

Group Work Results

Group Work Sessions

Participants, Resource Persons and organisers were divided into two groups; Group A and B. Group Work Members were the same in the Group Work 1 and 2.

Group A:

Venue: Wat Phnom II

Participants: 32 Participants as listed below mainly from the Central Government

Facilitator: Mr. NOUN Nareth

Rapporteur (Khmer) Mr. SIM Satta

Rapporteur (English): Mr. LACH Sambath

Resource Person: Mr. SIM Sarak

Ms. KHAW Lake Tee

Mr. WATANABE Harumi

Ms. SASAKI Mariko (ACCU)

Interpreter (Khmer-English and vice-versa): Mr. SAN Sophorn

| NO | Name | Position | Organization |
|----|-----------------------------|----------------------|---|
| 1 | Mrs. SENG PHANITH | Chief | Office IT, Department of Administration Ministry of Culture and Fine Arts. |
| 2 | Mr. MOK KUNVUTH | Director | Department of Legislation, Ministry of Culture and Fine Arts. |
| 3 | Mr. HUN SARIN | Director | Department of Books and Reading, Ministry of Culture and Fine Arts. |
| 4 | Mr. LONG VUTHY | Chief | School of Training Cultural, Ministry of Culture and Fine-Arts. |
| 5 | Mr. PUT SOMNANG | Deputy Director | Department of Human Resources, Ministry of Culture and Fine Arts. |
| 6 | Mr. SENG SAM AN | Poet | Department of Performance, Ministry of Culture and Fine Arts. |
| 7 | Mrs. THACH THI SARON | Official | Ministry of Education, Youth and Sports. |
| 8 | Mr. KEA SOPHEAK | Official | Department of Education Culture and Social Work, Council Minister |
| 9 | Miss. KONG SERY | Deputy Chief | Office of Law and Cooperation, Department of Intellectual Property, Ministry of Commerce |
| 10 | Mr. Eng Chhay Ngoun | Director | Hang Meas Production company |
| 11 | Mr. SOR SOPHAEAP | Professor | Royal University of Law and Economics |
| 12 | Mr. VAR VANTHET | Deputy Director | Department of Internal Audition, Ministry of Culture and Fine Arts. |
| 13 | Mr. EAN SOTHEAVY | Chief | Cultural Development Division, Department of Cultural Development, Ministry of Culture and Fine Arts. |
| 14 | Mr. TUM HEANG | Chief | Office of Culture and Fine Arts, Khan (District) CHAMCARMORN |
| 15 | Mr. PRUM SOPHANNA | Chief | Office of Culture and Fine Arts, Khan (District) MEAN CHEY |
| 16 | Mr. SAO PHAT | Deputy Chief | Office of Culture and Fine Arts, Khan (District) DONPHEN |
| 17 | Mr. CHEA SOPHORN | Chief | Office of Culture and Fine Arts, Khan (District) 7 MAKARA |
| 18 | Mr. CHEN SAMBO | Chief | Office of Culture and Fine Arts, Khan (District) DONGKOAR |
| 19 | Mr. SAMRETH VESETH | Official | National Committee for UNESCO |
| 20 | Mr. SEN KOSAL | Deputy Director | Department of Administration Ministry of Culture and Fine Arts. |
| 21 | Mrs. NONG RATHA | Deputy Director | Department of Legislation, Ministry of Information |
| 22 | Mr. SIN CHANSAYA | | Department of Movies, Ministry of Culture and Fine Arts. |
| 23 | Mr. HENG PREYA | Judge | Appeal Court |
| 24 | Miss. LY TROUPLEAK | Official of Heritage | Ministry of Culture and Fine Arts. |
| 25 | Miss. OK SOCHEATA | Official of Heritage | Ministry of Culture and Fine Arts. |

CHAPTER III

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| 26 | Mrs. SOUS SEREYVATHANA | Official | Ministry of Industry, Mines and Power |
| 27 | Mr. POK BORAK | Official | Department of Movies, Ministry of Culture and Fine Arts. |
| 28 | Mr. SOUN VICHEA | Chief | Department of Intellectual Property, Ministry of Commerce |
| 29 | Mr. KHIM KIRI | Lecturer | RULE |
| 30 | Mr. PAO SOK | Chief | Office Culture Fine Arts. Khan (District) TOULKOK |
| 31 | Mr. KHIM RAVY | Judge | Phnom Penh Court |
| 32 | Mr. SIM SOKHENG | Deputy Director | Ministry of Commerce |

