
1. Group Work 1

Group Work 1 was conducted on Day 3 (17 March 2005) in the following two groups and venues:

<p>Group A: Fuji A (rear half)</p> <p>Ms. Doan Thi Lam Luyen, Deputy Director, Viet Nam Literary Copyright Centre Mr. Doan Tu Huyen, President, Centre for East-West Culture and Language Ms. Duong Suong Mai, Copyright Officer, Hai Phong Publishing House Mr. Hoang Ngoc Binh, Copyright Officer, Bureau of Publishing Ms. Le Bich Hanh, Copyright officer, Culture-Information Publishing House Mr. Le Hoa, Chief of Editorial Board, Thuan Hoa Publishing House Ms. Le Thi Hoang Mai, Deputy Director, Ho Chi Minh City's General Publishing House Mr. Nguyen Khac Khanh, Officer, A25 Mr. Nguyen Viet Hung, Officer of General Department, Viet Nam Books General Corporation Mr. Pham Quoc Cuong, Officer, Education Publishing House Mr. Pham Sy Sau, Chief of Copyright Department, Young Publishing House Ms. Phan Song Hong, Deputy Director, Writer's Society Publishing House Ms. Phan Thi Ngoc Minh, Deputy Director, Saigon's Culture Publishing House Mr. Tran Thuc, Director of Phuong Nam Books and Copyright Service Centre, Phuong Nam Culture Company Mr. Trinh Tai Dat, Deputy Director, Encyclopedia Publishing House Facilitator: Ms. Ha Ta Thiphuong, Officer, KDPH Vietnamese Resource Person: Mr. Bui Nguyen Hung, Copyright Expert, COV, Ministry of Culture and Information International Resource Person: Mr. DOMON Yasuo, Director-General, Juvenile Book Department, Kodansha Publishers Ltd. ACCU: Ms. OHNUKI Misako, Director, Culture Division, ACCU Interpreter (Vietnamese- English): Ms. Nguyen Thi Thanh Thao Interpreter (Vietnamese-Japanese): Ms. Vu Thi Hong Ming Rapporteur (Vietnamese) : Ms. Nguyen Van Hanh Rapporteur (English): Ms. Nguyen Thuy Linh</p>
<p>Group B: (Fuji B)</p> <p>Ms. Do Nhi Ha, Chief Representative, Vietbook Company Ms. Duong Thu He, Chief of General Department, Viet Nam Books General Corporation Mr. Hoang Thuy Toan, Director, Centre for East-West Culture and Language Mr. Lam Vien Phuong, Deputy Manager of Editorial Board, Ca Mau Headland Publishing House Ms. Le Thanh Mai, Copyright Officer, Culture-Information Publishing House Ms. Le Thuy Van, Officer, Bureau of Publishing Mr. Le Tran Truong An, Chairman of Management Board, Vietbooks Company Mr. Le Van Thinh, Chief of Administration Department, Publishing Association Ms. Ngo Thanh Huyen, Officer, Education Publishing House Mr. Nguyen Anh Vu, Copyright Officer, Literature Publishing House Ms. Nguyen Phuong Mai, Chief of Copyright Department, Culture-Information Publishing House Ms. Nguyen Thi Tien, Chief of Comic Editorial Board, Young Publishing House Mr. Pho Duc Phuong, Director, Viet Nam Centre for Protection of Music Copyright Ms. Trinh Bich Ngan, Deputy Director, Ho Chi Minh City's Literature-Art Publishing House Mr. Truong Duc Hung, Associate Manager of Editorial Board, Ha Noi Publishing House Facilitator: Mr. Nguyen Huy Thang, Head, Scientific Book Department, KDPH Vietnamese Resource Person: Mr. Hoang Long Huy, Officer, COV, Ministry of Culture and Information International Resource Person: Ms. Sibylle Le Maire, Foreign Rights & Sales Manager, International Department, Bayard Jeunesse, France ACCU: Mr. KIMURA Masatsugu, Deputy-Director, Culture Division, ACCU Interpreter (Vietnamese - English): Ms. Ta Van Thong Rapporteur (Vietnamese): Ms. Nguyen Hoai Linh Rapporteur (English): Ms. Ha Thi Thanh Huyen</p>

The group work was conducted by using a method called KJ-Method, procedure of which was briefly explained before the group work by Ms. Ohnuki. The participants were asked to work in the following steps with the

support from a facilitator, national and international resource person, ACCU staff member, interpreter and rapporteur assigned to each group.

