

## Copyright Law

### **LAW No. 7 OF 2002**

### **LAW ON THE PROTECTION OF COPYRIGHT AND NEIGHBORING RIGHTS**

We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar,

Having seen the amended Provisional Constitution, particularly Articles 23, 34 and 51 thereof, and The Qatar Penal Court promulgated by Law No. 14 of 1971, as revised, and the Law of Criminal Procedures No. 15 of 1971 as revised, Law No.8 of 1979 on Press and Publication, and Decree-Law No. 14 of 1982 concerning the Deposit of Works at the Qatar Public Library, and Decree-Law No. 16 of 1993 concerning the organization of activities pertaining to advertising, public relations, artistic production and works of art, and Decree-Law No. 22 of 1993 concerning organization of the Ministry of Economy and Trade, and

Law No. 25 of 1995 on the Protection of Works of Intellect and Copyrights,  
and

Decree No. 11 of 1997 concerning the establishment of the Qatari Public  
Broadcasting Corporation, and

Emiri Order No. 1 of 2002 concerning the amendment of the Council of  
Ministers,

Decree No. 50 of 1986 concerning the accession of the State of Qatar to the Arab Agreement for  
the Protection of Authors' Rights, and

Decree No. 24 of 1995 concerning the accession of the State of Qatar to the Agreement  
establishing the World Trade Organization and the attached Related Multi-Lateral Trade  
Agreements, and

The Proposal of the Minister of Economy and Trade, and The Draft Law submitted by the Council  
of Ministers, and

Having consulted Advisory Council,  
Have promulgated the following Law:

### **CHAPTER I**

#### **Definitions**

#### **ARTICLE 1**

In the implementation of this Law, the following words and expressions shall have the meaning  
given for each, unless the context requires otherwise.

Ministry: The Ministry of Economy and Trade

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Office: The Office of the Protection of Copyrights and NEIGHBORING Rights

Work: Any original artistic or literary work

Author: Any physical person who invented the work

Year: Calendar year

Publication: Reproduction of works or sound recordings to satisfy the needs of the public, subject to the consent of the Author, copyright owner or sound recording producer.

Reproduction: Production of one or more copies of work by means of printing, painting, engraving, photography, in form or in any manner, including permanent or temporary storage in electronic form.

Audiovisual Work: Work that consists of a series of related images which imparts the impression of motion, with or without accompanying sounds, susceptible of being made visible, and where accompanied by sounds, susceptible of being made audible.

Sound Recording: Any exclusively oral fixation of the sounds of a performance or of other sounds, regardless of the method by which the sound or a performance are embodied and regardless of the medium in which the work is embodied; it does not include a fixation of sounds accompanying an audiovisual work.

Producer: A physical person who, or entity which, takes the initiative to, and has responsibility for making the audiovisual or oral work.

Broadcasting: Communication of a work, a performance or a sound recording to the public by wireless transmission, including transmission by satellite.

A Collective Work: A work created by a number of physical persons at the initiative and under the direction of a physical person who, or legal entity which, takes the responsibility of publishing the work under his or its

name provided that it is impossible to distinguish the individual contribution of each.

**Work of Joint Authorship:** A work in the making of which two or more persons participated and each of which work can be separated and distinguished.

**Work of Applied Art:** An artistic creation with utilitarian functions or incorporated in a useful article whether made handcraft or produced on an industrial scale.

**Communication to the Public:** The transmission by wire or without wire of images or sounds, or both, of a work, a performance, a sound recording or a broadcast.

**Owner of Copyright:** One of the following persons:

- The Author
- Where the economic rights are originally invested in a physical person other than the Author or a legal entity, that person or entity.
- A physical person or legal entity to whom the ownership of the economic rights has been transferred.

**Performers:** Singers, musicians, and other persons who sing, deliver, declaim, playing, or otherwise perform literary or artistic works or expressions of folklore.

**Public Performance:** Performing the work, either directly or by means of any device or process, by recitation, playing, dancing, acting or otherwise performing the work. Performance is deemed to be public if it can be perceived at a place where persons outside the normal circle of the family and its closest acquaintances are or can be present.

