



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 गृह तत्सम्बन्धी अधिकारक विषयमा कुनै कानूनी वा अन्य जिज्ञासा भएमा आफूलाई लाग्ने प्रश्नहरू तामीलाई लेखी पठाउनुहोला । यस बुलेटिनका आफ्ना अङ्कहरूमा तपाईंका प्रश्नहरूको उत्तर दिने प्रयास गर्नेछौ ।

धन्यवाद ॥

## Copyright Training for District Court Judges and the Personnel of Judicial Service



Nepal Copyright Registrar's Office (NCRO) in co-operation with Enhancing Nepal's Trade Related Capacity Project, under the Ministry of Industry, Commerce and Supply organized a two days residential training/workshop to the District Court Judges and the Personnel of Nepal Judicial Service on "Copyright and Related Rights" at Dhulikhel, Kavre on June 19-20, 2008. Sixteen District Court Judges from various districts and other fourteen personnel of Nepal Judicial Service were participated in the training program. Inaugurating the workshop, Mr. Leelamani Paudyal, Secretary of Ministry of Culture, Tourism and Civil Aviation expressed his view that the knowledge of Copyright and Related Rights is important for the personnel of Judiciary for proper implementation of copyright law. He stated that the contribution of copyright based industries in GDP of developed countries is more quite positive. After the establishment of NCRO, the awareness creating programs on Copyright and Related Rights are becoming more popular and message for the protection of copyright is disseminating. He further stated that there is need to have amendment in the existing Copyright Act, 2002. He stressed to have active participation of judiciary for the effective execution of copyright law in Nepalese context because of the rampant violation of

copyrighted materials, especially in the field of musical productions. Mr. Ramkrishna Timalsena, the Registrar of the Supreme Court of Nepal poured his view on the need to have protection of copyrighted materials. Addressing

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### Training on Copyright and Related Rights

Nepal Copyright Registrar's Office (NCRO) organized a two days residential training program on "Copyright and Related Rights" at Dhulikhel, Kavre on June 24-25, 2008. The training was focused to the officers of copyright law enforcing agencies especially towards the



Police Inspectors of Nepal Police, Custom Officers, Public Prosecutors and the Officers of different Courts. Altogether 28 participants

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Piracy kills creativity and ends with Punishment.

## News and Events

### Discussion on Study Report

Nepal Copyright Registrar's Office (NCRO) organized a discussion program on the study report which was submitted to the Secretary of the Ministry of Culture, Tourism and Civil Aviation (MoCTCA) by the lead of Mr. Jal Krishna Shrestha, Joint Secretary of MoCTCA. The study report was minutely discussed among the participants. Exploring his view, Mr. Shrestha, stated the need to have amendment in the existing copyright law. Mr. Janma Jaya Regmi, the former Registrar of Nepal Copyright Registrar's Office expressed his view on the negative and positive impacts in the sector of copyright after the accession to the Berne Convention. Mr. Narayan Prasad Aryal, For Registrar of Nepal Copyright Registrar's Office had stated the rational and importance of the discussion program on behalf of NCRO.

### Conduction of Training Program

Nepal Copyright Registrar's Office (NCRO) organized a one day training program on Copyright and Related Rights on May



25, 2008. The training was targeted to the reporters of various media organizations. Inaugurating the program, Mr. Leelamani Paudyal, Secretary, Ministry of Culture, Tourism and Civil Aviation expressed his view on the need of Copyright Protection and the Role of Media Persons for promoting and preserving the Copyright and Related Rights of the creators. Moreover, he highlighted on the role of Nepal Copyright Registrar's Office for the protection of copyright. At least 35 reporters representing from different media were participated in the program. The two papers on the related subject matter by different experts were presented on the occasion. Certificate of participation was distributed at the end of the program.

### Discussion on Copyright and Related Rights

Nepal Copyright Registrar's Office (NCRO) organized a discussion program with the representatives of copyright law enforcing agencies (Nepal Police, Custom Office, Court and District Attorney Office) on July 8, 2008. The main objective of the program was to analyze the implementation of copyright law and its present situation. Mr. Jal Krishna Shrestha, Joint Secretary of MoCTCA and Mr. Janma Jaya Regmi, the former Registrar of NCRO and also Joint Secretary of the Government of Nepal had expressed their experience in the course of implementation of copyright law. The participants had highlighted their experience on copyright law execution in their fields.

### Publication of Calendar

Nepal Copyright Registrar's Office (NCRO) published the calendar of 2065 by incorporating the various notices related to Copyright and Related Rights. The calendar was designed with the purpose of disseminating the message of copyright, activities of NCRO and need of copyright protection.

### The Music Day Celebrated

Nepal Copyright Registrar's Office (NCRO) organized a discussion program on June 21, 2008 at Dhulikhel, Kavre on the occasion of the World Music Day. Lyricists, Musicians, the local performers and other stakeholders were presented in the program. The provisions of existing copyright law, related policies and the situation of implementation of copyright law in the court were discussed on the occasion. Some of the highlighted cases relating to the copyright infringement in the music sector were discussed. The participants had raised many questions on the infringement of music video products towards the organizer. The program had aimed to emphasize upon the need of copyright protection especially in the audiovisual and music sectors. Mr. Narayan Prasad Aryal, For Registrar of NCRO had answered the queries on behalf of the office those were raised by the participants.