Group B

Venue: Wat Phnom III

Participants: 35 Participants consisting of provincial officials, private companies and creators such as authors

Facilitator: Mr. SIN Sarady

Rapporteur (Khmer): Mr. CHHOEUN Chentra

Rapporteur (English): Mr. KEO Punlork

Resource Person: Mr. VAR Rothsan

Ms. Caroline MORGAN

Mr. DAIKI Tetsuro

Ms. TSUCHIYA Eri (ACCU)

Interpreter (Khmer-English and vice-versa): Mr. SOUN Vichea

| No | Name | Position | Organization |
|----|----------------------------|-----------------|---|
| 1 | Mrs. PAL VANNARIRAK | Representative | Federation for the Development of Book Sector in Cambodia |
| 2 | Mr. PILY WONG | General Manager | Microsoft Company |
| 3 | Mr. ELL BUNNA | Composer | |
| 4 | Mr. LIM BUNHENG | Chief | Office of Culture and Fine Arts, PAILIN City |
| 5 | Mr. OM SARAVUTH | Deputy Chief | Office of Culture and Fine Arts, SIEM REAP Province |
| 6 | Mr. SAM SAEM | Chief | Office of Culture and Fine Arts, STUNG TRENG Province |
| 7 | Mrs. CHEA SOPHEAP | Deputy Chief | Office of Culture and Fine Arts, KAMPONG CHAM Province |
| 8 | Mr. CHAN SOKEAT | Deputy Chief | Office of Culture and Fine Arts, SVAY RIENG Province |
| 9 | Mr. SOK OEUN | Chief | Office of Culture and Fine Arts, KANDAL Province |
| 10 | Mr. KANG CHAN | Deputy Chief | Office of Culture and Fine Arts, KRATIE Province |
| 11 | Mr. UN SRENG | Chief | Office of Culture and Fine Arts, RATTANAK KIRI Province |
| 12 | Mr. IM CHANNA | Deputy Chief | Office of Culture and Fine Arts, MONDUL KIRI Province |
| 13 | Mr. CHEA SARIM | Chief | Office of Culture and Fine Arts, PREYVENG Province |
| 14 | Miss. PRAK SAKAN | Deputy Chief | Office of Culture and Fine Arts, KAMPONG CHHANG Province |
| 15 | Mr. MAO SOVANDY | Deputy Chief | Office of Culture and Fine Arts, KAMPONG THOM Province |
| 16 | Mr. NOUV SOKUNA | Deputy Chief | Office of Culture and Fine Arts, PREAH VIHEAR Province |
| 17 | Mr. KONG PHALLA | Chief | Office of Culture and Fine Arts, KAMPOT Province |
| 18 | Mr. SON CHEA | Chief | Office of Culture and Fine Arts, KAMPONG SPEU Province |
| 19 | Mr. PANN SEREIVUTH | Chief | Office of Culture and Fine Arts, TAKEO Province |
| 20 | Mr. MOK SEN | Chief | Office of Culture and Fine Arts, KEP City |
| 21 | Mr. OUK NOEUN | Chief | Office of Culture and Fine Arts, KOH KONG Province |
| 22 | Mr. SIV SAROURN | Deputy Chief | Office of Culture and Fine Arts, BANTEAY MEANCHHEY Province |
| 23 | Mr. CHAN PECHIRA | Chief | Office of Culture and Fine Arts, ODDAR MEANCHHEY Province |

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| 24 | Mr. DETH NO | Chief | Cinema and Cultural Diffusion Office, SIHANOUK Ville |
| 25 | Mr. TOP TAN LEANG | Chief | Office of Culture and Fine Arts, BATTAMBANG Province |
| 26 | Mr. MEAS RENRITH | Vice Rector | BUILDBRIGHT University |
| 27 | Mr. SOK SARITH | Manager | International Book Center |
| 28 | Mr. KAO PHIRUN | Manager | ROK Production |
| 29 | Mrs. CHEMA SIYAN | | Office of Culture and Fine Arts, PHNOM PENH City |
| 30 | Mr. KENG PYTOU KETHYA | Manager | SASSTRA Publishing |
| 31 | Mr. YUN SUNHONG | Manager | SUON WATANAK Publishing |
| 32 | Mr. OUK SAVUTH | Deputy Chief | Office of Culture and Fine Arts, PURSAT Province |
| 33 | Miss. SON SOLINKA | Singer | |
| 34 | Mr. YIM SAMNANG | Director of Finance | Khmer Author Association |
| 35 | Miss. PRAK CHHAYKALYAN | Partner Account Manager | Microsoft Company |

