिकारको रूपमा संरक्षणका प्रयास थालनी भए भने प्रतिलिपि अधिकार अन्तरगत नै विभिन्न विधाका सिर्जनाको व्यवस्थित प्रयोग र स्रष्टालाई लाभ दिलाउन रोयल्टी संकलन संस्थाहरू स्थापना गर्ने प्रयास शुरु भए । यस्ता संस्थाहरू खासगरी ठूलो रकममा व्यावसायिक प्रयोग हुने गीत संगीत, पुस्तक फोटोकपि जस्ता विधामा स्थापना भएका पाइन्छन् ।

आज नेपालमा पनि सिर्जनाको व्यावसायिक प्रयोग हुने बजार विकसित भएका छन् । खासगरी सांगीतिक सिर्जनाले नेपाली बजार ओगटेको छ भने प्रसारण माध्यमहरू सिर्जनाको व्यापक प्रयोगमार्फत आम समुदायलाई मनोरञ्जन प्रदान गर्न सक्षम भएका छन् । यिनै सांगीतिक सिर्जनाको प्रयोग गर्दा प्रसारण संस्थाहरू पनि विज्ञापन प्राप्त गरी लाभान्वित हुन सकेको पाइन्छ ।

सिर्जनाको व्यावसायिक प्रयोगबाट लाभ प्राप्त हुने अवस्थाले स्वाभाविक रूपमा सिर्जनाकारले पनि रोयल्टी प्राप्त गर्नुपर्छ भन्ने मान्यता स्थापित हुन्छ । त्यही मान्यता अनुरूप प्रतिलिपि अधिकार ऐन, २०५९ तथा नियम, २०६१ का प्रावधान अन्तर्गत नेपालमा प्रथम पटक २०६४।२।२५ गतेका दिन गीत-संगीत विधामा “संगीत रोयल्टी संकलन समाज नेपाल”को विधिवत स्थापना भएको छ । विधान अनुसार यस समाजले गीतकार र संगीतकारलाई समेटेको छ । यसले गीतकार एवं संगीतकारहरूबाट उनीहरूका सिर्जनाको सार्वजनिक एवं व्यापारिक प्रयोगका लागि अनुमति प्राप्त गर्दछ र त्यसका आधारमा सिर्जनाको सार्वजनिक एवं व्यावसायिक प्रयोग हुँदा प्रसारण संस्था (टी.भी., रेडियो), ठूला व्यापारिक केन्द्र, होटल, रेष्टुराँ, सार्वजनिक यातायात लगायतका ठाउँबाट रोयल्टी प्राप्त गर्दछ र संकलित रोयल्टी निश्चित मापदण्डका आधारमा स्रष्टा समक्ष वितरण गर्दछ ।

नेपालमा पहिलो अभ्यासको रूपमा थालिएको यो प्रयासले स्रष्टालाई सम्मान प्रदान गर्नुका अतिरिक्त आर्थिक लाभ समेत प्राप्त गर्ने सम्भावनालाई दरिलो बनाएको छ । यसबाट आफ्ना सिर्जनाले थुप्रै आम्दानी गर्दा समेत टुलुटुलु हेरेर बस्नु पर्ने अवस्थाबाट स्रष्टा धनी बन्ने वातावरण बन्न थालेको छ । तर यस निम्ति स्रष्टाको सक्रियता आवश्यक मात्रामा भएन भने संस्था खोलिनुले मात्रै उपलब्धि हात लाग्न सक्दैन भन्ने वास्तविकतालाई बिर्सिनु हुँदैन ।

त्यसो त रोयल्टी संकलन जस्तो जटिल कार्यका लागि निकै मेहनत साथ काम गर्नै पर्दछ । अरूका सिर्जनाको नक्कली उत्पादन गरेर फाइदा लिने र अरूका सिर्जनाको प्रयोग सित्तै गर्ने बानी परिसकेको हाम्रो संस्कारमा परिवर्तन गरी रोयल्टी प्रदान गर्नु पर्छ भन्ने धारणा विकसित गराउनु तथा रोयल्टी संकलन गर्नु स्वाभाविक रूपमा अत्यन्त चुनौतीपूर्ण कार्यहरू हुन् । यसका लागि स्रष्टा एवं प्रयोगकर्तामा इमान्दारिताको अत्यन्तै खाँचो पर्दछ भने विषयको महत्व बुझाउन, सम्झौताद्वारा व्यवस्थित प्रयोग गराउन र रोयल्टी निर्धारण तथा संकलन गर्न त्यत्तिकै दक्षतायुक्त ज्ञानको खाँचो पर्दछ । नेपालकै लागि नौलो प्रयोग भएको यो प्रयास सफल हुनै पर्दछ र यस निम्ति प्रत्येक सांगीतिक सिर्जनाको प्रयोगमा लिखित सम्झौताका प्रकृयाहरू पूरा हुनु जरुरी हुन्छ । सिर्जनालाई सम्पत्ति मान्ने र सिर्जनाकै आधारमा प्रतिष्ठा तथा धन आर्जन हुने युगबाट लाभान्वित हुन नेपाली सांगीतिक स्रष्टाहरू इमान्दारिताका साथ तम्तयार हुन र स्तरीय एवं मौलिक सिर्जनालाई बजारमा ल्याउन उत्तिकै जरुरी भएको छ । अरूका सिर्जनामा लिपपोत र सिंगार पटार गरेर बजारमा ल्याउने प्रवृत्तिलाई निरुत्साहित गर्न र स्तरीय सिर्जनाका माध्यमबाट प्रतिस्पर्धामा खरो उत्रिन स्रष्टाहरू सतर्क हुनुपर्ने समयको माग भएको छ ।

News and Events:

Discussion on Copyright in Ring Tones

Nepal Copyright Registrar's Office held a discussion program with the mobile phone service providers on April 8, 2007 regarding the use of songs and music as ring-tones in mobile phones. The representatives from Nepal Telecom, United Telecom and Mero Mobile were present in the discussion. The need to acquire the consent from the concerned copyright owners through the written agreement before using any song or music in the mobile phone was the main focus of the discussion.

The World Book and Copyright Day Celebrated

Nepal Copyright Registrar's Office has organized a one-day discussion program on April 23, 2007 at NTB Hall, Bhrikutimadap to mark the celebration of the World Book and Copyright Day. Six different papers highlighting the relationship between the books and copyright and their importance were presented during the program. About 50 participants representing the writers, publishers, photocopy service providers; copyrighted materials users, libraries and readers have actively participated in the discussion. UNESCO had decided to celebrate the World Book and Copyright Day since 1995 in memory of the anniversary of the birth and death of various renowned writers.

Interaction Program on WIPO Broadcasting Treaty

Nepal Copyright Registrar's Office has organized a one day interaction program with the representatives of various broadcasting organizations in regard to the Draft Non-Paper on WIPO Treaty on the Protection of the Broadcasting Organization on May 4, 2007. Various provisions in the proposed treaty were discussed and the participants were requested to provide the written comments on the provisions if any.