### Interaction Program on Copyright and Related Rights

Nepal Copyright Registrar's Office (NCRO) has organized a one day interaction program on Copyright and Related Rights on June 9, 2008 at NTB Hall, Bhrikutimandap to disseminate



the need of copyright protection in the genres of Broadcasting, Photography and Computer Software. Three different papers highlighting the need of copyright protection in the digital media, computer software and broadcasting were presented by the experts on the occasion. The activities of NCRO were highlighted by Mr. Narayan Prasad Aryal, For Registrar and Mr. Shiva Prasad Khanal, Legal Officer of NCRO on behalf of the office. The relevant questions were raised by almost the participants and their answers were given by the experts at that time.

### Discussion on Study Report

Nepal Copyright Registrar's Office (NCRO) achieved final reports on the study of "Situation of Musical Publications in Western Development Region" and "Identification of Folklores in Eastern Development Region". Both the reports were discussed in NCRO with the presence of experts and other stakeholders on July 11, 2008. The program was started with the remarks by Mr. Narayan Prasad Aryal, For Registrar, NCRO followed by the primary

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## COMBATING THE CHALLENGES OF INTELLECTUAL PROPERTY RIGHT IN DIGITAL AGE

## INTRODUCTION

Protection of inventions; literary and artistic works; and symbols; images; names, and designs used in commerce, information and original expressions of creative individuals known as intellectual property. Intellectual property concerns the 'property of the mind', property that can be embodied in a physical entity, it may be a multimillion rupees of painting or a kid's sketch, but it should be distinct and can be traded separately. When we purchase the painting, for example, we generally buy the pigment, stretcher and canvas rather than the right to commercially reproduce the image. Similarly, when we buy a music CD we only buy the plastic CD and packaging but not the music.

In the dawn of twenty first century the importance of property right is obvious. Wealth creation in the global village is shifting from a resource to a knowledge-base. The economy is increasingly dependent on brain power and our ability to create, to sell, to explain and to solve problems. In future, wealth will come more and more out of our heads; less and less will it come out of the ground. And the goods and services of our brainpower will be marketed in an increasingly competitive global village. Beyond obvious knowledge industries like computers and software, all industries from farming, forestry and fishing, to automobiles, mining and motion pictures are extending their horizons to markets around the world. They increasingly cross borders, speak different languages and negotiate with sensitivity to other cultures and ways of life. They are often part of multinational teams and partnerships.

A global knowledge-based economy thus involves more than competitiveness in natural sciences and engineering. Cultural knowledge including languages, religions and ways of life play a critical and often interactive role with physical technology in the successful innovation and marketing of goods and services.

## KEY FORMS OF INTELLECTUAL PROPERTY

The key forms of intellectual property are patents, copyrights, trademarks, and trade secrets. Because intellectual property shares many of the characteristics of real and personal property, associated rights permit

-Tara Prasad Bhusal

intellectual property to be treated as an asset that can be bought, sold, licensed, or even given away at no cost. IP laws enable owners, inventors, and creators to protect their property from unauthorized uses.

## 1) Copyright

Copyright is a legal term describing the economic rights given to creators of literary and artistic works, including the right to reproduce the work, to make copies, and to perform or display the work publicly. Copyrights offer essentially the only protection for music, films, novels, poems, architecture, and other works of cultural value. As artists and creators have developed new forms of expression, these categories have expanded to include them. Computer programs and sound recordings are now protected, too.

## 2) Patents

It can be said that a patent is a contract between society as a whole and an individual inventor. Under the terms of this social contract, the inventor is given the exclusive right to prevent others from making, using, and selling a patented invention for a fixed period of time -- in most countries, for up to 20 years -- in return for the inventor's disclosing the details of the invention to the public. Patents, however, are not easily obtained. Patent rights are granted not for vague ideas but for carefully tailored claims. To avoid protecting technology already available, or within easy reach of ordinary artisans, those claims are examined by experts.

## 3) Trade Secrets

Any information that may be used in the operation of a business and that is sufficiently valuable to afford an actual or potential economic advantage is considered a trade secret. Examples of trade secrets can be formulas for products, such as the formula for Coca-Cola; compilations of information that provide a business with a competitive advantage, such as a database listing customers; and even advertising strategies and distribution processes. Unlike patents, trade secrets are protected for a theoretically unlimited period of time, and without any procedural formalities.

## 4) Trademarks

Trademarks are commercial source indicators, distinctive signs that identify certain goods or services produced or provided by a specific person or enterprise. Trademarks are especially important when consumers and producers are far away from one another. Children ask for Barbie dolls, some adults dream of Ferrari automobiles, but more can afford to buy Maruti, Toyota or Honda brands. These consumers need trademarks to seek or avoid the goods and services of particular firms. Throughout most of the world, trademarks must be registered to be enforceable, and registrations must be renewed.

