

MARKETING OF BOOKS IN BANGLADESH: A THREAT TO INTELLECTUAL PROPERTY RIGHTS

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Abstract: *International authors and publishers face wide scale piracy of their works in Bangladesh. This trend adversely affects the supply of creative works in the long run. The rationale for book piracy includes variety of reasons that need to address to stop piracy in Bangladesh. The main purposes of this paper are to find out the causes of book piracy in Bangladesh from the demand and supply point of view and to suggest measure to stop the piracy. In addition, the paper shows whether there is any relationship between per capita GDP of a country and volume of piracy. Results of the study reveal that factors stimulating local publishers in Bangladesh to involve in book piracy include intense demand of pirated books due to high price and unavailability of original edition, weak enforcement of law, lack of knowledge about copyright law, higher import tax, and easy production and distribution of pirated books. Results also indicate that absence of effective legal action, unavailability of original textbooks, and lack of knowledge about Intellectual Property Rights are statistically significant factors that stimulate purchasing of pirated books. The author suggests four ways to combat piracy in Bangladesh that include implementation of meaningful legal action, ensure availability of original textbooks with lower prices, conduct public awareness campaign, and incorporate IPRs related topics in the syllabus of undergraduate level.*

Keywords: *IPRs, Copyright, Book Piracy.*

INTRODUCTION

This is an age of science and technology. Today we are enjoying enormous benefits as a result of proliferation of Internet and digital devices. Modern science and technology makes our life easier and enrich our knowledge in various ways. But, still books remain a primary means of communicating knowledge. Unfortunately, authors and publishers face wide scale piracy of their works all over the world. Book Piracy is becoming a permanent phenomenon both in the literacy and in the publishing industry (Ajidahun, 1998). Worldwide it is recognized that book piracy is a serious crime, which not only adversely affects the creative potential of the authors but also causes economic losses to all those, who are invested their money in bringing out books for use by end-users. Book piracy is the subject matter of copyright, which is the part of the Intellectual Property Rights (IPRs). Globalization forced the copyright issues to the forefront, because a large number of copyrighted products are traded

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internationally. Protection of copyright, therefore, is a priority matter in the national agenda of many countries especially in the developing world. Surely, it also has emerged as an important factor governing international relations (Nair et al., 1999).

This paper focuses on book piracy in Bangladesh. The publishing industry continues to face unchecked piracy in the form of illegal commercial photocopying and print piracy in Bangladesh. Any book having the potential to sell more than 100 copies is subject to nearly 100% piracy in Bangladesh (IIPA, 2007). This piracy trend specially effect the market of university and English medium text books. Even the libraries of different universities in Bangladesh openly purchase pirated textbooks. Law books, medical books, computer books, various international tests such as GMAT, GRE, TOEFL, IELTS preparation books and so on are also pirated in Bangladesh.

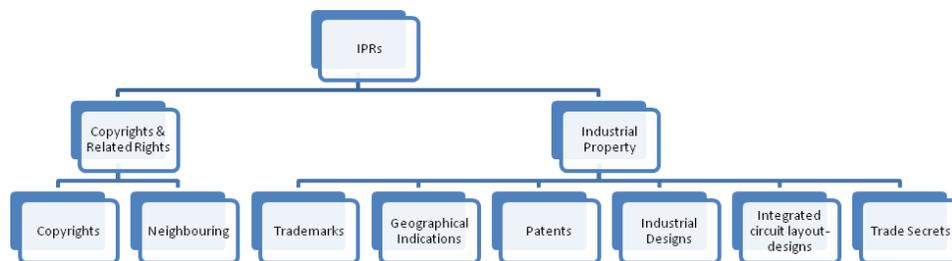
The book market of Bangladesh is very attractive now-a-days (see table 1). Bangladesh is experiencing a rapid and enormous expansion of higher education in recent years. More than 82 public and private universities are running well with more than 387,000 students (BBS, 2010). Medium of instruction is English in all Bangladeshi universities. The syllabuses, which are developed for various programs of the universities, recommend international standard textbooks. Western textbooks are used as instruction materials for higher education throughout the world. And Bangladesh follows the international standards that stimulate huge demand for quality textbooks. But the price of original textbooks is very high in compare to per capita GDP of Bangladesh. Latest edition of original textbooks are not readily available. Moreover, most of the students and local publishers and sellers do not think book piracy as crime. These factors contribute to the wide spread book piracy in Bangladesh and attract researchers to work on this issue.

