



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

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प्रतिलिपि अधिकार बुलेटिन

Copyright Bulletin

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यदि तपाईंसँग बौद्धिक सम्पत्ति, प्रतिलिपि अधिकार एवं सम्बन्धी अधिकारक विषयमा कुनै कानूनी वा अन्य जिज्ञासा भएमा आफूलाई लाग्ने प्रश्नहरू तामीलाई लेखी पठाउनुहोला । यस बुलेटिनका आफ्ना अङ्कहरूमा तपाईंका प्रश्नहरूको उत्तर दिने प्रयास गर्नेछौ ।

प्रत्यक्ष ॥

WIPO Asia-Pacific Regional Symposium Held



WIPO Asia-Pacific Regional Symposium on "Emerging Issues of Copyright and Related Rights in the Audiovisual Industry" was held on January 29-31, 2008 in Kathmandu, Nepal organized by World Intellectual Property Organization (WIPO) in cooperation with the Nepal Copyright Registrar's Office (NCRO) and with the assistance of Japan Copyright Office (JCO). A total number of 56 participants from 15 countries had participated in the Symposium. About 140 local Guests representing various Ministries and private organizations were presented in the opening ceremony. Delivering the welcome speech, Mr. Janma Jaya Regmi, registrar, Nepal Copyright Registrar's Office expressed his gratitude to WIPO and JCO for launching the Symposium in Nepal. He also welcomed all the speakers, moderators, local as well as foreign participants present in the function on the behalf of NCRO. The symposium was officially inaugurated by Mr. Leelamani Paudyal, Secretary, Ministry of Culture, Tourism and Civil Aviation and also the Chief Guest of the program by lighting the lamp. Addressing the inaugural ceremony, Mr. Paudyal highlighted the importance of the protection of Copyrighted materials to create the favorable environment for the economic and cultural development of the country. He also mentioned about the legal and infrastructures development of Copyright and Related Rights in Nepal in his speech. Mentioning that Nepal's audiovisual industry is fast growing in recent times, he highlighted

on the problem of piracy as the major challenge in Nepal in view of the weak law enforcement agencies. Many national and international speakers had presented papers on different topics in the Symposium. Total 11 different topics were highlighted in the entire Symposium. Copyright and the situation of audiovisual industry, the major impacts of piracy, international treaties/ conventions in this field, collective management of copyright etc. were highly discussed in this occasion. On the last day, Mr. Prachanda Man Shrestha, Executive Director, Nepal Tourism Board led the role of moderator. He highlighted important of Intellectual Property and the impact of piracy. He stressed on the protection and promotion of IP based industries and the role of international institutions as well as the government. He assumed that the Symposium would be fruitful for solving such emerging challenges in the field of Copyright and Related Rights, specially in the audiovisual sector. The WIPO and JCO officials had also expressed their closing remarks on the occasion. After end of the ceremony, the participants, speakers and officials were arranged to visit various sites of Kathmandu city by Nepal Copyright Registrar's Office with the assistance of Nepal Tourism Board. Nepal Film Development Board, Nepal Motion Pictures Association and the Quest Movie (P) Ltd. had jointly arranged special program followed by the digital movie named "Kagbeni" in the honor of speakers, delegates and officials.

Creators are the property of a nation.

News and Events

Interaction Program with Law Enforcing Agencies

Nepal Copyright Registrar's Office (NCRO) organized an Interaction program with law enforcing agencies (Nepal Police, Public Prosecutors and Personnel of Courts) in Kathmandu on February 11, 2008. Speaking on the program, Mr. Jal Krishna Shrestha, Joint Secretary of Ministry of Culture, Tourism and Civil Aviation stressed on the effective implementation of the copyright law for controlling the massive piracy seeing in the recent days. He requested to all the participants to take copyright infringement cases seriously. Similarly, Mr. Janma Jaya Regmi, the Registrar of NCRO stated his view on the probable coordination of NCRO with the law enforcing agencies. At least, 25 participants participated in the program. The relevant discussion on the issues of piracy was held in that occasion.

Production of Materials

Nepal Copyright Registrar's Office (NCRO) published awareness creating brochure naming 'A brief introduction of the Copyright and Related Rights' both in Nepali as well as in English languages. The registration procedure of the creations, a brief introduction of international treaties and conventions in the field of Copyright and Related Rights, situation of copyright violation and other relevant issues are incorporated in the said brochure.

Assistance for the Students

Nepal Copyright Registrar's Office (NCRO) provided economic assistance to Ms. Anita Maharjan, the student of LL.M. in Kathmandu School of Law and Mr. Dharendra Rawal from Nepal Law Campus. Both of the students were selected by the selection committee under NCRO. Ms. Maharjan and Mr. Rawal both agreed to write dissertation on the subjects related to Copyright and Related Rights. Both students are committed to submit the copy of dissertation till June 14, 2008.

Interaction Program Held

Nepal Copyright Registrar's Office (NCRO) organized a one day discussion program on the "Situation of enforcement of the Copyright Act, 2059" on March 12, 2008 in Chitwan. Speaking in the program, Mr. Hari Kumar Pokhrel, Judge of Chitwan District Court explored his view on the effective implementation of Copyright Act, 2059. He stated that although copyright law is new in the Nepalese context, there is need to have protection of the rights of the creators and the law enforcing agencies should be more aware in this matter. He viewed that there is need to have refreshment training to the judges and others who are closely connected with the enforcement of copyright law. Mr. Janma Jaya Regmi, Registrar of NCRO highlighted on the purpose of the program in that occasion. More than 30 participants were participated from various governmental and non-governmental organizations in the program.

