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प्रतिलिपि अधिकार बुलेटिन

Copyright Bulletin

सूचना तथा सचेतनाका लागि

नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयको चौमासिक प्रकाशन

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Chief Editor:

Mr. Bir Bahadur Rai

Editorial Team:

Mr. Narayan Prasad Aryal

Mr. Shiva Prasad Khanal

Computer & Design:

Mr. Dipendra Bade

Mr. Ratnakaji Maharjan

www.nepalcopyright.gov.np

यदि तपाईंसँग बौद्धिक सम्पत्ति, प्रतिलिपि अधिकार एवं तत्सम्बन्धी अधिकारका विषयमा कुनै कानूनी वा अन्य जिज्ञासा भएमा आफूलाई लागेका प्रश्नहरू हामीलाई लेखी पठाउनुहोला । यस बुलेटिनका आगामी अङ्कहरूमा तपाईंका प्रश्नहरूको उत्तर दिने प्रयास गर्नेछौं ।

धन्यवाद ॥

Copyright Symposium Held in Kathmandu



Mr. Satya Mohan Joshi, a prominent figure of Nepalese culture advised government to be action oriented for the upliftment of the life style of creators. Addressing a symposium on "Effectiveness of copyright legislation for the protection of copyright, situation of creators and challenges" in Kathmandu on July 12, 2009 organized by Nepal Copyright Registrar's Office (NCRO) he urged for the establishment of separate Ministry of Culture to protect Nepalese culture and rights of creators as well. He also emphasized upon the necessity of culture and copyright policy. He advised all the creators to be more sensitive for their rights and requested the officials from different law enforcing agencies to handle the cases of copyright violation keeping them in high priority. Mr. Yadav Kharel, senior lyricist and the Chairman of Music Royalty Collection Society Nepal (MRCSN) stressed upon the need of effective implementation of existing copyright act. He advised government-owned broadcasting organizations not to give continuity to the process of violating economic and moral rights of the creators. Addressing the program, Mr. Santosh Sharma, General Secretary, Copyright Protection Society Nepal (CPSN) said that the copyright based industries in developed countries were contributing 4 to 6 percent to their GDP. He highlighted the need of study to find out such contribution by those industries in our country. Usha Sherchan, a known writer of literature requested the government to implement the provisions of the act effectively for the preservation of the rights of copyright owners.

Mr. Bir Bahadur Rai, Registrar, NCRO made a warm welcome for the participants and clarified about the objective of the program. The program was chaired by Mr. Ratna Shamser Thapa, senior lyricist and founder Chairman of MRCSN. Mr. Thapa requested government and all other concerned not to take the creation of any creator very lightly but accept them as valuable property of the nation. Three different papers on separate topics were presented in the program by Mr. Kashi Raj Dahal, Chairman, Administrative Court, Mr. Kali Prasad Rijal, senior creator and Mr. Bir Bahadur Rai, Registrar, NCRO. The former two sessions were chaired



simultaneously by Dr. Madhunidhi Tiwari and Dr. Gargi Sharma. Mr. Narendra Prasad Pathak and Parsu Pradhan had commented on those papers. The participants representing from Nepal Police Office, Office of the Attorney General, Courts, different training institutions, copyright related agencies and the organizations of creators actively took part in the symposium. The whole Program was conducted by Mr. Narayan Prasad Aryal, Section Officer, NCRO.

Piracy destroys the originality and creativity.

News and Events

Regional Training on the Issues of Copyright

A one day training on the present issues of copyright was organized by Nepal Copyright Registrar's Office (NCRO) in Pokhara, the headquarters of the Western Development Region,



on April 23, 2009 in the presence of more than hundred participants from different copyright law enforcing agencies, organizations of creators, and individual who were engaged in the field of creation of different genre. Speaking in the program, Mr. Mukunda Sharma Paudel, Vice President, Nepal Bar Association requested the government to amend the copyright law and provide semi judicial authority to NCRO and establish the wing of the office at local level. Ms Haridevi Koirala, senior creator and performer advised NCRO to enhance its capacity to minimize the level of copyright violation. Mr. Prajapati Parajuli, a renowned performer demanded the provision of royalty from broadcasting organizations. He took remix as a major problem in the field of music. Mr. Mankaji Makaju, the Chairperson of Federation of Pokhara Chamber of Commerce and Industry emphasized upon the provisions of strict punishment to the right violaters to create an environment of fear for other violaters. Addressing the program, Mr. Beni Madhav Gyawali, Officiating Chief District Officer advised all the creators not to hesitate to register case in the office of police if they were facing the problems of violation of their rights. He made his commitment to give priority to such cases. Two different papers on separate issues were presented in the program by Mr. Bir Bahadur Rai, Registrar, NCRO and Mr. Bharatmani Khanal, District Attorney. Mr. Ramchandra Poudel, Surya Bahadur Khadka, Madhav Biyogi, Kshetralal Kayastha, Kul Bdr. K.C., Chhabhi Subedi and Mohan Kshetri had also expressed their valuable ideas and suggestions in the program.

Study on WCT

An eight members study committee led by Mr. Bir Bahadur Rai, Registrar, Nepal Copyright Registrar's Office (NCRO) has submitted its report to Mr. Narendraman Shrestha, For secretary, Ministry of Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture. The committee has studied the positive and negative impacts on Nepalese copyright sector after having accession to the WIPO Copyright Treaty (WCT) in future. The committee has also provided its suggestions regarding the future actions to be launched in the field of copyright so as to make Nepalese copyright infrastructures more compatible with the WCT. Moreover, the committee has recommended its suggestions to make further study in this matter before intending to join in WCT. The aforesaid committee was constituted by the members representing from different governmental as well as non-governmental organizations.

Preparation of Roster

For the purpose of maintaining database of all the related agencies and personalities in the office, Nepal Copyright Registrar's Office (NCRO) has finalized preliminary roster of copyright expert in the first stage. The office has aimed to include the description of all the experts collecting from all over the nation in coming years.

Interaction with Training Institutions

A one day interaction program with different training institutions has been conducted in Kathmandu by Nepal Copyright Registrar's Office. The aim of the program was to request all the government training institutions to incorporate the issues of copyright in their training schedule so that it would be easier to disseminate the knowledge about copyright, and to implement the existing legislation properly. Representatives from different institutions assured the office that they would do their best to fulfill the aim of the office.

Interactive Discussion with Software Creators and Broadcasting Organizations

The software producers have expressed their concern over the unauthorized production and use of computer software in a broad scale. They have asked the government to facilitate all its agencies to use original software. Speaking in a program in Kathmandu on May 13, 2009, organized by Nepal Copyright Registrar's Office (NCRO) Mr. Biplab Man Singh, former president of Computer Association of Nepal (CAN) has said that more than ninety percent software used by governmental organizations are not genuine. Mr. Amrit Bahadur Thapa, Vice-president, CAN advised Copyright Office to create necessary guideline for the registration of creations of different genre. Mr. Bharat Shakya, Chairman, Kathmandu Valley FM Radio Broadcasting Forum, presenting a paper on "Intellectual Property, Intellectual Behaviour and Broadcasting Organizations" has assured all the creators of music that they are ready to provide royalty for them according to the standard finalized by authoritative agencies. Speaking in the program, Mr. Bir Bahadur Rai, Registrar, NCRO has requested Microsoft to provide genuine software in a special price keeping in mind the economic status of Nepalese people



and the nation as well. Presenting his paper on "Need of Government Policy on Software use in Government Offices" Mr. Sansar Jung Dewan, Computer Officer, Office of Company Registrar has highlighted upon the necessity of clear government policy in the context of protection of software producers. Mr. Basanta Shrestha, Suraj Amatya, Gopal Aryal and Sunaina Ghimire Pandey have also expressed their ideas very actively in the program that was conducted by Mr. Narayan Prasad Aryal, Section Officer, NCRO.