Group Work Session 1: “Clarifying issues and problems on copyright in Cambodia”

Group A

Group work started with free-talk about problems and queries about copyright participants face in their everyday work. Under Mr. Noun Nareth’s facilitation, participants were asked to speak up, to make comments and raise questions of any kind related to their work. As most of the participants were from the government, many participants argued about the necessity of raising public awareness and asked for ways to effectively enforce the law. Then, each participant was provided with 3 slips of paper and instructed to write down one problem/inquiry on each slip in a very simple, short, and clear single sentence. The slips were then collected by the facilitator before the lunch break.

After lunch break, the interpreter read out and interpreted the questions/queries written on the slips one by one. The resource persons grouped them into categories on the whiteboard as follows.

1. Collective Management Organisation
2. Infringement
3. Enforcement
4. Protection of foreign works
5. Awareness of copyright
6. Moral rights
7. General
8. Implementation of copyright
9. Activities of ACCU
10. Use of works
11. New Technology

The resource persons answered the questions and detailed discussions followed. In some cases, it was difficult to make a clear-cut decision, as the law gives only principle ideas, and in reality, gray zones exist. Following is the summary of questions raised in Group A.

1. Q: What is the benefit of copyright law to the authors? Does the law provide for ways/means to get remuneration?
A Copyright law secures the rights of the authors. But it does not mean that the authors automatically gain remuneration. In order to benefit, it is recommended they make a contract with the users of their works. In doing so, the contract must be in written form.
2. Q: There are a lot of singers who re-sing others’ songs. How can we think about it from the standpoint of copyright?
A Songs are protected by copyright law. The owner of a song has the right to control its publication and also singing of the song in public.

CHAPTER III

3. Q: Should the copyright law be updated corresponding with the fast advancement of new technology?

A The law should be updated but not too much as it should not be too complicated. Details can be settled in court.

4. Q: When using a Microsoft program, do we need to get permission from them?

A Users of computers need not get permission from Microsoft. You should buy a legitimate copy of the program you are using.

5. Q: If somebody uses our information on the internet for business, is it infringement?

A Once you post your information on the internet, it basically means the information is for public use. If you do not want others to use it, you will need to put a password to access to your information. However, it is like putting a published book in a drawer and locking it so that no-one will be able to read it.

6. Q: Today, some people changing old songs into religious songs, or to popular songs. Is it infringement?

A If the old songs are still protected, and if changes are made without the permission of the copyright holder, then it is infringement.

7. Q: I wrote a play script and if somebody uses it without my permission, can I make a complaint to court?

A If you have written the script and someone used it without your permission, it is infringement.

8. Q: Is it all right to copy the curriculums of other countries?

A: It is not infringement if it is used for educational purposes.

Group B

Under Mr. Sin Sarady's facilitation, members of Group B discussed freely problems of copyright and related rights and what authors and writers face today. After lunch break, questions and issues were categorised and after coffee break, they were answered by the resource persons and further discussions followed.

Summary of Questions and Answers in Group B

1. Q: Do I have to ask for permission from the legitimate owner of a play if I reproduce his or her work?

A. Yes. You need to ask for permission from the copyright owner in advance if you wish to reproduce his/her work.

2. Q: Do we need to get permission to copy official documents such as degree, sub-degree, regulation, etc?

A. According to the copyright law in Cambodia, all the official documents can be copied without asking for permission from the government.

3. Q: If someone translates a book from a foreign language into Khmer for a printing house which has been authorised by the original owner of copyright of the book, who has the copyright of the translation, the translator or the printing house?

A. If the printing house gained permission from the original copyright owner, and commissioned the translator, then the translation of copyright belongs to the printing house, although the translator retains his moral rights.

4. Q: Is it infringement if a composer writes a song for a company under a contract and then he/she alters some parts of the song and sells it to other companies?

A If the composition of the song was commissioned by the company and the copyright was transferred to them, then it is infringement. Or even if the composer has copyright, but the company holds exclusive rights to publish it under a contract, then the composer cannot alter and sell it to other companies.