Monitoring Held

Nepal Copyright Registrar's Office (NCRO) monitored in the various parts of the country to acknowledge the situation of the infringement on copyrighted materials and impact of awareness creating programs launched by NCRO. The opinions about the situation of the enforcement of the Copyright Act were acquainted by the monitoring groups. Copyright brochure and

other informative materials were distributed on that occasion.

Memorandum of Understanding (MOU) Concluded

Nepal Copyright Registrar's Office (NCRO) held the Memorandum of Understanding (MoU) with Enhancing Nepal's Trade-related Capacity Building Project (executed by the Ministry of Industry, Commerce and Supply) for launching a two days program for the district Judges and the personnel of Nepal Judicial Services. The agreement was concluded between Mr. Bodh Raj Niraula, Joint Secretary of the Ministry of Industry, Commerce and Supply on behalf of the project and Mr. Janma Jaya Regmi, Registrar of NCRO, on behalf of the office. It is agreed that the Nepal Copyright Registrar's Office is expected to launch the mentioned program within the month of June.

Study Report Achieved

A seven members study committee led by Mr. Jal Krishna Shrestha, Joint Secretary, Ministry of Culture, Tourism and Civil Aviation (MoCTCA), has submitted its report to the Secretary of MoCTCA. The committee has studied the positive and negative impacts in the sector of Nepalese copyright after accession to the Berne Convention. The committee has provided its suggestions regarding the future actions to be launched in the field of copyright so as to make our legal and administrative procedure more compliance to the Berne Convention. Moreover, the committee has given the suggestions for the amendment of existing Copyright Act, 2002 and the Copyright Rules, 2004.

Documentary on "Copyright and Related Rights"



Nepal Copyright Registrar's Office (NCRO) made a documentary titled 'Copyright and Related Rights'. The experience of different actors, photographers, copyright lawyers, personnel of government agencies and other stakeholders are included in the documentary. The impact of piracy, its probable remedies and the experience of other related persons are also included in the documentary. Piracy is seeing a great problem in the recent days. The documentary is produced for the purpose of making awareness to the concerned stakeholders and users. Piracy is rampant in the genre of music. The documentary has highlighted the piracy as a main problem in the production and distribution of musical creations. Moreover, the rampant impacts have been seen in the field of each genre. The documentary is expected to disseminate the message of need to have protection on copyrighted materials.

Article

THE EXERCISE OF INTELLECTUAL PROPERTY RIGHTS ARISING FROM THE EXPLOITATION OF AUDIOVISUAL PERFORMANCES: THE COLLECTIVE MANAGEMENT.

Jose Maria Montes Relanzone

In general term, in the continental-European system (Author's Right), as opposed to the Anglo-Saxon Copyright system, two methods of exercising intellectual property rights can be identified: individually and collectively.

1. Individual exercise:

In this cases, the law grants the performer the possibility of negotiating and transferring certain intellectual property rights by means of a private agreement to a third party (most often the producer). This method of exercising the right is justified in cases in which the performer has the possibility of negotiating the conditions of the exercise and/or the exploitation directly with the assignee. In fact, the exploitation rights, as any other subjective right, can be exercised directly and individually by their holder. Whenever it is feasible, the norm must prioritise this method of exercising the right.

National legal systems often contemplate the individual exercise of the exclusive rights to authorise certain forms of exploitation (fixation, reproduction, distribution, communication to the public, public release).

2. Collective exercise:

On the contrary, the Law can also provide (as it does the Spanish Law) a system of compulsory collective exercise of rights through the collective management bodies, which collect the financial yield of such rights and distribute them among their holders. This is done essentially for practical reasons and, specifically, in order to achieve the real effectiveness of the remuneration rights. This system is provided by the national legislations as compulsory collective management. In other words, it must be made effective through collecting societies or organisations representing performers' intellectual property rights subject to the Law.

As we have stated, collective management in such cases is established for the purpose of rendering effective the legal system for protection of intellectual property. This effectiveness, in view of the number of diverse uses occurring of the protected works and benefits, would be impossible to achieve for the holders in an isolated or individual way, which would deprive them in most cases of the

economic yields from their creative activity. The fact that the holder-creditor of the right has no possibility of negotiating directly with the debtor increases the need for negotiating such rights collectively. It would be scarcely practical and highly ineffective to authorise each holder of intellectual rights who takes part in a work, e.g. audiovisual, to claim their respective remuneration from every television broadcaster during the phase of exploitation of the work (several years).

To facilitate the payment of these rights, the law grants collecting management entities with legitimatisation, by means of an administrative authorisation whenever they combine certain requirements. In Spain the collecting societies must be legally constituted as non-profit associations holding the appropriate authorization from the Ministry of Culture to collectively manage intellectual property rights.

Once they are authorised to act as collecting societies, they automatically become qualified, in such terms as are determined by their own statutes, to exercise the rights entrusted to their administration and to assert them in all manner of administrative or judicial proceedings.

Collective management must be based on a system of legitimacy that derives directly from the law, and not from a private mandate or commission by each of the holders whose rights are managed collectively. Collective management societies must not manage a certain number of rights entrusted by a certain number of right holders by means of a contract. The collective management societies must be legally authorised to manage the rights that, because of their nature, form the subject-matter of its management within the territory defined by law or by the relevant public-administrative authorisation.

The above authorization shall only be granted, as we have already said, where they fulfill these requirements stated by Law. Once authorized, the Law provides different obligations for the collecting societies (in order to ensure the correct

functioning of the market, avoiding any possible restriction or distortion in the competition). In the Spanish case, such obligations are the following (Article 157 of the Spanish Intellectual Property Law):

- a) To enter into a contract with any person who requests it, unless there is justification for not doing so, for the grant of non-exclusive authorizations in respect of the rights under administration, on reasonable terms and subject to remuneration.
- b) To lay down general tariffs to determine the remuneration payable for the use of its repertoire, which shall include reductions for the benefit of cultural bodies without gainful intent.