लेख

रोयल्टी सङ्कलन र वितरणमा सङ्गीत रोयल्टी सङ्कलन समाजको दायित्व र चुनौती

वीरबहादुर राई

विषय प्रवेश:

सङ्गीत रोयल्टी सङ्कलन समाज आम रचनाकार र सङ्गीतकारको आशाको केन्द्रविन्दुको रूपमा रहेको छ। लामो समयदेखि सङ्गीतिक क्षेत्रमा संलग्न स्रष्टाहरूले महत्वपूर्ण रचनाहरूको सिर्जना गर्दै आए पनि विभिन्न कारणहरूले गर्दा सबैले सिर्जनाको सही मूल्य र आर्थिक लाभ पाउन सकेका छैनन्। सङ्गीत सबैको लागि आनन्द र मनोरञ्जनको विषय मात्र नभएर समाजलाई सकारात्मक मार्गमा डोच्याउने साधन पनि हो। आफ्ना रचना तथा सिर्जनाको सही मूल्य अर्थात् रोयल्टी प्राप्त गर्नु स्रष्टाको मौलिक अधिकार हो।

सङ्गीत रोयल्टी सङ्कलन समाज स्थापनाको उद्देश्य:

साङ्गीतिक रचनाधनीका अधिकारहरूको संरक्षण र सम्बर्द्धन गर्ने महान उद्देश्यका साथ सङ्गीत रोयल्टी सङ्कलन समाजको स्थापना प्रतिलिपि अधिकार ऐन, २०५९ को दफा ३९ अन्तर्गत २०६४ साल जेठमा भएको हो। संस्थाको मूल उद्देश्यमा प्रतिलिपि अधिकारको क्षेत्रमा तथा विभिन्न रचनाधनीको हकहितमा विभिन्न कार्यक्रम संचालन गर्नुका साथै रचयिता वा सङ्गीत विधाका धनीले पाउने रोयल्टी रकम सङ्कलनको लागि मापदण्ड निर्धारण गर्ने, सङ्कलन गर्ने र संकलित रकम उचित मापदण्ड तय गरी वितरण गर्ने रहेको छ। नेपालमा Collective Management Organization (CMO) को रूपमा सङ्गीत रोयल्टी सङ्कलन समाज एकमात्र र पहिलो संस्था हो। त्यसैगरी गायन समाज औपचारिक रूपमा स्थापना हुने प्रक्रियामा रहेको छ। नेपाल प्रतिलिपि अधिकार ऐन, २०५९ मा रचनाको रोयल्टी निर्धारण, सङ्कलन र वितरण गर्ने प्रयोजनको लागि सामान्यतया एउटा विधामा एउटा रोयल्टी सङ्कलन संस्था गठन गर्न सक्ने कानुनी व्यवस्था भएअनुरूप सङ्गीत रोयल्टी सङ्कलन समाज नेपाल प्रतिलिपि अधिकार रजिष्ट्रारको कार्यालयमा विधिवत रूपमा दर्ता भई स्थापना भएको हो।

CMO को स्रष्टा तथा सिर्जनाकार र सिर्जना प्रयोगकर्ताबीच सम्पर्क र समन्वयको कार्य गर्न महत्वपूर्ण भूमिका रहेको हुन्छ। सिर्जनाकार एकैले विभिन्न प्रयोगकर्ता र प्रसारण संस्था आदिमा गई सिर्जनाको मूल्य उठाउन संभव छैन। यस्ता CMO ले स्रष्टाको सिर्जना प्रयोग गरेबापत रोयल्टी सङ्कलन गरी स्रष्टालाई एकमुष्ट रूपमा वितरण गर्ने कार्य गर्दछन्। तसर्थ यस्ता संस्थाको भूमिकालाई अहम् रूपमा लिन सकिन्छ। सङ्गीत रोयल्टी सङ्कलन समाज एक अविच्छिन्न उत्तराधिकारवाला स्वशासित र संगठित संस्था हो। हालसम्म नेपाल सरकारले समाजलाई प्रोत्साहन स्वरूप केही अनुदान प्रदान गर्दै आएको छ। संस्थाका सम्पूर्ण पदाधिकारीले संस्थाको लागि स्वैच्छिक रूपमा कार्य सम्पादन गर्दै आएका छन्। यसले अझै पनि एउटा सशक्त संस्थाको स्वरूप लिन सकेको भने छैन।

CMO को भूमिका:

विधागत रूपमा हेर्दा नेपालमा स्रष्टा/सर्जकको हितमा काम गर्नको लागि स्थापित सङ्गीत रोयल्टी

सङ्कलन समाज एक मात्र आधिकारिक संस्था हो। CMO को मूल भूमिकामा आम स्रष्टाको सिर्जनाको प्रयोग भएको अवस्थामा उपयोगकर्ताहरूबाट रोयल्टी सङ्कलन गरी उचित वितरण गर्ने रहेको छ। विगतमा विभिन्न समस्याका कारण उद्देश्य र कार्यक्षेत्रलाई सक्षमताकासाथ अघि बढाउन नसकेकोमा हाल यो विभिन्न प्रकारका कार्यक्रमसहित छलफल एवं संस्था सशक्तिकरणको कार्यमा लागेको छ। संस्था सङ्गीत क्षेत्रका स्रष्टालाई सिर्जनाको मूल्यको रूपमा रोयल्टी सङ्कलन गरी वितरण गर्ने एक सुत्रीय कार्यमा तल्लीन रहेको छ। सर्वप्रथम स्रष्टाका सिर्जनाको प्रयोग गर्ने प्रयोगकर्ताको पहिचान गरी तथ्याङ्क तयार गर्ने तथा तत्पश्चात् स्रष्टा र रोयल्टीदातासँग विभिन्न चरणमा छलफल गरी वैज्ञानिक रूपमा रोयल्टी पद्धतिको विकास गरी सोही मापदण्डको आधारमा रोयल्टी निर्धारण, सङ्कलन र वितरण गर्ने भूमिका यसले निर्वाह गर्ने पर्ने अवस्था रहेको छ।

CMO को दायित्व र चुनौती:

सङ्गीत रोयल्टी सङ्कलन समाजले आम प्रयोगकर्ताहरूबाट रोयल्टी सङ्कलन गरी वितरण गर्ने कार्य सोचे जस्तो सरल छैन। सबै स्रष्टालाई एकै थलोमा ल्याउनु र उनीहरूको भावनाको कदर गर्दै स्रष्टाले पाउनुपर्ने आर्थिक लाभका लागि प्रयोगकर्तासम्म पुगी सबैलाई समेट्नु पक्कै पनि चानचुने विषय होइन। CMO को मजबुत आधारस्तम्भ स्थापना भई नसकेको अवस्थामा स्रष्टाको लागि रोयल्टीको मापदण्ड निर्धारण गर्ने, सङ्कलन गर्ने र वितरण गर्ने कार्यको दायित्व निकै चुनौतीपूर्ण रहेको छ। तर पनि यसलाई आम स्रष्टाको पक्षमा काम गर्ने एउटा सुअवसर मान्नुपर्छ। सङ्गीत रोयल्टी सङ्कलन समाजले नेपालका आम स्रष्टाको पक्षमा मात्र हैन कि CISAC को सदस्य भइसकेको सन्दर्भमा विश्व सामु आफूलाई दायित्व निर्वाह गर्न सक्षम रहेको सावित गर्नु जरुरी रहेको छ। रोयल्टीलाई व्यवस्थित गर्नको लागि सङ्गीतको प्रयोग हुने क्षेत्र, स्थान र विभिन्न प्रयोगकर्ता (रेडियो, एफ. एम., होटल, हवाईजहाज, सार्वजनिक यातायात, टेलिभिजन आदि) को पहिचान, त्यसको विस्तृत विवरणको तयारी र सम्बद्ध संस्थासँग औपचारिक रूपमा विभिन्न चरणमा छलफल गरी रोयल्टीको मापदण्ड निर्धारण गर्नु र सोको आधारमा सङ्कलन गरी आम स्रष्टाहरूको चित्त बुझ्दो आधारमा वितरण गर्नु जस्ता विषय संस्थाको लागि निकै महत्वपूर्ण रहेका छन्। समाजले केही समय अघि मात्र अन्तर्राष्ट्रिय संस्था CISAC (International Confederation of Societies of Authors and Composers) को औपचारिक सदस्यता प्राप्त गरिसकेको छ। सदस्यता प्राप्तिसँगै समाजले आफूलाई अन्तर्राष्ट्रिय स्तरमा उपस्थित गराएको छ भने अर्कोतर्फ कार्यक्षेत्रका साथै कार्यबोर्ड र चुनौती पनि थपिएको छ। स्रष्टाको सम्पत्ति प्रयोग गरेबापत उपभोक्ताले शुल्क तिर्नु पर्ने हुन्छ, जसलाई रोयल्टी भनिन्छ। यस अघि पनि केही एफ. एम र टेलिभिजनले सम्मान स्वरूप स्रष्टालाई केही रकम वितरण गर्दै आएको भएपनि त्यसलाई

रोयल्टीको रूप दिई नियमित स्वरूप दिन र निरन्तर तुल्याउन सकिएको छैन। स्रष्टाको सम्पत्ति निःशुल्क रूपमा प्रयोग गर्दै आएका तमाम स्रोत र प्रयोगकर्तालाई शुरुमा पक्कै पनि असहज लाग्ने र आर्थिक रूपले मार पर्ने अनुभूति भए पनि कालान्तरमा आम स्रष्टाको सम्मान भएको साथै मूल्य तिरेर मात्र कुनै पनि वस्तु तथा सेवा प्राप्त गर्ने प्रचलनको विकास हुन सक्दछ। त्यसैले प्रारम्भमा चेतना र कानुनी ज्ञानको अभावका कारण समाजले चालेका कार्यप्रति सबै प्रयोगकर्ता सकारात्मक र सहयोगी नै हुन्छन् भन्न सकिन्न। त्यस्तो अवस्थामा समाजले समग्र विषयलाई अत्यन्त गम्भीरताका साथ अघि बढाउनु बुद्धिमता हुनेछ। यस्ता चुनौतीपूर्ण कार्यको सफल अवतरण गरी स्रष्टाको पक्षमा कार्य गर्नु समाजको लागि फलामको चिउरा चपाउनु जस्तै गाह्रो भएपनि गर्नेपर्ने दायित्वलाई सहर्ष स्वीकारी भविष्यमा आउन सक्ने समस्या र कमी कमजोरीलाई समयमा नै निदान गर्ने तथा आम स्रष्टाको सकारात्मक सहयोगका लागि अपिल गर्दै अगाडि बढ्ने कार्यलाई प्रभावकारी रूपमा संचालन गर्नु पर्दछ।

समाजले सर्वप्रथम समग्र स्रष्टामा चेतनाका लागि प्रयोग हुने क्षेत्रहरूको पहिचान सहित छलफल र चेतनामूलक कार्यक्रम संचालन गर्नु पर्दछ। समाजको उद्देश्य र लक्ष्यका साथै महत्त्वलाई पनि उचित रूपमा सम्बद्ध पक्षमा राख्नुपर्दछ। तसर्थ CMO को उद्देश्यलाई सफल बनाउन सङ्गीत प्रयोग हुने क्षेत्रको विस्तृत पहिचान गरी विवरण तयार गरी व्यवस्थित अभिलेख गर्ने, सम्बद्ध विषयका तथ्याङ्कलाई निरन्तर update गर्ने, समस्याहरूलाई निरन्तर रूपमा सरोकारवालाहरूसँग राखी छलफल र अन्तरक्रिया गर्ने, विभिन्न सदस्य राष्ट्रहरूसँग द्विपक्षीय सम्झौता गरी रोयल्टी सङ्कलन कार्यलाई व्यवस्थित गर्ने, रोयल्टी सङ्कलन गरी सम्बद्ध देशमा पठाउने र प्राप्त गर्ने विषयलाई कम्प्युटरीकृत गरी सुव्यवस्थित गर्ने कार्यलाई उच्च प्राथमिकतासाथ संचालन गरिनु पर्दछ। व्यवस्थित र प्रभावकारी रोयल्टी सङ्कलन र वितरणको लागि तमाम स्रष्टाको विचार बुझी तथा आन्तरिक छलफलबाट रोयल्टीको निर्धारण, सङ्कलन र वितरण गर्नु उचित हुने देखिन्छ।

अन्तमा:

वर्तमान अवस्थामा सङ्गीत रोयल्टी सङ्कलन समाज समक्ष अवसर र चुनौती दुवै रहेको छ। समाजको आफ्नो उद्देश्यलाई सफलतापूर्वक कार्यान्वयन गर्न समाजको उद्देश्य, आवश्यकता र महत्वसमेतलाई आम प्रयोगकर्ता र स्रष्टासमक्ष पूर्णरूपले प्रचारप्रसार गर्दै आफ्ना कुराहरू प्रष्ट रूपले राख्नुपर्दछ। रोयल्टीदाता र उपयोगकर्ताले स्रष्टाको पक्षमा सकारात्मक सोच निर्माण गर्ने अवस्थाको लागि स्रष्टा, सरकारी निकाय, सम्बद्ध पक्षबीच सहभागितामूलक र सहयोगात्मक भूमिका निर्माण हुन सकेमा उद्देश्यमा पुग्न सरल र सहज हुने देखिन्छ र हनु पनि पर्दछ। यसले स्रष्टालाई आर्थिक लाभ पुग्नुको साथै नैतिक अधिकारको संरक्षण भई भविष्यमा सरोकारवालाहरूबीच सुमधुर वातावरणको निर्माण हुन सक्दछ। जसबाट समाज र राष्ट्रलाई सकारात्मक वाटोमा डोच्याउन मद्दत समेत पुग्दछ।

स्रष्टाका समस्या र समाधानका उपाय

नारायणप्रसाद अर्याल

पृष्ठभूमि:

कुनै रचनाहरू त्यस्ता हुन्छन् जसलाई पूर्णता दिन एकलो व्यक्तिलाई अत्यन्तै कठीन हुन्छ। एक अर्कासँग सम्बन्धित तर फरक विषयवस्तुको सम्मिश्रणबाट मात्रै पूर्णता पाउनसक्ने सिर्जना जन्माउन सोही वा फरक विधाका विभिन्न व्यक्तिहरूको संलग्नता अपरिहार्य रहन्छ। कतिपय सिर्जनाहरूले सोसँग सम्बन्धित संस्थाहरूको समेत योगदानविना वास्तविक आकार ग्रहण गर्न सक्दैनन्। एउटा साहित्यिक रचनालाई बाहिर ल्याउन लेखक, कवि, साहित्यकारको एकलो प्रयास पर्याप्त हुनसक्छ। प्रकाशन संस्थाको सहयोगमा उसले आफ्नो सिर्जनालाई विना कुनै कठीनाई जनसमक्ष ल्याउन सक्छ। त्यसैगरी कुनै फोटोग्राफर, कम्प्युटर सफ्टवेयर निर्माता, चित्र तथा मूर्तिकलाको सिर्जना गर्ने व्यक्तिलाई ती जन्माउन अरुको सख्त जरुरत नपर्न सक्छ। तर साङ्गीतिक रचना र फिल्म तथा मल्टिमिडिया तयार गर्ने सन्दर्भमा एवं नाटक मञ्चनको क्रममा व्यक्तिको एकलो प्रयास अपर्याप्त हुन्छ। एउटा गीति एल्बम बजारमा ल्याउनु अघि कसैले गीत लेख्नुपर्ने, कसैले सङ्गीत भर्नुपर्ने, कसैले गाइदिनुपर्ने अवस्था हुन्छ। त्यसैगरी कुनै रेकर्डिङ संस्थाले रेकर्ड गरिदिनुपर्ने, उत्पादनपश्चात् बजारमा आइसकेपछि पनि सर्वसाधारणको जानकारीको लागि प्रसारण संस्थाहरूले तरंगित गरिदिनुपर्ने अवस्था हुन्छ। एउटा चलचित्र निर्माणको क्रममा लगानी गर्ने निर्माता, आकार दिने निर्देशक, कथा तथा पटकथा लेखक, गीतकार, सङ्गीतकार, गायकगायिका, नृत्य तथा द्रव्य हेर्ने व्यक्तिलगायत पचासौंको आआफ्नो भूमिका हुन्छ। मञ्चनका लागि नाटक तयारी एवं प्रस्तुतिको अवस्थामा पनि विभिन्न पक्षको योगदान रहन्छ। प्रतिलिपि अधिकारको मान्यताले यसरी एउटा रचनालाई वास्तविक रूप दिने सन्दर्भमा जिम्मेवारी निर्वाह गर्ने सिर्जनाकारलाई कानूनतः अधिकार प्रदान गरिनुपर्छ भन्ने धारणा राख्छ।

विषय प्रवेश:

आफ्नो बौद्धिक क्षमताको उपयोग गरी कुनै पनि सिर्जनाकारले गर्ने नयाँ र मौलिक सिर्जनाउपर आर्थिक र नैतिक अधिकार एकलौटी रूपमा उसैलाई मात्र प्राप्त हुने विश्वव्यापी मान्यता छ। त्यस्ता सिर्जनाको उत्पादन, पुनःउत्पादन, संयोजन, अनुवाद, संशोधन, सार्वजनिक प्रदर्शन, रूपान्तरण, प्रचार, जनसमक्ष प्रस्तुति र प्रसारण गर्न पाउने समूच अधिकार कानूनद्वारा सम्बन्धित सिर्जनाकार/रचनाकारलाई प्रत्याभूत गरिएको हुन्छ। उक्त सिर्जनाकर्मी बाँच्नुजेल र उसको मृत्यु भएको पचास वर्षसम्म पनि उसका सिर्जनाको अनुमति नलिइकन वा त्यसबापत उपयुक्त आर्थिक लाभ प्रदान नगरि व्यापारिक वा सार्वजनिक हिसाबले प्रयोग गर्न कानूनले कसैलाई छुट दिंदैन।

अनुमतिसहित वा सम्झौताद्वारा ती रचनाको प्रयोग गर्दा गराउँदा वास्तविक सिर्जनाकार (एकभन्दा बढी भए ती सबै) को नैतिक अधिकारको उपेक्षा गर्ने अर्थात् नाम मेटाउने वा उल्लेख नगर्ने अधिकार त कसैलाई निसृतः नै हुँदैन। नेपाल पक्ष भइसकेको सन् १९८६ को बर्न महासन्धि, डब्ल्यूटीओ अन्तर्गतको ट्रिप्स सम्झौता तथा पक्ष हुन बाँकी सन् १९९१ को रोम महासन्धिको अधिकांश प्रावधान सापेक्ष हुनेगरी वि.सं. २०५९ मा ल्याइएको नयाँ प्रतिलिपि अधिकार ऐनको मुख्य मकसद पनि सम्पूर्ण स्रष्टाहरूको अधिकारको संरक्षण गर्ने तथा हितको प्रवर्द्धन गर्ने हो।

गीत, सङ्गीत र गायनको अद्भूत या बेजोड संयोगविना कुनै पनि गीति सामग्री सफल हुन सक्दैन। सफल ठहरिएको तथा राम्रो र चर्चित गीतका नाम चलेका गायकगायिकालाई कार्यक्रम प्रस्तुत गर्न भ्याइनुभ्याई हुन्छ। देश विदेशमा हुने अनेक स्टेज प्रोग्राम वा सार्वजनिक तथा अन्य औपचारिक कार्यक्रममा उनीहरूको माग र बाहीवाही मात्र हुँदैन, एउटै गीत गाएर उनीहरूले मनग्ये आम्दानी गर्न सक्ने अवस्था रहन्छ। राम्रो गला हुनेहरूले पैसा, नाम, शान र प्यान सबै प्राप्त गर्न सक्छन्। त्यस्ता चर्चित आवाजका धनीहरूलाई विकासको चरमचुली टेकेकादेखि त्यसैतर्फ लम्कंदै गरेका विश्वका विभिन्न गोलार्द्धका देशहरूमा शयर गर्ने तथा चरम विश्व विकासको पान गर्ने, देशी विदेशी सम्पर्क बढाउने, अतिरिक्त आयआर्जनद्वारा जीवनस्तरमा आमूल परिवर्तन ल्याउने अवसर प्राप्त हुन्छ। कला, सिर्जना र प्रस्तुतिलाई नै आफ्नो जिविकोपार्जनको माध्यम बनाएका स्रष्टाहरूको लागि यो भन्दा सुखदायी विषय अरु के नै हुनसक्छ र ! यही मेसोमा नेपाली गायन क्षेत्रका अद्भूत प्रतिभा राजेशपायल राई, मौसमी गुरुङ्ग, निमा रुम्बा, सुगम पोखरेल, रामकृष्ण ढकाल, नलिना चित्रकार, कुन्ती मोक्तान, आनी छोइडलगायत लोक, आधुनिक तथा पप सबै विधाका अन्य चर्चित गीतका गायकगायिकाले विभिन्न देश पुग्ने र आफ्नो जीवनस्तरमा समेत बदलाव ल्याउने अवसर हासिल गरेका छन्।