**Neighboring Rights:** Rights that protect performers, producers of sound recordings and broadcasting organizations.

**National folklore:** Any expression which consists of distinctive elements of the traditional artistic heritage, originating or developed in the State of Qatar and reflects its artistic heritage, shall be considered as national folklore, including in particular the following expressions:

(1) oral expressions such as tales, popular poetry and riddles;

(2) musical expressions such as popular songs accompanied by music;

(3) motion expressions such as popular dances, plays, artistic forms and rituals, whether or not incorporated into material form;

(4) tangible expressions such as:

(a) products or popular art particularly drawings with lines and colors, engravings, sculptures, ceramics, pottery, woodwork, mosaic, metal, jewelry, hand-woven bags, knitting, carpets, textiles, and;

(b) musical instruments;

(c) architectural forms.

## **CHAPTER II**

### **Scope and Provisions of Protection**

#### **ARTICLE 2**

Protection under this Law is conferred to authors of original literary and artistic works, irrespective of the value, quality, purpose or mode of expression of these works.

Protection shall cover particularly the following works;

(1) books, pamphlets and other writings;

(2) works delivered orally such as lectures, addresses, sermons or similar works such as poems and hymns;

(3) dramatic and dramatico musical works;

(4) musical works, whether or not they include accompanying words;

(5) choreographic works and pantomimes;

(6) audiovisual works;

(7) photographic and similar works;

(8) works of applied art, whether handicraft or produced on an industrial scale;

(9) works of drawing and painting with lines and colors, architecture, sculpture, decorated arts, engravings, sketches, designs and three-dimensional geographic or topographic works;

(10) computer programs.

Protection shall also extend to the title of the work if it is original.

### **ARTICLE 3**

Notwithstanding the protection provided by the preceding Article, the following derived works shall be protected by the provision of this Law:

(1) works of translation, summary, alteration explanation and other modifications;

(2) collection of encyclopedias and selections if creative in the selection and arrangement of their subject matter;

(3) data bases if creative in the arrangement of selection of their subject matter;

(4) collections of works and expressions of folklore if creative by reason of arrangements or selection of their subject matter.

### **ARTICLE 4**

The protection provided by this Law shall not cover the following works:

(1) laws, legal provisions, administrative decisions, international treaties, official documents or any official translation thereof.

However, collections of such material are protected if they involve creative work in the selection and arrangement of their subject matter.

2) daily news and other news of mere informatory nature.

3) ideas, procedures, operational methods, mathematical concepts, principles and mere data. However, any derivative expression thereof shall be covered by protection.

### **ARTICLE 5**

The provisions of this Law shall apply to the following:

- (1) works of Qatari Authors published within or outside the State;
- (2) works which are published for the first time inside the State, and works which are published for the first time in another State and then published in Qatar within thirty days of the first publication date, irrespective of the nationality or place of residence of their authors;
- (3) audiovisual works whose producer has his headquarters or place of residence in Qatar;
- (4) architectural works constructed in Qatar, or any other artistic work incorporated in a building or any other construction situated in Qatar.

The provisions of this Law shall also apply to works protected by an international agreement or a Court in which Qatar is a party, and in accordance with its provisions.

## **ARTICLE 6**

No work of any kind shall be published, displayed or circulated unless accompanied by the following:

- (1) Certificate of origin indicating the name of the author or the person to whom the right of exploitation has been assigned;
- (2) Declaration, by the importer or the owner, regarding display or circulation, specifying the geographic area or place within which the display or circulation is authorized.

## **CHAPTER III**

### **Author's economic and moral rights**

#### **SECTION ONE**

##### **Economic Rights**

## **ARTICLE 7**

The Author or the owner of the copyright shall have the exclusive right to carry out or to authorize any of the following acts:

- (1) reproduction of the work;
- (2) translation of the work;

(3) making excerpts, musical arrangement or other transformation of the work;

(4) distribution to the public of the work through sale;

(5) rental to the public of audiovisual works or computer programs. However the right to rental shall not apply to rental of computer programs where the program itself is not the essential object of the rental;

(6) public performance of the work;

(7) communication of the work to the public.