The remuneration or financial payment collected and distributed under the system of collective management is established by a system of general tariffs. The tariff itself or the amount resulting from its application is the "price" or "fee" to be paid by anyone using the protected work or intellectual creation managed by the relevant collecting society.

The system of general tariffs is beneficial both for the collecting society, who avoids individual negotiation on behalf of each rightholder, and also for the users, with whom the general tariffs operate as a guarantee of equality of treatment, of legal security and of its own accounting situation, because by a single payment, the user will have paid what is due to a particular group of rightholders.

The two most common tariff models are:

- Where the tariff is fixed by establishing a "lump sum".
- Where the amount of the remuneration is established by applying a percentage of a certain base amount (income obtained by the user in performing his activity, etc.).

The general tariffs must, to my opinion, be of the following characteristics:

- Due to their nature, general tariffs may be fixed by mutual agreement between the user and the collecting society, and in case of no possible agreement, unilaterally by the collecting society.

- The tariff must be equitable, which means that it must guarantee a proportional relation between the repertoire administered and the use of such repertoire.
- c) To enter into general contracts with associations of users of its repertoire whenever such associations request it and are representative of the sector concerned.
- d) To collect on behalf of all the rightholders of the category which they represent. I must insist that the title that legitimises the collecting societies is the Law, not the individual contracts or mandates given by each of the rightholders whose rights are managed collectively.

Once the collecting society has collected the remuneration from the users of the repertoire, we arrive to the last stage in the collective management activity: the distribution of the collected rights.

Before proceeding to the distribution, the collective society has to do the operation of discounting the overhead costs (the entity's own expenses: offices, salaries, etc.) and also the percentage devoted to the entity social functions, which I will explain later.

We must note at this point that the lower the cost, the more efficient the collecting society is considered.

Once it is discounted the overhead costs and the social funds percentage, the rest of the money collected must be distributed among all the rightholders participating in those audiovisual works exploited during the collecting period. In the stage of the distribution of the collected amounts, it is necessary to individualise the right or financial amount corresponding to each holder in the manner provided by Law. Moreover, the distribution of what has been collected by the collecting society cannot be carried out only among the society's members; it must be distributed among all the performers within the scope of the Law, regardless their nationality or place of residence.

Regarding those foreign performers entitled to the remuneration according to the Law, who are members of a foreign collecting society, the payment can be done by means of a bilateral agreement to be signed between both societies, in order to mutually exchange the remuneration for those economical rights

that are due to performing artists both internationally and nationally.

For the purpose of promoting the exchange of remunerations between collecting societies worldwide, ensuring that all the performers receive their remuneration regardless their nationality or place where the work was exploited, the Societies Council for the Collective Management of Performers Rights (SCAPR) was founded in 1986 at a meeting of performers rights organisations that was held in Vienna. Its main aim is the creation of a framework to exchange the remuneration with other sister societies abroad, and to improve the management of the rights administered by each society.

The collecting society also has to reserve an amount of the money collected – what they call “reserves” – for future claims from both members and non-members.

Finally, the distribution process must be done under the governing principle of proportional division among the rightholders, avoiding any possible arbitrary, and with regard to the use or act of exploitation that it intends to remunerate, in order to guarantee the performers and the users the equity and efficiency of the collective management.

Collective management social function:

In most countries, collecting societies are obliged to devote a percentage of the collection to promote welfare activities or services for the benefit of their members, either by themselves or through non-profit-making entities, and shall arrange activities for the training and promotion of performers. For instance, and in order to achieve this aim, AISGE devotes in Spain the 20% of the total amount collected to the AISGE FOUNDATION, an entity which was constituted for these purposes and which dedicates to:

- Design projects and functions to assist and support its members.
- Provide services of a welfare nature to its members.
- Develop educational, training and promotional projects and activities for performers whose rights are managed according to this system.

(Based on the working paper presented by **Mr. Relanzon** on the occasion of the WIPO Asia Pacific Regional Symposium on the Emerging issues of copyright in the Audio-Visual Industries, held on Jan 29-31, 2008 in Kathmandu)

The WIPO Copyright Treaty (WCT), 1996

The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention. Any contracting party must comply with the substantive provisions of the 1971 (Paris) Act of the Berne Convention for the protection of Literary and Artistic works (1886). This treaty has mentioned two subject matters to be protected by copyright; namely, the computer programs and compilations of data or other materials (data bases). The treaty has dealt the rights relating to the authors as their primary rights such as the right of distribution, the rental right and the right of communication to the public.

The treaty obliges the contracting parties to provide legal remedies against the circumvention of technological measures (e.g. encryption) used by authors in connection with the exercise of their rights and against the removal or altering of information, such as certain data that identify works or their authors,

necessary for the management their rights.

It also obliges each contracting party to adopt, in accordance with its legal system, the measures necessary to ensure the application of the Treaty. In particular, the contracting party must ensure that enforcement procedures are available under its law so as to permit effective action against any act of infringement of rights covered by the treaty. Such action must include expeditious remedies to prevent infringement and remedies which constitute a deterrent to further infringements.

The treaty establishes an assembly of the contracting parties whose main task is to deal with matters concerning the maintenance and development of the treaty and it entrusts to the secretariat of WIPO the administrative tasks concerning the treaty.

[Source: www.wipo.int]

Issues of Copyright in International Arena

The Universal Copyright Convention and IP

The term 'intellectual property' is broadly defined under the convention establishing the World Intellectual Property Organization, 1967. Under this convention, the following subject matters fall in the area of intellectual property:

- Literary, artistic and scientific works;
- Performances of performing artists, phonograms and broadcasts;
- Inventions in all fields of human endeavor;
- Scientific discoveries;
- Industrial designs;
- Trademarks, service marks and commercial names and designations;
- Protection against unfair competition; and
- all other rights resulting from intellectual activity in the industrial, scientific, literary and artistic fields.

