
Introduction and Proceedings

Introduction

The National Seminar and Workshop for Copyright Awareness and Production and Utilisation of the Bengali version of ‘Asian Copyright Handbook’ was jointly organised by the Copyright Office, Ministry of Cultural Affairs, Government of the People’s Republic of Bangladesh, Asia-Pacific Cultural Centre for UNESCO (ACCU), Japan, Academic and Creative Publishers’ Association of Bangladesh and the Agency for Cultural Affairs, Japan and held at Hotel Sheraton, in Dhaka from November 20, 2007 to November 22, 2007.

Other organisations cooperating in this seminar and workshop are Bangladesh National Commission for UNESCO, Ministry of Cultural Affairs, Bangladesh, Ministry of Commerce, Bangladesh, Ministry of Industry, Bangladesh, Ministry of Foreign Affairs, Bangladesh, Ministry of Home Affairs, Bangladesh and Bangladesh Writers Club, Dhaka.

Copyright protects rights of authors, illustrators and other creators by providing a legal framework. It plays a crucial role in promoting their activities and it is considered that, in many countries in Asia, the importance of protecting copyright and providing basic knowledge about its functions is not fully recognised, and the interpretation of what copyright means varies greatly from country to country.

The rapid advance of technology, particularly in the field of information and communication has made intellectual property rights more and more important. Further, intellectual property rights have become inextricably linked to human interactions and the relations between nations.

ACCU, since its inception in 1971, has been promoting awareness building on copyright among publishers and creators in Asia and the Pacific through training programmes and by providing the latest information through magazines and websites. Under these circumstances, ACCU and Japan Copyright Office (JCO), Agency for Cultural Affairs, Japan 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. Furthermore, a series of workshops have been conducted in several Asian countries that aim at awareness raising and production of vernacular versions of the handbook and to plan a scheme for their dissemination and utilisation.

People and government of Bangladesh have long recognised the importance of creativity to economic development. The Government also began systematically protecting the rights of creators and inventors through copyright and patent laws.

A new law containing different provisions in the line of international standard was enacted in 2000, namely the Copyright Act 2000 (No. 28 of 2000) by the government of Bangladesh and it was amended up to 2005. The Copyright Act 2000 contains, among others, the subject matters of the TRIPS Agreement in respect of copyright and related rights, computer programmes, databases, related rights, broadcasting rights, performers’ rights, phonogram rights, etc. Bangladesh has been extending co-operation with the World Trade Organization (WTO), World Intellectual Property Organization (WIPO) and UNESCO in order to enrich its copyright system.

However, as of now law enforcement apparatuses have not taken satisfactory measures against infringements and piracies that have been perpetuated relatively openly in Bangladesh. There are urgent needs to raise awareness of copyright protection and promote the Copyright Act, and accordingly to lead to actual implementations by parties concerned.

This Seminar and Workshop provided participants with an introduction to copyright and the new copyright law in Bangladesh as well as copyright enforcement. The “Asian Copyright Handbook” will be translated into Bengali with Q & A relevant to the unique situations in publishers and other concerned people/institutions. It is to serve as a catalyst for awareness raising and better understanding of copyright, and as a result, copyright protection under law enforcement.

The objectives of the seminar and workshop are:

- 1) To promote copyright awareness to the concerned persons and stakeholders such as writers, artists, publishers, university staff, administrators, library staff, journalists and others;
- 2) To share information about the existing situation and problems regarding copyright protection in Bangladesh;
- 3) To promote better understanding of the latest copyright law in Bangladesh;
- 4) To introduce and promote better understanding of the handbook by holding discussion on it as well as to identify points and sections where more explanation would be necessary for the handbook to be useful in Bangladesh;

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- 5) To develop an action plan, including an activity schedule and responsible organizations, for compilation, publication, distribution and utilisation of the handbook in Bangladesh, and
- 6) To develop action plans for copyright awareness in Bangladesh.