अर्कोतर्फ, एउटा देश जाँदा कम्तीमा पचास हजारदेखि बढीमा चार-पाँच लाखसम्म ल्याउने तीनै चर्चित गायकगायिकाले गाएका गीतका रचनाकार र सङ्गीतकारको अवस्था र समस्या भने अपत्यारिलो छ। यस सन्दर्भमा ती प्रमुख स्रष्टा अर्थात् गीतकार एवं सङ्गीतकारहरू पूर्णतः ओभरलुकमा परेका छन्। अधिकांश समय साङ्गीतिक कार्यक्रम प्रसारण गर्ने देशभरी छरिएका सवा तीन सय एफएम रेडियो, विभिन्न टेलिभिजन तथा अनगिन्त संख्याका केबुल नेटवर्कहरूले आफ्नो प्रसारणमा गीत एवं सङ्गीतका जन्मदाताको नाम नै उल्लेख गर्दैनन्। न त उनीहरूले कति रोयल्टी नै उपलब्ध गराउँछन्। प्रसारण संस्थाहरूबाट

जानीनजानी त्यस्ता हजारौं स्रष्टाहरूको अधिकारमाथि कुठाराघात भएको छ। विभिन्न स्थानमा हुने सार्वजनिक साङ्गीतिक स्टेज कार्यक्रम तथा महोत्सवहरूमा गीत गाउन गायकगायिकालाई बोलावट हुन्छ। जसबाट उनीहरू मनग्ये रकम बटुल्न समर्थ हुन्छन्। त्यसरी गाउन पुग्ने कतिपय प्रस्तोताले समेत उक्त गीतका वास्तविक स्रष्टाको नाम उल्लेख गर्न कन्जुस्याई गर्छन्। न त सम्बन्धित आयोजकले नै ती स्रष्टाको प्रशंसा गर्न, नाम भन्न तथा धन्यवाद ज्ञापन गर्न नै जरुरी ठान्छन्। आयोजक वा प्रस्तोता दुवैले आफ्नो आर्जनबाट केही हिस्सा उनीहरूलाई पनि दिनुपर्ने कानूनी व्यवस्था एवं व्यवहारिक पक्ष दुवैमा ध्यान पुऱ्याएको पटककै पाइँदैन। यसरी प्रमुख स्रष्टाहरू नैतिक तथा आर्थिक दुवै अधिकार प्राप्तिको दृष्टिले समस्यामा परेका छन्। यस्तो अवस्थाले वास्तवमै एउटा सिर्जनाकर्मीलाई पीडानुभूति गराउँछ। उसमा अपहेलत्वको भावना जागृत हुन्छ। अतिरिक्त सिर्जनानिम्ति जाँगर सेलाउँछ। जसको असर अन्ततोगत्वा सम्बन्धित सिर्जनाको क्षेत्रलाई मात्र होइन की समस्त राष्ट्रलाई नै पर्छ। आफ्नै सिर्जनाको उपयोग गरी गायकगायिकासँगै विभिन्न व्यक्ति एवं संस्थाले हजारौं हजार रकम जम्मा गर्ने तर आफू त्यो अवस्थाको साक्षात् अवलोकन गर्नमै सीमित हुनुपर्ने अवस्थाबाट वास्तविक रचनाकारमा निरुत्साहभाव जानु, असन्तुष्टि पैदा हुनु तथा उत्प्रेरण हराउनु स्वभाविकै हो।

एउटा चलचित्र निर्माणार्थ विभिन्न भूमिकामा अनेक व्यक्तिहरूको कला वा सिर्जना उपयोग गरिन्छ। निर्माताले उनीहरूलाई त्यसबापत निश्चित पारिश्रमिक प्रदान गरेका भने हुनसक्छन्। चलचित्रमा भूमिका निभाउने निर्मातासँगै निर्देशक बाहेक अन्य योगदानकर्ताहरूको चर्चा बिरलै हुन्छ। उनीहरूको नाम शायदै बाहिर आउँछ। तुलनात्मक रूपमा उनीहरूको भूमिकाले निकै कम स्थान पाएको देखिन्छ। आफ्नो नैतिक अधिकारको पूर्ण संरक्षण भएको देख्न पनि उनीहरूलाई मुस्किल पर्छ। यसैगरी कुनै वृत्तचित्र बनाउने क्रममा वा नाटकलाई व्यावहारिक रूप दिने सिलसिलामा पनि सबै संलग्नको नैतिक तथा आर्थिक पक्षको बराबरी मूल्यांकन गरिएको पाइँदैन। यस्ता संयुक्त रचनाहरूमा प्रमुख भूमिका अन्य कसैको भए पनि उनीहरूलाई पर्याप्त आर्थिक लाभ दिलाएर वा नदिलाइकनै न्यून भूमिका हुने अन्य कसैले आफ्नो बनाउने ज्यादा सम्भावना हुने कारणले गर्दा वास्तविक स्रष्टाहरू समस्यामा एवं मारमा पर्ने गरेका छन्।

निष्कर्ष/समाधान:

बौद्धिक सिर्जना केवल नामका लागि गरिन्छ र यो सितैमा बाँड्नुपर्छ भन्ने मान्यता

क्रमशः पृष्ठ ६

Training on Accounting and Copyright

More than one and half dozen representatives from different copyright related organizations participated a training program on "Accounting and Copyright" organized by Nepal Copyright Registrar's Office (NCRO) in Kathmandu. The aim of the program was to provide basic knowledge of copyright to those officials who were working under the same Ministry as the NCRO. The training about accounting and procurement management was especially focused to those who were engaged in different non-



governmental organizations working for the protection of copyright. Two different papers on separate subjects were presented by Mr. Bir Bahadur Rai, Registrar, NCRO and Toyam Raya, Under Secretary, Public Service Commission on the occasion. The objective of the program was highlighted by Mr. Narayan Prasad Aryal, Section Officer, NCRO while making warm welcome to all the participants.

Discussion with Copyright Experts

The experts of copyright have expressed their commitment that they are always ready to assist Nepal Copyright Registrar's Office (NCRO) as per the need of the office. Speaking in a discussion program organized by NCRO, they all requested the office not to hesitate to ask them for help. Mr. Bir Bahadur Rai, Registrar of NCRO asked them to assist the office especially in the cases of registration of peculiar creations, process of act amendment, finalizing the relevancy to be party in different international treaties and conventions in which Nepal has not signed yet and other disputable issues.

Participation in WIPO Roundtable and Workshop

Mr. Bir Bahadur Rai, Registrar of Nepal Copyright Registrar's Office (NCRO) participated WIPO Roundtable on Copyright and Related Rights in Asia and the Pacific, held on March 2 and 3, 2009, and WIPO Sub-Regional Workshop for the Forum Island Member Countries on Collective Management of Copyright and Related Rights, held on March 4, 2009, in Nadi, Fiji. The programs were organized by World Intellectual Property Organization (WIPO) in cooperation with the Pacific Islands Forum Secretariat (PIFS) and with the assistance of the Japan Copyright Office (JCO). Twenty three participants were invited to the Roundtable and fourteen to the Workshop from different countries of the region.

Research Reports Achieved

The students from different colleges have been submitted their research reports to Nepal Copyright Registrar's Office (NCRO). NCRO has provided some assistance to those students studying in LLM level to submit research report in separate topics related to copyright and related rights.

Submission of the Study Report

The judgement study committee led by Mr. Shiva Prasad Khanal, Legal Officer of Nepal Copyright Registrar's Office has submitted its report to Mr. Bir Bahadur Rai, Registrar of the same office on July 5, 2009. The committee was formed by six members representing from various district courts of Kathmandu valley including the representative from appellate court, Patan. The committee has incorporated nine judgments dispensed by appellate court, Patan and altogether eight judgments laid down by Kathmandu district court. More interestingly, no case was filed till the date on the violation of copyright in the remaining two district courts. The committee collected the lists of the copyright cases to prepare a record in the issue of copyright at the first time in Nepal.