Rights Protected Under Copyright

The prohibition or authorization of any copyrighted material subsists only up on the desire of its original author or the owner of copyright. The copyright holder

of a work can prohibit or authorize the followings:

- Its reproduction in various forms
- The distribution of copies
- Its public performance and broadcasting to the general public
- Translation of the work in to other various languages
- Adaptation of such novels.

The Internet Treaties and the Digital Environment

The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) were concluded in 1996 in the initiation of the World Intellectual Property Organization. There treaties are known as the internet treaties. The main aim of these treaties is to respond to the challenges of protecting and managing copyright and neighboring rights in the digital age. The internet treaties deal among other things with obligations relating technological protection measures and rights management information in the digital environment. They also ensure that the owners of rights are protected when their works are disseminated on the internet; They also contain provisions requiring

national legislators to provide effective protection for technological measures, by prohibiting the import, manufacture and distribution of illect tools or materials designated to neutralize technological protection measures.

[Source: WIPO, Collective Management of Copyright and Related Rights, WIPO Publication No. L 450CM(E), Geneva.]

New Director General in WIPO

The Co-ordination Committee of the World Intellectual Property Organization (WIPO) nominated Mr. Francis Gurry, an national of Australia, to become the next Director General of WIPO. The candidate will have to be appointed by the WIPO General Assembly at its next meeting scheduled from September 22-30, 2008. Mr. Gurry has been working as the Deputy Director General in WIPO Since 2003 to till the date. He was nominated by securing 42 votes in the formal election launched by the co-ordination committee, where as Mr. Jose Graca Aranha, a national of Brazil received 41 votes.

[<http://www.wipo.int/pressroom/article-0025.html>.]

Q-A Column

Q. How is copyright different from a Patent or a trade mark?

A. The notion of copyright is related to the protection of original works of authorship, while a patent protects invention or discoveries. Mere ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases, symbols or designs identifying the source of the goods or services one party and distinguishing them from those of others. Moreover, registration of works for the purpose of claiming authorship is not mandatory as per the copyright law but the ownership in patent or trademark can be only claimed if they are registered in the patent/trademark office.

Q. The Copyright Act of Nepal, 2002 states that copyright protection is automatic but it has made the provision for registration of any creations. What is the reason behind this?

A. Registration of creations in Nepal Copyright Registrar's Office (NCRO) is voluntary but NCRO is initiating for

the registration. Many creators want to register their works because they wish to have facts of their copyright on the public record and have a certificate of registration. Registered works may be eligible for statutory damages in successful litigation. More over, if creations are registered in NCRO, the *prima facie evidence* will be saved in the government authority. It is expected to have authentic record in NCRO in the time of dispute.

Q. What are the available mechanisms in the field of copyright protection?

A. Basically, there are two sorts of mechanisms which are enhancing the protection of Copyright and Related Rights. The first is legislative mechanism and the second is the institutional mechanism. The Copyright Act, Copyright Rules and other concerning policies fall on the first category. Similarly, the law enforcing agencies such as Nepal police, court, NCRO, public prosecutors are related to the second group. Many NGOs like Copyright Protection Society of Nepal (CPSN), Music Royalty Collection Society Nepal (MRCSN) also help for

dissemination of the message of Copyright and Related Rights from their side. Hence, the execution of copyright law in the spirit of international treaties/ conventions in Nepalese perspective will get effective if these available mechanisms are well developed.

Q. How much of someone else's work can be used without getting permission?

A. Under the fair use doctrine, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, research and scholarly reports. There are no legal rules permitting the use of a specific number of words, only a small portion of a certain number of musical notes, or percentage of a work can be used without the prior consent of the author or copyright owner. Whether a particular use qualifies as fair use depends on the various factors such as portion of work taken, question of substantial part, purpose of use etc.



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s_ klxn] To:tf]lj le6g lsl; dsf]pkof]u x6 h; nf0{k|tlnkl clwsf/ ; Da6wl sf]ggn] g]lg]Zrt Joj :yf u/\$f]x65 h; nf0{ : j]s]t sfo{(Permitted Use) eg] lrlg65 . o:tf]k]sf/sf]pkof]udf ; 4f]6ts Pj +k]qmfut cj:yfx6 e6bf sf]g]l klj wfgn]d'h e]d's v]h]sf]x65 / sf]ggn]g]tf]sP ad]f]hdsf]sfo{ug{ : j]s]t lbPsf]x65 . o:tf]Joj :yf lj z]f u/L ef/tlo k|tlnkl clwsf/ sf]g] !(%& sf] b]k]nf %@-!_a_ / -b_ tyf b]k]nf # (Pj +j]h]fotl k|tlnkl clwsf/ ; Da6wl sf]g] !(** sf]b]k]nf @ (tyf #) n]; f]; Da6wl Joj :yf u/\$f]5 . t/ cd]lsl k|tlnkl clwsf/ ; Da6wl sf]ggn] : j]s]t sfof]f0{; / l:ki6 6kdf lj efhg gu/L lj le6g pkof]unf0{; du]?kdf sf]g] d]lg]Zrt cj:yf tf]sl plrt kof]u (Fair Use) sf]6kdf Joj l:yt u/\$f]5 . o; cy6f gk]fnsf]k|tlnkl clwsf/ ; Da6wl sf]g] cd]l/sl sf]g]; u al9 gl]hs /x6f]cfef; ug{; l65 . z]ld lj z]n]f]of ubf{s]l c6t / /x6f] ePklg af]4s Pj +z]l]fs j Qdf plrt pkof]u (Fair Dealing) / plrt kof]u (Fair Use) nf0{Pp6}cy6f kof]af]rl z]bsf]6kdf kof]u ePsf]k]f065 . plrt pkof]u jf Fair Dealing z]bnf0{sf]g]df kl/ellft u/\$f]gk]f0Pklg o; sf]k]of]u eg]k|tlnkl clwsf/sf]l]hgf] cf]he6bf #) j if{cuf]8 g]u/\$f]k]f065 . t/ sg]klg k|tlnkl clwsf/oQm/rgfsf] lj j \$k]f]of]os cfw/ ; lxtsf]k]of]unf0{ plrt pkof]usf] ?kdf ln065 .