#### **ARTICLE 8**

The author may transfer any of his economic rights, provided for by this Law, to other person or persons. The transfer of the economic right shall be in writing and shall specify explicitly and separately each disposal right, indicating the duration of disposal or transfer, its manner and quantity, the purpose and the place.

#### **ARTICLE 9**

The author shall abstain from any act that might prevent the assignee to use the right assigned to him. Nevertheless, the author may withdraw his work from circulation or introduce any modification through omission or addition to it. In the event of disagreement, the author shall be obliged to pay a fair compensation to the prejudiced party.

### **SECTION TWO**

#### **Moral Rights**

#### **ARTICLE 10**

The author of a work shall have the following moral rights:

(1) To have his name or pseudonym indicated on his work or not to have his name indicated on his work;

(2) To object to any distortion, deformation or any other modification of his work;

(3) To object to any distortion and to prohibit any other use of his work which would be prejudicial to his honor or reputation.

The rights provided for in the preceding Articles are imprescriptible and perpetual.

#### **ARTICLE 11**

Any disposal of the author of his future in intellectual production shall be considered as null and void.

#### **ARTICLE 12**

Any disposal by the author of the original copy of the work shall not be considered as an assignment of the authors' rights.

#### **ARTICLE 13**

The author shall have the exclusive right to publish his letters. However, he may not exercise such right without the permission of the recipient, where the publication is likely to be prejudicial to the latter.

#### **ARTICLE 14**

A person who takes photographs or of a person shall be prohibited from publishing, displaying or distributing the original picture or copy thereof without the permission of the said person; this provision shall not apply if the publication of the photograph or portrait was done on the occasion of a public event, or if relating to public figures or world known celebrities, or if authorized by public authorities for the public interest.

The person represented in the photograph may authorize its publication in newspapers and magazines and other similar publications without the authorization of the photographer, unless otherwise agreed.

These provisions shall apply irrespective of the method used to produce the photograph.

### **CHAPTER IV**

#### **Duration of Protection**

#### **ARTICLE 15**

The economic rights shall be protected during the life of the Author and for fifty calendar years after his death. Protection for original, artistic or literary work shall be for the following durations:

" in the case of the work of joint authorship, the rights shall be protected for fifty calendar years from the date of the death of the last surviving co-author.

" in the case of audiovisual or collective work, the rights shall be protected for fifty years as from the date on which the work was first published. For works that are not published, the term of protection shall run from the first day of the calendar year after the completion date of the work.

" in the case of a work published under a pseudonym or published anonymously, the rights shall be protected for fifty calendar years from the first day of the calendar year following the date on which the work was first published. Nevertheless, where the pseudonym used by the author leaves no doubt as to the author's identity, the term of protection shall be calculated as from the first calendar year following the author's death. This provision applies where the author reveals his identity before the expiration of the protection period.

#### **ARTICLE 16**

In case where the protection runs as from the date in which the work was published, under the provision of this Law, the date of the first publication shall be considered, irrespective of subsequent publications, unless the author has, on re-publication, introduced substantial changes as to consider the work new. If the work is composed of several parts or, published separately at different stages, each part or shall be considered as a separate work, in calculating the periods of protection.

#### **ARTICLE 17**

The moral rights provided for in this Law shall be perpetual and transferable by inheritance after the Author's death. Where the author dies without an inheritor, the competent Ministry shall undertake the protection of such rights.

#### **CHAPTER V**

##### **Restrictions on Copyright and Neighboring Rights**

#### **ARTICLE 18**

The following uses of a protected work are permitted without the Author's authorization:

(1) using the work exclusively for personal use, through reproduction, translation, quotation, musical arrangement, acting, broadcast listening, television viewing, photography or by any other means;

(2) using the work by way of illustration for teaching, through publications, broadcasts, sound or visual recordings, films or by any other means, to the extent justified by the purpose, provided that the use is non-profit making and the source and the name of the author are indicated.