LITERATURE REVIEW

When we discuss about book piracy, we must have knowledge about copyright, which is a concern of the intellectual property. According to the World Intellectual Property Organization (WIPO), Intellectual property (IP) refers to creations of the mind: inventions, literacy, and artistic works, and symbols, names, images, and designs used in commerce. IP is divided into two categories (Figure 01): Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of sources; and Copyright, which includes literacy and artistic works such as novels, poems and plays, films, musical works, drawing, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of the phonograms in their recordings, and those of broadcasters in their radio and television programs. Copyright is a legal concept, enacted by most governments, giving the creator of an original work exclusive

right to it, usually for a limited time (Wikipedia, 2013). Copyrights are protected in each country by its national copyright law. According to U.S. copyright office (2003), “there is no such thing as an “international copyright” that will automatically protect an author’s writings throughout the world. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.”

Figure 01: Classification of IPRs (Source: www.wto.org/trips)



Book piracy is the subject matter of the copyright. The copyright system has long been understood to play a critical role when it comes to the development and distribution of creative works (Lichtman, 2009). But we observed a wide scale book piracy all over the world that adversely affects the authors and publishers. The term ‘book piracy’ is described as a flagrant infringement of copyright on intellectual property and an utter disregard for ownership or authorship of literacy works, which include textbooks, essays, articles, encyclopaedias, dictionaries, law reports, and enactments, tables, or compilations among many others (Dada, 1989). Book piracy generally takes place in four ways: **(a)** reprinting of books without permission, **(b)** unauthorised translation, **(c)** commercial photocopying, and **(d)** publishing fake books, where author shown in the books are not the real authors (Niar et al., 1999; Mahmood and Ilyas, 2005). In today’s world we find another form of book piracy that is termed as e-piracy, which means distributing soft version of books through the Internet without any permission of the publishers or authors. There are many causes that stimulate book piracy throughout the world. These include high price of original editions, non-availability of original editions, inclusion of foreign books in syllabus, easy and affordable reproduction technology, lack of proper law, complicated and time consuming legal action, no supervisory mechanism of copyright office to enforcing law, difficulty to obtaining copyrights from foreign publishers/ authors, difficulty of importing foreign books etc. (Niar et al., 1999; Mahmood and Ilyas, 2005; Ajidahun, 1998; IIPA, 2009). Most of the literatures suggest ways to

resolve book piracy problem on the light of the guidelines recommended by IIPA and WIPO. In this paper the author incorporated insights from the results of the survey on university students' opinion on book piracy in Bangladesh that may create a new scope to think about this problem from different perspective.

OBJECTIVES

The specific objectives of the study are:

1. to provide an overview of international and national copyright conventions and laws that are applicable in Bangladesh and the role of the government to curb book piracy.
2. to determine the relationship between book piracy and per capita GDP of a country.
3. to determine the current market size of textbooks and students willingness to pay per book.
4. to identify the factors that stimulate book piracy in Bangladesh.
5. to identify the factors that stimulate students to purchase pirated books.
6. to suggest measures to be taken against book piracy in Bangladesh.

HYPOTHESIS DEVELOPMENT

The study developed six hypotheses regarding this issue. These are:

H1: Threat of legal consequences reduces to use pirated books.

H2: Higher sense of ethics means lower use of pirated books.

H3: Unavailability of latest original books stimulates to use pirated one.

H4: Knowledge of IPRs reduces to use pirated books.

H5: High price of original textbook (Indian edition) stimulates to use pirated books.

H6: Personal budget constraint does not relate to purchasing of pirated books.

METHODOLOGY

This paper consists of two studies. Study 1 is termed as supply side study and study 2 is termed as demand side study. In supply side study, data are collected from Publishers, who are involved in pirated book production and distribution in Bangladesh, and in demand side study, data are collected from university students, who are the target market of pirated books. 'Nilkhet', which is famous for pirated textbook marketplace in Bangladesh according to IIPA, was selected to collect data from publishers. Students are selected from University of Dhaka, which is a premier university of Bangladesh.

