
Introduction and Proceedings

Introduction

The “National Workshop for the Copyright Awareness and the Production and Utilisation of the Myanmar Version of Asian Copyright Handbook” was co-organised by the Asia/Pacific Cultural Centre for UNESCO (ACCU) and Myanmar Writers and Journalists Association (MWJA), under the auspices of Ministry of Information (MOI) of Myanmar, from 7 to 9 September 2005, at the Traders Hotel Yangon in Yangon, Myanmar, in cooperation with Japan Copyright Office (JCO) of the Agency for Cultural Affairs.

Prior to this workshop, ACCU, since its inception in 1971, has been promoting copyright among publishers and creators in Asia and the Pacific through training programmes and by providing latest information through magazines and websites. Under these circumstances, ACCU and Japan Copyright Office (JCO) produced a handbook titled “Asian Copyright Handbook” in English in 2004 for those engaged in book production such as writers, illustrators, editors and publishers in Asia, to disseminate basic information about copyright.

The workshop was conducted, following the one in Hanoi, Viet Nam in March 2005, as the second in the series of workshops planned in several Asian countries to produce vernacular versions of the handbook and to plan a scheme for their dissemination and utilization. Its objectives were to promote copyright awareness through “Asian Copyright Handbook (hereinafter called Handbook)” among the people concerned in Myanmar. In particular, it aimed:

- (1) To promote copyright awareness to all concerned in Myanmar;
- (2) To share information about the current situation and problems regarding copyright protection in Myanmar;
- (3) To share information about the current situation and problems regarding copyright protection in countries in Asia;
- (4) To introduce and promote better

understanding of the handbook by reviewing a draft Myanmar version and to identify points and sections where more explanation would be necessary for the handbook to be useful in Myanmar;

- (5) To draft additional explanation for the points and sections identified above, which will be appended as a supplement to the Myanmar version of the handbook, and
- (6) To develop an action plan, including an activity schedule and responsible organizations, for compilation, publication, distribution and utilization of the handbook in Myanmar;

In the Workshop, more than 80 participants, including writers, publishers, editors, scholars, administrators and representatives from concerned parties such as music, film and fine arts, shared information and eagerly discussed the issues and problems Myanmar face today. Resource persons including copyright experts from a copyright agency in Australia and a publisher in Japan, an expert from Japan Copyright Office (JCO), Agency for Cultural Affairs as well as scholars from Myanmar academic institutions led the workshop.

Proceedings

1. Daily Report for Day One (7 September 2005)

The three-day workshop was commenced by the opening ceremony at Myanmar Ballroom, Traders Hotel with the attendance of more than 120 people. First, Brig-General Aung Thein, Deputy Minister for Information made an opening speech and greeted the guests, organizers, officials from ACCU, resource persons and the participants. Then he explained about the difficulties Myanmar encountered in marketing the locally published books to international markets due to lack of ISBN and ISSN numbers. He attributed the problem to the lack of copyright in the country. After that, he explained about the activities in which ACCU has been cooperating

with Myanmar especially in the fields of education and culture. Then he talked about the objective of producing the Myanmar version of the Asian Copyright Handbook and urged the participants to contribute to its development on a par with international IP standards. He finally thanked ACCU for its role in preserving the cultural heritage of various Myanmar nationals.

Afterwards, Mr. Nakanishi Koji, Director-General of the Asia/Pacific Cultural Centre for UNESCO, made an opening speech. First of all he thanked the co-organizers, MWJA and Ministry of Information for their support and the international resource persons for their contribution. Then he pointed out the importance of copyright especially in the digital environment. He also explained about the activities ACCU has been doing and about the Asian Copyright Handbook. He finally expressed his confidence about the successful development and utilization of the Myanmar version of the book.

U Hla Myaing, Chairman of the MWJA, explained about the objectives of the association and how they were related to those of the workshop being held. He also briefed on the characteristics of Myanmar people and how it affected the copyright issues. He finally thanked the Deputy Minister for Information and all the participants.

Mr. Tanaka Kentaro, Deputy Director, International Affairs Division, Japan Copyright Office (JCO), first of all thanked the Ministry of Information, MWJA and ACCU for making this event happen. Then he explained the protection of copyright and how it benefits the society, and the objective behind the creation of Asian Copyright Handbook. Finally he thanked the participants of the national workshop.

Afterwards, U Myo Thant, an executive committee member of MWJA, introduced four resource persons -- two international and two national, to the guests and participants. Then all the Myanmar and ACCU officials, resource persons, participants and invited guests posed for a group photo just before the coffee break.

When the workshop resumed, Ms. Ohnuki Misako, Director, Culture Division, ACCU, made an introduction on what ACCU is and what the organization is doing, the goals of the workshop and its schedule, and the expected outcome from the participants, using slide-shows.