Subsidy to MRCSN and CPSN

Music Royalty Collection Society Nepal (MRCSN) and Copyright Protection Society Nepal (CPSN), separate organizations established for the purpose of collection of royalty and protection of copyright have achieved some amount from Nepal Copyright Registrar's Office (NCRO) approved by the government of Nepal to handle their operation costs. NCRO is providing subsidy to such organizations for some years.

Publication of Training Material

Nepal Copyright Registrar's Office (NCRO) has finalised an informal training syllables about copyright recently. Such training material is prepared in the cooperation of experts of the prescribed field. It is published as a guideline to find out the way for all the training organizations to incorporate the copyright issues in their programs. It includes related legislation and primary information about copyright and related rights.

Three Study Reports Achieved

Three different organizations like Srijanshil Adhyayan Kendra Nepal, Integrated Rural Development Service Pvt. Ltd. and Multi Engineering Trade Concern have been submitted their study reports to Nepal Copyright Registrar's Office (NCRO) before some days. The office had made separate agreement with those organizations for the study of Folklore of Gurungs of Western Development Region, Situation of unauthorized use of Musical productions within Kathmandu valley and the Situation of piracy of Computer Software within the aforesaid valley.

Copyright Programs Held Jointly

"Nagarjun Literary Academy" organized a one day interaction program being concentrated upon the issues of copyright of the creators of literary field in Kathmandu recently. Nepal Copyright Registrar's Office (NCRO) supported the academy for the program according to its policy conducting such activities jointly with non-governmental organizations. Mr. Bir Bahadur Rai, Registrar, NCRO and Prakash Silwal, Chairperson of the academy presented different papers in the program.

Informative Board Posted

With the objective of disseminating primary knowledge about copyright at local level, NCRO has posted informative hoarding board in Pokhara and Dhangadhi this year. The office has aimed to put such boards in other areas of the country which are more affected by the problems of illegal operations.

Interaction Program with Law Enforcing Authorities

Nepal Copyright Registrar's Office (NCRO) organized a one day interaction program on 'Copyright and Related Rights' at Damaulee, Tanahu on April 17, 2009. The objective of the program was to share the copyright information amongst the law enforcing agencies; especially to Nepal police, government attorneys, personnel of the court and the stakeholders. Highlighting on the topic, Mr. Ek Narayan Aryal, Chief District Officer of Tanahu expressed his view on the need to have copyright protection. Mr. Dadhi Raj Neupane, on behalf of creators also emphasized the appropriate protection of copyright in the literary works. On the occasion, Mr. Bir Bahadur Rai, Registrar of NCRO presented his paper entitled "Copyright and Related Rights". The participants were seen much curious on the subject matter. They raised genuine queries on copyright and presented their recommendations on the subject matter. Queries and suggestions raised by participants were addressed and settled by Mr. Bir Bahadur Rai, Registrar of NCRO on behalf of the office.

पृष्ठ ४ बाट....

हाम्रो सन्दर्भमा पनि पुरानो भइसकेको छ । नयाँ रचनाको स्वाद लिन पाठक, दर्शक, श्रोता तथा सर्वसाधारण उपभोक्ता सबैले निश्चित लगानी गर्नु नै । त्यसको निश्चित मापदण्डद्वारा तोकिएको हिस्सा सम्बन्धित प्रमुख स्रष्टा वा रचनाकारसम्म पनि पुऱ्याइने वातावरणको अविलम्ब आरम्भ हुनु जरुरी छ । साथै उक्त रचनाको सार्वजनिक तथा व्यवसायिक उद्देश्यले उपयोग गर्ने सञ्चार माध्यम एवं अन्य सम्बन्धित सबै निकाय वा व्यक्तिहरूले वास्तविक स्रष्टाको अनुमति नलिइकन वा उनीहरूलाई कति आर्थिक लाभ नदिलाई तथा नामसमेत उल्लेख नगरी नैतिक अधिकारमाथि आघात पुग्ने गरी रचना प्रयोग गर्न हुँदैन । मेला, महोत्सव एवं देश विदेशका विभिन्न स्थानमा हुने औपचारिक तथा अनौपचारिक सार्वजनिक साङ्गीतिक कार्यक्रममा गाइने गीतका गीतकार तथा सङ्गीतकारको नाम नभन्ने बानी हटाउनुपर्छ । साथसाथै उठेको रकमको निश्चित हिस्सा उनीहरूलाई पनि दिने अभ्यासको थालनी गर्नुपर्छ । स्रष्टाका रचनाहरूको अनधिकृत उत्पादन, बिक्रि वितरण र उपयोगलाई निरुत्साहित तुल्याउनु जरुरी हुन्छ । यसका लागि सरकारी तथा गैरसरकारी क्षेत्रको संयुक्त समिति बनाई निरन्तर दबिबलो अनुगमन गर्नुपर्छ । गैरकानूनी काम गर्नेलाई कठघरामा उभ्याउने व्यवहार आरम्भ नगर्दासम्म वास्तवमै स्रष्टाको अधिकार संरक्षणको कुरा सम्भव हुँदैन । उनीहरूलाई समस्याबाट उन्मुक्ति दिलाउन र उत्प्रेरित गर्न सकिँदैन । स्रष्टाहरूका सिर्जना नै वास्तवमा राज्यको अग्रगमनका आधार हुन् । नविन सिर्जनाको उत्पादन रोकिँदा राष्ट्र कस्तो बन्ला, कल्पनासमेत गर्न सकिँदैन । त्यसैले सबै स्रष्टालाई उत्प्रेरणा प्रदान गरिरहनु अत्यावश्यक हुन्छ । यसमा राज्यको प्रमुख दायित्व रहन्छ भने सँगसँगै सम्बन्धित स्रष्टामा सचेतता, नागरिकमा अरुको अधिकार रक्षा गर्नुपर्छ भन्ने जानकारी र बोध हुनु पनि त्यत्तिकै जरुरी हुन्छ । साङ्गीतिक क्षेत्रका स्रष्टाका विद्यमान समस्या निराकरणको लागि सङ्गीत रोयल्टी सङ्कलन समाज नेपाल अझ बढी क्रियाशील बनि अविलम्ब रोयल्टी सङ्कलन र वितरणको व्यवस्था आरम्भ गर्नुपर्छ । अन्य विधामा सम्बन्धित स्रष्टाहरूकै जागरुकता र पहलमा रोयल्टी सङ्कलन संस्थाहरूको गठन गर्नु पनि त्यत्तिकै आवश्यक देखिन्छ । सबैको सक्रिय पहल बिना नयाँ नयाँ सिर्जनाका लागि निरन्तर खटिरहन आवश्यक उत्प्रेरणा सबै स्रष्टा सर्जकमा जगाउन मुस्किल हुनेतर्फ सचेत बन्नैपर्छ ।

narayanparyal@yahoo.com

Submission of the Study Report

A nine members study committee led by Mr. Bir Bahadur Rai, Registrar, Nepal Copyright Registrar's Office (NCRO) has submitted its report to the Ministry of Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture. The committee has studied the various provisions of Nepalese Copyright Act, 2002 and the Copyright Rules, 2004 and suggested to have the need for amendment in the existing copyright law. The study was focused on the exploration of lacunas of the Act /Rules and international practice in the copyright affairs. The committee recommended the list of amendment in copyright Act/Rules to the government in the future. It studied concerning Nepalese laws, international treaties and conventions regarding copyright and related rights and prepared the report. The committee was also acquainted with the idea of current copyright scenario and included them as per the need of the domain of Nepalese copyright for the amendment. Moreover, the experts on the subject matter also provided their valuable comments in the course of preparation of the report. The aforesaid committee was constituted by the members representing from different governmental as well as non-governmental organizations.

