



RULES FOR PUBLICATION

**BHUTAN INFOCOMM AND MEDIA AUTHORITY
ROYAL GOVERNMENT OF BHUTAN
THIMPHU, BHUTAN**

TABLE OF CONTENT

A. CHAPTER 1 – PRELIMINARY	1
Legal Basis	1
Title and Commencement	1
Scope of Application	1
Repeal	1
Amendments	1
Interpretation	1
Rules of Construction	2
Definitions	2
B. CHAPTER 2 –License, Licensing Procedure and Obligations	3
Type of License	3
Terms of License	3
Eligibility for License	3
Licensing Procedure	3
Obligations of the Licensee	4
C. CHAPTER 3 – Registration of Publications	6
Requirement	6
Register of Publications	6
D. CHAPTER 4 – Breach of Rules and Indemnification	7
E. Annexure 1. Standards, fee structure and information requirement for Publishing	8
F. Annexure 2. Application Form for Publication License	9
G. Annexure 3. Annual Statement Report Form	11
H. Annexure 4: Application Form for Registration of Publication	13



CHAPTER 1

PRELIMINARY

1.1 Legal Basis

These Rules are issued by the Bhutan InfoComm and Media Authority (the “Authority”) in accordance with Sections 94 to 104 of the Bhutan Information, Communications and Media Act, 2006 (the “Act”).

1.2 Title and Commencement

These Rules shall be cited as the Rules for Publication and shall come into force on the 10th Day of March, 2016 corresponding to the 2nd Day of the 2nd Month of the Bhutanese Fire Male Monkey Year.

1.3 Scope of Application

These Rules shall apply to all publications in the Kingdom of Bhutan. These Rules should be read in conjunction with all other existing codes of practice and regulations established by the relevant government agencies to promote healthy development of the media.

1.4 Repeal

With the commencement of these Rules, the Rules Governing Printing Presses, Books and Newspapers, 2008 are hereby repealed.

1.5 Amendments

Amendments to these Rules shall be made according to the needs and changes in national priorities, policies and industry trends. Hence, the amendment of these Rules by way of addition, variation or repeal may be effected by the Authority as and when required, after two third majority votes of the Members of the Authority.

1.6 Interpretation

The power to interpret these Rules shall vest with the Authority who may issue such instructions as may be necessary to give effect to and carry out the provisions of these Rules.

1.7 Rules of Construction

In these Rules unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural.

1.8 Definitions

“In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules shall have the same meaning as assigned in the Act.

“**Publication**” unless the context indicates otherwise, means the act of making information or stories available to people in any electronic or print form.

“**Individual Publication**” means one time publication issued to a Bhutanese citizen and valid only for that particular publication.

“**Publication House**” means a person or a group of persons or a company licensed to publish books, periodicals and other publications.

“**Periodical**” means newspapers, magazines and newsletters which appear on regular schedule.

“**Importer**” means any individual or a group of individuals importing publications for sale and distribution in the country.

“**Specialized Publication**” means publication on specific subjects as determined by the Authority including but not limited to Education, Culture, etc.

CHAPTER 2

LICENSE, LICENSING PROCEDURE AND OBLIGATION OF THE LICENSEE

2.1 Type of License

The Authority shall issue publishing license under two categories: Individual and Publishing House as per the standards and documents, and fees specified in Annexure -1.

2.2 Term of license

- a) Individual publishing licence shall be issued for one time publication with a validity not exceeding one year.
- b) Publishing House licence shall be valid for a period of one (1) year from the date of issuance of the licence and can be renewed annually.

2.3 Eligibility for license

- a) Any person who:
 - i. is citizen of Bhutan,
 - ii. is of sound mind, and
 - iii. has not been, under the laws of Bhutan, (i) declared insolvent, and/ or (ii) found guilty of a criminal offence concerned either under the Act or any other Act, unless his reputation has been restored through due process of the law.

