

Challenges on Protection of Authors' Rights in Myanmar

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Abstract

This research seeks what the extent of protection is and how author's rights protect through the legal mechanism of Myanmar and examine existing laws whether effective or not. Intellectual Property Rights needs absolute protection. So Law should be a safeguard for Intellectual Property Rights. Author's Rights that creators have over their literary and artistic works covered by copyright law. There are two types of rights under copyright: Economic rights. Which allow the rights owner to derive financial reward from the use of their works by others. Moral rights, which protect the non-economic interests of the authors. The infringement of copyright is considered both criminal and civil offence. This research was based on the existing laws such as the Computer Science Development Law, The Television and Video Law, the Electronic Transaction Law and some scholar books and articles. In addition, some information were collected through interview. These in depth interviews were conducted by some authors who lived in Hinthada District. As a result, in Myanmar, authors still need more effective legal protection for their copyright. Research findings point out the unawareness of existing law in Myanmar. To solve their challenges, Myanmar should establish the dispute settlement mechanism should be established under the administration of the respective ministry.

Keywords: Intellectual Property Rights, Copyright Law, Author's Rights, Legal Mechanism, Economic right, Moral Right, Challenges

INTRODUCTION

Myanmar, as the member of World Intellectual Property Organization has an obligation to provide protection mechanism for Intellectual Property. These creation were recognized as the valuable work for economic benefit. Society needs inventory and innovation to improve the standards of culture and economics. An Author is a person who writes a novel, poem, research etc. The life, mind and idea of people may alter to positive thinking. The works of authors are to persuade to new idea, to entertain or inform bibliography, scientific importance. Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by Copyright range from books, music, paintings, sculpture, and films, computer programs, databases, advertisements, maps, and technical drawings. Broadly speaking, works commonly protected by copyright throughout the world include: Literary works such as novels, poems, plays, reference works, newspaper articles, computer programs, databases, films, musical compositions and choreography. Authors' Rights are important because they allow authors to take a proactive approach to sharing and promoting their work, which makes the work more accessible and discoverable to researchers and other readers.

International Organization on the Protection of Copyright

Copyright Laws were not created to restrict information. The main aim of copyright laws in the words of Paul Gleason, former Assistant Editor, International Monetary fund, these were created (1) guarantee an author a monopoly right to control, for a specified period, the uses made of his or her own work, including its sale to the publisher;(2) to guarantee a publisher a monopoly right to print and sell a work within national boundaries for a specific

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period;(3) to provide financial compensation to authors' royalties and to reward their creative work; and (4) to foster development of country's arts, science and indirectly its economy.¹

The Republic of the Union of Myanmar is a member of the United Nation (UN) since 19th April 1948. A firm believer in multilateralism, Myanmar upholds the UN Charter and the principles of International Law.²

World Intellectual Property Organization (WIPO) is an international organization dedicated to promoting creativity and innovation by ensuring that the rights of creators and owners of Intellectual Property are protected worldwide, and that inventors and authors are recognized and rewarded for their ingenuity.³

The WIPO treaty and several related international agreements are premised on the notion that the protection of intellectual property rights is essential to maintaining economic growth. World Intellectual Property Organization (WIPO), concluded in Stockholm on July 14, 1967, Article 2 (viii) provided that "Intellectual Property" shall include rights relating to:

literary, artistic and scientific works,

performances of performing artists, phonograms and broadcasts

inventions in all fields of human endeavor

scientific discoveries

industrial designs

trademarks, service marks and commercial names and designations

protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.⁴

Myanmar becomes the 176th member countries of World Intellectual Property Organization (WIPO) on 15th May, 2001.

The areas of intellectual property that it covers are: copyright and related rights. The three main features of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) are:

Standards: In respect of each of the main areas of intellectual property covered by the TRIPS Agreement, the Agreement sets out the minimum standards of protection to be provided by each Member.