The uses provided for in the two preceding items shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author;

(3) citing paragraph of a work in another work for the purpose of illustration, demonstration or criticism, within the acceptable practice and as justified by the purpose, provided that the source and The name of the author are indicated.

## **ARTICLE 19**

The reproduction in a newspaper or periodical, the broadcasting or other communication to the public of an article published in a newspaper or a periodical on current political, economic, social, cultural or religious topics or a broadcast work of the same character, shall be permitted. This permission is subject to the obligation to clearly indicate the source and the name of the author, when known.

Nevertheless, this exception shall not apply where the authorization right of reproduction or communication to the public is explicitly reserved by the author.

It is also permitted to reproduce any work that can be seen or heard through informatory display of current events, photography or television or any other information mass-media, provided it remains within the information objective determined, with an indication to the author's name.

## **ARTICLE 20**

The reproduction, in a single copy, or the adaptation of a computer program by the rightful owner of a copy of that computer program shall be allowed to the extent justified by the initial purpose, or for the purpose of preservation or replacement of an original copy or an adaptation thereof; this right shall expire in the event that the possession of the computer program ceases to be lawful.

## **ARTICLE 21**

(1) The reproduction is allowed for teaching purposes in educational institutions the activities of which do not serve direct or indirect commercial gain, of articles, short works or extracts of works, to the extent justified by the purpose provided that:

(a) The act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions, and

(b) There is no collective license available for reproduction by a competent authority in the collective management of rights of which the educational institution is or should be aware.

(c) The name of the author and the title of the work shall be indicated as far as practicable on all copies.

(2) Any library or archive whose activities do not serve direct or indirect gain may make a single copy of the work by reprographic reproduction

(a) Where the reproduced work is a published article, a summary or an extract of work where reproduction is to satisfy the needs of a natural person, provided that:

- the library or archive is satisfied that the copy will be used solely for the purposes of study, scholarship or research, and if repeated, on separate and unrelated occasions, and

- there is no collective license available for reproduction by a competent authority in the collective management of rights of which the library or archive is or should be aware.

(b) The reproduction is permitted where the copy is made with the aim of preserving the original copy or, when necessary, replacing a lost, destroyed or rendered unusable copy in the permanent collection of another similar library or archive, provided that:

- it is impossible to obtain such a copy under reasonable conditions,
- the act of reprographic reproduction is an isolated case.

#### **ARTICLE 22**

Broadcasting organizations may prepare, for the purposes of their broadcasts and by their own means, a provisional recording of a protected work they are authorized to broadcast to the public. Such a copy shall be destroyed within one year from the date of its preparation with the exception of recordings of documentary nature.

#### **ARTICLE 23**

Any physical person may, without the authorization of the Author, import a copy of a work for his own personal purposes.

#### **ARTICLE 24**

The press or other information media may publish, without the authorization of the author, speeches, lectures, as well as legal proceedings or similar works displayed openly to the public, provided that the name of the author is clearly indicated. The author shall have the exclusive right to publish such works in one or more publications or other means as he deems appropriate.

#### **ARTICLE 25**

Musical bands or arms forces may, without the authorization of the author, play or perform published work in as much as such playing or performance does not produce directly or indirectly any financial revenue.

#### **ARTICLE 26**

The restrictions on economic rights provided for in this Chapter shall apply mutatis mutandis on the rights of performers, producers of sound recordings and broadcasting organizations.

## **ARTICLE 27**

(a) Any Qatari citizen may obtain from the Minister or his delegate a non- exclusive and non-assignable license for the translation into Arabic of a foreign work, published in a printed form or any other form, and for the publication of this translation in a printed form or any other form, after three years from the date of the first publication of this work and provided that no translation of this work into Arabic was previously published in Qatar by the owner of the translation right or with his consent or upon the depletion of the translated editions,

(b) Any Qatari citizen may obtain from the Minister or his delegate an exclusive and non-assignable license to reproduce and publish any published work according to the following conditions:

(1) lapse of three years from the date of the first publication of any published work related to technology, natural science, physics or mathematics, or after seven years from the first publication of works of poetry, theatre, music, art books and novels, or after five years from the first publication of other published works, and

(2) copies of the work were not distributed in the State of Qatar to satisfy the needs of the public or for school or university education by the owner of the reproduction right by or with his consent and for a price similar to the prices of similar works in the State of Qatar, and

(3) the published copy is sold according to the provisions of this paragraph for a price which is similar or less than the price provided for in item (2) of this paragraph.