This study is a mixed-methods study incorporating qualitative and quantitative data to investigate the copyright piracy in Bangladesh. In the both studies the author exercised convenience sampling technique (a non-probability sampling technique in which subjects are selected because of their convenient accessibility to the researcher), because it involves the choice of subjects who are in the best position to provide the information required (Sekaran, 2000). Although it may restrict the generalization of the findings, it is the only viable sampling method to obtain information from a specific group(s) of people (Sekaran, 2000).

The author selected ten local publishers for gaining insights about the book piracy from the publishers' perspective. And, for the survey on students opinion, the sample size was calculated using the formula of $N > 50 + 8m$ (where m = number of independent variables) (Tabachnick and Fidell, 1996), which is taking into consideration of the number of independent variables used. Given that the research involved six independent variables, the number of samples, according to the above formula was greater than 98. In this study, 100 samples were surveyed. All respondents are the students of 4th year BBA program of Department of Marketing, University of Dhaka.

In this study two sets of questionnaires were administered. A structured questionnaire was used to collect data from the students. The questionnaire included statements about students' opinion regarding book piracy using five point Likert scale. However, no survey was conducted to collecting data from the local publishers. An open-ended questionnaire was administered consists of nine questions to facilitate the discussion with the local publishers.

The study was administered through the telephone and Skype interview in March 2013. The study 2 was conducted during the period from March 25 to March 30, 2013 by administered a questionnaire by a surveyor appointed in Dhaka. The author analysed the data by employing Multiple Regression Model. To conduct the analyses, the author ran MINITAB 15, a well-known statistical package for analyzing the data.

As we mentioned earlier, supply side study based on discussion with the local publishers. No survey was conducted to collect data from the publishers. Moreover, the present study ignores the market of pirated foreign story books, magazines, and journals. This study did not consider the unauthorised translation of foreign works as well. Thus, the relationship between response variable and the repressors must be interpreted with caution.

FINDINGS

An overview of international and national copyright conventions and laws those are applicable in Bangladesh and the role of the government to curb book piracy:

In Bangladesh, copyright is a subject matter of statutory protection of intellectual property. The present copyright law in force in Bangladesh has its roots in the British Copyright Act 1911, which was implemented in British India in the year 1914 to protect creative works. Prior to 1962, there were no specific laws as regards copyright in the Pakistan or East Pakistan (later Bangladesh since 1971). At that time different laws (the code of civil procedure, 1908; Penal Code, 1860; and Specific Relief, 1877) and the British copyright were applicable in case of copyright enforcement. In 1962, a Copyright Ordinance amalgamating the different copyright laws which were existed at that time, was promulgated, namely, the Copyright Ordinance of 1982. This Ordinance was administered up to 1999. After that, a law containing different provisions in the line of international standard was enacted in 2000, namely, the Copyright Act, 2000 (No 28 of 2000) and it was amended up to 2005. Section 14 and 15 of the Copyright Act gives the owner of exclusive rights to do and authorize the doing of any of the following acts, namely: **(a)** to reproduce the work in any material form, **(b)** to publish the work, **(c)** to perform the work in public, **(d)** to produce, reproduce, perform or publish any translation of the work, **(e)** to make any cinematographic film or a record in respect of work, **(f)** to communicate the work by broadcast or to communicate to the public by loud-speaker or any other similar instrument the broadcast of the work, and **(g)** to make any adaptation of work etc. According to WIPO (2013), this law is consistent with the Berne Convention and TRIPS Agreement. The Act (amended in 2005) contains, among others, the subject matters of the TRIPS agreement in respect of copyright and related rights, computer programs, databases, cinema, broadcasting right, performer's right, phonograms right etc. The TRIPs Agreement thus links intellectual property protection to trade issues, in particular by making available the WTO's dispute settlement process, which can impose trade sanctions on members violating the agreement (UNESCO 2010). Bangladesh also enacted the Copyright Rules, 2006, which provide for the registration, application for license and other relevant issues of copyrights (WIPO, 2013).

Bangladesh has been extending co-operation with the WTO, WIPO, and UNESCO for enriching her copyright system (copyrightofficebd.com). In Bangladesh the bases of present copyright protection are as follows (WIPO,

2013): (a) The Copyright Act 2000, (b) The Copyright Rules 2006, (c) The Berne Convention for the Protection of Literacy and Artistic Works, 1886 as revised up to 1971 since May 4, 1999, and (d) The TRIPS agreement, 1994 since January 1995.