Enforcement: The second main set of provisions deals with domestic procedures and remedies for the enforcement of intellectual property rights. The Agreement lays down certain general principles applicable to all IPR enforcement procedures. In addition, it contains provisions on civil and administrative procedures and remedies, provisional measures, special requirements related to border measures and criminal procedures, which specify, in a certain amount of detail, the procedures and remedies that must be available so that right holders can effectively enforce their rights.

¹ WIPO, Understanding Copyright and Related Rights, 2016, P-4

² <https://www.un.int/myanmar/>

³ WIPO, Understanding Copyright and Related Rights, 2016, p-34.

⁴ WIPO INTELLECTUAL PROPERTY HANDBOOK, Second Edition, 2008, p-3.

Dispute settlement: The Agreement makes disputes between World Trade Organization (WTO) Members about the respect of the TRIPS obligations subject to the WTO's dispute settlement procedures.¹

In Myanmar, authors are also protected by these three main features of the TRIPS Agreement. It is important to note that Myanmar is not yet a signatory of the Berne Convention, which would require member countries to grant the same copyright protection to nationals and foreigners, regardless of publication in the country.

In the majority of countries, according to the Berne Convention, Copyright protection is obtained automatically without the need for registration or other formalities. Most countries nonetheless have a system in place to allow for the voluntary registration systems that can solve disputes over ownership or creation, as well as facilitate financial transactions sales, and the assignment and transfer of right.

Historical Background of Copyright in Myanmar

Myanmar's existing Copyright Act came into force in 1914 and due to the fact that the country is a former colony of Britain, most of the legal provisions that the Act contains are primarily based on the Copyright Act of the United Kingdom. Myanmar Copyright Act was adopted in Myanmar as Indian Copyright Act N0.3/1911 which was enforced in Myanmar on February 24, 1914. In fact, the Act was drafted and adopted in a localized design of the 1911 Copyright Act of the United Kingdom of Great Britain and Ireland. The words and expressions shall have the same meaning as the Imperial Copyright Act, 1911. Myanmar Copyright Act 1914 contains only 13 Sections and attached thereto as the First Schedule. The First Schedule contains 35 Sections and only twenty four Sections were applied. On 24 May 2019, the Union Parliament of Myanmar passed the Copyright Law (Law No.15/2019). Myanmar Copyright Law 2019 contains 102 Sections. It will come into force after the President of Myanmar issues a notification to that effect. It repeals and replaces the Copyright Act 1914.

In line with international standards and practice, copyright in literary and artistic work subsists throughout the life of the author and for 50 years after their demise, whereas works of applied art are protected for a period of 25 years.

Offenses under the Copyright Law include the unauthorized reproduction, transmission and distribution of copyrighted works, the possession of infringing goods for commercial purposes, the importation of infringing items into Myanmar, and more. The minimum penalties stipulated for specified offences are imprisonment not exceeding one year and a fine not exceeding MMK 1 million. Repeat offenders may be subject to imprisonment of up to 10 years and a maximum fine of up to MMK 10 million. Border control measures are also available under the new Copyright Law.

Notably, the unauthorized reproduction of literary and artistic works by libraries for non-commercial purposes will not constitute copyright infringement. Other statutory defenses to copyright infringement include, among others, use for reporting of news and current events, and reproduction for purposes of research and private study. Notwithstanding the above, the Copyright Law includes a provision allowing for a two-year transition period from the enforcement of the law, during which the distribution of unauthorized copies of protected works is permissible.²

¹ <https://www.allaboutbookpublishing.com/2631/intellectual-property-rights-challenges-for-publishing-industry/>

² <https://www.tilleke.com/insights/myanmar-enacts-copyright-law/>

Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by Copyright range from books, music, paintings, sculpture, and films, computer programs, databases, advertisements, maps, and technical drawings. Broadly speaking, works commonly protected by copyright throughout the world include:

- Literary works such as novels, poems, plays, reference works, newspaper articles, computer programs, databases, films, musical compositions and choreography;
- Artistic works such as paintings, drawings, photographs, and sculpture, architecture and advertisements, maps, and technical drawings.¹

The copyright protection varies in various countries. The protection will principally last for the lifetime of the creator and an additional fifty (50) years after his or her death in Myanmar.

