

REVISED GUIDELINES FOR VOLUNTARY DEPOSIT AND REGISTRATION OF COPYRIGHT WORKS, 2020

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Brief Background Information

In exercise of the authority granted by section 34 of the Copyright Act of the Kingdom of Bhutan 2001, the Department of Intellectual Property adopted Voluntary Deposit and Registration System (VDRS) of Copyright and Related rights Works in 2012. The Department, therefore, records to maintain a register of rights, issue certificates to rights owners and also adopt rules and guidelines for the proper implementation of the VDRS. As of today, 184 different works (that includes books, music, movies,) has been registered with the office.

The VDRS was launched in order to facilitate the author & owners to establish prima-facie evidence of authorship and/or ownership of rights over their works that will assist them in times of litigation. In this context, registration is seen as the protection of economic rights to curtail rampant piracy in the market. In addition, it helps to identify the works and its corresponding authors registered with the office and facilitate access to and use of copyrighted works.

The system is now almost a decade old, therefore, the Department undertook revision of the VDRS primarily to update, improve and innovate the system to make it more effective and efficient.

The Department will hereafter, periodically update the guideline and related documents by considering the ground reality, challenges and opportunities in order to ensure a simpler, dynamic and user-friendly system.

Purpose:

1. To qualify for Copyright protection, ‘Originality’ forms its bedrock and therefore, the Copyright laws are built around this premises. To prove originality, the author must, while creating the work should have independently exercised labor, skills and judgement that is of not in travail in nature.
2. Copyright protection subsist from the moment an original work is created. Therefore, the Voluntary Deposit and Registration of a work is not mandatory for acquiring protection.
3. The purpose of the Voluntary Deposit and Registration system, however, is to:
 - i. Provide Copyright owners with a simple and effective means of establishing prima facie proof of authorship and/or ownership of their work,
 - ii. Maintain database/repository of copyright and related rights information, and serve the public interest by providing statistical information on copyrighted works.
4. The Department of Intellectual Property is not responsible for policing, or checking on registered works and their use, and will not guarantee that the legitimacy of ownership or originality in a work will never be questioned.

5. The Department of Intellectual Property will not compare works deposited for registration, nor does it render opinions concerning the validity of claims to copyright. Verification of claims shall only be made through the court of law.

Registration of works:

6. All copyright and related rights work as defined in the Copyright Act of the Kingdom of Bhutan, 2001 can be voluntarily registered.
7. A work for registration will be submitted in these following formats for the office to keep proper record: book, print, CD, photo, DVD, video tape and others (specify if others)
8. A register for Copyrights shall be maintained for the following works:
 - a) **Literary works:** Scripts, lyrics, instructions, manuals, brochures, proposals, letters, computer programs, articles and other writings.
 - b) **Dramatic works:** Dances/ Choreography, Dramatico-musical works, Pantomimes, stage dramas, folk dances and others.
 - c) **Musical Works:** Songs, music, nursery rhymes, instrumental music, ringtones, theme songs, jingles, musical tunes and others.
 - d) **Artistic Works:** Drawing, Painting, sculpture, engraving, lithography, tapestry, photographs, architectural works, Maps, Sketches, applied arts, specify and others.
 - e) **Audio-Visual Works:** Films, documentaries, cartoon programs, animations, Music videos, advertisements, video games and others.
 - f) **Derivative Works:** Translations, Adaptations, Arrangements, other transformations, Collections of works and collections of mere data (data bases)

Filing of Application for Registration:

9. Every application for registration of copyright and related rights shall be made in accordance with Form - CR1 and shall be submitted in two copies.
10. Every application shall be in respect of one work only.
11. An application for copyright registration may be submitted by the author or other copyright claimant of a work, or the owner of any exclusive right in a work, or the duly authorized agent of any such author, other claimant or owner.
12. The applicant shall deposit one original copy of the work, which will be attested and stored at the Department of Intellectual Property.

13. In certain cases, such as works of visual arts or works that are impractical to be deposited, identifying formats/materials such as photographs etc. shall be deposited.

Formality Check:

14. The Department of Intellectual Property will examine the application and carry out a formality check to verify if the following conditions are fulfilled by the applicant in order for a work to be registered:
 - a) Whether the work constitutes copyrightable subject matter
 - b) Whether the application form has been duly filled
 - c) Whether the applicant has deposited a copy of the original work
15. The formality check for registration shall be carried out by the officials from the Copyright division and approved by the Head of the Copyright Division.

Issuance of Payment Authorization and Acknowledgment:

16. Upon fulfillment of the conditions and approval, an authorization letter would be issued to the applicant to facilitate payment against application for registration. (The letter should be dispatched in the Copyright Dispatch Register)
17. The payment for the application shall be done as per the prescribed fee schedule. The payment shall be made at the Regional Trade and Industry Office (RTIO).
18. An applicant after making the payment in respect of the work for registration shall submit the payment receipt to the Department of Intellectual Property, thereafter, an acknowledgement letter in receipt of the work for registration would be provided to the applicant.

Public Notification for Opposition:

19. The Department of Intellectual Property shall publish notification on its websites: www.ipbhutan.gov.bt and www.moea.gov.bt inviting any oppositions and objections against the application received for registration for a period of 15 working days.
20. If there is no opposition filed within the stipulated time the Department of Intellectual Property shall accept and record the data in the Electronic Document Management System (EDMS) and proceed with registration.
21. If there is any opposition/objection, an opposition request shall be submitted the Department in accordance with Form – CR3.

22. On receipt of the opposition request on the application for registration, the Department shall send a notification of opposition to the parties to negotiate and resolve the matter among themselves.
23. The parties shall settle the matter and present the decision of the resolution to the Department. The Department shall then present a decision to register/reject the application based on the decision submitted by the parties. A rejection letter shall be sent to the applicant in case of a successful opposition.

Issuance of Registration Certificate:

24. The Department shall notify the applicant to collect the certificate within one week from the date of expiry of the opposition period.
25. The Department shall issue the registration certificate bearing the seal of the office duly signed by the head of the Department.
26. The application and copy of the deposited work shall be duly sealed in an envelope and jointly signed by the Department and the applicant. It shall be retained by the Department.
27. The certificate of registration shall be issued to the applicant once the procedure is complete and the application shall be entered in the register.
28. The certificate of registration is valid as long as the copyright for the work exists.
29. The Department shall cancel the certificate of registration if the applicant does not turn up to receive/collect the certificate within one month from the date of notification to collect the certificate.

Changes and Correction of entries in the Register of Copyrights:

30. Every application for registration of changes in the particulars of copyright entered in the Register of Copyright shall be made in accordance with Form - CR2 and upon payment of the prescribed fees. The Head of the Copyright Division may accordingly direct and make appropriate changes in the Register of Copyrights.

Department of Intellectual Property
Ministry of Economic Affairs