More than 80 participants, including government officials, local copyright administrative officers, writers, publishers, academicians, journalists, legislators, representatives of law enforcing authority, folklorists, singers, performers and creators from various spheres of life based in the capital city, Dhaka, as well as other administrative divisions and districts of the country, participated in various working sessions of the three-day interaction with delightful spontaneity. They acquired multifarious knowledge on copyright from a good number of lectures and presentations by experts and academicians from Australia, India, Bangladesh, Japan and ACCU in particular. Most of the participants were very attentive, asking questions and providing answers after every session. They showed keen interest in finding solutions to various problems raised in the workshop. Meanwhile about 60 regular participants were divided into three distinct groups, where they debated and came to some decisions for chalking out an action plan for effective utilisation of the Bengali version of the Asian Copyright Handbook (ACH). They also focused on principal issues of copyright in Bangladesh including lack of awareness, deteriorating writer-publisher relations, indiscriminate piracy, weak enforcement system, absence of an apex body for skilful management of copyright system, absence of collective management societies, copyright societies by right-holders etc. However, a number of recommendations were made to devise proper action plan for improvement of the copyright situation in Bangladesh with uninterrupted support from home and abroad. Both international and national resource persons contributed in a concerted way to outline the action plan and follow-ups to be implemented in the days to come.

The three-day seminar and workshop have featured some 12 working sessions on various subjects regarding copyright issues.

Proceedings

Day One: 20 November 2007

Opening Ceremony

Writers, publishers, experts and high officials at the opening ceremony of the three-day national seminar and workshop stressed their awareness about copyright and thereby contributed to developing

skills and professionalism in publishing, writing and translation.

This observation came out at the opening ceremony of the Seminar and Workshop jointly organised by the Copyright Office, Ministry of Cultural Affairs, Government of the People's Republic of Bangladesh, Asia-Pacific Cultural Centre for UNESCO (ACCU), Japan, Academic and Creative Publishers' Association of Bangladesh and the Agency for Cultural Affairs, Japan held at Hotel Sheraton, in Dhaka.

The opening ceremony, moderated by President of Bangladesh Writers Club and Consultant, WIPO, Mr. Mohammad Nurul Huda, began with the addresses by Mr. M A Shah Mahmudul Hasan, Registrar of Copyright, Dhaka, Mr. Shiraiishi Masaru, President of Asia-Pacific Cultural Centre for UNESCO, His Excellency Inoue Masayuki, Ambassador of Japan to Bangladesh, Mr. Mofidul Hoque President of Academic and Creative Publishers Association, and Mr. Kameoka Yu, Director, International Affairs Division, Agency for Cultural Affairs, Japan.

Mr. Hasan said, 'The proper utilisation of the Bengali version of 'Asian Copyright Handbook' is expected to help us most. Let us work hard to reach our goals.'

Mr. Shiraiishi said, the 'Asia/Pacific Cultural Centre for UNESCO, or ACCU for short, is a non-profit organisation located in Tokyo, Japan. Among its various programmes, ACCU has been conducting promotion of copyright awareness from its very beginning.' 'Copyright is intended to protect cultural works. Copyright offers financial support and respect to creators, and it encourages them to concentrate on their creative activities. In the interest of fostering copyright protection, it is essential that each and every citizen has awareness and deep understanding of copyright issues,' he continued. 'In 2004, ACCU and the Japan Copyright Office produced an introductory book on copyright entitled 'Asian Copyright Handbook'. Then, a series of workshops were held to facilitate utilisation of the vernacular versions of the Handbook, and also to foster copyright awareness,' Mr. Shiraiishi informed the function.

Mr. Inoue in his speech said, 'The rampant piracy of cultural properties is not only a national problem, it has gone beyond national borders and harms the international community.' The cultural heritage, property or work appeals to our mind through sensory organs and intellectuals; shapes our tastes, ideas and attitudes; can stir our innermost feelings, the ambassador observed. He also highlighted the need for copyright evolves from the perception that

legal rights to these creative works should be defined, and social and economic perception provided to the people who create them.

Mr. Hoque said, ‘At the core of professionalism lies the issue of copyright awareness, its recognition and proper implementation of copyright laws. The global changes in recent years have also made it imperative to respect copyright. Between the years 2000-2005, Bangladesh updated the Copyright Act and discussion is going on to further amend the act to incorporate cyber laws which is the need of the time. But we still have to go a long way in terms of awareness, utilisation and practice of copyright.’

Mr. Kameoka said, ‘Not only does copyright protect authors’, musicians’ and artists’ economic rewards and their dignity, but it also stimulates and encourages their new creative activities. In order to strengthen copyright protection, it is important that every citizen has awareness and a basic understanding of the notion of copyright. It could be said that citizen’s understanding of copyright helps to develop the country’s unique cultural activity. Protection of copyright has merits for all ordinary people because, through a good protection of the rights of creators, citizens will be able to enjoy more literature, music, art and all other forms of culture in the society.’

Mr. Abdul Howk Chowdhury, Secretary to the Ministry of Cultural Affairs delivered the keynote speech and said ‘We have now an updated version of the Copyright Act 2000 (amended in 2005).’ Last year the government approved and enacted the Copyright Rules 2006, the secretary informed the function. Lastly Mr. Chowdhury announced the opening of the Seminar and Workshop.