The expression copyright refers to the act of copying an original work which, in respect of literary and artistic creations, may be done only by the author or with the author's permission. The expression authors' rights refers to the creator of an artistic work, its author, thus underlining that, as recognized in most laws, authors have certain specific rights in their creations that only they can exercise, which are often referred to as moral rights, such as the right to prevent distorted reproductions of the work. Other rights, such as the right to make copies, can be exercised by third parties with the author's permission, for example, by a publisher who obtains a license to this effect from the author.²

Economic rights

Economic rights give the owner of copyright the exclusive rights to authorize or prohibit certain uses of a work. The scope of these rights, and the limitations and exceptions, differ, depending on the type of work concerned, and they also vary from country to country. Generally, the economic rights include the exclusive rights to:

Make reproductions or copies of the work in various forms. For example, copying a CD, photocopying a book, downloading a computer program, scanning a text, printing a cartoon character on a T-shirt, or incorporating a portion of a song into a new song.

Distribute the work to the public. Copyright allows its owner to prohibit others from selling, leasing, licensing, renting or lending unauthorized copies of the work. However, in many countries, the right of distribution is limited by the "first sale" or "exhaustion" doctrine, which provides that once you have authorized the first sale or distribution of a particular copy is further distributed in the territory of the relevant country.

Rent or lend copies of the work. This right generally applies only to certain types of works, such as cinematographic works, musical works, or computer programs. Some countries do not recognize rental or lending rights, but, instead, grant the copyright owner the right to receive remuneration from such rental or lending of a copy of the work.

Make translations or adaptations of the work. Such works are called "derivative works." For example, translating an English instruction manual into other languages, adapting a novel to make a movie, rewriting a computer program in a different computer language, making

¹ https://www.wipo.int/copyright/en/fag_copyright.html

² https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf

music arrangements, or making a toy based on a cartoon figure. If sufficiently original, derivative works are themselves protected by a separate copyright.

Communicate the work to the public. This includes communication by means of public performance, recitation, display, broadcasting or communication by radio, cable, satellite or Internet. For instance, 'showing' photographs on a website, or making broadcasts available through a public television set in a bar.

Perform, show or play the work in public. For example, performing plays and music, playing sound recordings, showing films or videos in public, exhibiting a painting in a gallery, delivering lectures in public, and enabling a broadcast to be seen or heard in public.

Receive a percentage of the sale price if the work is resold. This is referred to as "resale right" only applies in certain countries to certain types of works (e.g., paintings, drawings, prints, collages, sculptures, engravings, tapestries, ceramics, glassware, original manuscripts, etc.). Resale rights give creators the right to receive a share of the profit made on certain subsequent resale of their works. Such share generally varies from 2% to 5% of the total sales price.

Moral rights

Most countries recognize moral rights, but the scope of these rights varies widely. Most countries recognize at least the following two types of moral rights:

The right to be named as the author of the work. When the work of an author is reproduced, published, communicated to the public, or exhibited in public, the person responsible for doing so must make sure that the author's name appears on or in relation to the work, whenever reasonable; and

The right to protect the integrity of the work. It prohibits the making of any changes, modifications or alterations to a work that would tend to damage the author's honor or reputation. For example, a photographer has the right to prevent colorization of black and white pictures. Unlike economic rights, moral rights cannot be transferred to someone else, because they are personal to the creator. Even if you sell your economic rights in the work to someone else, you retain your moral rights in the work. However, in some countries, an author may waive his moral rights by a written agreement, whereby he agrees not to exercise some or all of his moral rights. Other countries allow such agreements but subject to certain conditions, for instance, for a limited period of time.¹

Also, in Chapter 10 of Myanmar Copyright Law 2019, the economic rights and moral rights clauses are detailed.

