

A. COPYRIGHT REGISTRATION AND RECORDATION. BHUTAN

1. There is no central copyright registering/recording body in Bhutan, but the Intellectual Property Division under the Ministry of Economic Affairs is looking at the prospective of setting up a voluntary registration for copyright works.
2. The Intellectual Property Division. Ministry of Economic Affairs. Thimphu. Bhutan. Tel+975 2 326512. Fax +975 2 321145. The office hour is from 9am to 5pm.
3. Webpage is www.ipbhutan.gov.bt. Email: ipd@druknet.bt
4. No, it is not.
5. A Voluntary registration/recording will be established under the Copyright Act of the Kingdom of Bhutan, 2001.
6. Copyright registration will be done for the following categories of works:
 - (a) Original literary, dramatic, musical and artistic works
 - (b) Cinematographic works; and
 - (c) Sound recordings

Registration process will be similar for all categories.

7. Sound recordings will be considered as a work for which registration will be done. The subject matter of related rights such as performances, broadcasts and similar subjects will not register separately but copyright will be considered as a bundle of rights viz rights to perform, broadcast, reproduce etc.
8. No, it is not
9. No, it is not
10. In Bhutan, the aim to establish voluntary registration system is to maintain a public record of the basic facts of a particular copyright work, such as its authorship and ownership, thereby facilitating the enforcement of copyright protection. Copyright registration will be voluntary and the entries that will maintain by the Copyright Office will serve as a *prima facie* evidence in courts.
11.
 - (a) Voluntary
 - (b) Voluntary
 - (c) Voluntary
 - (d) Voluntary

Registration is not mandatory in Bhutan

12. No separate local procedures will be prescribed or validate for recognition of foreign registrations, but the terms of such registrations will be generally dictated by the Copyright Act of the Kingdom of Bhutan, 2001.
13.
 - (a) Not mandatory but once the voluntary system is established, every application shall be in respect of one work and shall deposit two original hard copies (physically tangible copies) and shall be accompanied by the required filing fee.
 - (b) Yes, the request should be in a specific form. Applicant cannot submit by post and by electronically.
 - (c) Yes, there will be a deposit requirement of works. Applicant can submit in digital format.

- (d) Yes, there will be limited prescribed fee for administrative cost as Annexed- I
- (e) Once the voluntary system is fully established and functional, the average time taken will be made to minimum.
- 14. No. Bhutan being a member of the Berne Convention will give same treatment to foreign works.
- 15. Yes, we will try to maintain files in digital form.
- 16. No specific criterion is followed so far for classification, but the software for the voluntary registration will be customized as per requirement and convenience. Applicant can correct or update any information.
- 17. No search facility.
- 18. Not accessible to public. No.
- 19. Not granted
- 20. Public will have no access to documents submitted.
- 21. No specific legislation for orphan works.
- 22. No.
- 23. No.
- 24. No, there is not.
- 25. No.
- 26. Not Applicable

B. LEGAL DEPOSIT

- 27. Yes, Bhutan has a legal deposit system.
- 28. Legal Deposit Act, 1999.
- 29. The legal deposit is mandatory. In case of non-compliance, Any publisher who fails to deposit publications with the National Library and Archives as required by the Legal Deposit Act shall, upon conviction be liable to a fine of Nu.3,00,000/- which shall be revised once in every five year. Payment of fine shall not exempt such person(s)/organization(s).
- 30. The function of the National Library and Archives are:
 - (i) To build up a complete collection of materials, published or produced in any language, emanating from or relating to Bhutan
 - (ii) To analyse, describe, preserve and make available for use its collection of the materials
 - (iii) To render bibliographic services and serve as the National Bibliographic Agency
- 31. No interaction so far.
- 32. Yes. Article 6, Section (6.2) of the Legal Deposit Act permits the “National Library and Archives may photocopy such documents for research purposes”. The Copyright Act, 2001 permits reprographic reproduction by Libraries and Archives as hereunder:

Notwithstanding the provisions of Section 8(1)(a), a library or archive whose activities do not serve direct or indirect gain may, without the authorization of the author of, or other owner of copyright in, the work, make a single copy of the work by reprographic reproduction.

- a. where the work reproduced is a published article or other short work or short extract of a writing, with or without illustrations, and where the purpose of the reproduction is to satisfy the request of a physical person, provided that -
 - i) the library or archive is satisfied that the copy will be used solely for the purpose of study, scholarship or private research,
 - ii) the act of reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions, and
 - iii) there is no collective license available (that is, offered by a collective administration organization in a way that the library or archive is aware or should be aware of the availability of the license) under which such copies can be made; or
 - b. where the making of such a copy is in order to preserve and, if necessary (in the event that it is lost, destroyed or rendered unusable), replace a copy, or to replace, in the permanent collection of another similar library or archive, a copy which has been lost, destroyed or rendered unusable, provided that
 - i) it is impossible to obtain such a copy under reasonable conditions, and
 - ii) the act of reprographic reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions.
33. The categories of materials subject to legal deposit are print, non-print, electronic, audio visual and electronic texts.
 34. Within three months of the publications/production of any material, publishers/producers are required to deposit at the National Library and Archives.
 35. No
 36. No, it is not.
 37. At free of cost, depositors have to deposit four copies of the material, if printed and two copies of the material, if not printed. Where materials are published by the government, government-owned or related sectors or organizations, ten copies of printed materials and five copies of non-printed materials shall be deposited at the national Library and Archives.
 38. Publishers and Producers.
 39. Within three months of publication or production of any material.
 40. No payment or compensation involved in legal deposit.
 41. The National Library and Archives, a government entity is responsible as a legal depository in Bhutan.
 42. Yes, public have access to deposited material under the Legal Deposit Act, 1999.
 43. Yes, there is publicly available search facility on-line.
 44. So far it is not linked. For instance, ISBN is issued by another separate agency, the Centre for Bhutan Studies.
 45. Printed materials 1875 titles including text books, pechas, journals, magazines, government publications, Reports) etc. Non-printed materials 155 titles. Musicals work

(Audio Cassettes) 80 different titles. Audio visual (CD, DVD and video cassettes) 75 titles

ANNEX I

Fee schedule

Sl. No.	Particulars	Fee (Nu.)
1	For an application for registration of copyright in a <i>Literary, Dramatic, Musical or Artistic Work</i>	<i>Nu.50/- per work</i>
2	For an application for change in a particular of copyright entered in the Register of Copyright in respect of a: <i>Literary, Dramatic, Musical or Artistic Work</i>	<i>Nu. 50/- per work</i>
3	For an application for registration of copyright in a <i>Cinematograph Film</i>	<i>Nu.500/-per work</i>
4	For an application for change in a particular of copyright entered in the Register of Copyright in respect of a: <i>Cinematograph Film</i>	<i>Nu.300/-per work</i>
5	For an application for registration of copyright in a <i>Sound recording</i>	<i>Nu. 50/- per work</i>
6	For an application for registration of copyright in a <i>Derivative Work</i>	<i>Nu. 200/- per work</i>

7	For an application for change in a particular of copyright entered in the Register of Copyright in respect of a: <i>Sound recording</i>	<i>Nu. 50/-per work</i>
8	<i>for a certified copy of an extract from the Register of Copyrights</i>	<i>Nu.50/- per page</i>