Session/Time	Process	Activities	Roles
GWI-1 9:30-10:30	Introduction Discussion (for brain-storming)	<ul style="list-style-type: none"> • Self introduction of group members • Free-talk about <u>"problems and queries about copyright I am facing now at work"</u> by presenting a number of examples. 	<ul style="list-style-type: none"> • The facilitator encourages all the participants to raise many problems and queries respectively and to elicit as many questions as possible. He/she should ensure that every participant is invited to speak about his/her cases within a limited time. • The resource person in each group prompts participants whenever they find questions raised are unclear and out of focus. • The ACCU staff member overviews the discussion, assists the facilitator to ensure the expected outcomes of each stage, keep time and progress in relation with the other group.
GWI-2 11:00-11:45 11:45-12:30	Writing problems and queries	Each participant is provided with ten slips and instructed to write down one problem/inquiry on each slip in a very simple, short, and clear one sentence without a name.	The participants are requested to write without discussing or sharing opinions with each other. For example: <i>"Who owns the copyright of a book after the author's death?"</i> <i>"How does a publisher negotiate with the authors about copyright?"</i> <i>"How should we enter into negotiations with a foreign publisher to publish a Vietnamese translation of foreign books?"</i> <i>"How should I promote (sell) my work to the publisher?"</i> <i>"How can the price of the book be settled?"</i>
	Grouping problems and queries into categories	The facilitator collects slips from the participants, reads them out one by one and groups them into categories: for example, 'author's rights' 'illustrator's rights' 'settlement of royalty', 'copyright contract', 'property in copyright'	
GWI-3 14:00-15:30 GWI-4 16:00-17:00	Finding answers	The resource person responds to the questions category by category by raising as many concrete examples as possible.	<ul style="list-style-type: none"> • The rapporteur will take notes of the draft answers. • The participants, facilitator and rapporteur ask clarification about answers if necessary. • The facilitator and rapporteur prepare the draft to be presented in a plenary session on Day 4.

As a result of the Group Work 1, the following questions and answers were produced. They will be edited as a supplementary Q&A to the Vietnamese version of the Handbook.

1. Q: What are the author's rights?
A: Author holds certain rights on his/her work. Particularly, author's rights include moral and property rights. Under the property right, author gives permission to publishers to use his/her works. The author, however, cannot transfer his/her moral rights.
2. Q: There are several authors of one work. Who will enjoy the remuneration?
A: All writers, illustrators will be the co-author of the work. They will all enjoy the remuneration. The remuneration will be divided in accordance with the contribution of each author.
3. Q: Making copy of the whole work is considered infringement or not?
A: Yes, it is infringement. There are some exceptional cases which are not protected by the law. (Please refer to the part "Reproduction for Private Use")
4. Q: If a Publisher print a photo or a picture taken from a newspaper in a book, does it need to get a permission from the photographer?
A: Of course yes. Photo and picture are all works.
5. Q: Whether is it free to translate and use certain articles on newspaper?
A: At first, you need to contact and negotiate with the author of that article through the newspaper.
6. Q: In Viet Nam, a child got award in a Literature Writing Competition. In this case, the copyright belongs to the child or to the Competition Organizer?
A: Whether that child gains a prize or not, he/ she is the author of that book as he/ she is the one who wrote/ create that book.
7. Q: A Publisher in Viet Nam has engaged in a Copyright Contract to exploit a Japanese Comic book. Later, A Publisher learnt that B Publisher is now illegally printing this book. In this case, to whom should A Publisher make claim?
A: At first, A Publisher should contact with and require B Publisher to stop its illegal action. If no agreement is reached, A Publisher should make claim to the authority and further sue B Publisher to court.
8. Q: Is it allowed to modify or create an adaptation based on a published work without permission from the work's author?
A: No, it is not allowed. Permission from the work's author is always required.
9. Q: Is it allowed to use other person's work to print in a textbook?
A: No, it is not allowed, unless you get permission from the work's author or the Publisher who has already published that work. In case of using one's work, there should be a clear quotation of source, Publisher's name and author's name.
10. Q: If we want to publish a handbook on Women and Children's Health Care published by UNICEF. Do we need to get permission from UNICEF?
A: Unless the Protection term has expired or the book is not subject to Copyright Protection, you have to contact with UNICEF and get permission to publish the book.
11. Q: Does illustrator have author's right on his/her work?
A: Yes, of course they have. Under the contract, the Publisher and the illustrator will negotiate the royalty rate as well as the payment .
12. Q: What will be the Publication term?
A: In Japan, normally, the publication term is from 3 to 5 years. In France, this term is from 18 to 24 months. However, this condition should be mentioned clearly in the Contract.
13. Q: What is the copyright protection term?
A: Generally, for literature and artistic works, author's right started when the work is created. The protection term will last for the whole life of the author and be ended 50 years after the author's death. In France, the work is protected from the date of signing contract for