After that, U Myo Thant presented "UNESCO Copyright Activities" on behalf of Ms. Petya Totcharova. The presentation dealt mainly with the activities UNESCO has been doing since its inception to promote awareness of the copyright protection by education and training. It also explained about the different roles UNESCO and WIPO are taking to promote and protect copyright around the world. The various publications and bulletins UNESCO has been publishing in both print and electronic formats internationally were also mentioned in the presentation.

Ms. Caroline Morgan, General Manager (Corporate Services), Copyright Agency Limited, made a presentation on Copyright for Creators and Copyright and Asian Countries. She explained why copyright is important for everybody, copyright as economic rights and moral rights, case study of Singapore, International Federation of Reproduction Rights Organizations (IFRRO), importance of publishing industry and challenges for it, publishing industry value chain, three pillars of copyright, exception and limitations on copyright protection, collective management and the situation of copyright protection in Asian countries.

Q & A for Ms. Morgan's Presentation

Q: What is the meaning of "Grey Publishing"?

A: Grey publishers include non-profit organizations and other companies that publish books for the benefit of general public or to publicize their own activities. It is called grey just to distinguish from the black publishing i.e. commercial. It is a colloquial term.

Q: What is the relationship between copyright and collective management? Are there different CMOs for different category of creators?

A: The collective management organizations are organizations that group together creators and make claim for their rights, collect remuneration for them and act on behalf of them. There are different CMOs for different category of creators.

Q: Is copyright office different from IP office?

A: Different.

Q: Do you have a copyright court in Australia?

A: In Australia, the Federal Court settles the copyright cases.

Q: How do you solve the problems of piracy that are prevalent all over the world?

A: It's a problem very difficult to control. We need education, economic development, enforcement, court system, commitment of the community and the government.

After a lunch break, the workshop resumed with the presentation of U Khin Maung Win, Deputy Director, Attorney General's Office, on "Copyright in Myanmar Since 1914." He explained how the current copyright law has come to Myanmar during the British rule and how it was practiced here with examples of cases of dispute over the copyright. Finally, he clarified how the new copyright law is being drafted to suit the new situations and how it would be incorporated in the emerging constitution.

Mr. Daiki Tetsuro, Director, Intellectual Property Management Section, Shogakukan Publishing Inc., then presented "Friends or Enemies? On the Relationship Between Authors and Publishers." First of all, he explained the core business activities Shogakukan Publishing Inc. has been doing. Then he discussed about the significance of using works, rights of authors, rights of publishers and on secondary use of works, giving examples from the Japanese publishing industry.

Q & A for Mr. Daiki's Presentation

Q: Does the copyright still cover for the Japanese

film that was adapted by Hollywood in the 1960s?

A: There was no formal agreement between Japan and the U.S. at that time. So the original creator did not enjoy as much royalty as he should today.

Q: How does a Japanese publishing company share benefits for a product?

A: We make contracts between the original creators and the production committee. We add certain percent to the unit price of the product and the end user has to bear the added expenses. The committee receives the fees for the work on behalf of the author.

Q: Author receives only 10% from the sale of a work while the publisher enjoys 90%. Is it fair and legal because WIPO says the author has the upper hand?

A: Publisher does not enjoy all 90% he gets for a certain work. Booksellers and distributors also get certain percent out of that 90. Moreover, the publisher also bears the losses or damages incurred from unsold copies.

Eventually, as the last presentation for the day, U Kyaw Zaw Naing, Legal and Academic Consultant, Myanmar Book Centre Co., Ltd, discussed "Problems and Prospects of Copyrights for Myanmar Today." His presentation mainly focused on the copyright issues in the digital environment, pointing out its importance especially in the age of globalization.

Q & A for U Kyaw Zaw's Presentation

Q: How do you apply copyright and collective management in the field of education?

A: The copying for academic purposes should be in line with fair-dealing. The students should pay certain percent for the use of the copyrighted materials which should be reasonable for the students.

Q: You said that computer software does not need to be registered. Does it apply in other artistic

works?

A: I was talking only about the computer software. Whether artistic works need to be registered or not depends on the policy of registration for such kind of works and respective copyright laws.

Each presentation was followed by a question-and-answer session except for those of Ms. Ohnuki Misako and U Myo Thant. The Day One programme came to an end at 5:30 p.m.

In the evening, the welcome reception dinner was hosted by Mr. Nakanishi Koji, Director-General of ACCU, that was attended by Deputy Minister for Information, organizers, resource persons and participants.

2. Daily Report for Day Two (8 September 2005)

The programmes for Day Two began at 9:15 a.m. with U Myint Kywe from MWJA acting as master of ceremony. First of all, Ms Ohnuki from ACCU briefed the participants on the orientation of the group work and its goal. She explained that the participants in each group should introduce themselves, then raise copyright-related questions and issues that they were facing at work or in their businesses. However, they should not be personal opinions or questions that were too broad in scope.