(c) The translation licenses provided for in paragraph (a) of this Article are granted for the purposes of school and university education or research, whereas reproduction licenses, provide for in paragraph (b) of this Article are granted only for the use in school or university education.

(d) Where a translation or reproduction license is granted, the author of the original translated or reproduced work shall be entitled to a fair compensation in conformity with the criteria of economic rights applied for voluntary licenses between persons in the State of Qatar and persons in the author's country.

(e) The conditions and procedure of grant of licenses, provided for in this Article, are prescribed by a decision of the Minister.

## **CHAPTER VI**

### **Provisions relating to the work after the death of the author**

## **ARTICLE 28**

The copyright provided for in this Law is wholly or partly transferable by inheritance or legal assignment.

## **ARTICLE 29**

(1) When the author includes in his will the non-publication, or publication at a fixed date for his work, his will shall be respected accordingly.

(2) Where the author, or one of the co-authors, dies without an inheritor, his share shall accrue to those who are entitled to it in accordance with the provisions of the Islamic Sharia.

## **ARTICLE 30**

If the inheritors or successors of the author do not exercise the rights transferred to them, and if the Minister is of the opinion that the publication of the work would be in the public interest, he may request, by registered mail, the inheritors of the author to publish the work. If they do not publish the work within a year from the date of the request, the Minister may order the publication of the work against a fair compensation to be paid to the inheritors.

## **ARTICLE 31**

In case of a work published by the inheritors for the first time after the death of the author, the work shall be protected for fifty years as from the date of the first publication.

## **CHAPTER VII**

### **Provisions related to some works**

## **ARTICLE 32**

National folklore shall be the public property of the State.

The State, represented by the Ministry shall protect national folklore by all legal means, and shall act as the author of folklore works in facing any deformation, modification or commercial exploitation.

## **ARTICLE 33**

In case several persons participate in the creation of a work, the co-authors shall be the original owners of the economic rights of that work. A co-author may not, alone, exercise rights of authorship unless all co-authors agree to that in writing. Any dispute shall be settled by the competent tribunal. Each co-author shall have the right to file a case against any copyright violation, This right is transmittable to the inheritors of any of the co-authors.

In case several persons participate in the creation of a work and the role of each of them in the joint work is distinguishable, each person shall have the right to exploit his part separately, without prejudice to the exploitation of the joint work, unless they agree otherwise.

#### **ARTICLE 34**

In the case of a collective work, the physical or moral person who initiates and directs the work shall be the original owner of the copyright, unless otherwise provided in the contract.

#### **ARTICLE 35**

In the case of co-authorship of a musical work, the music composer shall have the exclusive right to authorize the public performance, execution, publication, reproduction or communication to the public of the whole work, without prejudice to the rights of the author of the literary component of the work.

The same provision shall apply to choreographic works accompanied by music, shows accompanied by music and to any other similar works.

The author of the literary component of the work shall have the exclusive right to publish his own part. He may not, however, use this component at the basis or another similar work, unless otherwise agreed.

#### **ARTICLE 36**

Co-authorship of an audiovisual work includes the following:

- (1) author of the scenario or the written idea;
- (2) author of the dialogue;
- (3) editor of the existing literary work, adapting it to the audiovisual work;
- (4) composer of the music it especially compose for the audiovisual work;
- (5) producer, if he exercises an effective control and provides positive intellectual input to realize the work in all its aspects.

Where the audiovisual work is adapted or extracted from another previous work, the author of the previous work shall be considered as a co-author of the new work. His name shall be explicitly mentioned in reference to the adaptation or extraction.