Infringement of Copyright

Publishers as well as authors face the challenge of infringement of intellectual property rights in many situations. The most common among these are;

- Making infringing copiers for sale or hire;
- Distributing infringing copies for the purpose of trade or to such an extent so as to affect prejudicially the interests of the owners of intellectual property rights;
- Public exhibition of infringing copies by way of trade, and

¹ https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_5_learning_points.pdf

- Importation of infringing copies into the country of origin.¹

Exceptions to Author's Rights in Myanmar

Fair dealing, some of the acts may not be considered an infringement of intellectual property rights. These include:

- Research
- Criticism or review
- Backup copies on a computer
- Reporting current events
- Report of judicial proceedings
- Use by teacher in course of instructions
- Answer in an examinations.²

Section 2(1)(i)-(vi) of the Myanmar Copyright Act 1911 sets out six specific circumstances as exceptions to copyright infringement:

- The first relates to 'fair dealing' with any work for the purpose of private study, research, criticism, review, or newspaper summary.
- The second exception applies to artistic works, where an artistic work in the form of a 'cast, sketch, plan, model, or study' can be used in other works as long as it does not 'repeat or imitate the main design of that work'.
- The third exception applies to the making or publishing of paintings, drawings, engravings or photographs of a work of sculpture or artistic craftsmanship.
- Fourthly, the Act allows for the publication of 'short passages from published literary works for use by schools, 'provided that not more than two of such passages from works by the same publisher within five years, and that the source from which such passages are taken is acknowledged'.
- Publication in a newspaper of a report of a lecture delivered in public, unless it is stipulated to the contrary.
- Reading or recitation in public by one person of an extract of any published works.

These exceptions provisions should be amended in line with the changing technology era so as to reflect the reality of the world we are now living in.³

A basic requirement of co-authorship is that each co-author's contribution must itself be copyrightable subject matter. In case of co-authorship, the rights are usually exercised on the basis of an agreement between all the co-authors. In the absence of such agreement, the following rules generally apply:

Joint works

When two or more authors agree to merge their contributions into an inseparable or interdependent combination of the individual contributions, that is, into a unitary whole, a "joint work" is created. An example of a joint work is a textbook in which two or more authors contribute separate components that are intended to be combined into a single work. Joint

¹ <https://www.allaboutbookpublishing.com/2631/intellectual-property-rights-challenges-for-publishing-industry/>

² <https://www.allaboutbookpublishing.com/2631/intellectual-property-rights-challenges-for-publishing-industry/>

³ Myanmar Copyright Act 1911, Section 2

authorship is a matter of intention and it does not happen by accident or by someone contributing something to be put in a work.

In a joint work so created, the contributing authors become the joint owners of the entire work by operation of copyright law. This has important implications relating to how the work may be used and who may authorize any use. Many countries require that all joint owners must consent to exercise of copyright. In other countries, for example, the United States of America, any one of the joint owners can exploit the work without permission of the other co-author (but must share the profits generated from such use). Authors or Owners is usually preferable to joint copyright ownership. In fact, in general, joint copyright ownership is problematic and, whenever possible, it should be avoided as it may be a huge and potentially complex long term partnership. When it cannot be avoided, then joint copyright owners should enter into a detailed written agreement, specifying such topics as ownership and use issues, rights to revise the works, marketing and sharing of any revenue, and warranties against copyright infringement.

Collective works

If the authors do not intend the work to be a joint work and would like their contributions to be used separately, then the work will be deemed to be "collective." Examples of collective works are a CD which is a compilation of songs by various composers or a magazine containing articles by freelance authors. In that case, each author owns the copyright in the part he created.