Celebration of the World Intellectual Property Day

A one day workshop on the use of musical creations was held in support of Kathmandu School of Law (KSL) on April 26, 2007 to mark the 26^{th} World Intellectual Property Day. Various papers were presented highlighting the proper use and protection of musical creations. The theme of this year's World Intellectual Property Day is "Encouraging Creativity".

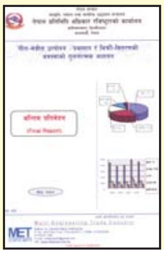
Discussion Program at Radio Nepal

A one day interactive discussion program was jointly organized by NCRO and Radio Nepal at the latter's seminar hall on May 24, 2007. Media persons from various broadcasting organizations and staffs of Radio Nepal were present in the program. Participating in the discussion, Mr. Ram Prasad Bhattaria, Registrar, NCRO expressed that the violation of copyright in the musical production of Radio Nepal has been a serious problem in the Nepalese music market. He further added that Radio Nepal should take a strong initiation in protecting its intellectual property and get benefits from their proper exploitation. Other related matters on copyright and related rights were also discussed on the occasion.

Participants at discussion in the program

Report on the Publication of Songs/Music in Kathmandu

A final report on the study of musical publications in Kathmandu Valley has been submitted to NCRO on June 14, 2007. The report has depicted the situation of musical publications in the capital and has also analyzed the trends of their sales in the market for the last 5 years.



The study has shown that the publication of folksong album is higher in the Nepalese market

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Article

The Establishment of CMO: Some Reflections

Pustun Pradhan
CEDA, TU

Right enforcement constitutes the most important dimension of copyright regime next to the enactment of national copyright laws, for it gives real meaning and substance to the rights created for the authors to protect their literary and artistic works. Right enforcement, however, is in itself the most complex and challenging task for the right owners given the nature and use of their protected works. Technological developments have further compounded the problem, making it much easier to reproduce and utilize the protected works in a variety of ways. Not until the system of collective administration of rights came into existence was it possible for the right owners in most cases to fully control and exploit the use of their works. For the composers and text-writers of musical works, particularly in relation to performing rights of non-dramatico musical works, development of collective management system marks a major breakthrough as it enabled them to fully exercise this right which otherwise would not have been possible.

By definition, the term "collective management of copyright' denotes a system under which right-owners entrust collective management organization authority to administer their rights. Hence, the fundamental objective of collective management organization is the administration of rights delegated to it by right-owners with authority to: (i) monitor the use of their works; (ii) negotiate the conditions with the prospective users for the utilization of their works; (iii) give them license (authorization) against appropriate fees; and (iv) collect such fees and distribute them among the right owners. It enjoys the same privilege as any ordinary copyright owner, and is therefore subject to the same treatment and granted the same relief by the court.

The establishment of the Music Royalty Collection Society Nepal (MRCSN) marks a historic moment in the development of copyright in Nepal. For a least developed country like Nepal that has just made its beginning in the establishment of copyright regime, the setting up of collecting society is indeed an arduous task. Considered to be one of the most arcane areas of law, copyright made its first appearance in Nepalese law in 1965. Till the enactment of new legislation in 2002, copyright could not make its presence visible in Nepalese culture for various reasons. Given this fact it is unsurprising to see that difficulties and problems facing the founding of collective management organization (CMO) in Nepal have not so much to do with the eagerness and initiatives on the part of the right-owners as with the lack of knowledge on the subject matter itself. Most of the right-owners were not aware of what collecting society is all about. This was apparent during the initial round of discussion and deliberation among the different stakeholders of copyright on the formation of CMO. To help further the pace of momentum towards the establishment of the CMO, the Office of the Copyright Registrar simultaneously organized a series of seminars and workshops for the right-owners of various categories of works on the theme of collecting society.

It took many rounds of discussion and deliberation among the concerned right-owners before MRCSN came into existence in May 2007 as the first CMO to be established in Nepal. One of the key issues at the discussion was how collective management society should be organized: whether it should be organized into a single general body representing all categories of works or a different organization for each genre of works. Despite the fact that the 2002 Copyright Act of Nepal has provided for the establishment of one collecting organization for each genre of works, most participants in the discussion stressed on the need for the establishment of a single general body responsible for administering the rights in all the different categories of works. Those who argued for single general body maintained that given the little knowledge and managerial expertise and the expenses that involve for the operation of separate organizations to administer the rights in each different category of works, a single general body administering rights in both musical and non-musical works would be more viable and suitable to begin with. The other argued that for practical and technical reasons it would be too complex and difficult for a single general body to administer the rights in different categories of works. They further made the point that the successful application of the collective management system in one category of works makes it much easier for its replication, or extension to, in other categories of works.

The basic question that was overlooked during the discussion was the fact that where individual enforcement of rights is possible, the need for collecting organization does not arise. It is only in the situation where this individual enforcement of exclusive rights is not possible due to widespread uses of works for variety of purposes, does it become essential to administer these rights through the mechanism of collecting organization. The exclusive rights granted to the authors attach little significance if those rights in reality are virtually impossible for an individual author to exercise. This in fact was the case with certain rights, particularly the right of public performance of non-dramatico musical works, usually known as performing rights. While this legal recognition of performing right gave ample scope to the music writers and composers for the economic exploitation of their works, the inherent practical difficulties involved in its enforcement by individual way reduced the economic significance of this right to a mere figurehead. As a rule, copyright experts take the view that administration of exclusive rights by collecting organization should be applied only to those fields where it is indispensable. However, its application should not be extended to such fields where its advantages are not significant and where right-owners can individually enforce their rights.

CMOs are non-profit, private organizations that are basically funded from the resources of their own members by way of retaining certain percentage from the collected royalties to meet their administrative costs. The percentage of amount thus retained by the collective organization to cover its administrative expenses varies across the countries, from as low as 10 percent to as high as 30 percent of the collected royalties, depending upon the size of the market, efficiency in the management, and the state of copyright compliance. In India such expenses should not exceed 15 percent of the collection (Copyright Rules, 1958 as amended in 2000). As a rule, the administrative costs of the CMOs must be as low as possible if the right-owners are to realize the full advantage from their operation. In its articles of association the newly established MRCSN prescribes the retention of certain amount not exceeding 25 percent of the collected royalties to bear the administrative costs of the organization (Article33). This seems quite reasonable by the prevailing international standard. However, nowhere in the articles of association does it contain definite time schedule for the distribution of royalties. It is thus unclear whether distribution will take place once in a year or once in two years. This has been left entirely to the discretion of the executive committee (Article 34).

