



WIPO-BCC 27th Advanced Training Seminar on Copyright and Related Rights

Country Report

BHUTAN

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Overview

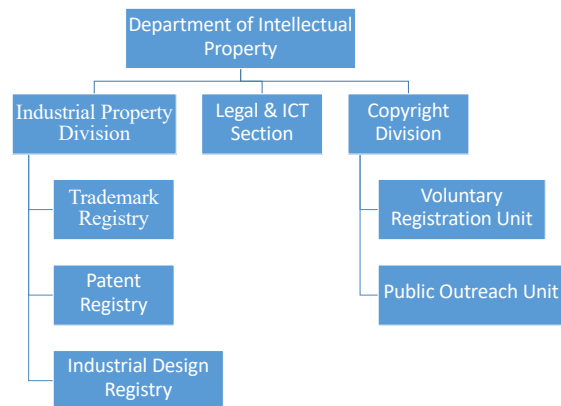
1. Outline of the Office
2. Background on the development of the Copyright law
3. Outline/Contents of the copyright law
4. Outline of enforcement systems against infringement
5. Membership to Conventions, Treaties & Agreements

Outline of the Office

Mandates of the Department:

- ✦ To formulate and update laws on IP
- ✦ To establish a system for the grant of titles and rights to IP
- ✦ To promote knowledge and understanding of IP
- ✦ To assist the right holders in commercializing their works and maximizing the economic utilization of their intellectual property assets
- ✦ To strengthen enforcement of IPRs
- ✦ To explore protection of TK & TCES
- ✦ To build up an international network of treaty relationships for protecting and safeguarding IPRs of Bhutanese nationals abroad
- ✦ To strengthen the institutional and professional capacity of the Department to fulfil its mandate

Outline of the Office Organization Chart



Outline of the Office Number of Existing Staff

- ✦ Headed by the Director General
- ✦ 12 professionals
 - ✦ Copyright Division: 3
 - ✦ Legal & ICT: 1
 - ✦ Industrial Property Division: 8
- ✦ 8 administrative & support staff

Background on the development of the Copyright Law

✦ Enactment of Copyright Law – July, 2001

- ✦ No revision
- ✦ More than 10 Years

✦ Amendment of Copyright Law – Ongoing

- ✦ Revision based on national needs, harmonization with In'tl treaty/convention and Digital advancement
- ✦ Revised bill: Clear & Effective enforcement provisions, Inclusion of provisions on internet and digital technology, specific provisions on Voluntary registration and establishment of CMO

Outline/Contents of Copyright Act of Bhutan

Copyright protection

Literary and Artistic work

- ✦ Copyright protection extends to original literary and artistic works:
 - ✦ Books, articles, computer programs, speeches, lectures, dramatic works, musical works, audiovisual works, works of applied arts, photographic works etc.

Derivative Works

- ✦ translations, adaptations, arrangements, and other transformation of works
- ✦ Collection of works and data
- ✦ Proviso: such protection shall be without prejudice to the protection of pre-existing work.

Outline of Copyright Act of Bhutan

Copyright protection

Subject Matter Not Protected

- ✦ Section 7: No protection shall extend to:
 - ✦ Idea, procedure, system, method of operation, concept, principle, discovery or mere data
 - ✦ Official text of a legislative, administrative or legal nature, as well as any official translation

Outline of Copyright Act of Bhutan

Economic rights

- ✦ Right of reproduction
- ✦ Right of translation
- ✦ Adaptation, arrangement
- ✦ Public distribution
- ✦ Rental or public lending
- ✦ Public performances
- ✦ Broadcasting

Moral rights

- ✦ Right to paternity and integrity
- ✦ These rights shall be transmissible by testamentary disposition following the death of the author.
- ✦ The author and the legal heir can waive such rights.

Outline of Copyright Act of Bhutan

- + **Exception**
 - + Private reproduction for personal purposes
 - + Quotation
 - + Reproduction for Teaching
 - + Reprographic Reproduction by Libraries and Archives
 - + Reproduction to the Public for Information
 - + Reproduction and Adaptation for Computer Programs
 - + Importation for Personal Purpose
 - + Display of work

- + **Duration of copyright protection**
 - + Life of the author and fifty years after his death

Outline of Copyright Act of Bhutan

Assignment of Rights

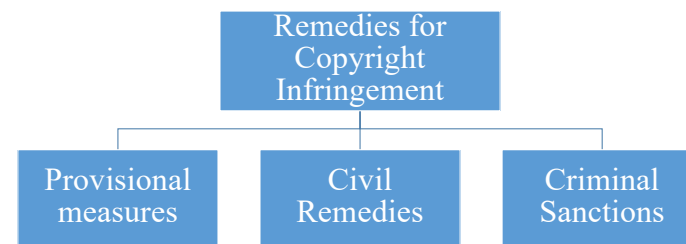
- + Economic rights can be assigned in whole or in part
- + Assignment of economic rights shall be in writing signed by the assignor and the assignee

Outline of Copyright Act of Bhutan

Related Rights/Neighboring Rights

- + **Performers' right**
- + **Rights of Producers of Sound Recording**
- + **Broadcasting Organization has the following exclusive rights:**

Outline of Enforcement System against Infringement



Membership to Conventions, Treaties & Agreements

Sl. No	Treaties & Conventions	Year
1	Berne Convention for the Protection of Literary and Artistic Works	2004
2	WIPO Copyright Treaty (WCT)	Ongoing activity
3	WIPO Performances and Phonograms Treaty (WPPT) –	Ongoing activity
4	Marrakesh Treaty	12 th Five Year Plan activity
5	Beijing Treaty on Audiovisual Performances -	12 th Five Year Plan activity

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Thank You For Your kind Attention