2.4 Licensing Procedures

- a) The application shall be submitted to the Authority in the Form set out in Annexure -2.
- b) While reviewing the application, the Authority may seek additional information or documents if considered necessary to process the application. In such an event, the applicant shall submit required information or document within ten working days from the receipt of such notice. Failure to submit such information or document within the stipulated time frame shall result in the cancellation of the application.

- c) In the event if the Authority considers not granting the license applied for, it shall notify the applicant with reasons for not granting the license at the address furnished in the application.
- d) The license shall be renewed on or before the expiry date of the license. The application for renewal shall be submitted along with a valid tax clearance certificate and original license. A fine of Nu.100/- per day shall be levied for late renewal after the expiry up to a maximum period of 60 days after which the license shall be automatically cancelled.
- e) In the event if the licensee wishes to make any changes to the license including change of name, then such request shall be submitted to the Authority along with the fee as specified in Annexure -1.
- f) An application for ownership change of a publishing license shall be made in writing and shall be accompanied by a valid tax clearance certificate, sales deed agreement, citizenship identity copy of the transferee, copy of old license and any such information as may be required by the Authority.
- g) Except for transfer of the license within the immediate family members, all other transfers shall incur a fee as specified in Annexure -1.

2.5 Obligation of the Licensee

The Licensee shall ensure that:

- a) All publications for sale and/or distribution in Bhutan shall be in English and/or Dzongkha.
- b) All publications shall carry the following information on the front back/ last page:
 - i) The names of the editor (and/or author, where applicable), publisher and its address.
 - ii) The name and the location of the printing press
 - iii) BICMA Registration Number
- c) All periodicals published and registered in Bhutan shall carry once every year in its first issue, names, nationalities and addresses of the directors of the publishing enterprise and of those persons who own more than ten percent of the shareholding in the said enterprise.

- d) In case of specialized publications, prior approval from relevant agencies needs to be obtained before applying for registration to the Authority.
- e) If the licensee intends to alter and reprint the published material, the licensee shall have to apply for a separate registration number.
- f) During the election period:
 - i. Abide by all laws, rules, regulations, directives or codes issued by the Authority or the Election Commission of Bhutan.
 - ii. Not increase the circulation and distribution of their publication.
 - iii. Not distribute their publication free of cost.
 - iv. Not increase the pages of the paper and maintain the percentage ratio approved for advertisement.
- g) Abide by all the conditions specified in the Publishing License Terms and Conditions and these Rules.
- h) The Publishing house shall on or before the 31st of March, file a statement (hereinafter referred as the “Annual Statement”) with the Authority giving details of its print run, copies sold, billed and returned, regularity of publication and such other information as may be specified by the Authority in relation to the calendar year immediately preceding that date. The annual statement shall be in Form set out in Annexure -3, and it shall be signed by the publisher.
- i) In the event a publisher fails to file its annual statement as per the deadline, the Authority shall suspend the publication for a period of one month after which the license shall be automatically cancelled.
- j) Submit a copy of each issue of the newspaper and other publications to the Authority.
- k) Strictly comply with all directives issued by the Authority from time to time.
- l) Comply with all laws, standards, rules, orders, regulations, and licensing terms and conditions besides these Rules.
- m) Permit any official of the Authority or an authorized representative of the Authority to enter into any premises to inspect or examine any records or equipment or other set standards for compliance.

CHAPTER 3

REGISTRATION OF PUBLICATION

3.1 Requirement

- a) Any publication for sale or distribution to the public in Bhutan, whether such book, newspaper or magazine is published within Bhutan or abroad shall apply to the Authority for registration in the form set out in Annexure-4. The fee structure is as prescribed in Annexure-1.
- b) All imported publications including books, newspapers and magazines registered for sale and distribution within Bhutan shall carry the “BICMA registration number” on the last page in case of news papers and first page in case of books.
- c) All publication meant for sale and distribution within Bhutan shall not be advertised before being registered with the Authority.
- d) However, registration with the Authority is not required for publications of the government, schools or recognized institutions, which are published solely for internal use and/or distribution within their domain.
- e) For registration, as specified in section 3.1 (a), a copy of the book shall be submitted to the Authority which shall be retained by the Authority.
- f) However, the Authority may return the copies of specific publication categories as determined by the Authority including publications procured for the government.
- g) The Authority reserves the right to prohibit any publication whether published within Bhutan or outside for sale or distribution.

