

QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

Nepal Copyright Registrar's Office, a department, under the ministry of Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

Nepal Copyright Registrar's Office, Kalikasthan, Kathmandu, Nepal.

Tel: 977-1-4431155, 4443750

Fax: 977-1-4431144

POBox: 430

Email: info@nepalcopyright.gov.np

URL: www.nepalcopyright.gov.np

The office opens to public from 10:00 AM to 5:00 PM. from Sunday to Thursday, and from 10:00 AM to 3:00 PM. on Friday.

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

Yes.

Email: info@nepalcopyright.gov.np

URL: www.nepalcopyright.gov.np

4. Is the copyright registry interconnected to any other copyright data system?

No.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

Copyright Act, 2002

Copyright Rules, 2004.

6. What kind of copyright works can be registered/recorded? Is the registration/recordation process different for each type of copyrighted work? Please describe the differences, if any.

The creations listed below that are recognized as a work by the Copyright Act, 2002 can be registered/recorded:

- *Book, pamphlet, article, thesis,*
- *Drama, dramatic-music, dumb show and a work prepared to perform in such manner,*

- *Musical notation with or without words,*
- *Audio visual works,*
- *Architectural design,*
- *Photography, painting, work of sculpture, work of woodcarving, lithography, and other work relating to architecture,*
- *Photographic work,*
- *Work of applied art,*
- *Illustration, map, plan, three-dimensional work relating to geography, and scientific article and work,*
- *Computer program.*

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recording process than for works protected by copyright?

The registrar of Nepal Copyright Registrar's Office shall register performance, sound recording or broadcasting in applicant's name on the basis of the documents asked by the registrar.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

As the registrar may carry out other function as prescribed for the accomplishment of objectives of the Copyright Act, 2002, there is a possibility to record the transfer or licensing of copyright/related rights.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

Copyright registrar only request the copyright owner with application two copies of work for record.

10. What is the legal effect of registration?

Registration is prima facie proof and establishes a public record of copyright claim.

11. Is copyright registration/recording mandatory or voluntary in the following circumstances?

- (a) Recognition of creation?
Voluntary.
- (b) Transfer of rights?
Voluntary.
- (c) Initiation of judicial proceedings?
Mandatory.
- (d) Other changes in title/ownership (such as leasing)?
Voluntary.

If your country has a mandatory registration/recording system, please describe any legal consequences for non-compliance.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

Section 13, Copyright Act, 2002 (Act Made to Amend Some Nepal Acts Relating to Export and Import and Intellectual Property 2006)in.....

13. What are the requirements for registration?
 (a) What are the mandatory elements of the request for registration/recordation?

Application, two copies of the creation, two copy Photos of the creator, citizenship of the creator, a stamp of NRs. 5.00 and NRs. 100.00 as registration fee are the mandatory elements of the request for registration/recordation.

- (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?

Yes. The request form can be submitted by the post too.

- (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?

The two copies of the work must be submitted with the registration request.

- (d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?

Yes. NRs. 100.00 is essential as registration fee.

- (e) What is the average time taken to complete the registration/recordation process?

The mentioned time for registration/recordation process of a creation by Copyright Act is 35 days from the day of application. But the average time taken to complete the registration/recordation process is approximately three days.

14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?

The foreign people with legal residence in Nepal are allowed to register/record their creations.

15. Are the files stored in digital form?
No.

16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?

The works are classified on the basis of the provision of section 2(a) of the Copyright Act, 2002.

17. Does the system have a search facility?

Yes.

18. Is it accessible by the public? Is the search facility available online?

Anybody can see the records of the creations in URL: www.nepalcopyright.gov.np

19. Is access granted to the work registered or its copies?

Yes.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

Any one can get information about the documents if he appeals in the office through a legal mechanism.

21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

There is not separate legislation that deals specifically with “orphan works”.

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?

No.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?

No.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

No. There is not any automated system.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

No.

26. Please provide statistics on following registrations/recordations:

(a) Number per statistical period (last five years)

*The total number of the registration of creations in the last five years is 677.
And the total number of the creations registered in the office from it's
establishment (April 19, 2004) to till now is 730.*

(b) Number per nationality (last five years)

*The registration of the creation as per the nationality is from the establishment of
Nepal Copyright Registrar's Office to till now is as follows:*

- *Nepalese* - 711
- *American* - 15
- *Indian (Company)* - 2
- *German* - 2

(c) Number of inquiries/requests for information filed per statistical period (last five years).

The number of inquiries/requests is 150.

(d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

The number is 18.

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

*Nepal Gazettes are printed at Government of Nepal Press, Singh Durbar and Law
Books Management Board and Ministry of Law.*

28. Please list relevant national legislation regulating the legal deposit.

*(1) Government of Nepal Press, (2) Ministry of Law, (3) Legislative Parliament,
(4) Nepal Law Commission and (5) Concerned Ministries.*

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

It is the duty of the government to deposit all the relevant laws.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

*Regarding Cultural Heritage Department of Archaeology is responsible whereas
Central Bureau of Statistics is responsible for collection of statistics.*

31. Is there any connection or interaction among legal deposit and copyright protection?

No.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

No.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

To help all the people regarding the record of the laws and make them available at the time of need.

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

*It applies upon printing/production of content.
It applies to material printed in our country.*

35. Is there any type or category of material exempted from legal deposit for policy reasons?

No.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

No.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

Not clear.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

- *Concerned Ministries*
- *Departments*
- *Legislative Parliament.*

39. What are the time requirements for legal deposit?

Not clear.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

Expenses incurred relates to the budget allotted for this purpose of work.

41. What is/are the entity/entities responsible for acting as legal depository?

Ministry of Law, Ministry of Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture and Law Books Management Board.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

Yes.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

Yes.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

- *We have ISBN system under Tribhuvan University.*
- *All the laws published in Nepal by Government of Nepal do have date of publication but not ISBN.*

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

The statistics of the last five years recorded/registered in Nepal Copyright Registrar's Office is: print material-509, musical works-39 and audiovisual works-8.