About one hundred authors, publishers, journalists, artists, singers, performers, government officials, representatives from judiciary and law enforcing authority from Bangladesh, Japan, Australia and India participated in the opening day of this three-day national seminar and workshop.

Plenary session Topic 1: “Asian Copyright Handbook and Seminar Orientation”

After an interval of twenty minutes for photo session and refreshment, Plenary Session Topic-1 started with the subject-matter ‘Asian Copyright Handbook and Orientation’. The Presentation was given by Ms. Sasaki Mariko, Deputy-Director, Culture Division, Asia/Pacific Cultural Centre for UNESCO. She dwelt on the various aspects of this seminar and workshop including the role of ACCU and objectives of the seminar. The necessity of the Bengali version of the Asian Copyright Handbook was also

emphasised. The summary is appended below.

ACCU is a foundation dedicated to promoting culture and mutual understanding among Asia/Pacific nations. It was established in 1971 in Tokyo through the combined efforts of the private sector, mainly the Japanese publishing sector, and the Japanese Government.

In 2003, ACCU started a new programme in copyright that promotes copyright awareness to creators, especially those in the publishing field, with the support of the Agency for Cultural Affairs, Government of Japan. And in 2004 ACCU published, in English, an introductory guide titled “Asian Copyright Handbook”. The handbook is targeted at publishers and creators to disseminate basic information about copyright. She then expressed the objectives and flow of the seminar/workshop.

She said that after this national seminar and workshop, the organisers in Bangladesh would publish 10000 copies of the Bengali version of the Handbook by February 20, 2008. They would be distributed to all concerned bodies by early 2008. ACCU hopes that they will be fully utilised for copyright awareness programmes throughout the country.

There was no question and answer after this orientation session. Then registration of participants started and it continued throughout the day.

Plenary session Topic 2: “Introduction to Copyright”

The Plenary Session Topic 2 started with the subject-matter ‘Introduction to Copyright’. The Presentation was made by Ms Caroline Morgan, Company Secretary, Copyright Agency Limited, Australia. The session was moderated by Professor Niaz Zaman, English Department, Dhaka University. Her presentation was divided into Part A and Part B. Both the portions are separately summarised here.

Part A:

There are two key aspects to the copyright system. Firstly, copyright has an economic role. Copyright provides creators or authors of works with a set of exclusive rights over the works that they create. The other important aspect of copyright is its protection of moral rights – the rights of the author.

The standards for protection of rights contained in the Berne Convention are incorporated into later treaties, such as the 1994 World Trade Organisation’s Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS), and the World Intellectual Property Organization’s Copyright and Performers

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and Phonograms Treaties of 1996. The 1996 WIPO treaties were drafted to take into account recent digital developments and their effects on copyright interests.

Copyright is often referred to as a bundle of rights. What that means is that copyright is a set of rights to manage and control particular uses of works. If the use of the work is not one that is specified as a copyright use, the copyright owner does not control that particular use of their works.

Part B:

Using Copyright Works without permission means that it is an offence, sometimes a criminal offence.

The use is permitted by an exception to copyright, or a statutory licence. The copyright owner's permission (either individually or through a collecting society), or Copyright exceptions are a means of balancing protection of copyright works and access to them. They allow copyright material to be used for certain purposes without the permission of the copyright owner if the use of that material meets certain public policy objectives.

Many countries have established specialist Courts or Tribunals to hear infringement cases. They have expertise in both copyright, to assess where copyright infringement has occurred, and what sort of infringement it is. Additionally, they have expertise in quantifying damages suffered as a result of infringement, and therefore in setting appropriate remedies to the copyright owner, and other punishments for the offender.

Then the moderator thanked the resource person for her very informative and interpretative presentation. There was a break of one hour and twenty minutes for lunch (12:10-13:30) between her presentation of Part 1 and Part 2. The moderator also requested the participants to pose questions, if any, to the resource person. The participants took great interest in that.

Questions and Answers for Topic 2 (Part A&B)

Q: Does the Berne Convention cover all the issues regarding copyright?

A: It covers almost all aspects related to the intellectual right of an individual author or joint authorship, and sets out the standards of copyright protection required by each signatory country.

Q: What is the relationship between the Berne Convention and the TRIPS Agreement?

