

Nepal Law Com

of registration of such a work, sound recording, performance or broadcasting in the format as specified in Schedule-2, to the applicant.

(4) The Registrar shall, while examining the documents ordered under Sub-rule (3), if it is deemed unreasonable to register such a work, sound recording, performance or broadcasting in applicant's name, inform the applicant specifying the reasons thereof within seven days.

(5) The Registrar shall arrange a registered book for the purpose of registration of the work, sound recording, performance or broadcasting under Sub-rule (3),

4. **To Correct the particulars:** (1) If anything requires to correct in the particulars under Rule (3), the author or owner of the sound recording, performance or broadcasting shall have to submit an application to the Registrar specifying the reason thereof.

(2) While examining the application received under Sub-rule (1), the Registrar shall, if it deemed reasonable to correct the particulars, correct the particulars in the registered book and give the information thereof to the applicant.

5. **Functions, Duties and powers of the Registrar:** Functions, duties and powers of the Registrar, except those provided for in the Act, shall be as follows:

(a) To perform necessary work in regard to protect copyrights,

(b) To register copyright and maintain the details thereof up-to-date.

(c) To inspect the Body on the spot and if any weaknesses are found in the business to be performed by such a body, to give direction to improve the same.

6. **Formation of the Body:** (1) For the purpose of Section 39 of the Act, a Royalty Collection Body, may be generally formed in one discipline consisting at least seven members including author and owner of the sound recording, performance or broadcasting.

(2) While forming a Body under Sub-rule (1) there shall be at least fifty general members.

7. **Application to submit for Registration of the Body:** The persons interested register a Body shall submit an application to the Registrar in the format as specified in the schedule specifying the following particulars:
- (a) Name and address of the Body,
 - (b) Objectives of the Body,
 - (c) Necessary qualification of the members of the Body and provision concerning membership fees.
 - (d) Provision concerning resignation and expulsion of the members of the Body.
 - (e) Provision regarding general meeting of the Body.
 - (f) Formation of the executive committee of the body and provision concerning election.
 - (g) Procedure regarding the meeting of the executive committee of the Body.
 - (h) Fund of the Body and provision concerning income and expenditure and audit.
 - (i) The amount expendable for administrative and managerial activities of the Body,
 - (j) Collection of the royalty of the body and provision for distribution.
 - (k) Provision concerning complaint of the Body,
 - (l) Procedures for amendment of the statute of the Body,
 - (m) Other necessary matters.
8. **To issue Certificate of Registration of the Body:** (1) If any application for registration of a body is submitted under Rule 7, the Registrar shall, if it is found reasonable to register such a body, while conducting necessary examination in this regard, issue a certificate of registration of such a body in the format as specified in Schedule-4 within a period of Ninety days from the date on which an application is submitted upon charging Five Thousand Rupee as application fees.
- (2) If it is found unreasonable to register such a body in the applicants' name, while conducting an examination under Sub-rule (1), the Registrar shall

inform the applicants within a period of seven days upon specifying the reason thereof.

9. **Period of validity and Renewal of the Body:** (1) The period of validity of the certificate issued under Rule 8, shall be of two years.

(2) A person who intends to renew the certificate shall submit an application to the Registrar within a period of thirty days on which validity of such a certificate has been expired along with Three Thousand Rupees, audit report of the previous year and also annual progress statement.

(3) A person who fails to renew the certificate within the period under Sub-rule (2), may submit an application for the renewal of the certificate along with an additional fee at the rate of twenty five percent of the renewal fee within a period of thirty five days on which the said time limit has been expired.

(4) If an application is submitted under Sub-rules (2) or (3), the Registrar shall, upon conducting necessary examination, finds reasonable to renew such a certificate, renew the certificate.

(5) If a person fails to renew the certificate even within the period under Sub-rule (3), such certificate shall, *ipso facto*, be terminated.

10. **Functions, Duties and Powers of the Body:** Functions, duties and powers of the Body shall be as follows;

- (a) To provide membership to the creator of the concerned discipline,
- (b) To determine and publish the royalty payable to the author or owner of the concerned discipline,
- (c) To develop and execute the criteria for collection of royalty,
- (d) To collect and distribute the royalty payable to the author or owner of the concerned discipline,
- (e) To inform the activities of the Body to the Registrar.

11. **Progress Statement and Audit Report to Submit:** The Body shall submit a progress statement covering the business performed in the entire year and audit report within thirty days from the date on which the fiscal year has been expired.

12. **To Inform about the Affiliation with the International Royalty Collecting Body:** If a Body affiliates with any international royalty collecting body and performs any business with it the information thereof shall, immediately, be given to the Registrar.
13. **Action to be taken in case of Importation of Unauthorized Copies:** If the customs officer that any goods of unauthorized copy is likely to be imported into Nepal or he/she has such suspicion, he/she shall take action under Section 34 of the Act and information thereof shall be given to the person importing such goods, to the Director General of the Department of Customs and also to the concerned police office.
14. **Examination and Expert Service charge:** While conducting examination of any goods by the laboratory under the application submitted by the author or owner of the sound recording, performance or broadcasting for breach of economic and moral rights or while obtaining expert opinion in regard to such goods by any expert, the service charge payable in this regard shall be borne by the applicant.
15. **Complaint may be filed:** (1) A person who is dissatisfied with the royalty fixed by the Body may file a complaint before the Registrar within thirty-five days from the date on which royalty was fixed.
(2) If any complaint is filed under Sub-rule (1), the Registrar shall ask the concerned parties to appear before him/her and decide the case within sixty days from the date on which a complaint was filed and shall give the information thereof to the concerned parties.
16. **Amendment to the Schedule:** Government of Nepal may change and alter the Schedule by a Notification published in the Nepal Gazette.
17. **Repeal and Saving:** (1) The Copyright Rules, 1989 are, hereby, repealed.
(2) Acts done and action taken under the Copyright Rules, 1989 shall be deemed to have been done and taken under these Rules.

Nepal Law Commission

Schedule -1

(Relating to Sub-rule (1) of Rule 3)

Application to be submitted for Registration of the Work, Sound recording, Performance or Broadcasting

To
The Registrar,
Nepal Copyright Registrar's Office,

In order to get registration of the following work, sound recording, performance or broadcasting under Copyright Rules, 2004, I hereby submit this application specifying the details as follows:

1. Name of the author or owner of the sound recording, performance or broadcasting:
2. Address:
3. Citizenship:
4. Date of birth:
5. In case of a work:
 - (a) Name and pages:
 - (b) Language:
 - (c) Date of completion of the work:
 - (d) Country and date where the work was published for the first time.
 - (e) Number of copies published:
 - (f) Other matters:
6. In case of sound recording, performance or broadcasting, details thereof:
7. Documents or evidence substantiating the ownership of the work, sound recording, performance or broadcasting.
8. Other details:
 - (a)
 - (b)
 - (c)
 - (d)

Applicant's
Signature:-
Name:
Address:
Date:

Schedule -2

(Relating to sub-rule (3) of rule 3)

**Certificate of Registration of Work, Sound recording, Performance or
broadcasting**

Certificate No.:

As the work, sound recording, performance or broadcasting containing the following details has been registered in your name pursuant to Copyright Rules, 2004, and therefore, this certificate has been issued to you.

1. Name of the author or owner of the sound recording, performance or broadcasting:
2. Address:
3. Citizenship:
4. Date of birth:
5. In case of a work:
 - (a) Name and pages:
 - (b) Language:
 - (c) Date of completion of the work:
 - (d) Country and date where the work was published for the first time.
 - (e) Number of copies published:
 - (f) Other matters:
6. In case of sound recording, performance or broadcasting, details thereof:
7. Other details:-
 - (a)
 - (b)
 - (c)
 - (d)

Seal of the office:

Certifying Authority's
Signature:-
Name:
Designation: Registrar
Date:

Schedule -3
(Relating to Rule 7)

Application to be Submitted for Registration of a Body

To
The Registrar,
Nepal Copyright Registrar's Office,

Subject: Registration of a Body

I hereby submit this application, in order to get registration of a Body under the Copyright Rules, 2004, specifying the following details and having attached the documents as follows:

1. Name of Body:
2. Discipline intended to get registration:
3. Other necessary details:
4. Attached documents:
 - (a) Constitution of the Body:
 - (b) Copies of citizenship of the officials of the Executive Committee,
 - (c) Evidence that substantiate the involvement of the members of the Body,
 - (d) A copy of the decision of the executive committee.

Seal of the Body:

Applicant's

Signature:-

Name: Designation:

Name of the Body:

Date:

Schedule -4
(Relating to Rule 8)

Certificate of Registration of a Body

Mr. / Ms.

.....

As a Body named as in discipline has been registered pursuant to Rule 8 of the Copyright Rules, 2004, and therefore, this certificate has hereby been issued.

Authority issuing the certificate

Signature:-Seal

of the office: Name:

Designation: Registrar

Date:

Nepal Law Commission