## CHARACTERISTICS OF DIGITAL TECHNOLOGIES

Since its inception, copyright law has responded to technological change. Now a days the changes that are grabbing all the headlines relate to digital technology and digital communications networks, such as the Internet and personal computers. These technologies, like many innovations, are both promising and potentially harmful to various parties interested in the use and exploitation of works of authorship, from books and music to films and web pages. The major digital issues faced by copyright law today are due to the following unique nature of them.

1) Easy to Produce: Once a work is rendered in digital form, it can be reproduced rapidly, at little cost, and without any loss of quality. Each copy, in turn, can be further reproduced, again without any loss of quality. In this way, a single copy of a work in digital form can supply the needs of millions of users.

2) Easy to Disseminate: The emergence of global digital networks allows the rapid, worldwide dissemination of works in digital form. Digital networks allow each recipient on the network to engage in further dissemination of the work, which can cause the work to spread at a geometric or viral rate of increase. This, combined with the ease of reproducing works, means that a single digital copy of a work can be multiplied many thousands of times around the world within a few hours.

4) Easy to Store: Digital storage is dense. Large quantities of material can be stored



in a smaller and smaller amount of space. Today's popular iPod, portable music player can store around 10,000 songs in a device of the size of a cigarette pack.

### CHALLENGES OF DIGITAL TECHNOLOGIES

The challenge of copyright in the digital age is to preserve the author's and rights holder's incentive to create new works and use new technologies to distribute them to users and consumers in the face of such a competitive threat from the illicit use of technology. The rapid, widespread reproduction and dissemination of works, the international community has paid significant attention in recent years to the need to adjust the existing framework of exclusive rights to address issues of new technology. Presently there is a international body maintaining such right –World Intellectual Property Organization (WIPO), which regulates WIPO Copyright Treaty (WCT). Besides the traditional rights of WCT, there should be some exclusive rights for the authors in

connection to reproductions, downloads, distributions etc. Under the WCT, countries must put effective legal remedies in place against the circumvention of technological measures that owners use to safeguard their rights. Countries must also provide legal remedies against persons who delete or alter rights management information attached by the copyright owner to the work .There should be strong legal provisions against the misuse of such right. It is obvious that owners cannot rely on technological measures alone to protect their works, because every technical device can be defeated by someone who is determined to access a work. In other words, while the framework of existing property rights continues to be appropriate, the meaningful exercise of these rights in the context of new uses, such as those on the Internet, requires supplementing them with legal rules that prohibit the compromise of their technology.

*(Mr. Bhusal is Lecturer in Patan Multiple Campus)*

### Training on.....

from different institutions were presented in the program.

Inaugurating the program, Mr. Prakash Ram Mishra, the District Court Judge of Kavre, expressed his view on the need of copyright protection. He stated that the situation of copyright infringement is rampant in the commercial market and judiciary is quite serious for the enforcement of copyright law. He stressed the need of awareness program to defeat piracy. Similarly, Mr. Kabiraj Khanal, the Chief District Officer, Kavre addressed the inaugural program. He showed the reality of using pirated software in different organization and stressed for the confiscation of pirated materials from the market. Mr. Narayan Prasad Aryal, For Registrar, NCRO expressed his view especially being concentrated upon the objective of the program and poured his gratitude towards all the participants for their enthusiastic participation. The inaugural program was chaired by Mr. Binod Prakash Singh, the Local Development Officer of Kavre. Various Papers on Copyright and Related Rights by the experts were presented on the two days program. The program was conducted by Mr. Shiva Prasad Khanal, Legal Officer, NCRO.

## Q-A Column

### Q- What is Software Piracy?

Software piracy is the unauthorized copying or distribution of copyrighted software. This can be done by copying, downloading, sharing, selling, or installing multiple copies into personal or work computers. The act of infringing the rights of owner of the copyrighted software is known as Software Piracy.

### Q- What are the types of Software Piracy?

There are different sorts of software piracy. Some of the common sorts of piracy are:-

- End user or corporate copying: when the number of copies of software installed on PCs exceeds the number of licenses held for that relevant software.
- Counterfeiting: The unauthorized use of software trademarks, i.e. reproducing software or packaging, where buyers are deliberately misled into believing product they are buying is genuine.
- Hard disk loading: The act of installing software without the original disk.
- Mis-channelling: Software that has been distributed under special discount licenses and then redistributed to others who do not qualify for these licenses.

### Q- What are the risks of buying or using pirated software?

Buying and using pirated software is risky for corporate and individual users. Aside from the legal and ethical consequences of using software for which the developer does not receive compensation, the user group forfeits some practical benefits. Those who use pirated software:

- Increase the chances of buying software that does not function correctly or may fail completely.
- Forfeit access to customer support, upgrades, technical documentation, training, and bug fixes.
- Have no warranty to protect their investment.
- Increase their risk of exposure to viruses, spyware, or adware that can destroy (or, worse, publish to criminals) valuable data.
- May be subject to significant fines for copyright infringement.
- Risk of damaging their reputation and good name and, in the case of organizations, negative publicity that could cause irreparable harm to the business.