After that, all the participants were divided into two groups and began the group work activities. Participants of each group sat around a conference table laid out in opposite corners of the conference hall. A facilitator was assigned to each group, who was not from the participants. Each group included approximately 30 participants, a facilitator, an international resource person (or two), a national resource person, interpreters for English and Japanese, and rapporteurs for English and Myanmar.

Group (A) consisted of Dr Khin Maung Nyunt as facilitator, U Khin Maung Win as Myanmar resource person, Ms Caroline Morgan as

international resource person, Ms Sasaki Mariko from ACCU, U Aung Myin Tun as English interpreter, Dr Tin Tun Oo as Myanmar rapporteur, and U Aung Zaw Myint as English rapporteur.

Group (B) consisted of U Mya Than as facilitator, U Kyaw Zaw Naing as Myanmar resource person, Mr Daiki Tetsuro and Mr Tanaka Kentaro as international resource persons, Ms Ohnuki Misako from ACCU, U Thet Pyin as Japanese interpreter, U Myint Kywe as Myanmar rapporteur, and Dr Marlar Aung as English rapporteur.

After self-introduction from the participants, brainstorming session began, in which they raised questions and issues they were facing in their respective areas and discussed among them.

After a coffee break, each participant was provided with 3 slips of paper on which they had to write down any questions, one on each slip, they had on mind concerning copyright issues, without mentioning their identity. Then the facilitator collected the slips. After that, the resource persons grouped the questions according to different categories and stuck them onto large white sheets of paper.

When the group work resumed after lunch break, the resource persons picked up each question and gave answer(s) for it. However, the irrelevant questions, or those that were too broad in scope or too general, and those that were redundant were omitted from the discussion as it had been announced earlier.

Then, the group work sessions for Day Two came to an end at 5:30 p.m.

3. Daily Report for Day Three (9 September 2005)

The programmes for Day Three began at 9:15 a.m. Dr. Tin Tun Oo from MWJA took the role of the master of ceremony. The programme began with the plenary session where the report of group work results was presented by the presenter

from each group. Dr Moe Moe Thwe from the Ministry of Science and Technology presented the results of Group (A) discussion made on Day Two. After that, group work results from Group (B) were presented by U Chit Oo Nyo from the University of Culture. Then the resource persons -- Ms Caroline Morgan, U Kyaw Zaw Naing, Mr Daiki, Mr Tanaka, and U Khin Maung Win made comments on the points the groups raised in the group works on Day Two.

After a coffee break, the workshop resumed in two separate groups as in Day Two. First of all, Ms Ohnuki and Ms Sasaki briefed the participants of the respective group on the orientation of that session.

Then the participants from each group discussed and presented their suggestions in promoting the awareness of copyright in Myanmar, in developing and distributing the Myanmar version of Asian Copyright Handbook and other plans for follow-up activities of this workshop. In the end, Group (A) came up with a 9-point action plan for follow-up activities and Group (B) with a 7-point action plan.

After the lunch break, the workshop resumed as plenary session where presenters from each group reported back the action plans they had come up with. After that, national and international resource persons provided feedback on the points of the action plans.

It was succeeded by the concluding session in which, U Myo Thant, Ms Caroline Morgan, U Kyaw Zaw Naing, Mr Daiki, Mr Tanaka and U Khin Maung Win briefly summed up on the whole workshop. Afterwards, Mr Daiki from Shogakukan Publishing Inc. handed over the gifts to participants through the chairman of MWJA. Similarly, Ms Sasaki from ACCU distributed sample agreement contracts between 1) author and publisher, 2) illustrator and publisher, and 3) domestic and overseas publisher to all the participants which they can use as reference in their future contracts.

Finally came the Closing Ceremony. First, Ms Ohnuki from ACCU gave a speech expressing

thanks to all the officials from MWJA, the Ministry of Information, the organizers and the sponsors, resource persons, participants and interpreters, rapporteurs and translators, who contributed to the workshop. After that, the chairman of MWJA delivered a Presentation briefly outlining the activities of MWJA and plans to include copyright awareness in them in the future. Then he personally extended words of thanks to officials from ACCU and the resource persons on behalf of MWJA.

Afterwards, Dr Myo Thant Tin expressed words of thanks to the organizers and sponsors on behalf of the participants and urged the participants who were mainly from the publishing industry to contribute to raising copyright awareness through the print media.

After that, the three-day workshop came to a successful conclusion at 4:30 p.m.

In the evening, the farewell dinner was hosted by MWJA and Myanmar Heritage Publications at Sakura Tower Sky Lounge.