#### **ARTICLE 37**

If any of the co-authors of an audiovisual work fails to complete his assigned part, the remaining co-authors shall not be prevented from using the part already

accomplished, notwithstanding his rights as a co-author if his failure to complete the work was justifiable. Where his failure was of his own free will, without justifiable reasons, he shall be deprived of any rights that may accrue to him by virtue of the part he has accomplished.

#### **ARTICLE 38**

If the authors of a literary text, scenario and dialogue, and the producer and music composer collectively create an audiovisual work, neither of them shall have the right to prevent the production or display of such work, without prejudice to the moral and economic rights of the dissenter.

The author of the literary or musical component of a work may publish his work by means other than movie, theatre, radio or television, unless otherwise agreed.

#### **ARTICLE 39**

The producer shall always be considered the publisher of the work and shall have all publication rights of the tape and its copies. He shall act, during the period of exploitation of the tape, on behalf of the co-authors of the audiovisual work and their successors, as to the terms of the display and exploitation of the tape without prejudice to the rights of the author of the literary and musical works in publishing their works by other means, unless otherwise agreed.

### **CHAPTER VIII**

#### **Neighboring Rights**

##### **SECTION ONE**

##### **Rights of Performers**

#### **ARTICLE 40**

Performers shall enjoy the following rights:

(1) Moral rights which will consist of the following:

(a) The right to be identified as such with respect to their performances only if such indication would contradict with the exploitation of the performance;

(b) The right to prevent any distortion, deformation or modification of their performance that would be prejudicial to their reputation.

(2) Economic rights which will consist of the following:

(a) to broadcast or make their unfixed performance available to the public;

(b) to make a fixation or a recording of their unfixed sound recordings;

(c) to reproduce sound recordings containing unauthorized fixation of their performances;

(d) to rent sound recordings containing their performances;

(e) to distribute to the public through the sale of sound recordings containing their performances;

The provisions of this Article shall not deprive performers from concluding contracts with better terms for their performances.

The rights conferred by this Article shall be protected until the end of the fiftieth year following the fixation of the performance in a sound recording or in the absence of such fixation, from the end of the year in which the performance took place.

## **SECTION TWO**

### **Rights of producers of sound recordings**

#### **ARTICLE 41**

Producers sound recordings shall have the exclusive right to carry out or to authorize any of the following acts:

(1) direct or indirect reproduction of a sound recording in any manner or form.

(2) rental to the public of a copy of the sound recording.

(3) making available to the public by sale.

The rights under sub-section (1) of this article shall be protected from the publication of the sound recording until the end of the fiftieth year following the year of publication or, if the sound recording has not been published, from the fixation of the sound recording until the end of the fiftieth year, following the year of fixation.

## **SECTION THREE**

### **Rights of broadcasting organizations**

#### **ARTICLE 42**

Broadcasting organizations shall have the exclusive right to carry out or to authorize any of the following acts:

- (1) rebroadcasting of their broadcasts.
- (2) communication of such to the public.
- (3) fixation of its broadcasts.
- (4) reproduction of a fixation of its broadcast.

The rights under this Article of the publication of the sound recording shall be protected for twenty years as from the year following the year in which the broadcast takes place.

#### **ARTICLE 43**

The provision of this Law shall apply to the following:

- (1) performances of Qatari performers.
- (2) sound recordings of Qatari producers or recordings that have been recorded or published in Qatar.
- (3) broadcasts or broadcasting organizations that have their headquarters in Qatar or broadcasting organizations that broadcast through a transmitter in Qatar.

The provisions of this Law shall also apply on performances, sound recordings or broadcasts protected by any international convention to which the State is party.

#### **CHAPTER IX**

##### **Office of the Protection of the Copyright and Neighboring Rights**

#### **ARTICLE 44**

An office shall be established within the Department of Commercial Affairs in the Ministry, to be called "Office for the protection of the copyright and neighboring rights" vested with the enforcement of this Law. For this purpose, the Office shall undertake the following:

- (1) raise authors' awareness to the optimal means to exercise their economic and moral rights and provide them with assistance;
- (2) settle any disputes arising between the authors, performers and third parties, subject to the provisions of this Law, with the consent of the parties concerned.