Laws regulating the establishment and function of collective management organization are enshrined in Article 39 of the 2002 Copyright Act and Articles 5(c) through 12 of the Copyright Rules, 2004. Need for such regulation arises from the fact that CMOs assume a virtually de facto monopoly position, both in respect of right-owners and users as well. This is simply because it is a sole organization having the authority from the right-owners to administer their exclusive rights. While this monopoly position is deemed to be an essential condition for the efficient and satisfactory operation of the collective management organizations, there is also an imminent possibility in some instances where they may abuse this position. To check those possible abuses, necessary legal provisions guaranteeing the proper operation of collective management organizations are made in the national laws. One such provision relates to the establishment of collective management organization for which an approval by a competent authority designated by the law is required. The approval is subject to close examination of all those elements that are considered important for the establishment and proper functioning of the CMOs. Article 8 of the Copyright Rules, 2004 contains such provision that empowers the Registrar of Copyright to grant registration after due examination of the articles of association and other relevant documents. The other relates to the operation of the CMOs where a regular supervision by a competent authority of the certain key elements of the collective management system is prescribed for ensuring that they operate in an appropriate

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लेख / रचना

सांगीतिक रचनाको व्यवस्थापनमा नयाँ प्रयास, रोयल्टी संकलन संस्थाको स्थापना

हरेक राष्ट्रको कानूनले सिर्जनाकारहरूलाई उनीहरूका सिर्जनामा केही एकलौटी अधिकारहरू प्रदान गरेको हुन्छ जसको समुच्च रुपलाई नै प्रतिलिपि अधिकार भनिन्छ। यी अधिकारहरूलाई आर्थिक अधिकार र नैतिक अधिकार गरी दुई भागमा विभाजन गर्न सकिन्छ। आर्थिक अधिकारहरू सम्झौताद्वारा अरुलाई हस्तान्तरण गर्न सकिन्छ र यी अधिकारहरूले सिर्जनाकारहरूलाई आर्थिक लाभ प्राप्त गर्न पनि सघाउ पुऱ्याउँछन्। यी आर्थिक अधिकारहरू मध्ये सिर्जनाको सार्वजनिक सञ्चार एउटा महत्वपूर्ण अधिकार मानिन्छ।

सूचना प्रविधिको क्षेत्रमा भएको विकाससंगै विश्वव्यापीकरण र खुला सिमानाको अवधारणाले ल्याएको क्रान्तिले आज कुनै एक स्थानमा सिर्जना भएका साँगीतिक रचनाहरू संसारका सबै कुनामा सार्वजनिक प्रयोग हुने अवस्था सिर्जना भएको छ। यसले एकातिर साँगीतिक रचनाहरूबाट सिर्जनाकारहरूलाई राम्रो आर्थिक प्रतिफल प्राप्त हुन सक्ने वातावरणको निर्माण भएको छ भने अर्कोतिर प्रयोगका क्षेत्रहरू निकै जटिल समेत बन्न पुगेका छन्। सिर्जनाको सार्वजनिक प्रयोगका क्षेत्रमा विकसित हुँदै गएको यस किसिमको व्यापकता र जटिलतामा कुनै एक साँगीतिक सिर्जनाकारले आफ्ना सबै सिर्जनाहरूको सार्वजनिक प्रयोगकर्ताहरूसंग आफैले सम्पर्क राखी प्रयोगका सम्बन्धमा सम्झौता गरी रोयल्टी उठाउनु भनेको निकै कठिन र अव्यावहारिक कार्य हो। यसमा समय र लागत पनि बढी पर्न जान्छ। त्यस्तै गीत संगीतको सार्वजनिक र व्यावसायिक प्रयोग गर्ने विभिन्न प्रसारण संस्था र अन्य प्रयोगकर्ताहरूलाई पनि आफूले प्रयोग गर्ने सबै गीतहरूका सम्बन्धमा सम्बन्धित श्रष्टाहरूसंग सम्पर्क गरेर अधिकार प्राप्त गर्नु र सांगीतिक सिर्जनाका सबै भागिदार समक्ष रोयल्टी वितरण गर्नु भनेको प्राय असम्भव कार्य हो। साँगीतिक रचनाहरूको सार्वजनिक प्रयोगका सम्बन्धमा यस्ता जटिल समस्यालाई समाधान गर्दै गीत संगीतको व्यवस्थित रूपमा सार्वजनिक प्रयोग र सो वापत सम्बन्धित श्रष्टालाई रोयल्टीको सुनिश्चितता गर्न संसारका अन्य मुलुकमा झैं नेपालमा पनि प्रतिलिपि अधिकार ऐन २०५९ को दफा ३९ मा व्यवस्था भए अनुसार २०६४।२।२५ गतेका दिन संगीत विधामा "संगीत रोयल्टी संकलन समाज नेपाल" (Music Royalty Collection Society Nepal - MRCSN) को गठन भएको हो।

स्रष्टाहरूलाई प्राप्त हुने आर्थिक अधिकारहरूको व्यवस्थापन गर्ने क्रममा संसारका विभिन्न मुलुकमा गीत संगीतका क्यासेट, सी.डी., भि.सी.डी.हरू पुनरुत्पादन गर्ने र बिक्री वितरणलाई व्यवस्थित गर्ने उद्देश्य मात्र लिएर पनि एकथरी रोयल्टी संकलन समाज गठन हुने गरेका छन्। नेपालमा पहिलोपटक स्थापना भएको "संगीत रोयल्टी संकलन समाज नेपाल"ले प्रतिलिपि अधिकार अन्तरगत आर्थिक अधिकार भित्रको सार्वजनिक प्रयोगको अधिकारलाई व्यवस्थित गरी सम्बन्धित स्रष्टाहरूलाई लाभ प्रदान गर्ने मुख्य उद्देश्य लिएको छ। नेपालमा उत्पादित साँगीतिक सिर्जनाहरूको देश भित्र र देश बाहिर हुने सार्वजनिक प्रयोग वापत रोयल्टी संकलन गर्नु, र प्राप्त रोयल्टी सम्बन्धित स्रष्टाहरूलाई वितरण गर्न यस समाजले प्रमुख भूमिका निर्वाह गर्ने हुँदा नेपाली स्रष्टाका सिर्जनाले व्यावसायिक रूप लिन सक्ने र सिर्जनाको व्यवस्थित प्रयोगबाट स्वदेश बाहिरबाट समेत लाभ प्राप्त गर्ने वातावरण तयार हुन थालेको छ। यस उद्देश्य हासिल गर्न समाजले विभिन्न कार्यहरू गर्नुपर्ने हुन्छ। गीत संगीत सम्बन्धी प्रतिलिपि अधिकारको उचित व्यवस्थापन गरी स्रष्टाहरूलाई लाभ प्रदान गर्न संगीत रोयल्टी संकलन समाज नेपालले गर्नुपर्ने प्रमुख कार्यहरूलाई यस प्रकार उल्लेख गर्न सकिन्छ।

(क) अभिलेख व्यवस्थापन (Documentation);