But, according to IIPA (2009), the government of Bangladesh's response to book piracy issues has been inadequate, both in terms of the results from any enforcement actions taken and from the standpoint of working with universities to ensure that they are not condoning illegal reproduction.

Relationship between book piracy and per capita GDP of a country:

The following table shows the US loss from book piracy in different countries in 2006 and the per capita GDP of the countries.

**Table 01: US Estimated Trade Losses Due to Copyright Piracy
(in millions of USD), 2006**

Country	Loss	Per Capita GDP
Pakistan	55	2,900
China	52	9,100
Philippines	49	4,300
South Korea	45	32,400
Russia	42	17,700
Mexico	41	15,300
India	40	3,900
Thailand	35	10,000
Indonesia	32	5,000
Egypt	31	6,600
Italy	20	30,100
Turkey	20	15,000
Brazil	18	12,000
Taiwan	18	38,500
Vietnam	18	3,500
Malaysia	9	16,900
Bangladesh	8	2,000
Nigeria	8	2,700
Saudi Arabia	8	25,700
Columbia	6	10,700
Argentina	4	18,200
South Africa	3	11,300
Ecuador	2	8,800
Chile	1	18,400
Dominican Republic	1	14,600
Israel	1	32,200
Kuwait	0.5	43,800

Source: (i) International Intellectual Property Alliance (IIPA) 2007 Special 301 Report on Copyright Protection and Enforcement, (ii) CIA World Fact Book 2013.

The relationship is slightly negatively correlated as its Pearson correlation is – .285, which means increasing the per capita GDP contributes to decreasing the volume of piracy.

Current market size of textbooks and students willingness to pay per book in Bangladesh:

The current market size of textbooks is quite large (Table 02) in Bangladesh, with more than 82 universities with around 400,000 students. The market size is going to expand in near future as more than twenty private universities are opening soon. In Bangladesh, students are bound to take 10 courses per year to finish their university programs like BBA, MBA and so on. The author estimated the demand of textbook by multiplying the number of students by 10, the required number of books per year per student. At present Bangladesh requires 4,085,740 textbooks per year. Currently this huge demand is almost entirely satisfied by the pirates.

Table 02: Estimated Book Requirement per Year in Bangladesh

Institutions	No. of Institutions	No. of Teachers	No. of students	Estimated Book Requirement Per Year
Public University	31	7599	160447	1604470
Private University	51	4986	226986	2269860
Public Medical College	18	1312	11736	117360
Private Medical College	30	1202	6964	69640
Public Dental College	1	56	436	4360
Private Dental college	10	198	790	7900
Public Textile Technology College	3	35	628	6280
Private Textile Technology College	5	22	152	1520
Public Leather Technology College	1	15	435	4350
Total	150	15425	408574	4085740

Source: Bangladesh Bureau of Statistics, 2010 and Author's Estimation about the Demand.

If someone wants to buy an original copy, s/he has to pay approximately \$200 for an American edition and approximately \$10 dollar for an Indian original edition. Students are ready to pay around \$6.5 (Table 03) to purchase an original Indian edition textbook. Recently Pearson (India), a world renowned textbook company, opens a distribution centre in Dhaka, the capital city of Bangladesh. But its operation is very limited in scope. Most of the students do not know the existence of Pearson's presence in Bangladesh.

Table 03: Book Price and Students' Willingness to Pay per Book

Source of a Book	Cost per Book
Original Book (US edition)	\$200 (approx.)
Original Book (Indian Edition)	\$10 (approx.)
Pirated Book	\$2 (approx.)
Students Ready to Pay For an Original Book	\$6.5 (approx.)

