

COPYRIGHT REFORM IN MYANMAR

Mya OO
Director
National Library of Myanmar

Myanmar facts and figures



- South-east Asia
- 51.5 million people
- 93% literacy rate
- 150+ universities
- 5,000+ libraries
- November 2015-first democratic election after 50 years military rule
- New constitution, new courts, new trade agreements, new legislation
- New copyright law!

Current copyright law

National law

Copyright Act (1914)

International agreements

Joined WIPO (2001)

NO Berne Convention

NO WIPO Internet treaties

Joined WTO (1995)

TRIPS Agreement – LDC
waiver until 2021

Regional and bi-lateral trade agreements e.g.

- Association of Southeast Asian Nations (ASEAN)
- US Trade & Investment Agreement (2013)

WIPO
WORLD INTELLECTUAL PROPERTY ORGANIZATION

Media | N

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Myanmar

The Copyright Act of 1911

Year of current version:	1911
Date of entry into force of original text:	February 24, 1914
Date of Text (Enacted):	1911
Type of Text:	Main IP Laws: enacted by the Legislature
Subject Matter:	Copyright and Related Rights (Neighboring Rights), Enforcement of IP and Related Laws, Industrial Designs
Notes:	<p>The Myanmar Copyright Act was promulgated in 1914. The legal provisions contained in the Act are mainly based on the Copyright Act of United Kingdom, which was enacted in 1911. No registration procedure has been instituted in spite of the existence of this Act.</p> <p>The current Copyright Act of 1914 does not prescribe copyright of other country to be recorded in Myanmar and copyright obtained in other countries can not be enforced in the country.</p>
Available Texts:	

English The Copyright Act of 1911 PDF

Current copyright law

- No explicit exceptions for libraries
- Fair dealing for private study, research, criticism, review
- Copying for certain educational purposes
- Term of protection: life of author + 30 years
- No protection for foreign works (no Berne)

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Library Provisions (none)

Library Provisions?	The copyright law of Myanmar includes no explicit library exceptions.	
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Anti-Circumvention of Technological Protection Measures

Circumvention provisions?	None.	
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Miscellaneous

Fair Dealing	Fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary is permitted.	Art. 2(1)(i)
Educational copying	Limited right to make copies for the use of schools. Specifically permits making collections of short passages from published literary works.	Art. 2(1)(iv)
Source	The Burma [Myanmar] Copyright Act (24 February 1914), available at http://www.wipo.int/wipolex/en/text.jsp?file_id=180315 .	
Last edited:	25 April 2014; rev. 14 May 2015	

Source above: WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives prepared by Kenneth Crews (2015)

Proposed copyright law

- Lead agency: Ministry of Science and Technology (MOST) – now in Ministry of Education
- Draft law under development since 2012
- 9 July 2015: draft law published in Kyemon national newspaper
- July 2016: draft at Attorney General's Office for review and possible amendment
- Next it will be submitted to Parliament (Hluttaw)



Proposed copyright law

Key recommendations on draft law by EIFL (2013-2015), in cooperation with MLA:

- ✓ allow libraries to make digital copies, including for preservation
- ✓ allow use of digital technologies for education and teaching
- ✓ add library and education exceptions to circumvention of technological protection measures (TPMs)

- ✓ allow inter-library document supply
- ✓ use of orphan works
- ✓ translation of works not available in minority languages for study purposes

Proposed copyright law

Key recommendations (continued):

- ✓ allow the making of accessible format copies for persons with all disabilities
- ✓ keep fair dealing in the new law
- ✓ permit libraries to acquire works from abroad (international exhaustion)
- ✓ introduce a limitation on liability for librarians

Proposed copyright law

- Good news – some recommendations accepted e.g. digital copying
- We await next draft at Parliament (Hluttaw)
- Together with EIFL, we will monitor the process and submit comments as needed



The future

Big changes ahead:

- ◉ Whole new IP infrastructure planned – national IP office, IP courts, enforcement
- ◉ For the first time foreign works will be protected – change in copy culture, higher textbook prices?
- ◉ Copyright education essential for librarians
- ◉ Librarians need to be involved in policy-making