रोयल्टी संकलन समाजको प्रमुख कार्य सम्बन्धित सूचनाहरू संकलन गर्नु र त्यसलाई मितव्ययी र सुरक्षित रूपमा व्यवस्थापन गर्नु हो। संगीत रोयल्टी संकलन समाज नेपालले सर्वप्रथम सो समाजमा सदस्य भएका गीत संगीत विधाका स्रष्टाहरूको हितमा उनीहरूका साँगीतिक सिर्जनाहरूको सार्वजनिक प्रयोग सम्बन्धमा सम्बन्धित प्रयोगकर्ताहरूलाई अनुमति प्रदान गर्ने र सो वापत रोयल्टी संकलन गर्न सक्ने गरी सदस्य स्रष्टाहरूबाट लिखित सम्झौता मार्फत अधिकार प्राप्त गर्नुपर्दछ। यस सम्बन्धमा समाजले आफ्ना सदस्यहरूको व्यक्तिगत विवरण र उनीहरूका साँगीतिक रचनाहरूको सम्बन्धमा सम्पूर्ण विवरण सुरक्षित रूपमा राख्नुपर्दछ। यस्तै समाजलाई अधिकार प्राप्त गीतहरूका सम्बन्धमा सार्वजनिक प्रयोगकर्ताहरूको विवरण, उनीहरूसंग भएका सम्झौताका प्रतिहरू र आवश्यकतानुसार प्रयोगकर्ताहरूले दैनिक रूपमा सार्वजनिक प्रयोग गरेका गीत संगीतहरूको विवरण पनि संकलन गरी व्यवस्थित रूपमा अभिलेख राख्नु पर्दछ। साँगीतिक रचनाका सार्वजनिक प्रयोगकर्ताहरूमा टेलिभिजन प्रसारण संस्था, रेडियो र एफ एम प्रसारण संस्था, केबुल टेलिभिजन प्रसारण संस्था, होटेल तथा रेष्टुराँ, डान्स क्लब, सिनेमा तथा नाचघर, सार्वजनिक यातायातका सेवाप्रदायक, ठूला व्यापारिक केन्द्र आदि पर्दछन्।

(ख) अनुमति (Licensing):

संगीत विधामा स्थापित रोयल्टी संकलन समाजको अर्को प्रमुख कार्य सम्बन्धित प्रयोगकर्ताहरूसंग स्रष्टाका तर्फबाट सम्झौता गरी आफूसंग सम्बन्धित गीत संगीतको सार्वजनिक प्रयोगका लागि अनुमति प्रदान गर्नु र सो बापत निश्चित रकम रोयल्टी संकलन गर्नु हो। अनुमति प्रदान गर्दा सबै गीत संगीतहरूको एकमुष्ठ रूपमा वा निश्चित प्रकारका गीतहरूका लागि छुट्टा छुट्टै रूपमा सम्झौता गर्न सकिन्छ। साथै कुनै निश्चित अवधिका लागि वा सधैंका लागि पनि Blanket License को रूपमा अनुमति प्रदान गर्न सकिन्छ। यसरी अनुमति प्रदान गर्नु पूर्व क्षेत्रगत रूपमा रोयल्टीका फरक फरक दररेट निर्धारण गर्नु उचित हुन्छ। प्रयोगका प्रकृति अनुसार केही प्रयोगकर्ताहरूसंग आवश्यक वार्ता (negotiate) गरेर पनि रोयल्टी रकम निर्धारण गर्नु पर्ने हुन्छ।

रोयल्टी दररेट निर्धारण सम्बन्धमा विश्वका थुप्रै मुलुकहरूमा प्रचलित र सबैभन्दा पुरानो सिद्धान्त "दश प्रतिशत सिद्धान्त" हो। यो सिद्धान्त अनुसार गीत संगीतका प्रयोगकर्ताहरूले गीत संगीतको सार्वजनिक प्रयोग गरे वापत प्राप्त हुने आम्दानीको १० प्रतिशत रकम रोयल्टी वापत रोयल्टी संकलन समाजलाई प्रदान गर्नु पर्नेछ। विषेश गरी प्रसारण संस्थाहरूबाट रोयल्टी प्राप्त गर्न यो विधि बढी उपयुक्त र व्यावहारिक देखिन्छ। उदाहरणको लागि यदि कुनै टेलिभिजन प्रसारण संस्थाले कुनै एउटा साँगीतिक कार्यक्रमबाट विज्ञापन स्वरुप रु २५००० प्राप्त गर्दछ र त्यस्ता साँगीतिक कार्यक्रमहरू दिनको ६ वटा सम्म प्रसारण गर्दछ भने सो संस्थालाई वर्षभरी प्रसारण हुने साँगीतिक कार्यक्रमहरूबाट विज्ञापन स्वरुप कूल रु ५,४७,५०,००० आर्जन हुने हुन्छ। यदि सो संस्थाले उक्त कार्यक्रममा प्रसारण गरेका सबै गीत संगीतहरूको अधिकार समाजसंग भएको खण्डमा समाजले वार्षिक रूपमा त्यस्तो टेलिभिजन संस्थाबाट कूल आम्दानी रकमको १० प्रतिशतले हुन आउने रु ५४,७५,००० रोयल्टी वापत प्राप्त गर्नेछ। यही विधि अपनाई कुनै नाचघरमा देखाइने साँगीतिक कार्यक्रममा पनि कुल टिकट बिक्री वापतको १० प्रतिशत रकम समाजले प्राप्त गर्न सक्दछ। तर प्रस्तुत गरिने सांगीतिक रचनाका रचयिताले सम्झौताद्वारा संकलन समाजलाई अधिकार दिएको हुनु अनिवार्य हुन्छ।

गीत संगीतको प्रयोग र आम्दानी बीच सोझो सम्बन्ध नहुने अवस्थामा भने यो सिद्धान्तको उपयोग गर्न गाह्रो हुन्छ। होटल तथा रेष्टुराँ, व्यापारिक केन्द्र र ठूला पसल, सार्वजनिक यातायातका साधन लगायत अन्य सार्वजनिक

प्रयोगका क्षेत्रमा यो सिद्धान्तबाट रोयल्टी संकलन गर्नु भन्दा निश्चित समयावधिका लागि एकमुष्ट रूपमा रोयल्टी रकम प्राप्त गर्नु उपयुक्त हुन्छ । यस्तै गीत संगीतको प्रत्यक्ष प्रयोग र रेकर्डेड रुपको प्रयोगका सम्बन्धमा फरक फरक रोयल्टी दररेट निर्धारण पनि गर्न सकिन्छ । सिनेमाघर र सार्वजनिक यातायातमा सीट क्षमता एवं प्रयोग गरिने गीतको स्तर अनुसार भिन्दा भिन्दै दरको पनि आवश्यकता हुन सक्दछ । समाजले कतिपय क्षेत्रमा प्रत्येक प्रयोगकर्ताहरूलाई छुट्टा छुट्टै रूपमा गीत संगीतको सार्वजनिक प्रयोगको सहमति प्रदान गर्नु पर्ने हुन्छ भने कतिपय अन्य क्षेत्रहरूमा ती प्रयोगकर्ताहरू आवद्ध रहेको कुनै छाता एशोसियसन वा संगठनहरूसंग पनि सम्झौता गरी अनुमति प्रदान गर्न सक्दछ ।