A: I have mentioned it in the beginning of my presentation. Both are complementary in nature. The Berne Convention deals with author and creator's intellectual rights; on the other hand, TRIPS

agreement emphasizes industrial and commercial right including trademarks, patents, designs etc. An element of the TRIPS agreement is to require the same standards of copyright protection as are in the Berne Convention.

Q: Why should we follow Berne Convention?

A: The Berne Convention underpins the international copyright system. Bangladesh has entered the Convention, and is obliged to go by it. Its importance is that it protects a creator's moral and economic rights.

Q: What is the basis of all these information you have presented?

A: The rules about copyright are from Berne Convention and information from various relevant sources including Asian Copyright Handbook.

Q: TRIPS Agreement gives us waiver till 2013 as a LDC. So why should we comply with protection for commodities produced by other countries?

A: It's a matter of self-respect as well as self-protection, too. Every country should respect their national law.

Plenary session Topic 3: New Bangladesh Copyright Law and Scenario

Topic 3 with subject-matter 'New Bangladesh Copyright Law and a Scenario Pertaining to Books and Publication' started at 14:25 and continued up to 15:45. The presentation was made by Mr. Mohiuddin Ahmed, Managing Director, University Press Limited, Dhaka. The Moderator of this session was Ms. Sharifa Khan, Deputy Director, WTO Cell, Ministry of Commerce, Government of the People's Republic of Bangladesh. Summary of Mr. Ahmed's presentation is given below.

The legal system of copyright laws allows all civilised nationals to bestow on their authors and artistic creators certain exclusive rights to control the reproduction and communication to the public, of their exertions. Thus copyright laws acted as a powerful stimulus to creativity and innovations. There are, however, differences among the advocates of copyright as to its concept and scope.

Traditionally the rights that are sought to be protected in both the Berne and UCC relate to: (a) reproducing the work in any material form including recording and filming; (b) publishing the work in any form; (c) performing the work in public; (d) communicating the work through broadcasting of TV or any other mass media; (e) causing the work to be transmitted to subscribers to a diffusion service; (f) making changes such as adaptation, translation or by other arrangement.

There is a plea that a large number of copyright infringements in Bangladesh (as in other developing countries) are due to ignorance of the law and lack of knowledge about copyright. This is a plea which encourages the piracy culture. If the plea for ignorance is viewed by courts with leniency, it only leads to further ignorance and would institutionalise the piracy culture in Bangladesh.

The moderator thanked Mr. Ahmed for his elaborate presentation of the Bangladesh Copyright Act and other related issues. Then she opened the floor for questions and answers in which many of those attending participated.

Questions and Answers

Q: Newspapers usually publish the name of a book and its writer, but do not publish the name of its publisher. Is there any law to prevent this?

A: There is no specific law. However, newspapers should print the publisher's name along with a book title.

Q: Who will get the royalty in the case of reprinting a foreign book (translator or author?)

A: It's a very complicated issue. It requires guidelines from the Ministry concerned. However, it may also be settled by user agreement.

Q: Is there any law about protection of folklore?

A: Not yet.

Q: If the publisher loses the manuscript after the agreement, how will the problem be settled?

A: In this case the publisher should pay the money as compensation to the writer or his/her authorised representative.

Q: If the copyright agreement is specifically for publishing a text in print-media only, is it valid for republishing the same text in VCD or DVD?

A: No.

Q: Why do the foreign writers/publishers not give the license or permission for their book within a short time?

A: We don't know.

Plenary session Topic 4-1: Enforcement of Copyright in Bangladesh

The subject of the Plenary Session, Topic 4 was 'Enforcement of Copyright in Bangladesh'. The presentation was given by Mr. Abdul Awal Howlader, Press Secretary to the Honorable President of Bangladesh. Moderator of this session was Mr. Ahmed.

The session started at 16.10 and ended at 16.40. Mr. Howlader dwelt on various aspects including the background of the copyright law in Bangladesh and then gave his views on the enforcement situation in the country. Summary of his presentation is given below.

He opined that for Bangladesh, modernisation of national IP laws is very difficult as it requires expertise, infrastructure, adaptations and enforcement of new rules which is not in place now. Yet the Government of Bangladesh has taken necessary steps to modernise and update its legislations on IPR by making new laws on Copyright, Patents, Trademarks and Designs and Plant breeder's rights in compliance with the provisions of the TRIPS Agreement. With the enactment of new IPR laws, filing of Applications both foreign and local will be increased to a large extent and the activities of the IP offices will be increased as well.

