

## Rights of broadcasting organizations under Myanmar's Copyright Law: What are they?

Article 40 establishes a comprehensive framework that recognizes the value and investment involved in broadcasting activities. By granting exclusive economic rights, [Myanmar's Copyright Law](#) provides broadcasting organizations with necessary tools to control and monetize their content effectively. These rights are pivotal for the management, control, and commercial exploitation of their broadcasts. KENFOX would like to provide below analysis on the rights and protections afforded to broadcasting organizations and specific entities (e.g., cable TV companies), ensuring a comprehensive understanding and practical application of the laws, thereby maximizing the utilization of their legitimate rights.

### 1. Exclusive Economic Rights

Per Article 40 (a), a broadcasting organization is entitled to enjoy four primary exclusive [economic rights](#) as follows:

- **Rebroadcasting:** The right to control any subsequent broadcasts of the original content, thereby managing how and when content is reshared.
- **Communication to the public:** This includes the right to make the broadcast available to the public in various forms, ensuring the organization controls over its accessibility.
- **Fixation:** The right to fix, or record, broadcasts provides a way to archive content for future use or commercial exploitation.
- **Reproduction of fixation:** Allows broadcasting organizations to reproduce recorded broadcasts, facilitating the creation of copies for various uses.

### 2. Distribution of Program-Carrying Signals

Distribution of program-carrying signals transmitted by satellite is provided under Article 40(b) of Myanmar's Copyright Law. The text underlying this provision is "*Program-carrying signals transmitted by satellite which are not intended for direct reception by the public may be distributed through cable or communicated to the public by an authorized receiving organization. That kind of communication to the public may be carried out only with authorization of that organization*".

- **Program-carrying signals:** Refers to content or programs transmitted via satellite. The key point here is that these transmissions are not directly accessible to the general public but are intended for reception by specific entities, potentially for further distribution.

Imagine you have a satellite TV channel that sends out TV shows, movies, or news broadcasts via a satellite up in space. These signals, which carry the programs, are beamed down from the satellite. Now, instead of these signals going straight to everyone's homes or TVs, they're sent in a way that not just anyone can pick them up directly. Instead, they're intended for certain companies or organizations that have the right equipment and permission to receive these signals.

Once these specific entities, like cable TV companies, receive the signals, they can then distribute or share these TV shows, movies, or broadcasts through their cable networks. This means they take the programs from the satellite and then send them through cables into people's homes for viewers to watch on their TVs. This provision talk about how this process should happen legally and under controlled conditions to make sure the content reaches the audience in the right way.

- **Distribution through cable or communication to the public:** The law permits these satellite signals to be subsequently distributed to a broader audience through cable systems or other means of communication. However, this wider dissemination can only be executed by entities that have received authorization to do so, termed as "*authorized receiving organizations*".
- **Authorization requirement:** Central to this provision is the stipulation that only authorized receiving organizations can carry out the redistribution or communication of these signals to the public. This ensures that any such distribution is legally sanctioned and respects the copyright holders' rights.

### 3. Duration of protection

A broadcasting organization is entitled to enjoy a protection term of 20 years from the year of the original broadcast. This duration provides a significant period for organizations to exploit their content commercially, balancing the need for copyright protection with the eventual release of content into the public domain for broader use and cultural enrichment.

### 4. Limitations and exceptions for producers of phonograms (Article 41)

Provisions on “*limitation and exceptions*” as provided under Article 41 allow for specific uses of phonograms without the producer’s authorization, thus, producers are not able to enforce his rights in such situations. Permitted uses without authorization include:

- Reporting current events using short excerpts.
- Reproduction for scientific research.
- Reproduction for face-to-face teaching activities.
- Incorporation into literary or artistic works under specific conditions.

### Final thoughts

For broadcasting organizations and entities involved in content distribution, provisions under Article 40 of Myanmar’s Copyright Law grants content creators and rights holders control over how their content is disseminated beyond direct satellite transmission. By requiring authorization for further distribution, it ensures that rights holders can negotiate terms and possibly secure compensation for the use of their content, simultaneously, preventing [copyright infringement](#) by ensuring that any redistribution of program-carrying signals is legally sanctioned.

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