Factors that Stimulate Book Piracy in Bangladesh:

Discussion with the publishers of pirated books reveals the following causes that stimulate wide scale book piracy in Bangladesh: (a) Students are reluctant to buy high priced original editions, therefore low sales for the publishers, (b) High tax on imported original books, (c) Lack of knowledge of how to import books, (d) Huge market of North American textbooks due to inclusion of those books in syllabus of different universities. (Table: 02), (e) Weak enforcement of law. Publishers can easily manage the people of law enforcing agencies, (f) Lack of knowledge of Intellectual Property Rights. Even some publishers misinterpret the meaning of copyright. They think copyright means they have right to copy, (g) Brand power of world renowned companies such as McGraw Hill, Pearson etc. Sometimes publishers print the logo of established companies on the pirated books that are not from those companies, and (h) Requires only limited investment. Publishers can easily outsource their required books from the printing presses available around Nilkhet, the hub of pirated book market in Bangladesh. Some of the publishers have their own photocopy machines, scanners and other related instruments. And it is very easy to conceal operation related to production and distribution of pirated books.

Factors that Stimulate Students to Purchase Pirated Books:

In this study the author considered volume of pirated book purchase in each semester as dependent variables. As mentioned earlier, the independent variables were fear of legal consequences of purchasing pirated books, ethical aspects of purchasing pirated books, unavailability of original textbooks, knowledge about the IPRs, high prices of the original textbooks, and monthly expenditure of a student. Fear of legal action and ethical aspects are negatively correlated with the volume of pirated book purchase. Whereas unavailability of original textbooks, knowledge about piracy, high price of the original textbooks, and monthly expenditures are positive correlated with the volume of purchase (see the following regression equation).

The regression equation:

$$\text{Vol_purchase} = 2.66 - 0.403 \text{ Illegal} - 0.101 \text{ Unethical} + 0.183 \text{ Unavailability} \\ + 0.436 \text{ Know_iprs} + 0.0402 \text{ High_price} + 0.0822 \text{ Monthly_exp}$$

Predictor	Coef	SE Coef	T	P
Constant	2.6561	0.5582	4.76	0.000
Fear of Legal Consequences	-0.40324	0.08342	-4.83	0.000
Unethical to Purchase Pirated books	-0.10137	0.06715	-1.51	0.135
Unavailability of Original Books	0.18291	0.08264	2.21	0.029
Knowledge of IPRS	0.43557	0.07963	5.47	0.000
High Prices of Original Books	0.04024	0.07923	0.51	0.613
Monthly Expenditure for Education	0.08223	0.09642	0.85	0.396
S = 0.804066 R-Sq = 59.3% R-Sq(adj) = 56.6%				

Analysis of Variance

Source	DF	SS	MS	F	P
Regression	6	87.513	14.586	22.56	0.000
Residual Error	93	60.127	0.647		
Total	99	147.640			

RESULT OF HYPOTHESIS TESTING

Among the hypotheses, fear of legal consequences (H1), unavailability of original textbooks (H3), and knowledge of IPRs (H4) are very significant with $\alpha=.05$ level of significance. In these three cases, t-values are above 2 and p-values are below .05 (see the regression table). The model is quite good with F-value of 22.56 and related p-value is 0.000. The model also explains 59.3% variations due to the independent variables.

From the analysis, we see students do not care about the legal consequences. They purchase pirated books due to the unavailability of original ones. Students do not have much knowledge about the IPRs. Price of the original (Indian) textbooks (H5) is not significant to purchase a pirated book. Student's personal budget (H6) constraint (monthly expenditure) is also insignificant. Ethical aspects (H2) are negatively correlated with the volume of piracy though it is statistically insignificant.