Government organisations, industrial associations, copyright and IP societies, media and NGOs can play facilitating roles in national capacity building and awareness raising for effective utilisation of the IPR system in our country. To face the challenges of the new millennium like other countries of the world, Bangladesh needs to strengthen cooperation and exchange information, consolidate intellectual property protection and make full use of the IPR system in the development of our national economy.

For easy implementation, the recommendations are grouped into two categories i.e. (a) Short-term implementable recommendations and (b) Long-term implementable recommendations. At the end of the presentation, the moderator thanked the resource person for his elaborate discussion and opened the floor for the question-and-answer session.

Questions and Answers

Q: Does an unpublished piece have copyright?

A: No. But it is copyrighted as soon as published.

Q: Do the ideas have any copyright?

A: No. Mere ideas are not protected by law.

Q: Who will own the copyright if someone makes a new script based on a story by another writer?

A: The copyright belongs to the original writer.

Q: Who will be the owner of copyright after the creator's death?

A: His legal successors as per the copyright law of the country.

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Plenary session Topic 4-2: Enforcement of Copyright in Music Industry of Bangladesh

The next presentation (Plenary Session, Topic 4) was “On Enforcement of Copyright in the Musical Industry of Bangladesh”. It was a joint presentation made by two resource persons. They are Mr. Sheikh Sadi Khan, former Chief Music Director of Bangladesh Betar (Radio) Dhaka and a leading tune setter and music composer of Bangladesh and Mr. Huda, a former Director of Bangla Academy, and at present President, Bangladesh Writers Club and Consultant, WIPO for traditional cultural expressions of Bangladesh. Mr. Huda who presented the English version of the topic also moderated the session. Summary of the presentation is given below.

We lay greater emphasis on the importance of the role to be played by Bangladesh Copyright Office and Ministry of Cultural Affairs in the main for enforcement of copyright in the musical industry of Bangladesh. Music in Bangladesh may be broadly divided into modern and folk sectors. Bangladesh gives no protection for folk music and its creators. The present Copyright Office is devoid of adequate infrastructural facilities and funding to work as a competent coordinating authority.

It is popularly believed that enforcement of copyright mainly depends on judiciary and law enforcing authorities, but the initial role of making them aware rests on fundamental institutions like Copyright and Patent-Designs Offices, which lack coordination of work in many sectors. In fact, establishment of a unified IP Office like BIPO (Bangladesh Intellectual Property Office) may consolidate all coordinated efforts in this regard.

Both the Copyright Act (2000) and Rule (2006) clearly includes provisions for forming Copyright Societies relating to all genres individually. These may also be called collective management societies. No such society has come into force as yet in Bangladesh.

In absence of a competent IP-Watch agency, commercial producers and sellers are running without check-and-balance and they are making random copies of cassettes, CDs of popular music and songs from home and abroad. A visit to any big or small or street shops selling such items in Dhaka would expose ready proof of illegal copying. The question-and-answers session followed the presentation.

Questions and Answers

Q: In your classification of music, classical music is missing. Do you think it should be included?

A: Of course. Classical music originates from folk music and later develops into different *ghoranas*.

Q: What is the state of copyright of modern, classical and folk songs and instrumental music in Bangladesh?

A: The lyricist, the singer, the instrumentalist and other individual creators and performers will own the copyright in case of modern song and music as per existing copyright law.

Q: What is the government’s approach towards classification of songs?

A: The government does not seem to classify music into various categories like folk, classical or modern. That is why copyright of folk music is not taken care of by existing Copyright law in Bangladesh.

Q: What is the fate of tribal songs?

A: These are included in the category of traditional songs. The relevant communities should own their rights. A draft law has been proposed to WIPO for this purpose. If it is materialised in due course, all indigenous, local and specialised communities of Bangladesh and the world shall be able to protect their traditional knowledge and traditional creative expressions (TCEs) in a befitting manner. The existing copyright law protects the identified individuals working as creators and performers of tribal songs.

Q: What are the facts about the protection of copyright of Tagore and Nazrul song?

A: Existing law cannot protect the copyright of Tagore’s song, since 60 years have passed after his death. Nazrul’s songs are still protected by Copyright law, since 60 years are yet to pass after his death.

ACCU Reception

The day’s work finished at 17.30. Then the ACCU reception took place at Marble room, Dhaka Sheraton Hotel at about 18.30 in a delightful atmosphere. The reception was addressed by Mr. Shiraishi and Mr. Ahmed. Mr. Hoque conducted the session. All the participants and many eminent guests attended this reception.

