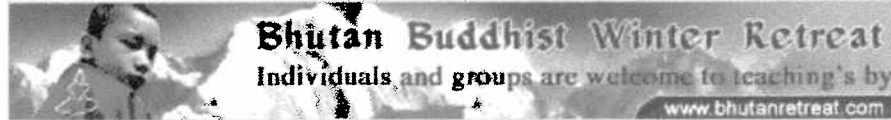
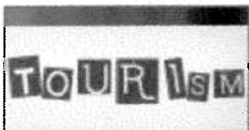
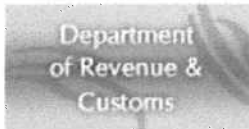


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Intellectual property? Right!

22 September, 2007 - Listening to the latest risgar songs in the market has never been so easy. All that one needs to do is tune in to the FM stations in the capital.

But the Motion Pictures Association of Bhutan is against them airing these songs without their permission because they sometimes forget to credit the artistes.

A heated discussion between these two groups spiced up an already interesting presentation by an expert, London-based solicitor, Dennis Lee, on "Protecting your intellectual property", on Wednesday in Thimphu.

Dennis Lee, in his presentation, defined intellectual property as something that the brain creates which can be owned or sold. "One of the lucrative ways to protect ones IPR is to license it out but to retain the ownership," he said.

There are four types of intellectual property, Copyright ©, Trademark™, Registered Design ® and Patent. The Intellectual Property Division (IPD), under the trade ministry, has separate sections for all these except Patent.

Since it was established 10 years ago, the office has about 50 pending cases that need to be resolved. The IPD director, Subarna Lama, told Kuensel that they were still working towards setting up things to handle all intellectual property rights issues. "It's an issue but there is a lack of awareness about intellectual property among people," he said.

Officials from the IPD told Kuensel that copyright was an issue in Bhutan at present and was mostly in the creative arena like the film and music industry. According to the Copyright Act of Bhutan 2001, for copyright, the economic and moral rights shall be protected during the life of the author and for fifty years after his death.

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The Act says that the owner of any intellectual property protected under this Act, whose right has been infringed, shall be entitled to payment, by the infringer, of damages for the prejudice suffered by him or by it as a consequence of the act of infringement, as well as the payment of his or its expenses caused by the infringement, including legal costs.

Denis Lee said that copyright is the most basic IPR as it gives the right to prevent people from copying. However, he pointed out, "it protects only your expression and not the idea."

The motion pictures association of Bhutan's general secretary, Sherub Gyaltshen, told Kuensel that since a CMO (Collective Management Organisation) was yet to form, which would permit radio stations to air their songs, they must seek permission from the producers for which they would be charged a fee.

"After the radio stations came up, our audio cassette and CDs sales have dropped drastically," he added. According to producers, they have already stopped producing music CDs because, before it reaches Kolkata, India, for mass production, the songs are already in the market.

Dennis Lee told Kuensel that, according to law, if you buy a music CD or a cassette, you have the right to play it only in private.

So far, two copyright cases from the film industry have reached the court.

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