5. Q: How can you control the print run of a book?

A One solution is to use a stamp system instead of finger print. If any books have no stamps, one can see that they are illegal and pirated ones.

6. Q: Is any foreign work protected in Cambodia?

A Cambodia will protect them when Cambodia becomes a member of the Rome and Berne Convention.

7. Q: If a popular commercial TV spot of a carmaker was imitated in a similar way, is it infringement?

A Whether it is infringement or not depends on the extent of how much the expression of this certain spot was imitated. If only the concept or the idea was taken, then normally it is OK. However, if most of the expressions were copied, then it is infringement. But if it cannot be decided easily, then the decision needs to be determined in court.

Following are some of the questions that were not answered at Group Work 1 session.

1. Should illiterate people be punished if they make infringement on copyright?
2. Are songs adapted to religious songs infringement?
3. Is it infringement if 2 new works are created based on an unprotected (public domain) work?
4. Are remedies to copyright infringement on karaoke civil or criminal?
5. How can we use foreign works translated into Cambodian?
6. Is it infringement to copy foreign works?
7. As a WTO member, does the government or company take responsibility for song piracy of foreign songs?
8. How long did it take Japan to solve copyright infringement issues in Japan?
9. What kind of royalties can I receive for personal or public use of CDs?
10. Is it infringement to sing other people's songs in public?
11. How can we encourage and unite work creators to establish a CMO?
12. How can we identify the copyright owner of a work that is not registered?
13. If we translate of a foreign work into Khmer language, can we publish it and become the owner of copyright of the Khmer version?
14. What will be the impact on education if we become a member of the Berne convention? Will universities be able to make copies?
15. Is it the government's responsibility to put the Law of copyright and related rights into practice?
16. What shall we do if we find a film created by us shown in a foreign country?
17. How can we protect a drama sold in the market which was created in cooperation with a broadcasting organisation?
18. Will distributors of pirated copies be punished and imprisoned?
19. Cambodia has a sub decree to control pirate copies, but copies still exist in the market. What further law do we need?

Group Work Session 2: "Drawing up action plans to promote copyright awareness in Cambodia including utilisation of the Khmer version of Asian Copyright Handbook"

Group Work 2 was conducted on Day 3 from 10:45 to 12:30 in the same group and venues as Group Work 1. Before starting the session, participants were provided with information on the Khmer version of the Asian Copyright Handbook. Its 7000 copies were scheduled to be published by January 2009 and distributed to all concerned bodies and individuals within the country. Participants were asked ways to utilise the handbook as well as other possible plans for promotion of copyright awareness. They were asked to make plans as concrete as possible, and feasible. In forming the action plans, the participants were asked to take into account the following points.

1. duration, 2. target group and location, 3. distribution/utilisation methods, 4. necessary resources, 5. partnership, 6. promotion methods, 7. costs/financing, 8. licences and permits, 9. competing/impeding factors, 10. other factors

Then, the participants were divided into small groups. 3 small groups were formed in Group A and 4 in Group B. After small group discussions the group leader of each small group shared their plans with the members of other groups within group A and B respectively.

The plans raised in the Group A discussions were:

1. To hold workshops on copyright

CHAPTER III

Target: 1) copyright officers, 2) creators, 3) police, 4) business people

Resources from enforcement bodies and ACCU with close co-operation from 14 ministries

2. Promotion using mass media, such as newspapers, TV spots, internet, radio, etc.

Target: general public

Resources from enforcement bodies

3. To include copyright as a subject in university curriculum

Target: university students

4. To create all necessary provisions related to license

5. To create sub-decrees

6. Establishment of collective management organisations

The points raised in the Group B discussions were:

- Methodology: In order to advertise copyright to people in Asia, the Asian Copyright Handbook should be attractive with illustrations so that people can understand copyright better because most people don't like reading.
- How to make people (producers, singers, sellers) understand copyright, advertising in 24 provinces? Considering the number of publications, how many Asian Copyright Handbooks do we need to publish?
- Resource needed: strengthen the human resources as much as possible to work for this issue.
- Partner: supporters are ACCU and NGOs.
- Strategies: training programme, seminars, using posters, colourful books etc.
- Finance and budget: Ministry of Culture and Fine Arts should control the finance for copyright awareness activities and find more partners to cooperate with.
- Constraints to overcome: every stakeholder should cooperate with other authorities, and need more competition. And receivers of the Asian Copyright Handbook need basic knowledge to understand the Copyright Law.