Derivative works

A derivative work is a work based on one or more pre-existing works, such as a translation, musical arrangement, art reproduction, dramatization or motion picture version. Making derivative works is an exclusive right of the copyright owner. Therefore, if the original work is protected by copyright, you cannot prepare a derivative work without the copyright owner's permission. For example, the author of Harry Potter books was paid a considerable remuneration for the right to make movies from her best-selling novels. 'West Side Story', on the contrary, is based on Shakespeare's 'Romeo and Juliet', which is the 'public domain'. Anyone is free to write and exploit a screenplay based on that novel.¹

A derivative work itself can qualify for separate copyright protection, but the copyright extends only to those aspects which are original to the derivative work. For example, the copyright in a collage is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of any copyright protection in the borrowed artworks, photographs, magazine advertisements, etc. The collage artist enjoys copyright only in the new matter that he has added, but not in the underlying works themselves. In practice, it is not always easy to distinguish a joint work from a collective or a derivative work. Indeed, the various authors of a joint work often make their respective contributions independently and at different times, so that there may be 'earlier' and 'later' works. It is the mutual intent of the co-authors whether or not to be joint authors that will determine, in most countries, joint-work or a collective/derivative work. Joint authorship requires intent-without the intent to create a joint

¹ https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_5_learning_points.pdf

work, two or more authors producing inseparable or interdependent works will produce a derivative or collective work.¹

Infringement Actions

Copyright in any work infringed the owner of the copyright is entitled to all remedies by way of injunction or indirect damages, accounts and otherwise, as may be conferred by law for the infringement of a right. There was a case in Myanmar decided by the Supreme Court relating to this section (Section 6 (1)). In U Hla Win and other vs. Daw Kyi Kyi @ Daw Yin Wae Lwin it was held on 4 November 1999 for the Civil First Appeal before the Supreme Court Judge U Tun Shin. The facts of the case were that the author Daw Kyi Kyi wrote the novel “Hmine Wae Chit Te Khet Thisa” and made publication of it in 1981. Then she sold its manuscript to Daw Khin Than for reproduction of it into a video feature for an amount of Kyat 10000. Daw Khin Than resold it to the Phowa Video Production in 1994, without the knowledge or consent of Daw Kyi Kyi. As the advertisements and news about the production of such video appeared in journals, Daw Kyi Kyi sent an objection notice to Phowa Video Production and also submitted her objection to the Myanmar Film Federation. But the production went on under a slightly changed name of “Hmine Wae Chit Thaw Khet Thisa” and also made some changes to the theme as well as the text.

The Divisional Court in the exercise of its original civil jurisdiction decided in favour of the plaintiff (author) and ordered the defendants (Phowa Video Production) to pay Kyat 500,000 to the plaintiff as she claimed for damages to her copyright.

The Supreme Court Judge in his appellate decision reaffirmed the right of an author of a novel as provided by Section 2(1) and Section (6) of the Copyright Act (1911). However, the Judge reduced the amount of compensation from Kyat 500,00 to Kyat on the grounds that, the amount of damages should be determined only in consideration of the author’s work and on the basis of the author’s work and on the basis of substantial damages.²

Practically, most of the cases related to infringement of Copyright were used to settle with negotiation because they have no desire to use court proceeding due to long-time frame and partial practice. So, Parties who involved with Copyright disputes tried to settle their disputes themselves in particular ways to reach mutual consents. These striking examples cases are as follows.

The dispute over the adaptation, without authorization, of Saya Shwe Oo Daung’s “Yadanabon” novel, into a movie of the same name by the A1 Film Company was settled amicably out Court.

Pho Parlay, director of Yangon Films adapted without authorization, of saya Thardu’s novel “Chit San Namuna” into a movie. Saya Thardu filed a case in criminal court of copyright infringement under Section 7 of the Copyright Act against Daw Khin Ma Ma, owner and Pho Parlay, Director of Yangon Films. The case never reached a higher court. Following the framing of charges, the two parties came to terms and the case was amicably settled.

The dispute over the making of the movie “Hnin Si Ni Ein Met” by director Win Pe from the novel written by author, Tet Ka Tho Khin Maung Aye without getting the latter’s authorization was amicably settled out of court.