## E-Commerce and Copyright

The emergence of new digital information technologies, such as the Internet, has had a significant impact on copyright and related rights, and the copyright industries such as music, film and software throughout the world.

The sets out a series of guidelines and goals for WIPO in seeking to develop practical solutions to the challenges raised by the impact of new technologies on intellectual property rights. In the field of copyright, these include issues such as promotion of the WCT and WPPT, the facilitation of ecommerce through protection of audiovisual performances and adoption of broadcasters' rights to the digital era, principles for liability of online service providers, and an appropriate framework for developing business models for the exploitation of copyright in a digital environment.

Source: - [www.wipo.int/copyright/en/ecommerce](http://www.wipo.int/copyright/en/ecommerce)

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- Wjlgcsq, >Jobzo /rgf / sDko6/ klljfd kltlnk clwsf/sf]eojfx pln3gn; i6fnf0{dfq xfgl kfofpg . clkt'l; . f]/fi6sf] >la[4g]cwfuiltil/ wsl]ng h65 . vf; u/L cfo cfhg5f ; Defj gf a9l xg]7pdf g}kltlnk clwsf/sf]pln3g a9l xg]ub5 . /rgfsf/sf]nfd]lbdful s; /taf6 tof/ kfl/Psf]l; hgf Pj +nufglstf\$]Jo; flos nufgl ; d]nf0{pln3gstf6 w/fzfol kfg]sfo{sg}klg xfntdf hf0h df6g ; lS6g . Fair Use Sf]l; 4f6tnf0{ckj fb df6g]xf]eg]x/3 l; h6fsf]h6d; u; Af0f]clwsf/ ; lglzrt x65 e6g ; lS65 . ctM bxfosf]cj : yfdf kltlnk clwsf/ pln3g ePsf]dfgg]Jo; yf kltlnk clwsf/ Pj, @)%( sf]bkf @% df 5 M
- kltlnk clwsf/ wglslfd-h/l jf ; Dem]f ljkl/t cfkhgf] xs gklv] /rgf jf Wjlgcsqsf]pikfbg, laql lj t/of, e8fdf lbg]jf gSsn u/L kf/ k]f/ ug]sfo{
- csf\$]f]/rgfsf]eiff jf : j2k kl/j t6 u/L cfly6 nfe p7fpg]j f to:tf ; fdu] cfoft ug]sfo{.
- bz6 jf >]fnf0{csf]/rgf x]e6g]efg kfg{

sg}S/f lgd0f u/L knf0f p7fpg]sfo{

- cglwsf k6}Tkbfg ug{; xof]v ug]sfo{
- ; fs]ts efiissf uf]lo sfo6md x6}d2t ug]pks/of cfoft tyf pikfbg u/L laql lj t/of ug]sfo{.

dflysf sfo6 u/df j t6fg kltlnk clwsf/ Pj, @)%( n]To; sf stf{l j 4 ; hfosf] Jo; yf dfq u/\$f]5g, kl8saf6 kl8tnf0{ lfltkl{e/f0{lbg; Sg]Jo; yf ; d] u/\$f] 5 . Pjgsf]bkf @& n]bkf @% sf]pln3g u/df pln3gstf6f0{s; /sf]dfqf cg; f/ bzxhf/b]lv Psnfv z6}f; Dd hl/jfgf jf 5 dlxgf; Dd sb jf b6; hfo xg]tyf b]f] k6sb]v k]o6 k6s al; xhf/ z6}f]v b0fiv z6}f; Dd hl/jfgf jf Ps jif{Dd sb jf b6; hfo xg]Jo; yf u/\$f]5 . ; fy} gSsnl ; fdu] tof/ ug{kof] ul/Psf ; fdu] hkm] ug]k]Jo; yf ; d] Pjdf ul/Psf]5 . o; ; beof g]fn ; ult pBdl ; 3, sf7df8f] kq hfx]ln]g]k]fn ; /sf/ lj= wd]v] ykf ; d]sf]d2df kb/fj]bg cbfnt, kf]/fn]ult ; ultsf Sof; 6sf]gSsnl pikfbg u/\$fdf kf]/fsf 5 hgf Jo; ; folnf0{hgx] z= l) xhf/ hl/jfgf / To:tf gSsnl ; fdu] pikfbg ug{kof] ul/Psf ; fdu] hkm] ug]x/ u/\$f] kn]nfnf0{Pjgsf]sfo6]jogsf]laf]k]f xf] egl pln3v ug{; lS65 . To:t}Pjgsf]bkf @\*\_ df sg}/rgfsf kltlnkx2 cglwsf/ k]f/L u/df k]f/Lstf6f0{to:tf kltlnkx2

hkm] u/L z= bz xhf/b]lv Ps nfv; Dd hl/jfgf u/L kltlnk clwsf/ k]k]t Jo]Qmf0{ lfltkl{e/f0{lbg}kg]Jo; yf 5 . log]kl/j zdf kltlnk clwsf/ ; Af0fdf /x6f ; e]Jo rg]lx2nf0{bxfog; f/ pln3v ug{; lS65 .

