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## **WIPO-BCC 27<sup>th</sup> Advanced Training Seminar on Copyright and Related Rights**

### **Country Report**

#### **NEPAL**

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Registrar  
Copyright Registrar's Office**



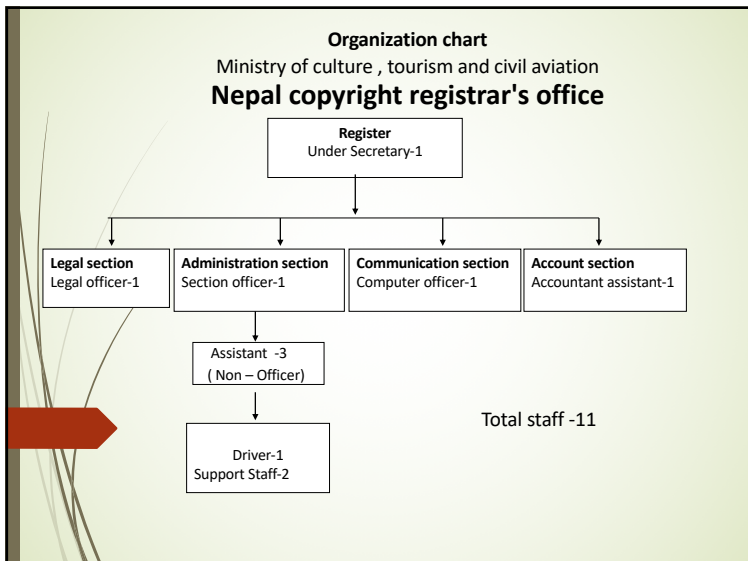
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**Country Report: NEPAL**  
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Nepal Copyright Registrar's Office, Nepal

**Nepal in brief:**

Situated : Between India and China in South Asia  
Area : 147,181 Sq. K.M.  
Population : Approx. 30 Millions  
Political system : Federal Republic of **Nepal**

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**Nepal copyright Registrar's Office**

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- Office Established in 2003 as per the legal provision of Copyright Act, 2002.
- Roles & Responsibilities:
  - Registration of works
  - Register, monitor and control of CMOs
  - Hear petitions as prescribed made by any party who is not satisfied with the royalty fixed by the CMOs
  - Perform functions for the accomplishment of the objectives of CR Protection as per the Act.
  - Focal point of Government of Nepal on WIPO Copy Right Standing Committee .

### Main Provisions of Copyright Law of Nepal

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- ▶ Copyright Law: General introduction

#### Preamble:

- Expedient to make timely legal provisions relating to Copyright

- **First Enacted on 1965**

- ▶ Revised Copyright Act, 2002
- ▶ Copyright Regulations,
  - ▶ Revised Regulations, 2004
- Integrated Intellectual Property Policy, 2017

**Constitution of Nepal, 2015:** Intellectual property has recognized as a fundamental rights like other property.

### Main Provisions of Copyright Law of Nepal ...

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- ▶ Definitions,
- ▶ Economic right and Moral Rights clearly defined and provisioned,
- ▶ Works defined including computer programs
- ▶ Registration not Compulsory,
- ▶ Protection period: life plus 50 years of author, 25 year for photos and applied arts
- ▶ Copyright protection for Creators, performers, broadcasting organizations and phonogram producers,

### Main Provisions of Copyright Law of Nepal ...

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- ▶ Main provisions of Rome Convention incorporated,
- ▶ Establishment of CMOs as royalty collection societies
- ▶ Exception and limitation as per the Bern Convention,
- ▶ Enforcement provision: Nepal Police, Attorney Office, Custom Offices, Courts
- ▶ State case, Police officer at least Police Inspector shall investigate and government Attorney shall forward case to District Court under the CR Act.

### Main Provisions of Copyright Law of Nepal ...

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- ▶ Fine or Punishment or both by the District court  
(First time 10 thousand to 100 thousand Nepalese rupees fine or up to 6 months imprisonment or both, and from the second time 20 thousand to 200 thousand fine or up to 1 year imprisonment or both .
- ▶ Provision to form CMOs as prescribed in one discipline to fix, collect and distribute royalty

## Accession to conventions/Treaties

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- **Bern Convention for the protection of Literary and Artistic Works 1886,**  
-Accession on Jan.11, 2006
- **WIPO Membership: Feb. 4, 1997**
- **TRIPS Agreement: (April 23, 2004)**

## Collective Management Organizations

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- 3 CMOs Established (Only in Music Sector):
  - Music Collection Society Nepal – Lyricists and Musicians
  - Performers' Society Nepal – Performers
  - Music Producers' Society Nepal – Music Producer
- Main Activities:
  - Fixing Royalty
  - Collecting Royalty
  - Distribution to The Right Holder

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## Challenges and Difficulties

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- Collective vs Individual interest
- Creators/performers' interest – popularity Vs financial gain
- ICT as boon to create, produce, communicate, out reach but challenge for benefit collection
- ICT as a medium to grow Piracy and Infringement
- Low level of Stakeholder awareness
- Unclear between mechanical & royalty rights in digital environment

## Challenges and Difficulties...

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- Mismatch of interest between creators, performers and producers
- Confused and unclear demarcation on melody, music notations, remix and cover song that should be identified as infringement or not
- Low capacity on ICT system development and its adaptation to protect CR of the works
- Less R & D to digital environment
- Little knowledge on CRRR of CMOs Officials
- Difficult on proof collection for investigation case on CR Infringement



### Future Perspectives:

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Legitimacy:

- Amendment/Revision of Copyright Act
- Accession to Rome Convention, 1961; WCT & WPPT 1996, Marrakesh treaty, 2013 & Beijing Treaty, 2012
- Formulation of Strategy to Implement IP Policy, 2017

Management

- Improvement of Copyright Office
- Capacity development of CMOs
- System development to operate in digital environment
- Awareness creation
- Conduct survey and include in the national account of contribution of Creative industry to national GDP

Enforcement

- Capacity building of Law Enforcement Agencies- training, awareness
- Public Private Partnership Building for development of Creative industries & control piracy, CR Infringement