v_ bf]f] To:tf]lsl; dsf]pkof]u x6 h; nf0{k|tlnkl clwsf/ sf]ggn]; fdf]o : j]s]t sfof]6kdf g/fvL : j]s]t sfof]eqsf] lj z]f ; 4f]6ts Pj +k]qmfut cj:yfx6 sf] lj Bdfgtf ; lxtsf] pkof]usf] 6kdf Joj l:yt u/\$f]x65 h; nf0{plrt kof]u (Fair Dealing) elg65 . o:tf]lj z]f k]qmf Pj +; 4f]6t]af/f ; zt6kdf pkof]u ug]sf nflu : j]s]t sfo{ ; Da6wl cjwf/Offnf0{plrt kof]usf]l; 4fGt Doctrine of Fair Dealing n]Joj l:yt

u/\$f]x65 . ef/tlo k|tlnkl clwsf/ ; Da6wl sf]g]sf]b]k]nf %@-!_a_ / -b_ tyf b]k]nf # (Pj +j]h]fotl k|tlnkl clwsf/ ; Da6wl sf]g] !(** sf]b]k]nf @ (tyf #) n]; f]; Da6wl Joj :yf u/\$f]5 . t/ cd]lsl k|tlnkl clwsf/ ; Da6wl sf]ggn] : j]s]t sfof]f0{; / l:ki6 6kdf lj efhg gu/L lj le6g pkof]unf0{; du]?kdf sf]g] d]lg]Zrt cj:yf tf]sl plrt kof]u (Fair Use) sf]6kdf Joj l:yt u/\$f]5 . o; cy6f gk]fnsf]k|tlnkl clwsf/ ; Da6wl sf]g] cd]l/sl sf]g]; u al9 gl]hs /x6f]cfef; ug{; l65 . z]ld lj z]n]f]of ubf{s]l c6t / /x6f] ePklg af]4s Pj +z]l]fs j Qdf plrt pkof]u (Fair Dealing) / plrt kof]u (Fair Use) nf0{Pp6}cy6f kof]af]rl z]bsf]6kdf kof]u ePsf]k]f065 . plrt pkof]u jf Fair Dealing z]bnf0{sf]g]df kl/ellft u/\$f]gk]f0Pklg o; sf]k]of]u eg]k|tlnkl clwsf/sf]l]hgf] cf]he6bf #) j if{cuf]8 g]u/\$f]k]f065 . t/ sg]klg k|tlnkl clwsf/oQm/rgfsf] lj j \$k]f]of]os cfw/ ; lxtsf]k]of]unf0{ plrt pkof]usf] ?kdf ln065 .

pkof]unf0{plrt pkof]usf]cjwf/Offleq k/] gk/\$f]lg]So]h ug]sf nflu Folsom v. Marsh 1841 df s]l l; 4fGt kl]t]lbt ePsf 5g\ h; cg]f/ rf/ j 6f cj:yf lj Bdfg /x6f] v08df to:tf]pkof]unf0{plrt kof]u Fair Dealing sf] 6kdf : j]s]t/ ul/65 . != kof]usf]p2]o / k\$[t @= kof]u ul/Psf]/rgfsf]k\$[t #= kof]u ul/Psf]dfqf jf cfsf/ \$= c; /

!= kof]usf]p2]o / k\$[t bf]f]txsf]k]of]usf]p2]o / k\$[tn]/rgfsf] pkof]unf0{plrt kof]u x]f]x]f]g e6g]lg]So]h ug{; xof]u ub6 . s; \$f]/rgfsf]bf]f]txsf] pkof]uaf/f pQm/rgfsf]; f/ / dx]j cem a96]u/L kl5 l; hgf ug]/rgfsf]nflu sRrf kb]y]j f ; f]sf]6kdf kof]u ul/Psf]x6k5{ . o:tf]k]of]u lglZrt p2]o / k\$[t]sf]xg' c]o6t h?/L x65 . h:tf] s_ JoIQmut kof]u, c]lloog / cg]6wfg sg]klg /rgfsf]pkof]u lgt]6t JoIQmut 6kdf kof]u ug]{JoIQm]/rgfsf]pkof]u u/\$f]5 jf /rgfnf0{lg]6t c]lloog tyf cg]6wfgsf] nflu pkof]u ul/Psf]5 eg]

o; nfo{dfio p27o jf pkoŋusf]k\$[tsf]
ġkdf In065 .

v_ l6kk0fl / lj Znŋf0f

x/\$ JolQm]s; \$f]lj rf/ jf cjwf/Offnf0{
cfknh]k0f] ug{:j t6 x65 . ;fy)s; \$f]lj rf/
jf cjwf/Offnf0{: dy6 ug] l6kk0fl ug]jf
lj Znŋf0f ug]klg clwsf/ /fVb5 . t; y{s; \$f]
/rgfdly l6kk0fl jf ; f]sf]lj Znŋf0f ug]f
nflu /rgfsf]pkoŋu/ ul/Psf]ePdf To; nfo{
klg dfio p27osf]ġkdf In065 .

u_ ; dfrf/ ; Dkŋf0fsf]nflu kltj0g ug{
; Prgfsf]xs dfjns xssf]ġkdf :yflkt
e0; s\$ŋ]kl/k]odf sg]/rgf jf s[tsf]
pkoŋu ; dfrf/ ; Dkŋf0fsf]nflu kltj0g ug{
ul/65 eg]To; nfo{klg dfio p27osf]ġkdf
:jsf/ ul/65 .