Maung Za Ni Ya wrote and published a novel called “Hka Paik Hneik”. Film Star Kyaw Hein made a movie called “Mon Htet Chein Dwin Nay Win Th” based on the said

¹ https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_5_learning_points.pdf

² U Hla Win and 2 V. Daw Kyi Kyi @ Daw Yin Wai Lwin (Pyay) 1999. Myanmar Law Report (civil) P.208

novel. Maung Za Ni Ya made a complaint of copyright infringement to the Tamwe Township Literary workers' Association. The Association in conjunction with the Bahan Township Literary Workers' Association intervened between two parties and the case was settled amicably out of court.

The novel "Gone Myint Thu" written by Daw Dagon Khin Khin Lay was published in 1913, Subsequently Daw Khin Khin Lay filed in Civil Court, a case of copyright infringement against Moe Film Company and U Kyaw Swe for their movie "Pone Pama" claiming that the movie had been based upon her novel without her authorization to do so, and on the same day of filing of the case, Daw Dagon Khin Khin Lay applied for and was granted an injunction against the showing of the movie at the "Royal" and "Ya Da Na Pone" cinema-halls.¹

According to Section 37 (c) of the Constitution of the Republic of the Union of Myanmar 2008, it states that the Union shall permit citizens right of private property, right of inheritance, right of private initiative and patent in accord with the law.²

Under section 13 of the Myanmar Copyright Act 1911 provides that every suit or other civil proceedings regarding infringement of copyright shall be instituted and tried in the High Court or the Court of District Judge.

Besides the criminal proceedings under the Copyright Law for the infringement of copyright, there are three other related laws in Myanmar. These are

- (1) The Computer Science Development Law, 1996
- (2) The Television and Video Law, 1996
- (3) The Electronic Transaction Law, 2004

The Government promulgated the Computer Science Development Law in 1996 as SPDC Law No.10/96. One of its objectives is to supervise the import and export of computer software or information.³

The Television and Video Law which was promulgated on 29 July 1996 also provides penalties for copying a videotape for the commercial purpose. Section 33 states that whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to kyats 100, 000 or with both:

(a) distributing, hiring or exhibiting the copied television program transmitted by the government department or government organization, for commercial purpose.

(b) copying, distributing, hiring or exhibiting for commercial purpose a video tape which has already obtained video censor certificate, without permission of the license holder of video production business or video tape distribution business.⁴

The Electronic Transaction Law was enacted on April 30, 2004. The scope of the application of this law is provided in section 4(a) which indicates that the provisions contained in this Law shall apply to any kind of electronic record and electronic data message used in the context of commercial and non-commercial activities including domestic and international dealings, transactions, arrangements, agreements, contracts and exchanges and storage of

¹ Journal of the Asia Research Centre, Yangon University, Vol-1,pp-121-122

² Constitution of the Republic of the Union of Myanmar, 2008, Section 38

³ The Union of Myanmar The State Law and Order Restoration Council, The Computer Science Development Law,1996, (The State Law and Order Restoration Council Law No. 10/96).

⁴ The State Law and Order Restoration Council, The Television and Video Law, 1996, (The State Law and Order Restoration Council Law No. 8/96) The Television and Video Law, 1996

information. Among the provision for offences and penalties under this Law, Section 34 is mainly concerned with copyright infringement.

Section 34 provides that whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine or with both: (a) sending, hacking, modifying, altering, destroying, stealing, or causing loss and damage to the electronic record, electronic data message, or the whole or part of the computer program dishonestly; (b) intercepting of any communication within the computer network, using or giving access to any person of any fact in any communication without permission of the originator and the addressee; (c) communicating to any other person directly or indirectly with a security number, password or electronic signature of any person without permission or consent of such person; (d) creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of or to lower the dignity of any organization or any person.¹

FINDINGS

To reach the questions of this research and findings, three interviewees were selected by purposive sampling methods, the length of the time of the interview are about one hour to each person. According to the profession of interviewees, authors are also member of Myanmar Writers Association, Myanmar Music Association, Department of Information and Public Relations.

To collect this information from this interview, firstly selected interviewees were contacted via phone to get their agreement to participate in interviews.