The future

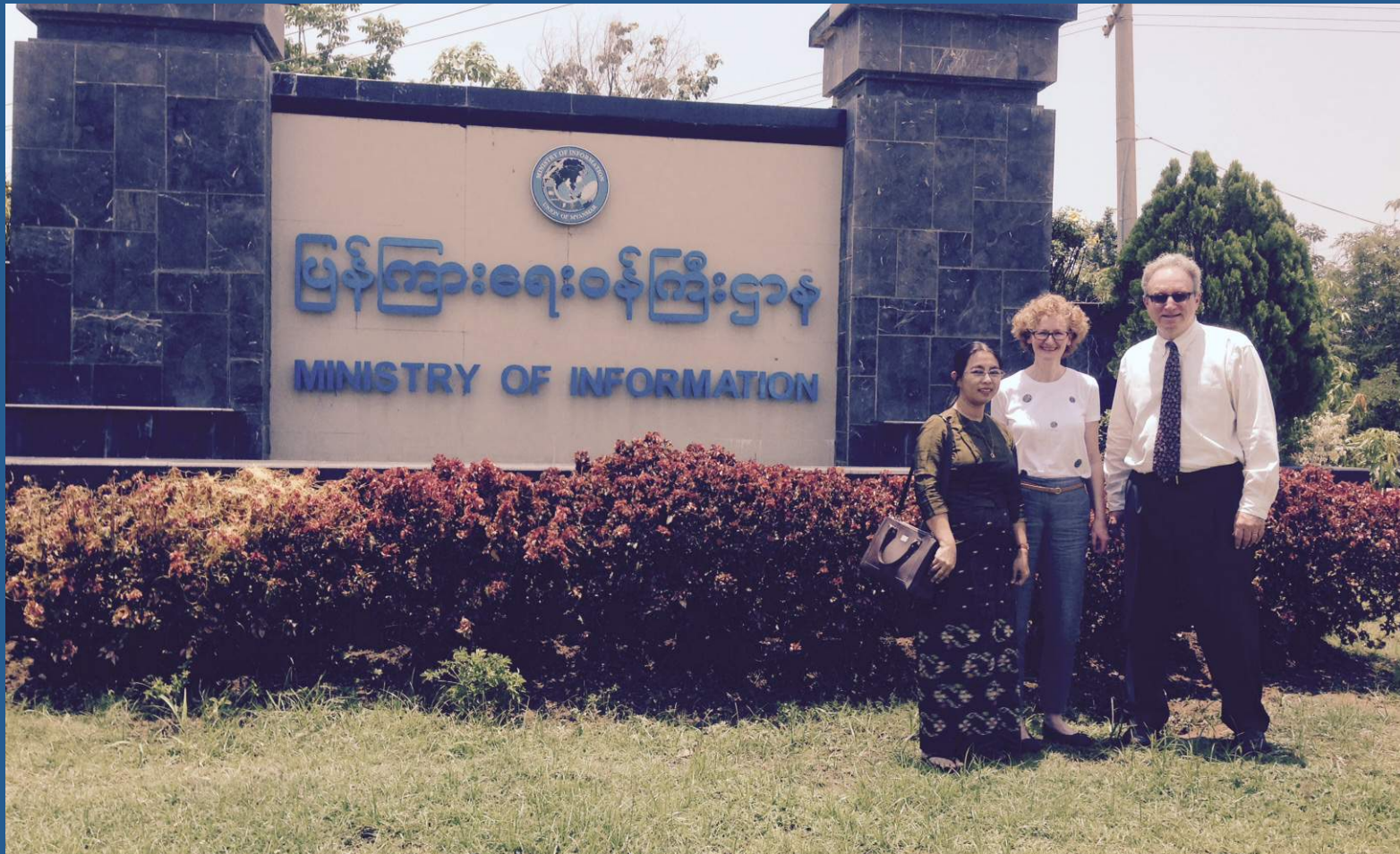
Challenges for libraries in Myanmar:



- ⦿ Role of libraries ignored for five decades
- ⦿ Low bandwidth - but no Internet at all in libraries until 2013! (EIFL e-Library Myanmar project)
- ⦿ Difficult for institutions to get static IP addresses
- ⦿ Unreliable electricity supply esp. in summer
- ⦿ Books in libraries outdated or damaged – low budgets, foreign currency restrictions

Great enthusiasm and desire for change among librarians and faculty

Thanks to EIFL for supporting library copyright reform in Myanmar



Daw Mya Oo, National Library; Teresa Hackett, EIFL; Jonathan Band, Counsel
Library Copyright Alliance in Nay Pyi Taw, May 2015

More information

Myanmar Library Association (MLA) on Facebook

Getting ready for Myanmar's new copyright system
eifl.net/news/getting-ready-myanmars-new-copyright-system

eLibrary Myanmar Project

www.eifl.net/eifl-in-action/elibrary-myanmar-project

Thank you.