Talk Program with the Stakeholders of Copyright

Nepal Copyright Registrar's Office (NCRO) organized a one day talk program on 'Implication of the Provisions of Rome Convention in Nepalese Copyright Act, 2002' at NTB Hall, Bhrikuti Mandup, Kathmandu on April 7, 2009. The objectives of the program were to disseminate the message of copyright protection and to discuss the possibility for the accession to the international Rome Convention, 1961. The program was also desired to make interaction amongst performers, phonogram producers, broadcasting organizations as well as the stakeholders. At the very beginning, Mr. Bir Bahadur Rai, Registrar, NCRO highlighted the objectives of the program. On the occasion, two distinct papers on the issues were presented by copyright experts. Presenting his paper, Mr. Kashiraj Dahal, Chairman, Administrative Court stressed the need for copyright protection and its relevancy with international Rome Convention. He also illustrated some of the remarkable foreign issues of copyright and judicial response in the issues. Similarly, Mr. Sajjan Bar Singh Thapa, advocate presented paper on the provisions of Rome Convention and its implication in Nepalese Copyright Act, 2002. After end of the presentations, the participants raised lots of questions and poured some suggestions. Such questions and suggestions were answered and addressed by the Registrar of NCRO on behalf of the office and paper presentators at once.

Other Activities

- ◆ Nepal Copyright Registrar's Office (NCRO) has monitored different places of the country including Kaski, Rupandehi, Parsa, Tanahu and Dhading. The office has also monitored the different market places of Kathmandu valley for the purpose of preventing illegal activities of copyrighted materials.
- ◆ Nepal Copyright Registrar's Office (NCRO) has distributed different informative brochure, leaflet, calendar and other related materials in different areas of the country regularly.
- ◆ Many problems facing by different copyright holders have been solved in the initiation of Nepal Copyright Registrar's Office (NCRO) in separate periods.

Copyright Program in Nuwakot

Nepal Copyright Registrar's Office (NCRO) organized a one day interaction program on 'Copyright and Related Rights' in Nuwakot on May 18, 2009. The objective of the program was to disseminate the information of copyright to the law enforcing agencies; especially to Nepal police, government attorneys, personnel of the court and the stakeholders. At the very beginning, Mr. Shiva Prasad Khanal, Legal Officer, Nepal



Copyright Registrar's Office (NCRO) welcomed all the guests and participants on behalf of the office. Mr. Abdul Kalam Khan, Chief District Officer of Nuwakot poured his gratitude to all the participants as well as the organizers for the conduction of program. Mr. Raj Kumar Lamsal, Chief, Nepal Police, Nuwakot expressed his view on the need for copyright protection. Mr. Bir Bahadur Rai, Registrar of NCRO presented his paper entitled "Copyright and Related Rights" in which copyright protection was highly emphasized. Altogether 50 people representing from different organizations and concerned stakeholders were participated the program.

One day Discussion Program with Writers and Publishers

An interactive discussion program was organized by Nepal Copyright Registrar's Office (NCRO) in Kathmandu at the mid of the last month among the participants like publishers, book sellers, writers and officials of some government offices. The aim of the program was to bring out the problems of writers that they were facing because of publishers and respectively. The program was also aimed to find out the solution of the dispute prevailed between writers and publishers in a intensive level that was highlighted by Mr. Narayan Prasad Aryal, Section Officer, NCRO. Mr. Bir Bahadur Rai, Registrar of NCRO requested all the publishers not to publish more than a single copy and new edition without prior consent of the writers. He also requested the writers for more qualitative creation. Presenting a paper in the program, senior writer Prof. Ram Kumar Pandey said that new authors are facing more problem while comparing to the old ones. He opined that contemporary literary is also problematic. According to him, a publication house of Delhi entitled 'Nirala Publication' is earning a lot of money from his web users in which web page the house has been incorporated a lots of books of Nepalese writers without their consent and agreement. The representatives from different publishing houses, book sellers and participants like Mr. Krishna Dharabasi, Padam Shiwakoti, Dr. Bam Bahadur Thapa 'Jitali', Mukunda Aryal, Chandra Bhattarai, Indul K.C., Pratik Dhakal, Narayan Tiwari, Shyam Krishna Khulimuli, Nanda Krishna Joshi and Ishwari Karki 'Barsha' also expressed their views in the program on the different aspects of their rights and the level of its violation.

Music Day Celebrated

Renowned musicians, lyricists and performers have requested the government to pay more attention in the problems that they are facing continuously for a long time. Presenting a paper among more than five dozen creators entitled "Situation of Nepalese Music and Challenges", Mr. Yadav Kharel, senior lyricist and Chairperson of Music Royalty Collection Society Nepal (MRCSN) urged the government to take the problems of creators of musical sector as the problems of the nation as well. He advised all the creators to be sensible for the protection of their rights as the law has provided them in a program organized by Nepal Copyright Registrar's Office (NCRO) on June 21, 2009 in Kathmandu in the context of World Music Day. The objective of the program was highlighted by Mr. Narayan Prasad Aryal, for Registrar, NCRO in the program that was chaired by Mr. Kaliprasad Rijal, senior creator. Creators like Shanti Ram Rai, Bijen Rai, Alok Shree, Lok Raj Adhikari had also expressed the problems of creators in the program.

World Music Day is a music festival celebrated every year on 21st June in various manner all over the world. It was firstly ideated by French Dance and Music creator Mourice Fleuret in 1981. This day was firstly initiated by France and the first music festival took place in the year 1982.

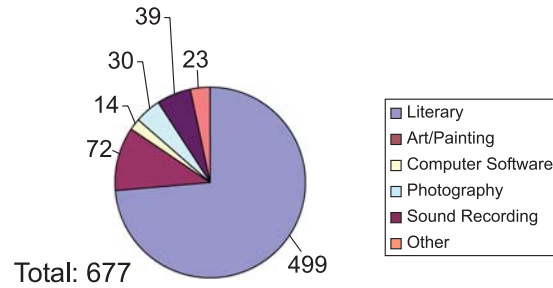
Discussion Program in Charikot

Nepal Copyright Registrar's Office (NCRO) organized a one day discussion program among the fifty participants from different copyright law enforcing agencies and creators of Dolakha district in Chrikot, Dolakha on March 24, 2009. The office had organized its program first time in Dolakha district and Janakpur zone as well. The program was intended to disseminate the information about copyright, duty of law enforcing agencies and responsibility of creators for the protection of their own rights. Honorable district judge Mr. Ramchandra Rai who had already participated a training/workshop about copyright



highlighted the importance of awareness in creators. He requested them to be conscious about their intellectual property as they were conscious for the protection of their physical property. Mr. Bir Bahadur Rai, Registrar, NCRO while presenting a paper in the program requested all the officials represented from District Police Office, Office of District Attorney General, District Court and District Administration Office to be more responsible in the cases of copyright violation and problems of copyright owners. Mr. Prakash Chandra Adhikari, Assistant Chief District Officer, Monika Jirel, creator and Pratap Bam K.C., Chairman of District Bar Association also had expressed their views in the program. Many participants from different sector took part in the discussion very actively. Mr. Narayan Prasad Aryal, Section Officer, NCRO made a warm welcome to all the participants and highlighted the objective of such discussion program.