Day Two: 21 November 2007

Plenary session Topic 4-3: Enforcement of Copyright II “Activities of CJ Mark Committee to Cope with Copyright Infringement”

The second day’s activities started at 9.40 under Plenary Session Topic 4, the subject-matter being “Activities of CJ Mark Committee to Cope with Copyright Infringement”. This presentation was

made by Mr. Nagano Yukuo, CJ Mark Committee, Content Overseas Distribution Association (CODA). Mr. Ahmed moderated the session. Summary of Mr. Nagano Yukuo's presentation is given below.

He informed the participants that CODA was established in August 2002 by the content businesses aiming at taking measures against pirated editions for distributing their authentic contents to overseas markets.

The main activities include "CJ Mark business"; joint enforcement against overseas piracy, which means raiding pirate vendors; workshops for improving legal systems on copyright of the respective countries; public relations and awareness campaigns for its activities focussed on consumers and related industries; and dialogue and exchange of opinions with government organisations on behalf of the Japanese content industry.

In 2005 CJ Mark Committee was established to build a full-fledged system for enforcement against pirated editions. "CJ" stands for "Content Japan" and this mark is literally attached to Japanese content products. If the CJ Mark is cut off from the package, we can identify it as a pirated edition at a glance even if we cannot charge with trademark rights violation.

The ultimate goal of CODA and the CJ Mark Committee is as follows:

The extermination of pirated editions is not a final purpose for us. We have a further target in our activity, which is the development of Japanese content overseas.

The main pillars of our activities are:

- (i) Execution of the rights to the pirated editions (enforcement),
- (ii) Promotion of the export of the legitimate content, and
- (iii) Capacity building and education of the local enforcement officers and consumers.

This presentation created a lot of interest among the participants. At the end of the formal presentation the moderator opened the floor for queries and thanked the resource person for his substantial contribution.

Questions and Answers

Q: Does CJ Mark Committee cooperate with the United States in relation to the enforcement actions against piracy?

A: Though we don't have any specific relationship with the United States, we do cooperate with Motion Picture Association (MPA) in the case of raids. Especially when we carry out raids in China, Hong Kong and Taiwan, we cooperate with MPA as well as

law enforcement bodies of those countries, such as police and customs.

Q: What was the damage Japanese companies suffered from piracy? How much was the loss? Have they gone bankrupt due to pirated versions of their products?

A: Though results of damage analyses can differ according to research methods, CJ Mark Committee confiscated about 4 million pirated DVDs from January 2005 to September 2007. Suppose the price of a copy of a DVD is 1,300 yen, the total damage will be 5.2 billion yen, approximately 43.5 million dollars. This is just an example of pirated DVDs, but not overall loss of all the private companies in Japan. I don't have any information that rights holders in Japan went bankrupt, but there are companies considering a scale-down of their business abroad.

Q: How do CJ Mark Committee and the Japanese Government cooperate with each other?

A: CJ Mark Committee belongs to CODA, which is a private organisation. When there are cases that private sectors alone cannot cope with, CJ Mark Committee cooperates with the Japanese Government, such as the Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, and the police to deal with the countries involved. The Committee also receives some financial support from the Japanese Government.

Plenary session Topic 5: "Relationship between Author and Publisher with regard to Copyright"

Plenary Session Topic 5 began right after coffee break and attendance check at 11.55. The subject-matter of this session was 'Relationship between Author and Publisher with regard to Copyright'. It was presented by Mr. Sukumar Das, Managing Director, UBS Publishers' Distributors Pvt. Ltd, India This session was moderated by Mr. Huda. Summary of the presentation is given below.

Mr. Das argued that since the right accruing to the author as the creator of the work is the right of ownership, it can be transferred to another person and can be termed as "property right". It is the right that can be converted into money and as it accrues out of creative work produced by the human intellect it can also be considered as intellectual property right, i.e. right of intellectual ownership.

Assignment of copyright by the author to the publisher is essential to make his/her work available to the public at large, first by endowing the work with professional excellence and second through promotion and distribution. The second phase at the publisher's end has a long gestation period. The term 'copyright' refers to the exclusive statutory right of

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authors, composers, playwrights, artists, publishers, or distributors to publish or dispose of their works.

Children and students should be sensitised against this from school level itself; also college and university authorities should be directed to discourage photocopying of texts and books among students as Xerox is a violation of Copyright law. Furthermore, even the police and lawyers should take a hard stance on offenders and cases related to piracy respectively.

Since a good number of writers and publishers were present among participants, all of them were highly enthusiastic in discussing various points from their own perspective. The moderator thanked Mr. Das for this very relevant presentation and opened the floor for question-and-answer session.