- ; 6f ; h6x2df kltlnk clwsf/ ; Da6w 1fgsf]sdl .
- kltlnk clwsf/ k]k]t Jo]Qm; : yfx2sf] bxf]f]f] ; Dem]f ug]k] [Q .
- kltlnk clwsf/ ; Da6w d2f ; /sf/jfb] xg] / sDtdf k]k]l lg/Lifs bh6f k]k]l sdff/Ln]o; ; Da6w d2fsf]cg; 6w]g ug] kg]af]wof]ds Jo; yf Pjdf 5 . To:tf k]k]l sdff/Lx2nf0{kltlnk clwsf/ ; Da6w r]gfd]s tfnd] lbg'h?/L 5 .
- kltlnk clwsf/ ; Da6w d2f ; /sf/jfb] xg] elgPsf]5 . t7]f] d7]f] xs lj j fb ; Da6w d2f b]f]g sf6gsf]bfo/fdf ; dl6g' pkoQm x65 . ctM of]d2f ; /sf/jfb] xg]x6fn] ; i6fx2 Pj +kltlnk clwsf/ wgl alr rg]f]lsf]cgej ul/Psf]5 .
- sf6g sfo6] ug]og]sfo alr oy]l]rt ; d6j osf]cefj 5 .
- g]fn kltlnk clwsf/ /h66/sf]sfo6]nf0{ d2f xg]cw]of]os lgsfosf]zkd] lj sl; t ul/g'k65 . kl8t Jo]Qm]ofPsf]g]g]gdly k6f; slo 9un]sf]/xl ug]clwsf/ o; sfo6]nf0{gePsf]h]sf6g sfo6] ogdf rg]f]lsf]; fdf] ul/Psf]5 .

## kltlnk clwsf/ ; Af0fdf cbfnt l b]l6sf0f

kltlnk clwsf/ sf6gn; i6fnf0{p; sf] dh /rgdf Psnf6l clwsf/ k6fg u/\$f] x65 . vf; u/L d]f]ns Pj +af]4s z6df l; hgf ul/Psf ; flx]os Pj +snf]ds /rgf, sDko6/h6o /rgf, d]l6dl8of pikfbg, ; fults /rgf nufotdf ; i6fsf]Psnf6l clwsf/ lglxt /x6f]x65 .

sg}/rgfsf]; i6fsf]k] {cgb]lt gln0{lgh6f/f /lrt l; h6fnf0{sg}klg 9un]pikfbg, laql lj t/of of km]f]j6 ug{kf0b6 . sf6gn] /rgfsf/sf]Psnf6l clwsf/sf]; Af0f u/\$f]x65 . /rlotfn]cfkhgf]gfd /Vg kfg]clwsf/, cfkhgf]/rgfnf0{tf8df8 jf ljs]t x6af6 /f6g]clwsf/, /rgfdlysf] cfly6 clwsf/ nufotsf clwsf/sf]sf6g] ; Af0f sg]klg d]f]ns /rgdf lglxt ePsf] x65 . o; ; k]f]elddf sf7df8f]h]l]nf cbfntn] clw]Qm ldlx/ sdf/ 7f/sf]hfx]ln]g]k]fn ; /sf/ lj= e]fh^a afbnsf]d2df u/\$f]

kn]nfnf0{o; csdf ; h6df k]tt ug]hdsf] ul/Psf]5 .

'g]f]nl ; h]wfg / /fhglts lg0ff6s 36gf / df8' k:tssf]/rlotf tyf kltlnk clwsf/ wgl d ph/jfn ePsf]/ ; f]/rgf cu]h]df cg] fb ug]e]fh^a afbnnf0{d]h] sg]Joxf]fn]xs x:tf6t/of gu/\$f]x6f d7]f] g]k]fn /rgfsf]cfklQhgs gfd cu]h]df æThe King Versus the PeopleÆ /v]l st} z4 st}cz4 efj fg] fb u/L cfly6 nfe p7fpg]p2]o ; d] ln0{a]lj vg u/\$f]h] kltlnk clwsf/ Pj ad]h]d xb}Ddsf] ; hfo tyf pQm k:tssf]d]lo k]tuf6f @& cd]l/sl 8n/ /v]l ahf/df i))) k]t laql lj t/of u/\$f]h]lgh e]fh^a afbnn]@))) cd]l/sl 8n/ a/fa/sf]g]f] ; fg k]l hfx] jfnfsf]cfly6 Pj +g]ts clwsf/ ; d]sf] pln3g u/\$f]h] z= Pssf0{ nfv 5 ; o lfltkl{; d] e/f0{cleoQmf0{kltlnk

clwsf/ Pj, @)%( ad]h]d xb}Ddsf]; hfo u/L kfpm]egl clw]Qm >l ldlx/ sdf/ 7f/s/n]lbPsf]hfx]lsf]cfwf/df k/\$f] d2df sf7df8f]h]l]nf cbfntn]cleo]u] b]j l kl6 x6; at k6f0f]sf]j Bdfgtf /x6f] pln3v ub]hfx]j fnfsf]cfly6 Pj +g]ts clwsf/df cleoQmf]sfo6f6 pln3g xg uPsf]h]cleoQmf6 hfx]jfnfn] z= ; ft nfv lfltkl{e/f0{lbg kfg]7x5{e6b} e]fh^a afbnnf0{z=,%)))- hl/jfgf ; d] ug]k]nf ldlx @^!.!@.df u/\$f] b]lv65 . xfn pQm d2f ; Ddf]gt ; jf Rr cbfntdf lj rf/fwlg /x6f]5 .