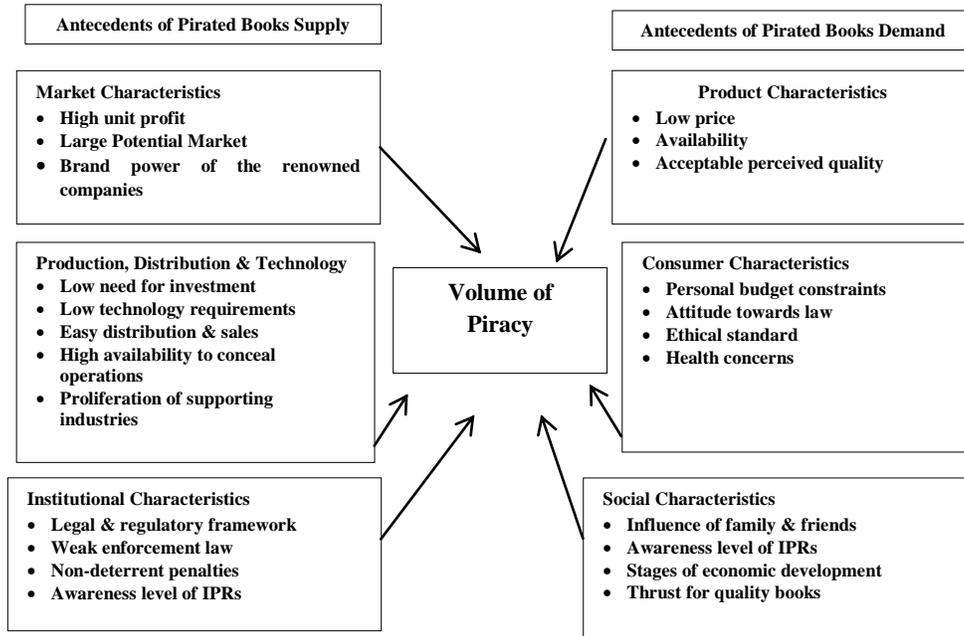
RECOMMENDATIONS

In his paper on copyright, Varian (2005) mentioned that copyright laws may become almost impossible to enforce. He suggested some new business models that might work in a world without copyright. These models are: **(a)** make the original cheaper than a copy, **(b)** make a copy more expensive than the original, **(c)** sell physical complements, **(d)** sell information complements, **(e)** subscriptions, **(f)** sell a personalized version, **(g)** monitoring, **(h)** media tax and so on. But we think these models are not useful to combat piracy in Bangladesh except for make the original cheaper than a copy.

On the basis of the findings, we suggest following steps to be taken by the government and related interested parties to stop book piracy in Bangladesh:

1. Meaningful legal action should be carried out by the government to curb the book piracy in Bangladesh. The government may develop mechanism to monitor the activities of law enforcing agencies, which are responsible for implementing the law. The government may also provide training to the people of law enforcing agencies regarding the various aspects of copyright piracies.
2. Ensure availability of original textbooks with low prices. In this regard the government may encourage international publishers to supply books in Bangladesh with special prices. Even the government may encourage foreign publishers to open book publishing factory in Bangladesh by providing them preferential treatment. Publishers also enjoy benefits of cheap labour. They may also use Bangladesh as hub to distribute low cost textbooks to South Asian market, which consists of more than one third people of the world with thousands of university going students.
3. Conduct a public awareness campaign in mass media regarding the negative impacts of piracy on authors and genuine publishers & sellers and society at large. This campaign might emphasize on ethical obligations, health risk (i.e. impact on eyesight due to poor quality of printing) and legal provisions of the copyright.
4. Incorporates basic concepts of IPRS in the undergraduate course curriculum to develop knowledge among the students.

As we mentioned earlier, this paper reveals results of two studies. Between these studies, study 1 is based on discussion with only ten publishers. This discussion based findings only help us to develop an initial understanding about the problem phenomenon. Any conclusion about the supply side of pirated books should be based on imperial study. Future researchers may test the following model, which incorporates both supply side and demand side antecedents of volume of piracy. This model is proposed on the basis of the OECD's observation of counterfeiting and piracy (2008) and the author's personal insight.

Figure 02: Antecedents of Book Piracy: A Proposed Model.

CONCLUSION

Bangladesh has a strict and clear copyright law, which is consistent with the Berne Convention and TRIPS Agreement (WIPO, 2013). But the problem is related to the law's implementation. On the demand side there is a lack of knowledge regarding the benefits of protection of IPRs. North American textbooks are in huge demand in different universities of Bangladesh but the books are not readily available with relatively lower prices. Books pirates are making money by bridging this gap. Bangladesh government faces huge pressure from the world community, especially from the United States due to failure to protect intellectual properties. Bangladesh participates in the Generalized System of Preferences (GSP), a trade benefits program that provides duty free access to the United States for certain products. The criteria of eligibility to enjoy this benefits includes that a country provides adequate and effective protection of intellectual property rights (U.S. GSP Guide Book, 2012). In order to continue to get this benefit, Bangladesh should ensure copyright protection as per the requirements TRIPS agreement. However, the problem of piracy cannot be eliminated until original books are available with affordable prices. International books publishers, the Bangladesh government and related International bodies must resolve this issue before eliminating the root of book piracy from Bangladesh.

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