Questions and Answers

Q: What is the situation of book piracy in your country, Mr Das?

A: In my country, which is India, piracy is there for mainly textbooks (schools & colleges) and popular fiction. In case of textbooks approximately 25% books are pirated. In case of popular fiction the percentage is slightly higher. Indian books are also pirated in Bangladesh which includes textbooks (Tertiary level) and fiction and percentage is as high as 75%.

Q: Who are the losers when publishers and writers stand against each other?

A: Both the parties.

Q: Can a publisher edit a manuscript if he so wishes?

A: The publisher can do some editing job, but he has to show the edited copy and obtain permission from the original writer before publication.

Q: Is there any agreement needed between publisher and writer?

A: Yes, a written agreement is necessary.

Q: Should a publisher be careful about evaluating manuscripts?

A: Yes, he should. The publisher has to hire experts to evaluate the manuscript.

Q: What can the publisher do, if a writer breaks his contract? Which contract is better, yearly or edition-wise?

A: The publisher can seek help from law enforcing agencies. One can make a contract for a certain period (not less than 6 months) and then extend it by mutual consent.

Q: When should the royalty be settled? What should

be the mode of payment?

A: It depends on the mutual agreement of both the parties involved.

Group Works

The session ended at 13.10, after which lunch was served. Then the participants were divided into three distinct groups who met, discussed and prepared reports for action plans. This section is covered in a separate chapter called "Group Works".

There were two topics for group work:

(a) Problems and issues regarding copyright participants face in their everyday work; and

(b) Action Plan spreading copyright awareness incorporated with ways to use the Bengali version of Asian Copyright Handbook.

For the results of the group work, please refer to page 97 to 100.

Day Three: 22 November 2007

Plenary Session Topic 6-1: Awareness Raising and Training

The 22nd November 2007 was the third and concluding day of this three-day seminar and workshop. The Plenary Session, Topic 6 was participated in by three resource persons from Bangladesh and beyond. The subject-matter of the session was "Awareness Raising and Training". The day's activities started with the presentation by Ms. Morgan. Dr. Kamal Abdul Nasser Chowdhury, Joint Secretary, Government of Bangladesh moderated all the presentations of this plenary. Ms. Morgan's presentation is summed up below.

Ms. Morgan opined that respect for copyright can be generated through broad education campaigns by providing adequate knowledge and training about copyright and its infringement. But these campaigns need to be supported by simple guidelines communicated through information resources and through face-to-face communication.

Training, workshops, site visits and presentations provide copyright owners and collective societies with the ability to provide practical information on copyright management and as such ensure copyright compliance. Training can assist in equipping the creative industries with the necessary skills and knowledge in effectively managing their copyright and protecting their works in the rapidly changing publishing environment.

By combining an education or awareness campaign with training and information resources, participants

in the copyright industry can more efficiently be provided with both the “why” and the “how” of copyright.

Plenary Session Topic 6-2: Copyright Awareness Raising and Training in Japan

After Ms. Morgan had spoken, the moderator thanked her sincerely and then requested Mr. Tanaka Kentaro, Deputy Director, International Affairs Division, Agency for Cultural Affairs, Japan to make his presentation on “Copyright Awareness Raising and Training in Japan”. Summary of Mr. Tanaka’s presentation is appended here.

He said that the importance of Copyright education and promotional activities is clearly announced in the following laws and policy papers of the Japanese Government. The “Basic Law on Intellectual Property” was enacted in 2002 and it has been the baseline of Japanese IP policy. Since 2003, JCO has appointed several schools from elementary, middle and high school levels as “pilot schools for copyright education” for practical research and experimental activities.

Outside schools, JCO holds a variety of copyright workshop programmes for librarians, teachers, and officials of local governments in charge of copyright, as well as for the general public. JCO is also building a Virtual Copyright Help Desk, which aims to handle inquiries from these people on the JCO web site.

Copyright Research and Information Center (CRIC) is a voluntary non-profit-making organisation. Now CRIC’s service covers such areas as public awareness raising, information services, seminar/training programmes, research/survey and international cooperation. CRIC publishes a monthly journal entitled “COPYRIGHT”.

CRIC creates a series of Video Programmes and provides a lending service free for schools and other meetings to learn copyright. “CRIC Monthly Seminar” is organised 11 times a year (10 times in Tokyo and once in Osaka) and other seminars or workshops. A wide range of latest information is provided by CRIC through the Website (<http://www.cric.or.jp>). It contains a searchable database on copyright issues.

The moderator thanked him for his rewarding speech.