@- /rgfsf]k\$[t

/rgfsf]pkoŋu plrt÷ cglrt e6]s/f
pkoŋu ul/Psf]/rgfsf]k\$[t]n]dx]k0f{
eldsf v]h\$]x65 . h:t]ls ck\$flzt
/rgfsf]plrt pkoŋunf0{sfg6n]dfio tf
lbPsf]56 . t; y{ k\$flzt /rgf dfq plrt
pkoŋusf]lj ifo j :t' xg ; S5 ck\$flzt
/rgf x0g .

#= k0f]u ul/Psf] dfqf jf cfsf/
/rgfsf]plrt pkoŋu ug]JolQm]/rgfsf]
slt dfqf jf cfsf/ jf efu pkoŋu u/\$f]j f
k6]M k0f]u ul/Psf]5 e6]j]l ifo dx]j k0f{x65
. /rgfsf]olt g]kltzt pkoŋu ug{x65 e6]
lg]Zrt lgod gePklg /rgf k0f]u ubf{/rgfsf]
ux6 efusf]k0f]u u/0f tyf pkef0m jf
; dfhsf]c6o ; b:osf]c6vdf x]x' ptf/\$f]
cfefif k6]u/L /rgfsf]efu k6]M pkoŋu u/0f
To:tf]pkoŋunf0{plrt pkoŋu dfjg66 .

\$= c; /

/rgfsf]pkoŋunf0{dfio agfpg To:tf]pkoŋun]
k6]c; / csf]lg0ff6s t6] x65 . sg]/rgf
pkoŋu ubf{(pkoŋustf6n]cfknh]cfly6 nfe
Ing]jf /rgf wgnf0{cfly6 lft jf g]ts
Vofltdly wSsf k6]ofpg]ePdf To:tf]
pkoŋunf0{plrt dfjg66 / plrt pkoŋusf]
l; 4f6tn]To:tf]pkoŋunf0{:jsf/ ub6 .

dl dflysf abfx; sf cltI/Qms; \$f]/rgfsf]
plrt pkoŋusf]cj :yfsf]df6otfsf]nflu
To; /L pkoŋu ul/Psf]/rgfsf]; fef/ xg'
h?/L x65 / ; fef/ JoQm ug]jf pln]v ug{
plrt pkoŋusf]csf]dfio zt\$]ġkdf
:yflkt ePsf]5 .

t; y{plrt pkoŋusf]cjwf/Offnf0{af]4s

; DkIQ ; Da6wL lj lwzf:qsf]kltInk clwsf/sf]
cfwf/et t6] sf]ġkdf In0Psf]5 h; sf]
ljgf kltInk clwsf/sf]p27o / nlo sbflk
k0f{xg ; Sb6 . /rgfdf lg]xt /rgfsf/sf]
JolQm lghL :jfy{/ lxt Pj +; uf; dfhsf]
; fdf]hs :jfy{/ lxtnf0{: 6thgdf /fVg]
crs c:qsf]kdf plrt pkoŋusf]; 4f6tnf0{
Ing ; Is65 . of]sfg6l lj ifo j :tsf]ġkdf
Ing'e66f klg Pp6f Joj xfl/s lj ifo j :tsf]
ġkdf Ing'plrt x65 lsgls o; ; Da6wdf
cbfnt jf c6o sg]5nkmdf p76]lj ifo j :t'
sfg6l Joj :yf e66f klg Joj xfl/s df6otf /
dfio Joj xfl/df cfwf/t xg]lg]Zrt 5 .
c6]odf plrt pkoŋusf]l; 4f6t kltInk
clwsf/leq ; fdf]hs dfjlo xsnf0{: /lft
ug]f nflu Joj l:yt ul/Psf]kltInk clwsf/
; Da6wL lj lwzf:q / sfg6sf]crs ; fwg xfl
h; n]kltInk clwsf/oQm /rgfsf]pkoŋu
ubf6f cj :ydf pkoŋustf6n{p; sf]pkoŋu
kltInk clwsf/sf]pln3g xg]xfl]s e6]
8/ / qf; af6 dQm ub6 / ; dfndf Joj l:yt
Pj +dof]bt ; fdf]hs jftfj/Of sfod ug{
d2t ub6 .

* n]ys clwj Qm Pj +sf7df8f]:sh ckm
nsf pkk]lwofs xg\

kltInk clwsf/ ; Af0fdf ; /f\$]f/jfnfxġsf]rf; f]

; i6fxġsf]clwsf/ ; Af0f ug] ; jndf
lj utsf lbgxġdf sfg6 sfof]og ug]
lgsfoxġdf kltInk clwsf/ ; Af0f ; Da6wL
kof]t hfgsf/Lsf]cefj ; lkmtnf]sfg6l
k]j wfg ; i6f Pj + h\$6ġdf ; d] clwsf/
k]ktsf]r]gfsf]sdl h:tf sf/Ofn]kltInk
clwsf/h6o ; fdfullsf]u/sfg6l 9uaf6
pTkfbg, k6]Ttkfbg Pj +aqa] lj t/Of ePsf]
oyfy{nf0{:jsf/ ug]k6]c] :yfsf]lj Bdfgtf
b]v65 . lj = @)% (; fndf kltInk clwsf/
P6]sf]cfudg tyf !! hg] /L @)^ df g]kfn
c6t /f66 ag{dx; l6w (Berne Convention),
!***^ df k]z ePkZrft'o; dx; l6wsf
Joj :yf lj Bdfg kltInk clwsf/ sfg6sf
sb]k]j wfg aflePdf dx; l6ws]k]j wfg nfu"
xg]Joj :yf j t6]g ; l6w P6] , @)\$& sf]bknf
-(. n]u/\$f]b]v65 .