(3) consider and follow up issues related to copyright and neighboring rights at the local, Arab and international levels, and submit relevant proposals or recommendations.

(4) examine applications to deposit works, sound recordings, performances and broadcasts, according to the provisions of this Law.

(5) propose the necessary measures to implement the provisions of this Law, particularly the appropriate procedures to deposit works, provided for in the previous item of this Article, with the Office, the publication of such deposit, and the forms or records related to the deposit.

(6) represent the country in the meetings, seminars and conferences related to copyright and neighboring rights on the local, Arab and international levels.

#### **ARTICLE 45**

Owners of copyright and neighboring rights may submit to the Office an application to deposit their works provided for in Article 44 (4) of this Law, provided that they submit the following material with their applications:

(1) the name of author or authors in the case of joint works or the name of owners of neighboring rights;

(2) subject matter of the work or subject matter of the neighboring right;

(3) two copies of the work or the subject matter of the neighboring right;

(4) comprehensive statement of the works' specifications or the subject matter of the neighboring right;

(5) a written statement by the authors of the ownership of a work or a neighboring right and rights conferred on them.

Failure to deposit work or neighboring rights shall have no effect on its protection under this Law.

#### **ARTICLE 46**

The Office shall deliver to the owners of rights or the owners of neighboring rights a certificate, specifying the date of deposit, the subject matter and nature of the neighboring right and the name of the holder or owner, subject to the payment of the required certification fees.

Such certificate shall be an evidence of the authenticity of the data included therein and other parties may prove otherwise. The fees for issuing deposit certificates shall be determined by a decision of the Councils of Ministers upon the proposal of the Minister.

#### **CHAPTER X**

## **Preventive measures and sanctions**

### **ARTICLE 47**

(a) The Court may, upon application of the owner of the right or any of his successors or hirers, take the following procedure related to the infringement of copyright:

- (1) grant injunctions to prohibit the committing of infringement;
- (2) order the seizure of the infringing copies or any part thereof;
- (3) seizure of infringing copies and implements used in the reproduction;
- (4) ordering the appropriate indemnification;
- (5) seizure of profits attributable to the infringement.

(b) if it is proved that the plaintiff is the owner of the right and that his right has been infringed or subject to an imminent infringement, the Court may order any of the procedures provided for in sub-section of this Article as a conservatory measure to prevent infringement or to preserve an evidence related to the infringement.

(c) in cases where delay may prejudice the holder of the right beyond compensation or in cases where there is a proved risk of losing material which constitutes evidence related to the infringement, the Court may take any of the measures provided or in sub-section (a) of this Article, as conservatory measures, without notifying the defendant and in his absence, and the prejudiced parties shall be notified by the measures taken by the Court as soon as such measures are implemented.

The defendant may request a hearing, within thirty days after his notification by the measures. The Court shall decide, in such a session, to endorse, modify or repeal the conservatory measure.

(d) the petition for conservatory measures shall be submitted, according to the provisions of paragraphs (b) and (c) of this Article, with an appropriate financial deposit, to prevent abuse and secure damages for the defendant, if the petition does not prove true.

(e) upon request from the defendant, the conservatory measures taken according to the provisions of paragraphs (b) and (c) of this Article shall be repealed if the action is not filed within fifteen days from the date of the Court's order to take the measures.

(f) in the cases where the conservatory measure taken according to paragraphs (b) and (c) of this Article is repealed because of the expiry of the period for filing the action, the inability of the plaintiff or where it is proved that there is no infringement or an imminentinfringement, the Court may, upon request of the defendant, order appropriate indemnification for prejudice caused by such measures.

(g) the Court may order the petitioner, who arbitrarily requested any of the measures stipulated in this Article, payment of adequate indemnification to the party against whom the measures were taken, to compensate the damages sustained as a result of such abuse.