(ग) रोयल्टी वितरण (Distribution):

रोयल्टी संकलन समाजको प्रमुख कार्य प्रयोगकर्ताहरूबाट संकलित रोयल्टी सम्बन्धित स्रष्टाहरूलाई वितरण गर्नु पनि हो । समाजले आवधिक रूपमा प्रयोगकर्ताहरूबाट प्राप्त गर्ने रोयल्टी रकम कुनै निश्चित कोषमा जम्मा गर्नु पर्दछ । यसरी संकलित रकम मध्ये बढीमा १०-३० प्रतिशत रकम समाजको व्यवस्थापकीय कार्यमा खर्च गर्न सक्ने अन्तर्राष्ट्रिय अभ्यास भए अनुसार नेपालमा पनि समाजको विधानमा बढीमा २५ प्रतिशतसम्म रकम प्रशासनिक एवं व्यवस्थापकीय कार्यका लागि छुट्याएर बाँकी रकम सम्बन्धित अधिकार धनीहरूलाई उपलब्ध गराउने व्यवस्था गरिएको छ । प्राप्त रकम मध्ये कति रकम कसलाई कहिले बाँड्ने भन्ने विषयमा तालिका बनाउनु पर्दछ । यसका लागि समाजले विभिन्न प्रयोगकर्ताहरूबाट संगीतको प्रसारण वा प्रयोगका बारे दैनिक वा आवधिक रूपमा प्राप्त गर्ने विवरणलाई नै प्रमुख आधार बनाउनु पर्ने हुन्छ । यसका अतिरिक्त सार्वजनिक प्रयोगका सम्बन्धमा विशेष अनुगमनकर्ताहरू नियुक्त गरी उनीहरूले पेश गर्ने विवरणहरूको पनि आधार लिन सकिन्छ । साथै कुन गीत संगीतको कति र कहाँ प्रयोग भएको छ भन्ने सन्दर्भमा श्रोताहरूबाट प्रश्नावली मार्फत पनि तथ्यांकहरू संकलन गर्नुपर्ने हुन्छ । यसरी सम्बन्धित अधिकार धनीहरूलाई वितरण गर्नु पर्ने रोयल्टी यकिन भइसकेपछि निर्धारित तालिकाका आधारमा रोयल्टी रकम वितरण गर्नु पर्दछ ।

यसरी संगीत रोयल्टी संकलन समाज नेपालले गीत संगीतको सार्वजनिक प्रयोग सम्बन्धी अधिकारको सुव्यवस्थापन गरी स्रष्टालाई लाभ प्रदान गर्ने एवं सिर्जनाको प्रयोग र प्रोत्साहन मार्फत राष्ट्रको साँगीतिक, साँस्कृतिक र आर्थिक विकास गर्नमा महत्वपूर्ण योगदान पुर्‍याउन सक्दछ ।

प्रतिलिपि अधिकार ऐन, २०५९ को दफा ३० र नियमावली, २०६१ को नियम १५ अनुसार रोयल्टी संकलन समाजले निर्धारण गरेको रोयल्टी रकममा चित्त नबुझ्ने व्यक्तिले रोयल्टी निर्धारण भएको मितिले ३५ दिन भित्र नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयका रजिष्ट्रार समक्ष उजुरी दिन सक्ने व्यवस्था गरेको छ । यसले गर्दा रोयल्टी संकलन समाजले मनोमानी ढंगले रोयल्टी निर्धारण र वितरण गर्न नसक्ने देखिन्छ । कुनै स्रष्टालाई आफ्ना रचनाहरूको सार्वजनिक प्रयोग क-कसलाई गर्न दिने भन्ने बारेमा निर्णय गर्ने अधिकार हुन्छ । संकलन समाजमा आवद्ध नभएका स्रष्टाले सो अधिकार कुनै प्रसारण संस्था वा प्रयोगकर्ताहरूलाई नदिन पनि सक्दछ जसले गर्दा प्रयोगकर्ताको व्यवसायमा समेत यसले प्रभाव पार्न सक्छ । तर रोयल्टी संकलन समाजले आफ्ना सदस्यबाट सम्झौताद्वारा प्राप्त गरेका अधिकारहरूको प्रयोगका सम्बन्धमा प्रयोगकर्ताहरूलाई कुनै प्रकारको विभेद गर्न पाइँदैन । यसले साँगीतिक सिर्जनाहरूको सार्वजनिक प्रयोगमा एउटा व्यवस्थित प्रणाली स्थापना गर्न र सिर्जनाहरूको अनधिकृत प्रयोगलाई नियन्त्रण गर्दै थप नयाँ र उत्कृष्ट गीत संगीतको सिर्जनामा ठूलो भूमिका निभाउन सक्दछ ।

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यस कार्यालयमा दर्ता भएका रचनाहरुको एक झलक

प्रश्नोत्तर स्तम्भ

प्र. प्रतिलिपि अधिकार र तत्सम्बन्धी अधिकारको सामूहिक व्यवस्थापन भनेको के हो ?

उ. प्रतिलिपि अधिकार र तत्सम्बन्धी अधिकारको सामूहिक व्यवस्थापन भनेको सम्बन्धित अधिकार धनीका हितमा उनीहरूको तर्फबाट रोयल्टी संकलन समाजले गर्ने प्रतिलिपि अधिकार र तत्सम्बन्धी अधिकारको व्यवस्थित एवं उचित प्रयोग हो ।

प्र. रोयल्टी संकलन समाज भनेको के हो ?

उ. रोयल्टी संकलन समाज भनेको सिर्जनाकार एवं प्रतिलिपि अधिकार तथा तत्सम्बन्धी अधिकार धनीहरूको त्यस्तो संगठन हो जसले प्रतिलिपि अधिकार र तत्सम्बन्धी अधिकारहरूको व्यवस्थापनको सम्बन्धमा प्रयोगकर्ताहरूबाट रोयल्टी संकलन गर्दछ र सम्बन्धित धनीहरूलाई वितरण गर्दछ ।

प्र. सामूहिक व्यवस्थापन अन्तर्गत कस्ता अधिकारहरूको व्यवस्थापन गरिन्छ ?

उ. साधारणत सामूहिक व्यवस्थापन अन्तर्गत निम्न प्रकारका अधिकारहरूको व्यवस्थापन गरिन्छ:-

- **सार्वजनिक प्रयोगको अधिकार** (रेष्टुराँ, डिस्को आदिमा)
- **प्रसारणको अधिकार** (रेडियो, टेलिभिजन आदिबाट)
- साँगीतिक रचनाहरूमा **यान्त्रिक पुनरुत्पादनको अधिकार** (सी.डी., टेप, क्यासेट, डिस्क आदिमा)
- नाट्य रचनाहरूमा **प्रस्तुतिको अधिकार** (नाचघर आदिमा)
- साहित्यिक रचनाहरूमा **पुनरुत्पादनको अधिकार** (फोटोकपि)
- **सार्वजनिक सञ्चारको अधिकार** (प्रस्तोता र ध्वनिअंकन उत्पादकहरूको)

प्र. रोयल्टी संकलन संस्थाका प्रमुख कार्यहरू के के हुन् ?