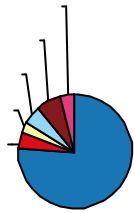
cfknh]/rgfdlysf]Psn6l clwsf/ ; Af0fsf]
lj ifoj :thf0{p7fP/ cbfnt k]z u/\$f]
d2fnf0{x6]f; i6fxġdf o; ; Da6wL hfU/Of
xfnsf lbgdf a9b]uPsf]b]VP tklg oy]6
kdf0f Pj +j ifoj :tsf]ufdelo6f kl6 ug{

g; s\$]f cfwf/ pln]v u/L cbfntaf6 To:tf
d2fsf]j fbl b]jl kdf]0ft xg g; Sg]7x/
ePsf cj :yfxġ 5g\ . o; }k]7e]ddf
n]ys-; h\$6]x; otaf6 cfknh]/rgfdlysf]
Psn6l clwsf/sf]b]jl In0{sf7df8f]hlnf
cbfntdf k/\$f]d2f Pj + f]pk/ cbfntsf]
k]n]nf0{o; csdf k]tt ug]hdsf]ul/Psf]
5 .

8f- b6f{k]fb ; u]pfsf]hfx/]n]g]kfn ; /sf/
lj ?4 OR5f/fh t6f^a sf]d2f df hfx/]jfnfn]
kf6g Olg]lgoL/ Sofdk; df lj = @)\$ (
; fnb]v B.E. Level df Fluid Mechanics
gfds lj ifo k9fpb)cfPsf]/ c]woogsf]
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cfknh]k] ; xdt Pj +cgdl t]j/ h:tsf]
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Fluid Mechanics gfds k':ts k6]fzg
u/\$f]h]cfknh]lg]xt kltInk clwsf/sf]
pln3g xg uPsf]h]s; 7 kdf]0ft u/L
lj k]lfnf0{sf/]jxl ul/ kfp]egl lbPsf]
hfx/]lsf] cfwf/df jbl g]kfn ; /sf/sf]

tkn6f kltInk clwsf/ P6] , @)%(sf]bknf
@&_ adf]hd ; hfo dfu b]jl In0{sf7df8f}
hlnf cbfntdf d2f bfo/ ul/Psf]lyof].
sf7df8f}hlnf cbfntn]ldt @^\$ c; f/
!% df jbl b]jl g]k]g]7x/ ub]pQm k':ts
b0{hgf n]ys ldn] k6]fzg u/\$f]6f Pp6f
JolQm f0{dfq lj k]fl agf0Psf]j f]b]sf]k6]6
g]kfn kltInk clwsf/ /h]66/sf]sfof]odf
pQm lj j flbt k':tssf] slff g]6 ldt
@)^#.#.!@ df btf{ul/Psf]Pj +dt @)^#.\$ \$
df k]t]fbln]; f]l sfof]odf k':ts btf{ug{
lg]6g lbPsf]6f sfof]on]Olg]lgoL/ Sofdk;
k]lrf\$df kqrf/ u/L t]kZrft'vdfq ; f]k':ts
btf{u/\$f]h]lg]6g k] {sfof]on]5fglj g
u/\$f]tYo kl6 ePsf]Pj +k':ts k6]fzg ug{
k]g]s]lffg6af6 g]Ssn u/L kf08lnk tof/
ul/Psf]e6]tYout cfwf/ kdf0fsf]cefj
/x\$]cj :yf ; d]nf0{pln]v u/L pQmd2f
cbfntaf6 vf/h ul/Psf]b]v65 . cbfntdf
kltInk clwsf/ ; Da6wL lj jfbx;sf]k]z ; u)
; /f\$]f/jfnfxġdf xnsf lbgxġdf o; ; Da6wL
rf; f] a9b]uPsf]cgdfg ug{ ; Is65 .

Registration of creations up to April 12, 2008



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hddf btf(##

af]4s ; DkiQsf]rf]l uDe/ ; d: of

;s[t, ko6g tyf gful/s p88og d6ql k]jL ; Aaf u?- n] gSsnl sDko6/h6o ; fdu[sf] kof]u ug6f6 ; r] xg g; s]/li66 cyf6gsf] ; jns/Ofdf k]tsh k6fj kfg[atfpg' ePsf]5 .



pxfn]5ikf / lj B'to ; -rf/ dflWodsf] l]qdf af]4s ; DkiQsf]rf]l a9L xg] ePsf]h]hgtfnf0{k]tlnk clwsf/sf] lj ifodf ; r] agfpg cfj Zos /x\$]f] klg atfpg'eof].

g]kn k]tlnk clwsf/ /hi66/sf]sfof6o / ; f6g klj lw d-r g]kfn] ; f6af/ cfof]h6g u/\$]f]sfof6odf pxfn]o:tf]wf/Of JoQm ug]ePsf]xf] . ; f]M- uf]/v]kq b]gs @)^\$ df3 @