3.2 Register of publication

- a) The Authority shall maintain a Register of publications either in soft copy or print form. Whenever any change occurs in the registration, the Register shall be amended accordingly.

CHAPTER 4

BREACH OF RULES AND INDEMNIFICATION

4.1 Any person found:

- i. publishing, selling, importing and distributing publication without a valid license or a registration number issued by the Authority, or
- ii. importing, selling and distributing publication which have been declared detrimental by the Government, or
- iii. non-compliance to the Licensing Terms and Conditions

Shall be dealt as per the provisions of the Act and Licensing Terms and Conditions including cancellations of license based on the severity of the violations as may be determined by the Authority.

4.2 Indemnification

- a) Licensee shall indemnify, defend and hold harmless the Authority and its officials, agents, attorneys and representatives against any and at all costs, damages, expenses, claims, suits and actions, including but not limited to expenses for legal fees, whether suit brought or not, and disbursement and liabilities incurred or assumed by the Authority in connection with:
 - i. damage to persons or property, in any way arising out of or through the acts or omissions of licensee, its officials, agents, attorneys, representatives or employees; or
 - ii. request for relief arising out of the licensee's action or inaction which results in a claim for invasion of the rights of privacy; defamation of any person, firm or corporation; for the violation or infringement of any copyrights, trademark, trade name, service mark or patent; or of any other rights of any person, firm or corporation; or
 - iii. any or all claims arising out of licensee's failure to comply with the provisions of these Rules or any other law, or regulation applicable to the licensee.

ANNEXURE 1

STANDARDS, FEE STRUCTURE AND INFORMATION REQUIRED FOR PUBLISHING

For Publishing House license	
Standards for establishment	
<p>Infrastructure</p> <ul style="list-style-type: none"> • A well-equipped office space with full mailing address including location and building number <p>Human resource</p> <ul style="list-style-type: none"> • For books and periodicals, a minimum of three professional editorial team including an editor. • For newspapers, a minimum of five professional editorial team including an editor. • Editor must have at least 5 (five) years working experience in the media. <p>Information & documents required:</p> <ul style="list-style-type: none"> • Project proposal including organizational structure, financial information on initial establishment cost and evidence & source of funding • Copy of the Citizenship Card, NOC/ Security clearance and Curriculum Vitae of the applicant and editor 	
For Individual publishing license	
<p>Documents required</p> <ul style="list-style-type: none"> • Curriculum Vitae of the Applicant • Security Clearance of the applicant • Copy of the CID card of applicant 	
Fee structure	
Fees for publishing house license	Nu. 3000/annum
Fees for individual publishing license	Nu.1000/publication
Fees for registration of local publication	Nu. 500/-
Fees for registration of international books	Nu.5/book*
Fees for registration of international newspapers/magazines	Nu.500/-
License transfer fee	Nu.1500/-
Fees for any other alterations/changes:	Nu.500/-
Penalty for non-renewal of license	Nu.100/day**
* Particular publication title and not number of copies	
**Up to a maximum of 60 days	

ANNEXURE: 2

APPLICATION FORM FOR PUBLICATION LICENSE

A. Personal details:

Name of the applicant:

Citizenship Identity Card No:

Permanent address:

Village/locality:

Geog/town:

Dzongkhag/Thromde:

Present address:

Village/locality:

Geog/town:

Dzongkhag/Thromde:

Mobile:

Email:

B. Type of License:

a. Publishing House License: Periodical or Book
Attach details including names and addresses of directors/partners, if any.

b. Individual license

C. Details of the publication:

- i) Proposed name of the publishing House:
- ii) Address from where the publication will be published:
- iii) Address from where it will be printed:
- iv) Language in which it will be published:
- v) Number of copies to be printed for each issue:

If it is a periodical:

- i) Proposed name of the publication:
- ii) Periodicity of the Publication:
- iii) Schedule of Publication:
- iv) Approximate number of pages per issue:

D. Documents Submitted:

Information & documents as specified in Annexure-1 of the Rules for Publication.