Plenary Session Topic 6-3: Copyright Awareness Raising and Training in Bangladesh

The third and last presentation was made on ‘Copyright Awareness Raising and Training in Bangladesh.’ Mr. Md. Aftabuddin Khan, Former

Additional Secretary, Government of People’s Republic of Bangladesh was the speaker.

The moderator requested him to make his presentation before the audience.

Summary of Mr. Khan’s presentation is given below. He informed the audience that the Copyright office has been established in Bangladesh and the office is headed by the Copyright Registrar. Copyright Registrar has been working under the provisions of Copyright Act 2000 with some amendments in 2005. The Bangla version of the Copyright Act is not easily understandable and as such the provisions of the law may be made clear and unequivocal. The training courses may be organised for the officials of the Copyright Office and those of other related organisations. With this end in view the Intellectual Property Training Institute may be set up in Bangladesh. The Institute will impart training and education and conduct research.

Bangladesh Public Administration Training Centre, Savar, Dhaka conducts foundation training for the young officers of all cadres. The Centre also organises training for mid- level officers and seminar officers. The topic of intellectual property rights may be compulsorily included in the modules of these training courses.

Seminars, workshops and discussion meetings should be organised in the Universities. In particular, departments of law should take the initiative in this respect.

Media, both print and electronic can play a pivotal role in creating public awareness and public opinion about the intellectual property rights.

The topic of intellectual property rights may find a place in the syllabus of the business-related courses in education Institution at the tertiary level. The resource person was thanked by the moderator as he concluded his speech.

Questions and Answers

After all the three presentations the moderator opened the floor to the participants. The following are the questions and answers on these three presentations:

Q: What is the impact of the countries where these kinds of seminars were held previously?

A: It is difficult to give an answer in this regard. It takes time to change the attitude of a person. But, it is really the first move and the way has just begun. We hope things will change for a better world. With regard to short-time outcomes, the Asian Copyright Handbook has been translated to local languages, distributed countrywide and used at schools and libraries. Follow-up seminars/workshops by the co-organisers and increased media coverage have been reported.

CHAPTER I

Q: What do you prescribe to overcome the bad situation regarding copyright issues?

A: It is a problem for the entire world. No easy solution can be prescribed. We must work together in a planned manner.

Q: There is a copyright office, almost with no work, in Bangladesh. What is the condition in your country, Mr. Tanaka?

A: The copyright office in Japan is engaged in organising seminars, workshops, publishing and distributing reference materials and disseminating essential knowledge of copyright among people.

Q: Tell us about the language of an agreement between a writer and a publisher.

A: The agreement should be done in easy and simple language.

Q: The process of submitting a license is very complicated in our country. How can it be made easier?

A: Policymakers and officials concerned can consider the issue seriously in order to make the entire process easier.

Q: If a book is published before copyright law is activated, will there be any problem?

A: It will be decided by other existing laws of the country in question.

Q: Can a third party sell or print a book without permission from the first publisher?

A: No.

Plenary Session: Summary of Group work results and comments (Presentation by each group)

At 11.45 a.m. this Plenary Session started with participation of all group leaders, facilitators, resources persons and participants. The session was moderated by Mr. Mesbahuddin, Registrar (Joint-Secretary), Directorate of Patent, Design and Trade Marks, Bangladesh. All group leaders presented their reports and after elaborate discussions all the recommendations were reshuffled and accepted. The recommendations are annexed with the respective group reports. The moderator thanked all concerned and expressed his optimism on setting up an apex body (such as BIPO) for effective coordination and implementation of all IP issues in the country. The session closed at 13:00 p.m.

Closing Session

After the summary of group work results and comments, the closing session of the seminar and workshop started with Mr. Hoque as moderator.

Others participating were Ms. Sasaki, Mr. Hasan, Mr. Ahmed and Mr. Kamalesh Das (Deputy Secretary, Ministry of Science and Information Communication Technology – on behalf of the participants). All of them thanked the organisers and participants for their effective interaction on all three days. Finally they emphasised the importance of an effective follow-up programme along with continued support and coordination among all the co-organisers of this seminar and workshop. The last words they uttered in chorus were “STOP PIRACY”, with a view to stimulating creativity, innovation and wealth creation for all creators of intellectual, industrial and commercial rights at home and abroad.

After the closing session there was a lunch break at 13:40.

Closing Party

In the evening a closing party was hosted by Copyright Office and Academic and Creative Publishers Association in ‘Bhoot’ in Dhanmondi residential area, Dhaka. Representatives of ACCU, resource persons and participants took part in it.