Registration of Creations up to July 15, 2009



Copyright Training in Butwal

Nepal Copyright Registrar's Office (NCRO) organized a one day interactive training on "Need of Copyright Protection and Responsibility of Law Enforcing Agencies" in Butwal on May 22, 2009 among more than 100 participants of the region. Mr. Gopiraman Upadhyaya, famous writer of literature and Chairperson of the program emphasized the need of effective implementation of copyright law enhancing the capacity of law enforcing agencies for the protection of the rights of real creators. Mr. Rishi Ajad advised all the creators to take their creations not only of their own but also as the base for the progress of the nation. Mrs. L. Sharma requested the government to be serious upon the cases of copyright violation. Mr. Bijaya Gobinda Shrestha opined his view upon the need of regional offices of copyright to hear the problems of creators at local level and expand the area of registration. Two papers on different topics were presented in the program by Mr. Bir Bahadur Rai, Registrar, NCRO and Mr. Saroj Gautam, Chief, Office of Appellate Attorney General. While presenting the paper Mr. Rai highlighted the



necessity of copyright protection and the activities that NCRO was doing. Mr. Gautam expressed his views specially being concentrated upon the responsibility of law enforcing agencies for the protection of copyright, challenges and the areas of reform. Very important personalities like Mr. Dil Sahani, Dr. Ghanashyam Parishrami, Bud Rana, Basudev Ghimire and Pradeep Basnet also aired their views in the program. The guests and participants were welcomed in the program by Mr. Narayan Prasad Aryal, Section Officer, NCRO and thanked for their presence by Mr. Rai, Registrar of the same office at the end of the program.

Nepal Copyright Registrar's Office
Kalikasthan, Kathmandu, Nepal
Tel: 977-1-4431155, 4443750
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 तपाईंको कुनै जिज्ञासा वा सुझाव छ भने हामीलाई यस ठेगानामा सम्पर्क गर्न नबिर्सनु होला।

सम्पादकीय

कम प्राथमिकतामा प्रतिलिपि अधिकार



बीरबहादुर राई
रजिष्ट्रार

विश्वमा करिब ३०० वर्ष अघि वा सन् १७९० मा बेलायतमा Statute of Anne (प्रकाशित रचना चोरी भएको अवस्थामा विशेष संरक्षणको व्यवस्था गर्न) अर्थात् प्रतिलिपि अधिकार सम्बन्धी पहिलो कानून निर्माण भएको पाइन्छ। नेपालमा भने प्रतिलिपि अधिकार सम्बन्धी विषयलाई राज्यबाट निकै पछि मात्र सम्बोधन गरिएको छ। हिलै भएपनि प्रतिलिपि अधिकार सम्बन्धी कानून निर्माण र अन्तर्राष्ट्रिय महासन्धिमा हस्ताक्षर गरी स्रष्टा/सर्जकको पक्षमा नेपाल सरकारले गरेको सम्बोधनलाई सकारात्मक रूपमा लिनु पर्दछ। प्रतिलिपि अधिकार ऐन, २०५९ ले साहित्यिक, साङ्गीतिक, कलात्मक, Dramatic & Choreographic Works, फिल्म र मल्टिमिडिया उत्पादन, कम्प्युटर प्रोग्राम, वैज्ञानिक लेख, रचना, टोपोग्राफी आदि विषयलाई समेटेको छ। कुनै पनि सिर्जना तथा रचना व्यक्ति, समाज र राष्ट्रको लागि उत्तिकै महत्वपूर्ण रहेको हुन्छ। नेपालमा स्रष्टाहरूबाट विभिन्न रचना र कृतिको सिर्जना भए पनि थोरै सिर्जनाले मात्र आर्थिक लाभ र महत्व पाएका छन्। विज्ञान र प्रविधिको विकासले मानव जीवनलाई सरल र सहज बनाए पनि नेपाल जस्तो विकासोन्मुख मुलुकमा आर्थिक, शैक्षिक र चेतनाको कमीको कारण सही उपयोगभन्दा पनि सिर्जनामाथि विभिन्न प्रकारबाट दुरुपयोग र अतिक्रमणका घटना हुने गरेको पाइन्छ। राज्यले प्रतिलिपि अधिकारको संरक्षण गर्न कानूनको निर्माण, अन्तर्राष्ट्रिय महासन्धिमा हस्ताक्षर गर्नुका साथै थप महासन्धिमा पक्ष बन्न विभिन्न प्रक्रिया र अभ्यास गरिरहेको छ। विश्वव्यापीकरण र अन्तर्राष्ट्रिय सम्बन्धको कारणले गर्दा कानूनको निर्माण गर्दै तथा सदस्य बन्दै/पक्ष हुँदै आएपनि सो अनुकूलको उपयुक्त सांघातिक संरचनाको निर्माण भने हुन सकेको छैन। साहित्य, कला, साङ्गीत, कम्प्युटरजस्ता रचनाको सन्दर्भमा कानूनमा उल्लेख भए बमोजिम आम स्रष्टा/सर्जकहरूको आर्थिक र नैतिक अधिकारको संरक्षण प्रभावकारी रूपमा हुन नसकेको विषयलाई केही हदसम्म स्वीकार गर्नु नै पर्दछ तर निरास हुनुपर्ने अवस्था पनि छैन। प्रतिलिपि अधिकारको क्षेत्रमा विभिन्न कार्य हुँदै आएका छन्। कानून कार्यान्वयन गर्ने विभिन्न निकायहरू अन्य विषयको कार्यबोझले थिचिएका तथा दक्ष जनशक्तिको अभावले पिल्सिएका कारण कार्यान्वयन पक्ष जति हुनुपर्ने हो त्यति प्रभावकारी हुन सकेको छैन। छोटो र सानानतिना तालीमका आधारमा घटनालाई सम्बोधन गर्ने प्रयास भएका छन्। बौद्धिक विषय केवल सिर्जनाकारको सम्पत्ति मात्र हैन कि समुदाय, समाज र राष्ट्रको समेत उत्तिकै महत्वपूर्ण विषय पनि हो। सिर्जनाले समाजलाई सकारात्मक सोचको निर्माण गर्न मद्दत गर्दछ। प्रतिलिपि अधिकारको विषयवस्तु अत्यन्तै महत्वपूर्ण र संवेदनशील भएपनि सो अनुकूल राज्यबाट उच्च प्राथमिकता पाउन नसकेको गुनासोलाई सोभै अस्वीकार गर्ने अवस्था रहेको छैन। राज्यबाट जति प्राथमिकता पाउनु पर्ने हो सो अनुरूप प्राथमिकतामा पर्न नसकेको विषय भने अवश्य मान्न सकिन्छ। तसर्थ आम स्रष्टा/सर्जकका हितमा कार्य गर्न वा साहित्य, कला, गीत साङ्गीतको विकास र प्रवर्द्धन गर्न राज्यले प्रतिलिपि अधिकार सम्बन्धी विषयलाई उच्च प्राथमिकता दिनुपर्छ। राज्य गैरसरकारी निकाय, बौद्धिक समूह, स्रष्टाआदि सबैले सशक्त रूपमा यसलाई अगाडि बढाउन विशिष्ट भूमिका निर्वाह गर्न सकेको खण्डमा यस विषयले प्राथमिकता पाउनुका साथै स्रष्टाले आर्थिक र नैतिक अधिकार संरक्षणको अनुभूति गर्न सक्छन्।

Mail to: