

SUPREMEiP

Copyright is one of the sub-divisions of intellectual property law. It is a group of exclusive monopoly rights given by the Copyright Law to the owner or creators or authors of the following works: literary (including computer programs); dramatic; musical; artistic works and producers of cinematograph films and sound recordings.

Copyright also indicates the exclusive right to reproduce or authorize others to reproduce artistic, dramatic, literary, or musical works. It means the exclusive right to apply a design to any article in any class in which the design is registered.⁶ Further, copyright of a work is the exclusive right to multiply copies of the work, not merely the right to do so in common with others.

In the Act of 2000, copyright means any rights to do or authorize the doing of any of the concerned acts in respect of a work thereof, namely:

- i. Literary, dramatic, or musical work except for a computer program: Reproducing the work in any material form, issuing copies of the work to the public, performing the work in the public, producing, reproducing, performing, or publishing any translation of the work, broadcasting of the work or making any adaptation of the work;
- ii. Computer program: Doing any of the acts mentioned in the preceding paragraph and selling or giving on hire, or offering for sale or hiring any copy of the computer program;
- iii. Artistic work: Reproducing the work in any material form, publicizing the work to the public, issuing copies of the work to the public, including the work in any cinematograph film, broadcasting of the work, or making any adaptation of the work, etc.;
- iv. Cinematograph film: Making a copy of the work, including a photograph of any image forming part thereof in VCP, VCR, DVD, or any other form, or selling or giving on hire, or offering for sale or hiring any copy of the film in VCP, VCR, DVD or any other form and publicizing and displaying among general public any auditory or visual copy of the film in VCP, VCR, DVD or any other form; and
- v. Sound recording: Making any other sound recording embodying it, selling or giving on hire, offering for sale or hiring any copy of the sound recording, communicating the sound recording to the public, etc.

Copyright refers to a bundle of exclusive rights vested in the copyright owner. These rights can be exercised only by the owner of the copyright or by any other person who is duly authorized by license in this regard by the owner of the copyright. These rights include the right of adaptation, reproduction, publication, right to make translations, communication to the public, etc.

What are the conditions for Getting Copyright Protection in Bangladesh?

Copyright comes into existence as soon as a work is created, and no convention is required to be completed to acquire such a monopoly right under the Act of 2000. However, facilities exist to have

the work registered in the Register of Copyrights maintained in the Copyright Office under the Ministry of Culture Affairs. The certificate issued by the Registrar of Copyright under observing the prima-facie evidence of copyright ownership. The Copyright Office has been set up to provide registration facilities for all types of works and is headed by a Registrar of Copyright. To get a copyright, the owner has to show that the work is original; it is immaterial, whether the work is wise or foolish, accurate or inaccurate, or whether it has or has not any literary merit. To qualify for copyrights, the works, apart from being original, should:

- In the case of published work, it has to be published first in Bangladesh. Still, if it is first published30 in a foreign country, the author must be a citizen of Bangladesh or domiciled in Bangladesh at the date of publication or where the author is dead at the time of publication. The work is published after his death; the author must be a citizen of Bangladesh or domicile in Bangladesh at the time of his death. It is important to note that if any work is published in Bangladesh and any other country simultaneously, it should be considered first published in Bangladesh. The work shall be deemed to be simultaneously published if the difference of days between the publication in Bangladesh and publication in any:
- In the case of unpublished work, the author is on the date of making the work a citizen of Bangladesh or domicile in Bangladesh. This does not apply to works of architecture.
- In the case of cinematographic work, the office or residence of the produce must be in Bangladesh at the time of making the work, and the office or residence of the producer must be in Bangladesh at the time of making the whole or substantial part of the work.
- Any architectural or artistic work must be located in Bangladesh.

Copyrights differ from patents and trademarks in what ways?

Patents protect inventions or discoveries, while copyrights protect original works with copyright registration services.

How do trademarks differ from copyrights?

Copyright registration protects original works of authorship, while patents protect inventions. Copyright law does not protect the way in which ideas and discoveries are expressed. The mark identifies the source of goods or services of a party and distinguishes them from those of others through words, phrases, symbols, or designs.

Fee Schedule & Registration Flowchart of a Copyright in Bangladesh

Stage-1: Application filing <ul style="list-style-type: none">• Application is to be made on Form II in triplicate as prescribed in the First Schedule of the 2000 Act.• Separate application is to be submitted for registration of each work.• Each application is to be accompanied by the prescribed fee mentioned in the Second Schedule of the Rules.• The applications should be signed by the applicant or the advocate in whose favour a Vakalatnama or Power of Attorney has been executed.	\$650
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Filing Requirement

- Photograph of Applicant
- Declaration of Usefulness of the copyright
- Copies of the work to be registered
- Original POA with Notary
- Original Affidavit with Notary
- In case company: MOA, Business License (Trade License) Tax Identification Certificate Appointment letter (who did the work for the applicant)

Cost: \$650 (Filing of a Copyright application to smooth registration including official fee, professional fee, Notarization, Legalization, VAT, Tax and Disbursement.)

For Discount, Please [Contact Us](#)

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Who can apply for a copyright registration?

According to section 56 of the Copyright Act, 2000 Registration of copyrights.-

(1) The author or publisher of, or the owner of, or other people interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fees to the Registrar for entering particulars of the work in the Register of Copyrights.

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights and issue a certificate of such registration to the applicant unless, for reasons to be recorded in writing, he considers that such entry should not be made in respect of any work.

After receiving the application the Registrar serves notice along with the said application to every person who has any interest in the subject matter of said application. After that, If any objection arises the Registrar hold such as he deems fit.

Who is the Owner of the Copyright?

The owner of copyright work is generally, the person who creates the work, more specifically the author of the work. There can be exceptions to this general principle. Such general recognition and exception are laid down in the Act of 2000.

- If the author is employed by newspaper, magazine, etc. under a contract

of service, the proprietor will be the first owner in the absence of an agreement to the contrary in the case of a literary, dramatic or artistic work.

- Where a photograph is taken or a painting or portrait drawn or an engraving or a cinematograph film made for valuable consideration at the instance of a person, such person is the first owner.
- Where any address or speech is delivered in public, the person delivering such address or speech is the first owner of it but another will be the first owner if it is made on behalf of him.
- In case of government work, the government is the first owner.
- In case of a work made or published by or under the direction or the control of any local authority, such authority is the first owner.
- In case of a work made or published to which, the provisions of section 68 of this Act, apply, by or under the direction or the control of any international organization, such organization is the first owner.
- In case of a computer program, the person or persons or institution appointed for creating the program, will be the first owner.

Stage-2: Examination and Notice

Formality Examination & Substantive Examination: The submitted applications are considered for substantive examination according to the Law, an examination of a design application is carried out automatically without a formal request being made.

Stage-3: Registration

If the Registrar receives any objection, he may after holding such inquiry as he deems fit, enter such particulars of work in the Register of Copyrights, and issue a certificate of such registration to the applicant. If he refuses to enter, he has to record in writing the reasons of refusal.

Duration of Copyright Protection

Copyright of the creator does not continue for the time of indefinitely. The law provides for a period of time or a duration, during which the rights of the copyright owner exist and at that time, the owner can exclusively enjoy the right. The duration begins from the date of creation of the work. The duration which extends to some period after the death of the author or creator with a view to enabling the author's or creator's successors to have economic benefits after his death and safeguarding the investments made in the production and dissemination of his works.

In those countries who are the party to the Berne Convention, and in many other countries except the member of Berne Convention, the duration of copyright provided for by national law is the life of the author and not less than fifty years after the death of the author. In recent years, a tendency has emerged towards lengthening the term of protection.

In Bangladesh the term of copyright varies according to the nature of the work and whether the author is a natural person or a legal person e.g. a corporation, Government Institution, etc., or whether the work is anonymous or pseudonymous. Sections 24-38 of the 2000 Act deal with the term of protection as follows:

(1) in cases of literary, artistic, musical, dramatic works, the term is 60 years from the beginning of the calendar years next following the year in which the author dies (Life + 60 years);

(2) in cases of photograph, the term is 60 years from the beginning of calendar year next following the year in which the photograph is published (60 years from publication);

(3) in case of cinematographic film, the term is 60 years following the year in which the film is published (60 years from publication);

(4) in cases of Govt. works, it is 60 years from publication (60 years from publication);

(5) in cases of local authority, the term is 60 years from first publication (60 years from first publication);

(6) in case of sound recordings, it is 60 years from publication (60 years from publications);

(7) in case of works of international organizations, the term is 60 years from 1st publication (60 years from first publication);

(8) in case of broadcasting, the term is 25 years from the beginning of the calendar year next following the year in which the broadcasting is made (25 years from broadcasting);

(9) in case of performance, it is 50 years from the beginning of the year next following the year in which the performance is made (50 years from the first performance is made);

(10) in case of published edition (typographical arrangement), the term is 25 years from the beginning of the calendar year next following the year in which the edition is first published (25 years from the first publication);

(11) in case of joint authorship of a work, the term will be 60 years from the death of last surviving author (60 years from death of the last surviving author).

Apart from the protection of above-mentioned works, Copyright Act also provides for the protection of broadcast reproduction rights for a term of twenty years from the beginning of the calendar year next following the year in which the broadcast is and protection of performer's rights, which extends to fifty years from the beginning of the calendar year next following the year in which the performance is made.