उ. रोयल्टी संकलन संस्थाका प्रमुख कार्यहरू निम्नानुसार हुन्:-

- **डकुमेन्टेशन** – सम्बन्धित सूचनाहरूको संकलन र व्यवस्थापन गर्नु ।
- **अनुमति प्रदान** – निश्चित रोयल्टी प्राप्त हुने गरी सम्झौता मार्फत प्रयोगकर्ताहरूलाई अनुमति प्रदान गर्नु ।
- **रोयल्टी वितरण** – सम्बन्धित अधिकार धनीहरूलाई रोयल्टी वितरण गर्नु ।

प्र. रोयल्टी संकलन समाजका प्रमुख क्षेत्रहरू के के हुन् ?

उ. रोयल्टी संकलन समाज सिर्जनाका सबै क्षेत्रहरूमा स्थापना गर्न सकिन्छ । तथापि रोयल्टी संकलन समाजका प्रमुख क्षेत्रहरू निम्नानुसार हुन् ।

- **साँगीतिक रचना** (आधुनिक, लोक, शास्त्रीय, पप)
- **नाट्य रचना** (पटकथा, दृश्यकथा, मञ्च अभिनय, ओपेरा)
- **मुद्रित रचना** (पुस्तक, पत्रिका, समाचारपत्र, प्रतिवेदन आदि)
- **दृष्य कला** (पेन्टिङ, चित्रकला, लिथोग्राफ, खोदनकला, मूर्तिकला, ग्राफिक रचना आदि)
- **तत्सम्बन्धी अधिकार** (प्रस्तोता, ध्वनिअंकन उत्पादक)

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way. As for instance, it is important to ensure that the rules for the collection and distribution of royalties are correctly formulated; all its activities are in line with the approved articles of association; royalties are distributed as prescribed; and that costs of administration are reasonable enough for it to sustain its activities. Article 5 (c) of the Copyright Rule which is intended to guarantee the proper function of CMO vests this responsibility in the Registrar of Copyright.

Provisions of these measures deterring the ability of collective management organizations to abuse their monopoly position are important safeguards to protect against any discriminations causing serious prejudice to the interest of users and right-owners as well. The CMO, for example, may set out unreasonable terms and conditions denying the users to get access to the work which they wish to exploit. Such discriminations would not only discourage the potential users who find access to the work more burdensome and costlier but also significantly affect the interest of the right-owners whose economic exploitation of the works depends much on their successive and multiple use by an ever-growing number of people.

Under the situation where the CMOs have established themselves as the only instrument for the enforcement of rights, and where the authors have little choice other than joining these organizations for the economic exploitation of their works, the proper functioning of these organizations is an essential condition for the authors to be able to secure effective protection of their rights granted by the law. This in fact explains the need and rationale for formulating and adopting adequate and appropriate legal measures guaranteeing the proper operation of the CMOs. Despite no explicit reference to any specific measure that a country may adopt to regulate the operation of CMOs, the Berne Convention (Article 36) and the Rome Convention (Article 26) contain provision that, according to copyright experts, may be used as a basis to justify any such measures taken in pursuance of ensuring the proper operation of these organizations.

Whatever may be the theoretical underpinning for the proper functioning of collective management organization, practically it is the distribution of royalties to the right-owners that is the most visible manifestation of the effectiveness of collective management as a concept and of the collective management organization itself. In the context of Nepal where copyright awareness is extremely low and free-riding in cultural production, be it a book or a piece of music, has become more of a rule than a matter of contempt, it may go a long way before CMO is able to deliver the result for which it is created. But this precisely is the fate which every new venture has to endure for it to be established deep into the culture and the 'time-honored culture' that we inherited is unfortunately hostile to the very notion that art and literature can flourish only when its creators are adequately paid off for their contribution.

Development of Performers' Protection Through Collective Bargaining in US

Performers in USA first began to organize themselves in the early 20th Century in the theatre and live performance. With the growth of Hollywood, the Screen Actors' Guild (SAG) was formed by some of the biggest stars such as James Cagney and Boris Karloff in 1937. The Guild forced the Studios to recognize the union as a bargaining agent and soon afterwards the first-ever SAG contract was signed. In 1937, The National Labour Relations Act (NLRA), also known as the Wagner Act, was enacted and the National Labour Relations Board was created to protect the workers, and indeed the performers, to organize themselves. In 1947, the NLRA was amended to formed a new Labour Management Relations Act to restrict the ability of the unions to confine jobs to their own members.

During the period of 1940, so called Golden Age for Hollywood, performers, in particular actors used to enjoy secure, continuous, long term employment contracts with the studios. However the advent of television and development of antitrust legislation forced the studios to relinquish control over both production and distribution. The more flexible system was introduced with studios contracting with independent production companies to make films. As a result, producers came to contract with the actors on a picture basis, and the role of the unions for negotiating individual contracts became more important.

The advent of television allowed broadcasters to screen repeats of programs and old movies as a way of generating extra revenue. This encouraged unions like the American Federation of Musicians and the Screen Actors Guild to seek residual (secondary) payments for these additional uses to compensate performers for lost work, thereby creating an important role for performers' unions that still continue to this day. With other technological developments like home video and cable television, the performers began to organize themselves using their collective strength, even without statutorily granted rights, to negotiate secondary payments for these uses in order to mitigate the financial effects of technological change.

Source: WIPO document AVP/IM/03/3A

Q-A Column

Q. What is collective management of copyright and related rights?

A. Collective management of copyright and related rights is the systematic and proper use of copyright and related rights in the interest and on the behalf of the concerned right owners by the Royalty Collection Society.

Q. What is Royalty Collection Society?

A. Royalty Collection Society is such an organization of the creators and the owners of copyright and related rights that collect the royalties from the users and distribute it to the concerned owners in the process of management of the copyright and related rights.

Q. What kind of rights is managed under the collective management?

A. Usually the following rights are managed under the collective managements:

- The rights of **public performance** (in restaurants, discotheque etc).
- The right of **broadcasting** (by radios, televisions etc).
- The **mechanical reproduction** rights in musical works (on CDs, tapes, cassette, discs etc.).
- The **performing** rights in dramatic works (in theater etc).
- The **reprographic reproduction** rights in literary and artistic works (photocopying).
- Rights of **public communication** (of performers and producers of phonograms)

Q. What are the major functions of Royalty Collection Society?

A. The major functions of Royalty Collection Society are as follow:

- **Documentation** – collection and management of related information.
- **Provide License** – giving permission to the users through agreements on return of fixed royalties.
- **Royalty Distribution** – payment of royalties to the concerned right owners.

