

# **GUIDELINES FOR VOLUNTARY DEPOSIT AND REGISTRATION OF COPYRIGHT AND RELATED RIGHTS WORKS, 2012**

## **Introduction**

In exercise of the authority granted by the Ministry of Economic Affairs to the Intellectual Property Division vide Executive Order dated 31 March 2008 to act as the office of record, maintain a register of rights, issue certificates to rights owners and also adopt rules and guidelines for the proper implementation of the voluntary deposit and registration system for copyright and related rights, this Division is pleased to adopt the Guidelines for Voluntary Deposit and Registration of Copyright and Related rights Works, 2012. The guidelines will be updated periodically to reflect ground realities in order to ensure proper implementation of the registration system.

## **Purpose**

1. Voluntary Deposit and Registration of a work is not mandatory either for acquiring or enforcing copyright in an infringement action as copyright exists automatically from the moment a work is created.
2. . The purpose of the Voluntary Deposit and Registration system, however, is to:
  - i. Provide copyright and related rights owners with a simple and effective means of establishing prima facie proof of authorship and/or ownership of their work,
  - ii. Maintain database/repository of copyright and related rights information, and
  - iii. Serve the public interest by providing statistical information on copyright and related rights works.
3. Registration is no guarantee against infringement. Right holders have to take legal action of their own in case of infringement.
4. The Intellectual Property Division is not responsible for policing, or checking on registered works and their use, and will not guarantee that the legitimacy of ownership or originality in a work will never be questioned.

5. The Intellectual Property Division shall not compare works deposited for registration, nor does it render opinions concerning the validity of claims to copyright. Verification of claims shall only be made through a court of law.

### **Registration of works**

6. All copyright and related rights works as defined in the Copyright Act of the Kingdom of Bhutan, 2001 can be voluntarily registered.
7. A Register for Copyrights shall be maintained for the following works:
  - i. Literary works
  - ii. Musical works
  - iii. Dramatic works
  - iv. Artistic works
  - v. Derivative works
  - vi. Related rights

### **Application for Registration**

8. Every application for registration of copyright and related rights shall be made in accordance with Form CR1 (Annexure I) and shall be submitted in triplicate.
9. Every application shall be in respect of one work only and shall be accompanied by the prescribed fee (Annexure II).
10. An application for copyright registration may be submitted by any author or other copyright claimant of a work, or the owner of any exclusive right in a work, or the duly authorized agent of any such author, other claimant or owner.
11. The applicant shall deposit two original copies of each work. In certain cases such as works of the visual arts, identifying materials such as photographs etc. may be deposited. The copies shall be duly sealed and signed by the Intellectual Property Division and the applicant/owner. One copy shall be retained by the Division and the other copy shall be returned to the applicant/owner.
12. The Intellectual Property Division shall examine the application and verify if the following conditions are fulfilled by the applicant in order for a work to be registered:
  - a. Whether a work constitutes copyrightable subject matter

- b. Whether or not other legal and formal requirements have been met
  - c. Whether the application has been completed properly.
13. Upon fulfillment of the conditions referred to in point no. 12, the Intellectual Property Division shall publish notifications in its website ([www.ipbhutan.gov.bt](http://www.ipbhutan.gov.bt) ) inviting any opposition/objection to the application for registration of a work to be filed with the Division within one month from the date of publication of such notifications.
14. If there are no oppositions/objections filed within one month from the date of notification, the application is accepted for registration by the Intellectual Property Division and accordingly issue a certificate of registration (Annexure III) signed by the Director to the applicant within one week from the date of expiry of the notification period. The certificate shall bear the seal of the office, the signature, the registration number and the effective date of registration.
15. The effective date of registration shall be the date on which the registration certificate is issued by the office.
16. The certificate of registration is valid as long as the copyright for the work exists. Once it is registered, the right holders do not have to renew it or pay additional fees to maintain.

### **Changes and Correction of entries in the Register of Copyrights**

17. Every application for registration of changes in the particulars of copyright entered in the Register of Copyright shall be made in accordance with Form CR2 (Annexure IV) and upon payment of the prescribed fees. The Director may accordingly make appropriate changes in the Register of Copyrights.

**Intellectual Property Division**  
**Ministry of Economic Affairs**  
**17 January 2012**