#### **ARTICLE 48**

Without prejudice to more severe sanction provided or under any other law, any person who publishes a work he does not own, without a certified written authorization from the author of the work, his inheritors, or his representative, shall be punished by imprisonment for a period not less than six months and not more than one year and with a fine of not less than 30,000 Riyals and not more than 100,000 Riyals, or by either punishment.

Shall be subject to the same sanction any person who, contrary to the fact, claims ownership of a work he does not own.

#### **ARTICLE 49**

Without prejudice to more severe sanction provided for under any other law, any publisher who, when publishing a work, modifies its real meaning, nature, subject or title in contradiction with the instructions or wish of the author of the work, shall be punished with imprisonment for a period not exceeding one year and a fine of not less than 30,000 Riyals and not more than 50,000 Riyals, or by either punishment.

#### **ARTICLE 50**

No establishment which engage distributing, selling or reproducing copies of work, shall undertake any sale or reproduction of a work without a written authorization from the author, or his representative.

The owner of the establishment who contravenes the provision of the preceding paragraph shall be punished with imprisonment for a period not exceeding one year and with a fine not less than 30,000 Riyals and not exceeding 50,000 Riyals, or by either punishment.

#### **ARTICLE 51**

The following acts shall be considered illegal act and infringements of the rights protected under this Law:

(1) manufacture or imports of any devices or instruments with an intention of using them through sale, rental or other means, if they were designed or meant to deactivate any devices or instruments preventing or limiting the reproduction of a work, a sound recording, or a broadcast, or if meant to undermine the quality of the work;

(2) manufacture or import of any devices or instruments with the intention of using them through sale, rental or other means, if they can enable the reception of codified programs broadcast or communicated to the public in any other way, including programs communicated through satellite, or if they facilitate such transmission to persons not entitled to receive such programs.

(3) remove or modify any electronic data relating to copyright administration, without authorization.

(4) distribute works, performances, sound recordings or broadcasts, or import such works for distribution, transmission or communication to the public, or provide them to the public without authorization, knowing that electronic data relating to copyright administration were removed or modified without authorization.

Any person who commits any of the preceding infringement shall be punished by imprisonment or a period not less than six months and not more than one year.

## **ARTICLE 52**

In all cases specified in this Chapter it is imperative to order the confiscation of the infringing copies of the work and all implements used in the reproduction. A decision may also be taken to close down the establishment for a period of not less than one month and not more than three years.

In case of recurrence, the sanctions provided for in this Chapter shall be doubled, and the Court may also order the publication of the judgment in one or more newspapers at the expense of the convicted party.

## **ARTICLE 53**

All conservatory measures and sanctions provided for in this Chapter shall apply on neighboring rights.

## **CHAPTER XI**

### **General Provisions**

## **ARTICLE 54**

The provisions of this Law shall apply to works, performances, sound recordings or broadcasts in existence at the time of its entry into force, provided that the protection period had not lapsed under a previous legislation or the legislation in the country of origin of such works.

The provisions of this Law shall not apply, however, to contracts concerning works artistic performances, sound recordings or broadcasts, which were concluded prior to its entry into force.

#### **ARTICLE 55**

The staff of the Office of the protection of copyright and neighboring rights, who are mandated by the Minister, shall have the capacity of legal officers for controlling and certifying offenses committed in violation of the provisions of this Law. For that purpose, they are authorized to enter and inspect premises where the works are published, distributed, reproduced and produced, and to examine documents and records, and to confiscate any material, copies or the means used in any acts violating this Law.

#### **ARTICLE 56**

The Minister shall issue the necessary regulations and decisions for the implementation of the provisions of this Law. Until that date, current regulations and decisions shall continue to be in force to the extent consistent with the provisions of this law.

#### **ARTICLE 57**

Law No, 25 of 1995 is hereby repealed as well as any provisions inconsistent with the provisions of this Law.

#### **ARTICLE 58**

All competent authorities, within their respective areas of competence, are liable to enforce this Law. This Law shall enter into force as from the date of its publication in the Official Gazette.

Hamad Bin Khalifa Al-Thani

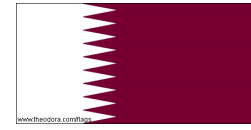
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