Q. What are the major fields of Royalty Collection Society?

A. Royalty Collection Society can be established in every field of creation. However, the major fields of royalty collecting society are:

- **Musical work** (modern, folk, classical, pop).
- **Dramatic work** (scripts, screenplays, theater plays, operas).
- **Printed work** (books, magazines, newspapers, reports etc.).
- **Visual art** (paintings, drawings, lithographs, engravings, sculptures, graphic creations).
- **Related rights** (performers, producers of phonograms).

News and Events:

Contd. from Page 2

which is followed by the publication of pop songs. Out of the total music albums publication in the year 2063 B.S., the folk songs occupy about 63%. The publication of the albums related to the pop songs, modern songs and songs in other languages are 17%, 11% and 9% respectively. The study was carried out by NCRO in support of Multi Trade Concern.

World Music Day Celebrated

NCRO organised a discussion program with the various creators of songs and music at its office hall on June 21, 2007 to mark the celebration of 26th World Music Day. On this occasion, the office has also issued a press release highlighting the importance of the day along with good wishes to all the creators of music in the world.

Training on Copyright and Related Rights:

A one day training on "Copyright and Related Rights" was organized by NCRO to the copyright stakeholders on June 8, 2007 at United World Trade Center, Tripureswor. 25 participants representing broadcasting organizations, producers of phonograms, libraries, computer software developers, creators and users of copyright materials were

Participants at discussion in the program

present in the training. Four different papers on the related issues were presented. Dr. Bhoj Raj Ghimire, famous lyrist distributed the certificates to the participants amidst a function.

WIPO Willing to Help Nepal

Ms. Najmia Rahimi, the Senior Program Officer for Economic Development Bureau for Asia and the Pacific of World Intellectual Property Organization (WIPO) visited Nepal Copyright Registrar's Office on May 24, 2007. During the visit she held the meeting with the Registrar and other Officers of NCRO. Issues on copyright and related rights and their implementation in Nepal were broadly discussed in the meeting. Similarly, the future possibilities of mutual co-operation between the WIPO and NCRO in the field of copyright and related rights were also discussed. During the meeting Ms. Najmia expressed that WIPO is positive in supporting Nepal to organize a regional symposium on the enforcement of copyright and related rights in Nepal. She further added that WIPO is also thinking to provide the support necessary in amending the current Copyright Act, 2002 of Nepal.

Ms. Najmia also held a joint meeting with Mr. Dinesh Hari Adhikari, Acting Secretary and Mr. Sharada Prasad Trital, Joint Secretary, MoCTCA on May 25, 2007 in the ministry. The meeting was focused on the possibilities of WIPO's cooperation in the field of IP in Nepal. On that occasion she emphasized on the importance of personnel's stability in NCRO in other to build a sustainable and effective mechanism of copyright protection in Nepal.

Ms Rahimi with Act. Secretary

Establishment of the Study Committees

Nepal Copyright Registrar's Office has started two different studies on copyright and related rights. A study committee led by Mr. Sharada Prasad Trital, Joint Secretary, MoCTCA was formed as per the decision of Government of Nepal dated June 5, 2007. The committee will study the progresses made by Nepal in the field of copyright and related rights after her accession to WTO and TRIPS Agreement. The seven members committee is comprised of the representatives from Ministry of Law, Justice and Parliamentary Affairs; Ministry of Industry, Commerce and Supply; NCRO and expert from Tribhuwan University. The committee is supposed to provide the suggestions regarding the future actions to be launched in this field so as to make our legal and administrative procedures more compliance to the TRIPS Agreement.

Similarly, a different nine members committee led by Mr. Ram Prasad Bhattarai, Registrar, NCRO was also established on June 11, 2007 to study in detail on Nepal's Accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), 1961. Nepal had made an international commitment to accede the Convention by the year 2006 while joining the WTO.

Discussion on Computer Software Protection

A team of Microsoft, led by Mr. Chris Atkinson, President, South East Asia has visited NCRO on July 1, 2007 to hold a talk with the officials of NCRO on copyright protection related to computer software in Nepal. Mr. Allen Bailochan Tuladhar, President, Forum for Information Technology of Nepal (FIT Nepal) was also present during the occasion.

Mr. Bhattarai speaking on software protection

The situation of computer software piracies and the initiations of NCRO in this regard were discussed during the meeting. All the three parties agreed to launch the program in mutual co-operation so as to mitigate the unauthorized use of softwares in the Nepalese market.

Regional Seminars Held

NCRO has organized a regional seminar on "The Implementation of Copyright and Its Challenges" at Nepal Tourism Board Hall, Pokhara on June 16, 2007. About 125 participants representing the law enforcing agencies, creators and users were present in the program. Inaugurating the opening program, the minister for Culture, Tourism and Civil Aviation Hon. Prithvi Subba Gurung said that issues of copyright and related rights

SSP RK Shrestha addressing tho opening ceremony

are gaining importance in Nepal with our entry to WIPO and WTO. He further added that this kind of training is important in imparting the related knowledge to the police officers, judges and other concerned people which can help them combat with the copyright violations in the market. Other speakers include Mr. Tirtha Shrestha, Writer; Mr. Bhola Prasad Shiwakoti, Chief District Officer; Mr. Ramesh Kumar Shrestha, SSP; Mr. Jal Krishna Shrestha, Joint Secretary, MoCTCA and Mr. Medini Prasad Sharma, Regional Administrator, Pokhara who highlighted the role of copyright and related rights in the national economy and also stressed on the importance of training on these issues to all the persons involved in this field. Three papers on different aspects of copyright and related rights were presented during the seminar.

Similarly another seminar on copyright and related rights was held in Nepalgunj on June 27, 2007. Three different papers were presented and discussion held during the program. The program was inaugurated by Hon. Krishna Prasad Upadhyaya, Chief Judge, Appellate Court, Banke. About 100 participates from Banke, Bardiya and Surkhet representing the Nepal Police, District Court, Appellate Court, Appellate Prosecutors Office together with the local creators, users and other stakeholders were present in the program.

FORTHCOMING EVENTS

- Training on copyright for students of schools & colleges.
- A one-day training program for teachers & librarians.
- A one-day regional seminar on copyright and related rights.

