

**HUMAN RIGHTS, AUTHOR'S RIGHTS, AND COPYRIGHT IN
MYANMAR: USING UDHR ARTICLE 27 (2) IN DOMESTIC LAW
AND POLICY TO GUARANTEE MORAL AND MATERIAL
INTERESTS OF AUTHORS**



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ABSTRACT

Despite the Government of Myanmar trying to protect authors against copyright infringements, including the unauthorized copying and selling of their created products by providing related laws and other mechanisms, the tension between unauthorized commercial users and authors in the music and publishing industries remains ongoing. As a result, authors in both industries do not receive fair remuneration for their chosen profession, and their ability to support themselves and their families, and to enjoy other basic rights, is compromised. One reason is because existing copyright law strongly favors publishers and producers, and not the original authors.

Hence, this paper argues that to have meaningful protection for authors, the Government should review the current situation of authors from a human rights perspective, since the copyright system alone is insufficient. Moreover, this study further argues that the process and role of those involved with drafting legal reforms is a decisive factor in the recognition of the rights of authors, and in guaranteeing their moral and material interests.

Hence, three aspects of this issue were examined: the impact of the weak copyright protection system on authors; the practical issues faced by local authors in their enjoyment of moral and material interests under the existing legal frameworks, and; whether the (draft) Copyright Law 2015 can improve their future moral and material interests in line with Article 27 of UDHR. This study uses documentary and legal research material as well as in-depth interviews. The data was collected from 25 participants from Yangon and Naypyitaw, Myanmar.

This study reveals that the (draft) Copyright Law is still insufficient to meet the needs of authors in both industries, particularly regarding contractual arrangements and 'just remuneration' arrangements because of limitations and exceptions. There needs to be a Collective Management Organization (CMO) which is the basis of guaranteeing moral and material interests after licensing the rights to commercial users. Moreover, the study concludes that lack of sufficient copyright and human rights expertise among the legislature also challenges the Government's attempts to resolve the current local authors' issues through legal and policy frameworks.

KEY WORDS: COPYRIGHT PROTECTION IN MYANMAR / AUTHOR RIGHTS / HUMAN RIGHTS FRAMEWORK FOR AUTHORS

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