There are findings from interview information. All of the respondent admit that this existing copyright mechanism and court Law cannot support to several infringement of authors rights because parties in dispute want to avoid the settlement of court system. They didn't like long time framed of court complex procedure. They also believed that the court decision may be partial.

One of the respondent informed that he had experienced to solve the dispute between Ma Naw (a singer) and an owner of the word U BO Aung Din. Likewise the above mentioned case, "Hmine Wae Chit Te Khet Thisa", both sides have no desire to go this dispute through the court system. So, they negotiated each other again and again in front of the leader of respective organizations such as (Myanmar Writers Association, Myanmar Music Association and Department of Information and Public Relations) under the guidance of Department of Information and Public Relations. Finally, they reached their agreement to solve this dispute. The obvious challenges that they faced are the unawareness of existing law and decrease of trust to the court.

Some small causes of author's rights infringement were occurred within Hinthada District, for example some writers use the other works by purchasing with money and they delay the payment.

A Country like Myanmar, there are many famous authors in everywhere. Literary work shows human creativity and ability. The laws relating to Copyright helps to protect the value of

¹ The Union of Myanmar The State Peace and Development Council, The Electronic Transactions Law 2004, (The State Peace and Development Council Law No. 5/2004)

original author work. To enjoy the absolute right, peoples should aware the impact of infringement of Copyright.

Under section 37 (c) of the Constitution of the Republic of the Union of Myanmar 2008, it states that the Union shall permit citizens right of private property, right of inheritance, right of private initiative and patent in accord with the law.

This above provision means the alert of the Copyright protection. So, to establish the Copyright mechanism in Myanmar all respective and departments should try to make an effort fully.

CONCLUSION

In conclusion, all countries need to protect not only its country's intellectual property but also that of other countries as well. Protecting its own and foreign direct investment can transfer advance technology from other countries by having effective copyright legislation. This paper, identified the major challenges confronting copyright protection in the digital age. As the government is responsible for protecting copyright issues in Myanmar, it is necessary to establish the effective dispute settlement mechanism in Myanmar.

Acknowledgements

First of all, I would like to show my gratitude to Rector Dr Theingi Shwe, Pro-rector Dr Yi Yi Than and Pro-rector Dr Cho Kyi Than of Hinthada University for their permission to do this research.

I also thanks to Dr Moe Thu, Professor and Head, Department of Law, Hinthada University for her great guidance, immense of knowledge, and continuous support on this paper.

I would like to express my thanks to Dr September Htay, Associate Professor, Department of Law, Hinthada University, for guidance and kind help.

Besides, I express special word of thanks to Dr Nwe Nwe Yee, Associate Professor, Department of Myanmar, Hinthada University and Superintendent U Myint Thein for their kindest support during the writing of this research paper.

References

Constitution of the Republic of the Union of Myanmar, 2008

Journal of the Asia Research Centre, Yangon University, Vol-1, p-121-122.

Myanmar Copyright Act, 1911

The Union of Myanmar The State Law and Order Restoration Council, The Computer Science Development Law,1996, (The State Law and Order Restoration Council Law No. 10/96).

The State Law and Order Restoration Council, The Television and Video Law, 1996, (The State Law and Order Restoration Council Law No. 8/96)

The Union of Myanmar The State Peace and Development Council, The Electronic Transactions Law 2004, (The State Peace and Development Council Law No. 5/2004)

U Hla Win and two V. Daw Kyi Kyi @ Daw Yin Wai Lwin (Pyay) 1999. Myanmar Law Report (civil) P.208

WIPO, *WIPO INTELLECTUAL PROPERTY HANDBOOK*, Second Edition, 2008, p-3

WIPO, *Understanding Copyright and Related Rights*, 2016.

Online References

<https://www.allaboutbookpublishing.com/2631/intellectual-property-rights-challenges-for-publishing-industry/>

<https://www.tilleke.com/insights/myanmar-enacts-copyright-law/>

<https://www.un.int/myanmar/>

https://www.wipo.int/copyright/en/fag_copyright.html

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf

https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_5_learning_points.pdf