sf7df8f]h]l]nf cbfntsf]pln]vt kn]nfn] kltlnk clwsf/sf] pln3g Ps uDel/ ck/fw ePsf] tyf l; h6fsf/sf]cfkhgf] l; h6f dlysf]Psnf6l clwsf/nf0{sf6gn] ; Af0f k6fg u/\$f]s/f : j tM kl6 x65 .

## Copyright Training .....

the program, he stated that Nepal has to fulfill her duty to provide national treatment to the international creations and the judiciary should quite dynamic for the preservation of Copyright and Related Rights. Addressing the program, Mr. Narayan Prasad Aryal, For Registrar of NCRO highlighted the objectives of the workshop. He said that the main objectives of the program were to provide the knowledge of the existing copyright law in terms of international treaties and conventions, to acquaint the recent trends of copyright among the judges and personnel of judicial service and to disseminate the knowledge of Intellectual Property Rights to the participants. Moreover, it was expected to impart knowledge on the challenges and possibilities of copyright regime to the participants. The inaugural program was chaired by Mr. Kavi Raj Khanal, the Chief District Officer of Kavre. Altogether five different papers related to Copyright and Related Rights were presented in the two days program by various renowned experts in this field.

## cont. from page 2

comment upon the reports by Mr. Shiva Prasad Khanal, Legal Officer, NCRO. Mr.



Tulsi Diwas, the president of Nepal Folklore Society expressed his view on the reports. Mr. Jal Krishna Shrestha, Joint Secretary of Ministry of Culture, Tourism and Civil Aviation also made his critique on the report. The valuable suggestions were guaranteed to incorporate in the report by the study groups.

## Donation to CPSN and MRCSN

Nepal Copyright Registrar's Office (NCRO) provided donation fund to Copyright Protection Society Nepal (CPSN) and Music Royalty Collection

Society Nepal (MRCSN) on behalf of the government of Nepal. It is expected to strengthen the capabilities of these institutions after using this fund.

## Reformation of Website

Nepal Copyright Registrar's Office (NCRO) concluded the task of reformation of the website. It is expected that the capability of functioning of website has been improved after the office launched dynamic website.

## Broadcasting of Documentary

Nepal Copyright Registrar's Office (NCRO) made the broadcasting of "Copyright Documentary" from Sagarmatha Television and Nepal Television on July 6 and 8, 2008 respectively. The documentary is basically focused on the need of copyright protection, experience of the personnel relating to the music and film sectors. The documentary is 26 minutes long and it has incorporated the present situation of piracy in the domain of Copyright and Related Rights.

## TREATIES ADMINISTERED BY WIPO

- Convention Establishing the World Intellectual Property Organization, 1967.

### Industrial Property

- Paris Convention for the Protection of Industrial Property (1883).
- Madrid Agreement Concerning the International Registration of Marks, 1891.
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, 1989.
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891.
- Hague Agreement Concerning the International Deposit of Industrial Designs, 1925.
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, 1957.
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958.
- Locarno Agreement Establishing an International Classification for Industrial Designs, 1968.

- Patent Cooperation Treaty (PCT), 1970.
- Strasbourg Agreement Concerning the International Patent Classification, 1971.
- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, 1973.
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, 1977.
- Nairobi Treaty on the Protection of the Olympic Symbol, 1981.
- Trademark Law Treaty (TLT), 1994.
- Patent Law Treaty (PLT), 2000.
- Singapore Treaty on the Law of Trademarks, 2006 (Not yet in force).

### Copyright and Related Rights

- Berne Convention for the Protection of Literary and Artistic Works, 1886.
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961.
- Geneva Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their

Phonograms, 1971.

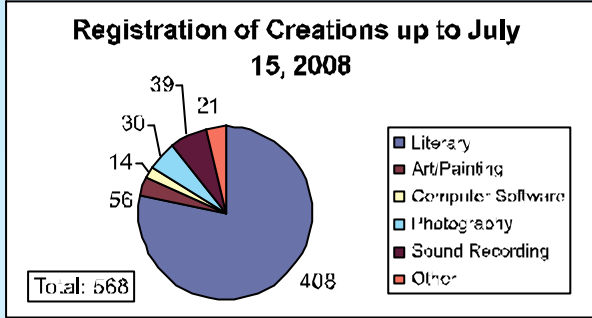
- Brussels Convention Relating to the Distribution of Programme- Carrying Signals Transmitted by Satellite, 1974.
- WIPO Copyright Treaty (WCT), 1996.
- WIPO Performances and Phonograms Treaty (WPPT).