publication and will last 70 years after the author's death. The moral right is protected forever.

14. Q: What is the right on inheritance of the author's right after the author's death?
A: The inheritance of one work shall basically follow the author's will and inheritance law. In France, inheritance right belongs to the author's family and will last for 70 years after the author's death, whereas, the moral rights will remain forever with his descendants.
15. Q: What is the royalty rate?
A: The Royalty rate is decided based on the contract signed between the publisher and author. In Japan, royalty fee applied for literature and artistic books is calculated by multiply the rate of 10% (more or less) of the retail price with printing quantity.
16. Q: Does the royalty rate applied on different books differ from each other?
A: Yes, there are different rates applied on different books. The royalty rate is decided based on the negotiation between author and publisher. In France, the royalty rate also decided taking into consideration of those facts such as whether it is an adult or children work or whether the author is famous or not.
17. Q: How to negotiate on the payment term and method of royalty fee?
A: This term is decided based on the negotiation between the publisher and author. In some cases, the payment term is 60 days from the publication date.
18. Q: After signing the copyright contract with the author, does the publisher allow to modify the work's content?
A: No, the published is now allowed to do so. Author's rights include moral right and property right. The property right can be transferred under the form of royalty payment, whereas the moral right cannot be transferred. Therefore, the publisher is not allowed to change or modify the original work.
19. Q: After having contract signed with the author, does publisher need to pay to the author if it reprints the work?
A: Yes, of course the publisher has to pay to the author for those reprinted ones. The publisher has to decide the reprint quantities and contact with the author and then pay the royalty fee based on the actual reprinted quantities. This is one of the obvious right belongs to the author. On the other hand, the publisher also gain profit from reprinted works.
20. Q: What will be the royalty fee paid to foreign author in order to translate and publish foreign work in Viet Nam?
A: You have to pay an appropriate amount. In Japan, the standard fee is around 6% of retail price multiplied with the printing quantity of the translated work and this payment should be made through the first (original) publisher.
21. Q: There has been an agreement between the author and the publisher to translate and publish a foreign work. However, later on, the content of translated work found inappropriate. What should be done?
A: This is a difficult situation. The solution should be based on the Contract signed. To avoid this case, it is better to ask the author to check the content of translated work before publication. This action is also related to the protection of the author's moral rights.
22. Q: What are the translator's rights?
A: We must have the author's permission to translate his/ her book. With this permission, the translator will hold the rights on the translated work (this right is not the same as author's right on the original work)
23. Q: What will be the case if there are several translators of one work?
A: No problem, they will be co-translators.
24. Q: Will the translator's right be affected if the protection term of author's right expires?