I; h6fsf]k6f]udf b]xfo adf]hdsf] ; ts}f ckgfc}

s; h]tof/ u/\$]f] ; fullts /rgdf cgdlt glno{tf6df6 jf l/ldS; gu/f}:- rnlrqsf]k'}j f c]zS cZ rnlrq p]kfbssf] cgdlt glno{k6}T]kfbg gu/f}:- k]k6f]h6o /rgfsf]k6f]u ubf{k]k6f]u]k]m/sf] cgdlt lng]u/f}:- sDko6/h6o /rgfsf]k6f]u Pj +sf/f6f/ ubf{k]tlnk clwsf/ w]gsf]clgj fo{cgdlt lng] u/f}:- k':ts, n]v jf c6o /rgfsf]k'}j f sg}czsf] k6f]u ubf{j f To:tf /rgfsf]k]k6f]k u/L Jofk/ ubf{n]ys tyf k6fzssf]cgdlt lng]u/f}:- k]f/Of ; yf c]k]h]tof/ u/L k]f/Of u/\$]f] ; fdul c6n]cf g]agf0{k]f/Of gu/f}:-

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k]tlnk clwsf/ ah]6g g]kn k]tlnk clwsf/ /hi66/sf]sfof6oaf6 l6z]ts lj t/Of ul/65 . o; ah]6gsf ; Da6wdf olb tkf06f]sg]h]f; f jf ; 6nj 5 eg]xfdlnf0o; 7]l]gdf ; Dks{ug]gla; 6' x]h]f .

; Dkfbso



जन्मजय रेग्मी रजेशचन्द्र

k]tlnk clwsf/sf] l]qdf ; xsfo6f]vfrf]x]

af]4s ; DkiQsf] ; Af0fsf] ; 6be6f xfd] ; u]7t Pj + : yfut kxnsf]0]txf; w]n]rfd] 56 . k]tlnk clwsf/sf] ; Af0fsf] ; 6be6f s/f ug]xf]eg]t cem]5f6f]kf065 . o; l]qdf ; /sf/L txaf6 ; yfut k6]gsf]cf/De @^! ; fndf : yfkgf ePsf]g]kn k]tlnk clwsf/ /hi66/sf]sfof6osf] : yfkgf6 ePsf]b]lv65 . ; f6g ; u]7g / cfsf/ lnP/ : yf]kt o; sfof6on]cfk]h]f] l]fdtfn] EofP; Dd : yfkgf sfnb]lv g]o; sf] ; Af0f / ; Da46df lj le6g k6]g / kxn6 ub]cf0/x\$]f]5 .

sf]g]n]/rgfx; btf{ug] ; h6sf] c]ly6 / g]ts clwsf/ ; Af0f u/fpg cfj Zos sfof6mx; -rfng ug]nufot / f6]6L ; sng ; yf (cmo) x6sf] ; -rfng / k646gsf] l]qdf sfd ug] u/L o; sfof6onf0{ lj z]f] lh6d]f/ agfPsf] kf065 .

otfs lbgx;df sfof6o ; r]tdfhs sfof6mx; df a9L s]b6 ePsf] 5 . k]tlnk clwsf/sf]lj ifonf0{hg; fuf/Of; Dd k6ofpg lj le6g lgsfox;sf]tfnld kf76qmdf o; nf0{; dfjz u/fpg k6]g ePsf] 5 . sf6] sf6] og ug]lgsfo / ; /f6f/jfnfx; ; u]5nkm, tfnld, uf]7L / c6t/lqofx; a9f0Psf]5 . k]tlnk clwsf/sf] ; Af0f ug] ; f6be6f lj ifodf c]Wooog cg' 6wfgsf]yfn] ePsf]5 . w]pO ; u] ldn] l]q6o : t/sf]c6t/f66 ; Dd]hg >Job7o l]q6f lj ifodf s]b6 u/L ; Dk6g ul/Psf]5 . wto sf] ; xsfo6f 6ofo l]q6nf0{s]b6 u/L /li66 : t/sf]sfozfnf ; -rfng ub]cf0/x\$]f]cj : yf 5 . FIT-Nepal / Microsoft h: tf ; yfx; ; u] ; xsfo{u/L sDko6/ ; k]k6f]u/ ; Da6wL kf0/]L /f]g Software Asset Management lj ifodf lj Qlo l]q6f ; yfx; ; u]5nkm a9f0Psf]5 . P6 l]god nufot k6f/ ; fdu] lj t/Of / 8s]b6]k]k6f]d]wof6f6 ; /f6f/jfnfx]wofg hufpg] sfo{k]g z? ul/Psf]5 .

oBlk xdf] k6]g6 ko]kt 56g\ ; /f6f/jfnfx; ; u]5nkm / ax; x6f k]tlnk clwsf/oQm ; fdu]sf]a96f]rf]lnf0{/f]g g; s6f] cf/f]x; xfdln] ; 6b]cf0/x\$]f]5f} o; ; 6be6f xfd] ; ldfx; klg 5g\ sf]g]n]cw66oflos clwsf/ glbPsf]cj : ydf klg xfdln] k]tlnk clwsf/ ; Af0fsf]l]qdf ; xhstf6f]kdf yk} ; d:ofx; ; d]wfg ub]cf0/x\$]f]5f} t/ xfd]k6]g dfq ko]kt 5 e6' eh x6f . ; d:ofx; w]y]f] ; a]l]qdf 5g\ / klg s]l l]q6; vf; u/L ult- ; u]tsf]l]q6 ; f]x]l6s Pj +n]v l]w]h6o /rgfsf]l]q6 / sDko6/ ; k]k6f]u/h6o /rgfsf]l]qdf a9L ; d:ofx; a96f 5g\ o; sf] ; d]wfg xfd]Psn k6f ; dfqn]x]0g ls ; /f6f/jfnfx; vf; u/L ; f6x; ; h6x; / sf6] sf6] og ug]lgsfox; ; u]sf] ; xsfo6] dfq ; Dej b]lv65 . ctM k]tlnk clwsf/sf] l]qdf ; /sf/L / gl]h]l]q6 alr ; xsfo{c]h]sf]vfrf]x] .

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