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Chapter 5: Regulatory Environment

5.1 Nepal Engineering Council Act
5.2 Labor Law
5.3 Intellectual Property Right
5.4 Building Codes & Bylaws
5.5 Company Registration

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5.1 Nepal Engineering Council Act, 2055

No. of chapters = 7 No. of Sections = 38

Outline:

Chapter 1 = Preliminary
Chapter 2 = Establishment, Constitution, Function, Duties & Powers of the council
Chapter 3 = Provision regarding the registration of Name
Chapter 4 = Recognition of certificates of Academic Qualification or degree
Chapter 5 = Functions, Duties and Powers of the Chairman, Vice-Chairman & Registrar
Chapter 6 = Fund of council
Chapter 7 = Miscellaneous

Annexe (Relating to clause (e) of Section 2)

Note: Chapter 1 ⇒ Section 2 ⇒ Clause e:
"Engineering Profession" means the profession to be practiced by the engineer who have acquired the technical knowledge & skill in the subjects referred to in the Annex.

5.2 labor Act (2074)

→ Labor Act, 2074 has replaced the previous labor law completely; Labor Act, 2048.
→ It received assent of president & became effective from Bhadra 19, 2074.

No. of Chapters = 24 No. of Sections: 183

1 Preliminary
2 Fundamental provision relating to workers.
3 Provision Relating to Employment
4 " Trainees & Apprentices
5 " Part-time Workers
6 " Work Permits
7 " Working Hours
8 " Remuneration
9 " Leave
10 " Provident Fund, Gratuity and Insurance
11 " Labour Provider
12 " Occupational Safety & Health
13 Provision Relating to Special types of Industries & Services
14 " Fair Labour Practices
15 " Inspection
16 " Councils & Committees
17 " Internal Management of Enterprises
18 " Settlement of individual disputes
19 " Settlement of collective disputes
20 " Conduct & Punishment
21 " Termination of Employment
22 " Labour Court
23 " Complaints, Punishment & Appeals
24 Miscellaneous Provisions

5.3 Intellectual Property Rights

Intellectual Property (IP) is a term referring to a number of distinct types of creation of the mind for which property rights are recognized under corresponding field of law.

Patents, Design Right, Trademark, Copyright all fall under Intellectual Property.

IPR's emerged in the context of industrial revolution with the ~~know~~ logic of encouraging innovations through granting monopoly rights for period of time.

Patent:

As per Patent Design & Trademark Act (PDT, 2022), patent can be issued to any useful invention based on new principle or formula, or any new way or method of construction, operation or transmission related to substance or a body of substance

7 years + Two extension of 7 years each.
NRS 5,00,000 fine & confiscation for commiting
NRS 2,50,000 fine for attempt

Design:

As per PDT, 2022:
Design is a feature, pattern or shape of a substance made by following any means.
5 years + Two 5 years extension each
NRS 50,000 fine & confiscation of item.

Trademark:

As per PDT Act 2022:
Trademark is defined as the use of any word, sign or picture or a combination of them by a firm, company or person to distinguish the products & services from those of others.
7 years + 7 years renewal; can be protected for ever
NRS 1,00,000 fine & confiscation

Copyright:

Copyright is a right conferred on the owner of the literary or artistic work. It is an exclusive right to control the publication, distribution & adaption of creative works
Lifetime + 50 years
~~50 years for anonymous work~~
For works made for hire, 95 years from publication or 120 years from date of creation; whichever is shorter

Building Act 2055 ⇒ Building rules 2062 & National Building Code 2060

5.4 Building Codes & Bylaws

Building by-laws (भवन नियम) are the set of guidelines regarding the design of buildings, orderly and systematic planning of the area and ensure safety standards.

Building codes & bylaws provide the regulations & standards that architects, builders & homeowners must meet when designing constructing or remodeling buildings

→ Concerned Town Development Committees prepare building bylaws
→ Building bylaws are followed by all the municipalities of country
→ prepared to ensure public health & safety, planned urban development

Deal with elements like:
- Right of Way (ROW)
- Set Back
- Floor area ratio
- Ground Coverage Ratio
- Height of the building
- Guidelines for culturate heritage zones

5.5 Company Registration

- Registered under Companies Act 2063, amended in 2074

Companies Act 2063 has 21 chapter, 186 sections

In section 5: titled "Registration of company" company will be registered within 15 days after the date of making of application.

Documents for ~~private~~ company registration:
i) Application in the format as per Annex 1
ii) 2 copies of Article of association (प्रवन्ध पत्र) and Article of memorandum (नियमावली)
iii) Citizenship certificate of all founding shareholders
iv) Private → A copy of mutual agreement (if any)
Public → A copy of agreement made among the founder members before the establishment of company

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Chapter 6: Contemporary Issues in Engineering

6.1 Globalization and Cross Cultural Issues
6.2 Public Private Partnership
6.3 Safety, Risk & Benefit Analysis
6.4 Development & Environment
6.5 Conflict & Dispute Management

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6.1 Globalization and Cross Cultural Issues

Globalization is the spread of products, technology, information and job across national boders and cultures

Causes:
- technological advancements
- exports & imports
- stock market & multinational corporations
- international tourism & domestic diversity
- increased communication & interaction

Global business must understand how to communicate with employee & customers from different culture in order to fulfill the organization's mission & build value for stake holders.

"Cultural proficiency doesn't mean memorizing every cultural nuance of every market. Its knowing when to listen, when to ask for help, and when finally to speak."

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