संगीत रोयल्टी संकलन समाज नेपालको अनुरोध

प्रतिलिपि अधिकार ऐन, २०५९ द्वारा संगीत विधाका स्रष्टा तथा प्रकाशकहरूलाई प्रदत्त अधिकारको संरक्षण गर्ने तथा स्रष्टाहरूको रोयल्टी संकलन गरी वितरण गर्ने उद्देश्यबाट संगीत रोयल्टी संकलन समाज नेपालको स्थापना भै कार्य प्रारम्भ भएको कुरा हामी सहर्ष जानकारी गराउन चाहन्छौं । हाल यसले अनामनगरस्थित नेपाल प्रतिलिपि अधिकार संरक्षण समाजकै कार्यालयमा रहेर कार्य सञ्चालन गरिरहेको छ । संगीत रोयल्टी संकलन समाज नेपालको सदस्यता ग्रहण गरेर रोयल्टी संकलन तथा स्रष्टाहरूको अधिकार संरक्षण गर्ने कार्यमा सहयोग गर्नुहुन हामी तमाम गीतकार, संगीतकारहरूलाई यसै सूचना मार्फत आव्हान गर्दछौं । साथै संगीत रोयल्टी संकलन समाजलाई भविष्यमा के-कसरी अघि बढाउनु पर्छ भन्ने सल्लाह-सुझाव दिएर सहयोग गर्नुहुन समेत सबैमा आग्रह गर्दछौं ।

संगीत रोयल्टी संकलन समाज नेपाल

सम्पर्क स्थानः- नेपाल प्रतिलिपि अधिकार संरक्षण समाज रहेको भवन, अनामनगर ।

फोन नं.:- ४२६७३५७, ९८४१२५५६७७

'सिर्जनाको प्रभावकारी संरक्षणका लागि सिर्जनाको दर्ता गराऔं ।'

के तपाई आफ्ना सिर्जना दर्ता गराउने विषयमा सोंच्दै हुनुहुन्छ ? यदि तपाई आफ्ना रचनाहरु दर्ता गराई यसको प्रभावकारी संरक्षणमा सुनिश्चित हुन चाहनुहुन्छ भने कृपया तलका बुँदाहरुमा एकैछिन ध्यान दिनुहोस् त !

- कुनै पनि प्रकारको सिर्जनाको दर्ताको लागि निर्दिष्ट फाराम भरी रु ५।- को टिकट टाँस गरी यस कार्यालयमा निवेदन दिनु पर्नेछ।
- निवेदन फाराम यस कार्यालयबाट निःशुल्क प्राप्त गर्न सकिनेछ । साथै कार्यालयको वेभसाइट www.nepalcopyright.gov.np बाट सिधै download गर्न पनि सकिन्छ ।
- निवेदन साथ निवेदकको नागरिकताको प्रतिलिपि १, पासपोर्ट साइजको फोटो प्रति २ र रचना प्रति २ संलग्न हुनु पर्नेछ ।
- रचना तयार गर्दा अन्य व्यक्ति वा संस्थाहरुको पनि संलग्नता भएकोमा ती व्यक्ति वा संस्थाहरुसंग भएका लिखित सम्झौताका प्रतिलिपिहरु संलग्न हुनु पर्नेछ ।
- रचना दर्ता बापत प्रति रचना रु १००।- दर्ता शुल्क लाग्नेछ ।

रचना दर्ता भएपछि यस कार्यालयबाट सम्बन्धित रचना धनीको नाममा प्रमाणपत्र प्रदान गरिनेछ ।

यदि तपाईंलाई निवेदन फाराम भर्न कुनै समस्या छ वा यस विषयमा थप जानकारी चाहनुहुन्छ भने निम्न ठेगानामा सम्पर्क गर्नु होला । तपाईंको सहयोगको लागि हामी सधैं प्रतीक्षारत छौं । हाम्रो ठेगाना हो :-

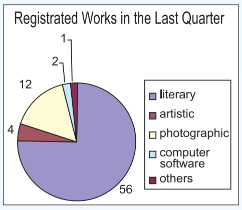
Monitoring Activities by NCRO

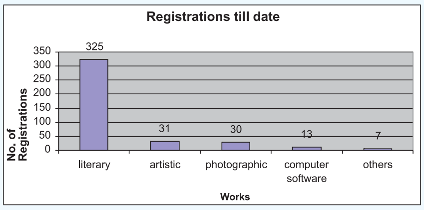
Copyright piracy in the books and publications has been rising significantly during the last 6 months. This was found by the monitoring of the market carried out by NCRO during the period. NCRO's team has recently monitored the major markets at Bhotahiti, Baghbazaar, Exhibition Road, Kirtipur and other places. The team has requested the related shops to respect copyright law and discourage the sale of all the pirated material from their shops and has also aware them on the importance of copyright protection including their effects to the economy.

Recently, a case on the unauthorized translation and publication of a book called "You Can Win" has been filed in the district court of Kathmandu. The book was written by Mr. Shiva Kheda and originally published by Macmillan India Limited. Siddhartha Publication Pvt. Ltd., New Baneswor and Bhakari Publication, Baghbazar are some of the publication houses alleged in this case. NCRO is also taking necessary steps to control the illegally translated books on Late Great Poet Laxmi Prasad Devkota's "Shakuntala" and some other pirated books in the market. Similarly NCRO has also been monitoring the market in respect of musical publications and other copyrighted materials.

Registration of Creations:

Nepal Copyright Registrar's Office has registered a total of 78 different creations during the period of March-June, 2007. The office has registered a total of 445 creations in different fields till date that comprises 406 works, 37 phonograms and 2 performances. The number of registered works in detail is presented in the following diagram.





नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयको अनुरोध

साहित्यिक तथा कलात्मक रचना, ध्वनिअंकन, प्रस्तुति र प्रसारणका सिर्जनामा सिर्जनाकारको हक संरक्षण हुने व्यवस्था प्रतिलिपि अधिकार ऐन, २०५९ ले गरेको हुँदा सिर्जनाको प्रयोग गर्दा देहाय बमोजिम सतर्कता अपनाउनु हुन अनुरोध छ ।

१. कसैले तयार गरेको सांगीतिक रचनामा अनुमति नलिई तोडमोड वा रिमिक्स गर्नु हुँदैन ।

२. चलचित्रको पूरै वा आंशिक अंश चलचित्र उत्पादकको अनुमति नलिई पुनरुत्पादन गर्नु हुँदैन ।

३. फोटोजन्य रचनाको प्रयोग गर्दा फोटोग्राफरको अनुमति लिनु पर्दछ ।

४. पुस्तक, लेख वा अन्य रचनाको पूरै वा कुनै अंशको प्रयोग गर्दा वा त्यस्ता रचनाको फोटोकपि गरी व्यापार गर्दा लेखक तथा प्रकाशकको अनुमति लिनु पर्दछ ।

५. प्रसारण संस्था आफैले तयार गरी प्रसारण गरेको सामग्री अरूले आफ्नो सामग्री बनाई प्रसारण गर्नु हुँदैन ।

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Fax: 977-1-4431144, PO Box: 430
E-mail: info@nepalcopyright.gov.np
Web Page: www.nepalcopyright.gov.np

प्रतिलिपि अधिकार बुलेटिन नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयबाट निःशुल्क वितरण गरिन्छ । यस बुलेटिनका सम्बन्धमा यदि तपाईको कुनै जिज्ञासा वा सुझाव छ भने हामीलाई यस ठेगानामा सम्पर्क गर्न नबिर्सनु होला ।

Mail to:

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