

(Final Draft - July 12, 2005)

(Inter-Ministerial Regulation)

Inter-Ministerial Committee Governing the Three Areas of Intellectual Property Rights in the Kingdom of Cambodia

JOINT-PRAKAS

on

The Protection of Moral Rights Violation

**Senior Minister, Minister of Commerce, Chairman of the Committee
Minister of Culture and Fine Arts, Vice Chairman of the Committee**

- Has seen the Constitution of the Kingdom of Cambodia
- Has seen the Royal Decree No. 0704/124 dated July 15, 2004 on the appointment of the Royal Government of Cambodia
- Has seen the Royal Decree No. 02/94 dated July 20, 2004 on the organization and function of the Council of Ministers
- Has seen the Royal Decree No. 0192/02 dated January 24, 1996 on the establishment of the Ministry of Culture and Fine Arts
- Has seen the Sub-Decree No. 62 dated October 14, 1997 on the organization and function of the Ministry of Culture and Fine Arts
- Has seen the Royal Decree No. 0196/16 dated January 24, 1996 on the establishment of the Ministry of Commerce
- Has seen the Sub-Decree No. 54 dated September 1997 on the organization and function of the Ministry of Commerce
- Has seen the Sub-Decree No. 16 dated February 22, 1999 on the establishment of the Inter-Ministerial Committee to oversee the three area of Intellectual Property Rights
- Referring to the Law on Copyrights and Related Rights
- Has seen the necessity of work of the Committee

Decide

Article 1: Strictly prohibit all forms of mutilation, distortion or modification of lyrics, rhythms, music notation and the content of original works including the content in images, sounds and contents of performance, of either foreign or domestic works which is violated to the moral rights of the authors and performers as stipulated in Articles 19, 20, 42 of the Law on Copyrights and Related Rights.

Article 2:

- Mutilation means any acts enabling the cause of damages and mislead the public from the content of the original works without permission of the copyright-owner or the Ministry of Culture and Fine Arts which is the competent authority governing moral right without heir.
- Distortion means any acts of manipulation enabling the cause of confusion to the public of the content of the original works.

- Modification means any acts of changing some parts or the whole contents of original works which is contradicted to original ideas of the authors and performers.

Article 3: All forms of reproduction of original works including re-singing, re-performing, re-adapting and re-titling have to be properly mentioned the name of composer, author, performer, and original title of the works and must clearly declare these activities to the Ministry of Culture and Fine Arts so as to keeping track of the identity of original works and to show to the general public the respect moral right of the original author, composer and performer.

Article 4: Any acts of violation to the above mentioned article 1 & 3 will be sanctioned in accordance with the substance of articles 64, 65 of the Law on Copyrights and Related Rights.

Article 5: Intellectual Property Department, Camcontrol Department of the Ministry of Commerce, General Directorate of Administration of the Ministry of Culture and Fine Arts, concerned authorities which are members of the Committee Governing the Three Areas of Intellectual Property Rights, Phonogram producers, performer, author, and broadcasting organization must strictly abide by the contents stipulated in this Joint-Prakas.

Article 6: This Joint-Prakas is entering into force starting from the date of these undersigned signatures.

*Senior Minister
Minister of Commerce*

Minister of Culture and Fine Arts