## Private Copying of Music

A huge amount of music is copied for private purposes every day. Under copyright legislation in most countries, this copying may be done legally, without the owners of copyright. Due to the high volume of copying for the private use, however, legislators in many countries have considered it reasonable and fair to provide for an indirect remuneration to the copyright owners as well as the concerned parties. The Collective Management Organizations, in the course of royalty distribution are supporting for the distribution of the amount of royalty.

[WIPO, *From Artist to Audience*, WIPO Publication No. 922 (E), p-13]





- ### ; j kbfos ; yfx; af6 l/ 6fg pknAw u/fpbf Wofg lbgkg]s'/fx;
- sg]/rgfsf]g]ts tyf cfly\$ clwsf/ ; f]sf]/rlotfdf dfq lglxt xg]Joj :yf k]ltlnk clwsf/ Pj, @)( n]u/\$f] 5 . g]ts clwsf/ x:tf]t/Of xg g; Sg] / /rgfsf/sf]h]l]ge/ / d[okZrft\ klg o:tf]clwsf/sf]; AfOf xg]Joj :yf Pj]n]u/\$f]5 .
  - /rgfsf/n]c]k]k]df lglxt cfly\$ clwsf/ ; Den]f]f]af/f c]sf] k]lfnf0{ x:tf]t/Of ug{ ; Sg] Joj :yf Pj]df 5 .
  - df] f0ndf k]bf]u xg] ; fullts wgd ; j]f kbfos ; yfn] ; j]fu]xl; Dd k]ofpbf To:tf] ; fullts wgd cfly\$ clwsf/ k]lt k]fsf]clgj fo{ ; xdt lng'kb5 .
  - lj b]z]l ult; ; ul]tsf]wgd k]bf]u ubf{; df] pln]vt k]l]df Wofg lbg' h; /L x65 .
  - ; j]f kbfos ; yfn]ln]vt ; Den]f]f]sf]df]l]odaf/f To:tf] ; fullts wgd]k]bf]u df] f0ndf ug]lj]fodf ; Dalwt k]f; u clwsf/ x:tf]t/Of u/f0{lng ; Qm5g\
  - sg]k]lg ult ; ul]tsf]c]fly\$ clwsf/ Wj lgc5g ; ydf dfq lglxt /x\$]f]eP To:tf] ult ; ul]tsf]k]bf]u ubf{; Dalwt ; yf; u clgj fo{ ; Den]f]f] u/ dfq ; fullts wgd k]bf]u df Nofpg' kb5 .
  - df] f0ndf k]bf]u xg] ; fullts wgd ; ul]tsf/sf]clwsf/ ; Af]t x65 .
  - lagf Oh]ht ; fullts wgd ; f] h]gs Pj -ofk]f/s k]bf]h]g]y{ k]bf]u ug]u}sf]g]l sfo{x65 .
  - df] f0ndf ult k]bf]u ug]k]bf] ; Dalwt ul]tsf/ ; ul]tsf/ =ufossf] ln]vt ; xdt clgj fo{ ; kdf lng'kb5 . To:tf]ultdf rnr]q lgdff j] Wj lgc5g p]k]fbs ; yfsf]clwsf/ : yf]kt xg] u/L ; Den]f]f]af/f Joj :yf ul/Psf]eP To:tf] rnr]q lgdff =Wj lgc5g p]k]fbs ; yfaf6 ; xdt lng'k5{ .



नारायणप्रसाद अर्याल  
नि. रजिष्ट्रार

## ; Dkfslo

**k]f] sf/l sfg] sfof]j ogsf]k]z]g**  
 sfg] ; dfh]nf0{ ; xl lbzftk] 8]ofpg] d]l]bd Pj -v]h ; -rfngsf]k]l]q]ofdf ; n]lg xg]lgodg lgsfo / ; /f]sf/]fn]x; ; a\$]f] dfu]z\$ x] . k]f] sf/l sfof]j ogaf6 dfq sf]g]sf] ; fy\$tf em]l]sg]eP f]klg t/ g]k]ndf sfg] sfof]j ogsf]c]j :yf ; a]e]bf sdh]f] k]fsf] ; kdf b]l]Psf]5 . k]/fg Pj lgoddf Joj :yt k]j wfg ; abln]f]lj Zj kl/]z ; v]h]kg / p]b]l]s/Ofsf]d]x]f]h ; lj Zj Jofk] / ; #7g (wto) df k]z tyf b]Q]t/ ultdf a9/x\$]f] ; P]g k]j lwsf]lj sf ; sf]k]k]odf c ; f]be\$ / ckoff]t 7x/Pk]5 g]k]ndf qndz]l]e)%( / @)^! ; ndf k]ltlnk clwsf/ ; Da6w]l goffPj tyf lgodf]t h]df ePsf]x]f] . j]t]dfg sfg]n]k]ltlnk clwsf/sf] ; AfOfsf]n]flu k]f] sf/l Joj :yfx; u/\$f]5 . lgodg lgsfosf] ; kdf g]k]n k]ltlnk clwsf/ /h]i6]sf] sf]of]no ; /sf/l j]l]sn sf]of]no ; e; f/ ; g]k]n k]x]l / cbfn]t]n]f0{ 7x]ofPsf]5 . ag{tyf /f]d] d]x] ; l6w Pj -lj Zj Jofk] / ; #7g c]G]t]f]sf]TRIPS Agreement df /x\$]f] ; AfOf ; Dalw] k]j wfg ; n]f0{ ; d]f] ag]f]Psf]j t]dfg k]ltlnk clwsf/ P]gsf]d]Vo lgodg lgsfosf] ; kdf g]k]n k]ltlnk clwsf/ /h]i6]sf] sf]of]n]f0{ @)^! ; ndf h]d b]Pk]5 sl/] r/ ; j]f]f]c]G]t/ndf o ; sf]of]n] pln]Vo sf]of] u/\$f]5 . x]df] ; f]bed] goff7x]l/Psf] / c]n k]j lws k]s]t]sf]lj]ifo ePsf]x]f] sf]of]n]cf]gf Hofb]h ; f] ult]j]w ; n]f0{h]r]f]g]d]hs sf]of]n]d ; t]nd] Pj k]ltlnk clwsf/o]Qm ; f]d]ul]sf]c]g]lws]t p]k]f]bg / k]bf]u /f]g ; xof]u xg]v]n]sf] >Job]z]o ; f]d]ul]sf]lg]d]f tyf k]l]f]Ofdf s]l]of] u/\$f]5 .