Declaration and undertaking

I hereby declare that:

- a. The information given above is true and complete. In the event, if any changes occur on the information provided, I undertake to inform the Authority immediately.
- b. I understand the provision of the BICM Act 2006 and the Rules on Publications.

I also undertake to abide by all the applicable laws, regulations and rules of Bhutan as well as all the requirements and conditions specified by the Authority in relation to my license.

Signature of the Applicant
Date:

Affix
Legal
Stamp

ANNEXURE-3

ANNUAL STATEMENT REPORT FORM

Name of Publication House:

Statement period : January-December

1	a) Name of Publication: b) Frequency of Publication:	2	Language of the Publication: (Tick below) Dzongkha <input type="checkbox"/> English <input type="checkbox"/>
2	Contact details of the Publisher/Publishing House: Name: Address: Email address: Phone No: Fax: Mobile:		
3	Details of Editorial Team: Name of the Editor: Mobile No: Name of the Reporters: (Attach list with name, designation, mobile number and email address)		
4	Details of Management: Name of Chief Executive Officer/Managing Director: If a public company, provide the following information: a) Name of Chairman and Board of Directors along with their name, designation, mobile number and email address. b) Name of the shareholders, their address and amount of shares.		

5	<p>Details of Printer:</p> <p>a) Name of Printer:</p> <p>b) Location:</p>
6	<p>a) Number of copies printed in each issue:</p> <p>b) Total number of copies printed in a year:</p>
7	<p>Details of Distribution:</p> <p>a) Total number of the publication distributed through local agent/vendor in a year: (Please attach details month-wise for the year)</p> <p>b) Total number of the publication circulated to the regular and e-subscribers both national and international in a year: (Please attach details month-wise)</p> <p>c) Total number of the publication returned by the local agent/vendor month-wise in a year</p> <p>d) Total number of the publication sold and billed month-wise in a year (a-c+b)</p> <p>e) List of agents for the distribution of the publication. (Please attach list)</p>
9	<p>Financial Statement for January- December,(year)</p> <p>a) Financial Statement shall include:</p> <p>i) Trial Balance</p> <p>ii) Balance Sheet</p> <p>iii) Profit and Loss Account</p> <p>Note: Please attach the financial statement submitted to the Department of Revenue and Customs.</p>

Note: Please note that incomplete submission will not be accepted.

ANNEXURE: 4

APPLICATION FORM FOR REGISTRATION OF PUBLICATION

A. Personal details

1. Name of the applicant:
2. CID No:
3. Contact address (Present address with mobile and email)

B. Are you the [tick as appropriate]:

4. Author Publisher Distributor Importer

C. Details of the publication:

5. Name of the publication:
6. Language in which it will be published:
7. Name of the Author:
8. Place of publication:
9. Name and address of the publisher:

D. Documents Submitted:

I am enclosing the following (tick the appropriate box):

- | | |
|---|--------------------------|
| a. A synopsis and a printed dummy copy of the publication | <input type="checkbox"/> |
| b. A copy of the publication to be imported | <input type="checkbox"/> |
| c. Copy of the CID | <input type="checkbox"/> |
| d. Valid Security Clearance Certificate | <input type="checkbox"/> |

Declaration and undertaking

I hereby declare that:

- The information given above are true and complete. In the event, if any changes occur on the information provided, I undertake to inform the Authority immediately.
- I understand the provision of the BICM Act 2006 and the Rules for Publication and undertake to abide by all the applicable laws, regulations and rules of Bhutan as well as all the requirements and conditions specified by the Authority in relation to my license.
- I will submit a final printed copy of the publication to the Authority before its circulation.

Signature of the Applicant
Date:

Affix
Legal
Stamp