- A: No, the translator's right will not be affected. The translator still holds the rights on his/ her translated work. On the other hand, if there are several translated versions of one work, each translator will hold rights on his/ her own translated work.
25. Q: What should a publisher do to translate and publish a foreign work in Viet Nam?
A: You should contact with the foreign publisher and negotiate with them. There are three main ways as follows:
1. Select the work from Book Fair and negotiate with foreign publisher.
2. Through book intermediaries, you can get book information and buy copyright of foreign books.
3. Search for book information by yourself and contact with foreign publisher to publish work. Editors will be responsible of book selection. It is important to maintain the author's moral right i.e. no modification of the original work is allowed. Usually, conflicts are arisen due to this matter. A work cannot be translated and published without author's permission.
26. Q: How to sell a work abroad?
A: At first, you must have the author's permission to sell his/ her work overseas. After that, you should contact with foreign publisher to negotiate on the publication term and condition. One of the effective ways is through intermediaries or conducting book promotion at book fairs. Information on book fairs around the world is follow: Taipei (Taiwan) Book Fair in Feb., Bologna (Italia) Book Fair in Apr., Tokyo (Japan) Book Fair in July, and Frankfurt Book Fair (Germany) in October. You must always respect the author's moral right and must not modify or change the original work without the author's permission.
27. Q: Is there any case that two publishers in one country publish the same work?
A: Normally, there should be one publisher only. There would be many disadvantages for two publishers to sell the same work in one market.
28. Q: Do we need to get the author's permission to adapt his/her work into a movie or a TV programme?
A: Yes, of course. The adapted work is considered as a derivative work of the original work.
29. Q: After buying copyright of one work, is it allowed for editors to change or cut any part of the work?
A: Editors are not allowed to do so without author's permission.
30. Q: What kind of punishment one publisher shall face if it changes or modifies a work without its author's permission?
A: In Japan, the Civil Code promulgates the penalty and punishment levels.
31. Q: Is there any standard Contract form between publisher and author?
A: Each publisher will have its own Contract form, however, each form will have similar main body. Please refer to the attached form for your reference.

2. Group Work 2

Group Work 2 was conducted on Day 4 (18 March 2005) in the same groups and venues as the Group Work 1.

The group work was conducted by using the KJ-Method in the following processes, activities and roles of participants:

Session/Time	Process	Activities	Roles
GWII-1 11:00-12:30	Discussion (for brain-storming) on action Plan	The participants discuss and develop an action plan for effective utilization of the Handbook. in Viet Nam.	<ul style="list-style-type: none"> • The facilitator encourages all the participants to raise fresh ideas in the field of distribution, advertisement, education, etc. He/she should ensure that every participant is invited to propose possible ideas within a limited time. • The resource person in each group prompts participants whenever they find ideas proposed are unclear and out of focus. • ACCU staff member overview the discussion and assist facilitator to ensure the expected outcomes of this final group work. • The Rapporteur will take notes, identify main points, and sum them up in conclusion.

In forming the action plan, which will serve as a reference for utilization and distribution planning of the Vietnamese version of the Handbook, members of each group were given the following preconditions:

1. Asian Copyright Handbook translated by Kim Dong Publishing House (KDPH)
2. Additional question and answer (Q&A) section drafted by this workshop (18 March 2005)
3. Additional Q&A section to be compiled into the Vietnamese version of the Handbook
4. 30,000 copies to be published by KDPH by 15 April 2005
5. The published copies to be distributed free of charge to the workshop participants and resource persons of the Workshop, and publishers and other related organizations in Viet Nam by the end of June 2005.

In the action plan, the participants were asked to include the following items:

1. Time/Duration
2. Target Groups/Location
3. Distribution/Utilisation Methods
4. Necessary Resources
5. Partnership
6. Promotion Methods
7. Costs/Financing
8. Licenses and Permits
9. Competing/Impeding Factors
10. Other Factors

As a result of the Group Work 2, the following plans were produced by Group A and B respectively:

Group A

1. Time/duration
 - Anytime, as soon as possible
 - 26/4/ 2005 on the occasion of the world's IP day
 - At the beginning of school term.
2. Target groups/Location
 - Law Students, publishers, Television broadcasting agency, intellectuals, creators, reporters, newspapers, Publishing associations, Universities, authorized Agency.
 - High school students (VCO official thinks this is not yet appropriate), libraries, Law Agencies
 - NGOs, international organizations.
3. Distribution/Utilization Method
 - Forum, Post
 - Assistance from Viet Nam Literary Copyright Centre.
 - Youth Voluntary Team (coordinate with youth voluntary teams in universities to distribute the handbook)
 - In Public and university libraries.
 - Cooperate with distributing channel of other publishing houses.
 - Launch it to the net.
4. Partnership
 - KDPH, ACCU
 - Viet Nam Literary Copyright Centre.
 - Coordinate with Tien Phong VDC to upload info of book on the Internet.
 - Incorporate in national cultural activities and events to get sponsors.
5. Promotion Methods
 - KDPH will be in charge of the promotion
 - Mass media, VTV, in the morning program "each day, each book" on VTV, Internet, leaflets, Publishing magazine, talk show.
 - Hold meetings or conferences on the benefits, use of the handbook.
 - Incorporate in Seminar on special topic in University.
 - Cooperate with the Cultural Subcommittee of the Viet Nam Central Broadcasting Television.
 - Hold seminar (some people think Copyright is a difficult, complicated topic, therefore we should hold seminar to help people understand that this is an issue of common interest, easy to acknowledge)
 - Make leaflets and attach them to comic books.
 - Ask Viet Nam Television Network to organize a special talk show with the theme "copyright".
 - Advertise the handbook in magazines, newspapers.
 - Introduce the handbook in the "NewBook" section of important newspapers and magazines, the Internet.
 - Make it into a (comedy) play.
6. Licenses and Permits
 - Temporary license from the Cultural Information Agency.
7. Other factors.
 - Attach Berne convention on the back of the handbook
 - Print the handbook in different forms, for example, hardcopy for library use, softcopy in smaller size (pocketbook) for convenience, daily use, or in illustrated form (comics) for children.
 - As many copies of the book as possible.

Group B

1. Publication and distribution
 - This is not only a handbook, but also a cultural work. I think the number of copies is too small for 80 million Vietnamese people. (Comment by Kimura: so how many copies are enough? Who will print the additional copies, where is the funding, where is the human resource?)
 - Send about 15,000 copies to all agencies and companies doing business in book publishing throughout the countries.
 - Other publishers, who are aware of the need of their coordinators for information of copyright, can send request to Kim Dong to have needed number of copies.
 - Other related companies can send request to Kim Dong Publishing House to have the

- appropriate number of copies.
 - Distribute the handbook to libraries where many people can read.
2. Partnership
 - It should be another publisher in the South. May the Kim Dong is only prominent in the North.
 - The distributors listed on the cover should be Kim Dong and Copyright Office of Viet Nam. This helps raise the prestige, legal effect of the book. (Comment by Kimura: you can put COV on the book to ensure the accuracy of the legal terms, but you have to clarify the role of COV)
 - The Vietnamese Book General Corporation can be the main distributor for the Handbook.
 3. Timeline
 - The deadline for publication should be prolonged.
 - The timeline for the publication of the handbook should be at the beginning of the school year because students pay lots attention to copyright.
 4. Editing and Publishing
 - We should edit copyright terms to make the book suitable to Vietnamese culture.
 5. Promotion
 - Promote it through the Internet.
 - Promote it to all groups interested.
 - You can promote the Handbook in the TV programme introducing books broadcast every morning.
 - Organize a contest on copyright and at the same time introduce the Handbook to the public
 - Also promote the handbook to ethnic minority people.
 - Introduce the handbook at conferences and seminars on culture or related issues.
 - Write articles or TV introductions about the book at the same time (create a huge promotion campaign)
 - Incorporate the content of the book into school offsite activities.
 - Print leaflets, brochures to introduce the handbook.
 - Display the book at book fairs.
 - Make a live programme to introduce the book before publishing.
 6. Funding
 - There should be funding for the promotion campaign.
 7. Target Groups
 - 800 copies should be sent to Association of Writers and 1000 copies for Association of Literature and Culture (for all of the members)
 - We should send all Department Education of all localities, 100 copies for each (64 provinces and cities)
 - Another target group is the Youth Union of each locality, 100 copies for each.
 - You can introduce the Handbook to High school students and organize a contest on Copyright for them.
 - Categorize target groups and then distribute to them with proper proportion. There should be a survey to identify target groups.