c]h]sf]ou ; /sf/ P]S]n]h] ; a]s]d ug]ou x]f]g . ; /sf/ lgodg ; k]k]4\$ / ; xhst]f] ; kdf /xl lgh] l]f]g]sf]cu]j]ofdf lj sf ; nufotsf c]o ult]j]w]n]f0{a9]f]f lbg]lj]ifo tyf sd z] ; g / ; z] ; g h:tf c]j w/Ofn]d]f]otf k]Psf]j t]dfg c]j :ydf k]ltlnk clwsf/ sfg] sfof]j ogsf]lj]ifon]f0{klg k]ys t]j/n]x]g] ; lsb] ; l ; h]g]sf] ; j]tm ; AfOf ; /h]i6] Joj x]f]sf]d]f]otf Pj -a9]f]k]t:kw]f]ds lj Zj j]t]f]f]Ofsf]c]j :yfn]f0{d]l]b]gh/ /Vbf x]df] ; f]d]xs k]f ; sf]68sf/f]v]f]f]b]l]v]5 . k]ltlnk clwsf/ ; E ; Dalwt l ; h]f]ds p]B]u ; -r]ng ug]lj]le]g lj]w]sf Joj ; f]d]x]n]cf-cf]g]l]p]B]u]sf]k]4]gsf n]lu : y]k]g u/\$f] ; 3- ; #7gx]sf] eldsf lj Bdfg k]ltlnk clwsf/ sfg]sf]k]f] sf/l sfof]j ogdf c]of]t}d]x]j]k]Of/x65 . To: u/L rnr]rq]h]o lj w]l ; t ; Dalwt rnr]rq lj sf ; af]8{ ; ult /f]b]l ; s]ng ; dh ; k]ltlnk clwsf/ ; AfOf ; dh h:tf ; /sf/l tyf u} ; /sf/l lgsfo ; k]ltlnk clwsf/h]o /rgfsf]p]k]f]bg]l]v laq] lj t/Ofsf]lj]le]g t]xdf sfo]t Joj ; folx ; Pj -Dk]Of]To:tf] /rgfsf]k]bf]ust]f]sf] ; kdf /xg] ; a} ; j]f]w]f]Ofsf] ; f]d]xs k]f ; df dfq]lj Bdfg sfg]sf] k]f] sf/l sfof]j og ; Dej b]l]v]5 . o ; E]Joj ; folx ; n]g]k]n] k]bf]ust]f]sf]c]ly\$ xl ; of]sf]d]l]of]sg u/L cf]gf]l ; h]g]sf]d]l]o lgv]f]Of ug] / k]bf]ust]f]f]klg ; Ssn] p]k]f]bg]n]f0{k]y]d]st]f]lb]o] v]l]b u/L p]k]f]u ug] ; #sf/sf]lj]sf ; ug]p]l]Os]h?/L 5 . ; fy] c]o sfg]sf]sf]of]j ogsf] ; j]ndf h: t]k]ltlnk clwsf/ ; Dalw] sfg]sf]k]f] sf/l sfof]j ogsf] n]lu x]d] ; a\$]f]Joj x]f] g]t]s]j]g / c]f]r/Of]o]m]x]g'klg p]l]Os}c]j]Zos 5 .

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k]ltlnk clwsf/ ah]bg g]k]n k]ltlnk clwsf/ /h]i6]sf]sf]of]noaf6 lgl]z]ls lj t/Of ul/65 . o ; ah]6gsf ; Da6w]df olb tk]f]sf]s]g]h]f] ; f] j]f ; e]n]j 5 eg]x]d]l]n]f0{ ; 7]l]f]g]df ; Dks{ug]g]la ; g' x]h]f .

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