

Dahir No. 1-95-115 of 27 moharrem 1416 (June 26, 1995)
on the Enactment of Law No. 17-94
on Activities relating to the Production, Edition, Importing, Distribution,
Reproduction and Exploitation of Videograms for Private Use by the Public*

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Hassan II)

Let it hereby be known — may God elevate and strengthen the content!

That our Cherifian Majesty,

Having regard to the Constitution, in particular Article 26,

HAS DECIDED AS FOLLOWS:

Law No. 17-94 on Activities relating to the Production, Edition, Importing, Distribution, Reproduction and Exploitation of Videograms Intended for Private Use by the Public, adopted by the Chamber of Representatives on 14 moharrem 1416 (June 13, 1995), is hereby enacted and shall be published in the *Official Gazette* further to this Dahir.

Done at Rabat on 27 moharrem 1416 (June 26, 1995).

For countersignature:

The Prime Minister,
Abdellatif Filali.

Law No. 17-94 on Activities relating to the Production, Edition, Importing,
Distribution, Reproduction and Exploitation of Videograms Intended for Private
Use by the Public

Article 1

The establishment or expansion of any firm for the production, edition, importing, distribution, reproduction, sale or rental of videograms intended for private use by the public shall be subject to the prior authorization of the Moroccan Cinematographic Center and to the control of that body on the conditions fixed below.

For the application of this Law, “videogram” means any audiovisual program, with or without sound, fixed on a magnetic tape, disk or any other medium and reproducing recordings, in particular cinematographic films, telefilms, documentaries, programs of variety shows or sports, videoclips or television series.

The provisions of this Law shall not apply to productions and reproductions of videograms which are strictly reserved for the private use of the natural person or legal entity who/which produces them or has them produced on his/its behalf and which are not intended for either collective use or commercial purposes.

Article 2

Requests for authorization for the exercise of one or more of the activities referred to in Article 1 above shall be addressed to the Director of the Moroccan Cinematographic Center according to the conditions fixed by regulation.

Authorization shall not be granted to persons who have been convicted of any crime whatsoever or of felonies committed against family order or public morality or with regard to literary and artistic property.

The Director of the Moroccan Cinematographic Center shall take a decision on a request for authorization within a month as from the date of filing of the request. Failure to reply within this time period shall be considered acceptance of the request.

In case of refusal to grant authorization, the author of the request shall be notified by registered letter with acknowledgement of receipt of the reasons justifying such refusal.

The person concerned may, where applicable, resubmit his request if a new element is provided in support of the file or if the reasons which justified the refusal no longer obtain.

An author of a request who challenges the grounds for refusal of authorization may bring the matter before the supervisory minister.

In the event of assignment, transfer or change of address of the firm or any other change in relation to the elements used for the grant of the authorization to exercise, the natural person or legal entity on whose behalf the authorization has been established shall bring such facts to the knowledge of the Director of the Moroccan Cinematographic Center.

Article 3

The authorization number to exercise one or more of the activities referred to in Article 1 above must be visibly displayed on the premises of the firms concerned, be clearly legible and be available to the supervisory officials of the Moroccan Cinematographic Center referred to in Article 16 below.

Article 4

The natural persons and legal entities authorized to exercise one or more of the activities referred to in Article 1 above must keep up to date and at the disposal of the supervisory officials of the Moroccan Cinematographic Center all documents for establishing the origin and purpose of the videograms in their possession.

Article 5

The commercial exploitation of videograms shall require the prior grant of a certificate issued by the Director of the Moroccan Cinematographic Center, upon the advice of a commission known as the “Commission for the Viewing of Videograms”, which shall meet at said Center.

This Commission, which shall be chaired by the Director of the Moroccan Cinematographic Center or his representative, shall further comprise two representatives of the administration and two representatives of the most representative professional organizations, one of whom shall represent the producers and the other the distributors of videograms.

The Commission for the Viewing of Videograms shall validly deliberate where the majority of its members are present. It shall take decisions by a majority of the votes cast by members present. In case of a tie, the President shall have the casting vote.

The certificate of the Moroccan Cinematographic Center shall be granted or refused within a maximum of 10 days as from the date on which the person concerned filed the request for authorization, as attested by a receipt.

Any refusal to grant a certificate or any cuts in the content of the videograms presented must be justified and brought to the attention of the persons concerned by registered letter with acknowledgement of receipt.

The person concerned may appeal this decision to the administrative tribunals, if he deems it unjust.

Article 6

Any production of videograms for the purpose of commercial exploitation shall require a production authorization known as an “authorization to film” granted, on the conditions provided for in Article 5 above, by the Director of the Moroccan Cinematographic Center, in the light of the screenplay or the synopsis of the film to be produced presented by the producer concerned.

The authorization to film may be valid for all or part of the national territory.

Article 7

No videogram may be placed in commercial exploitation if it does not bear the mark of the certificate of the Moroccan Cinematographic Center or if it is in a version other than the one which was granted a certificate by the Commission referred to in Article 5 above.

Article 8

It shall be unlawful:

- to organize showings of videograms in public places such as cafes or similar establishments;
- to produce or circulate videograms for commercial purposes, without holding the rights of exploitation, without prejudice to the legislation relating to the protection of artistic works and international conventions to which the Kingdom of Morocco has acceded and duly published.

Article 9

Any exercise of one or more of the activities referred to in Article 1 above without prior authorization from the Moroccan Cinematographic Center shall be punishable by a fine of DHS6,000 to DHS30,000.

In case of recidivism within five years following a prior sentencing which has become irrevocable, the fine may be doubled.

Article 10

Failure of the authorized persons to justify the existence of the documents referred to in Article 4 above, refusal to supply information, the provision of false information as well as maneuvers to conceal the origin or purpose of videograms, or refusal to comply with the control exercised by sworn agents from the Moroccan Cinematographic Center commissioned for this purpose, shall be punishable by a fine of DHS5,000 to DHS20,000.

Article 11

Any person who exploits for commercial purposes videograms which do not bear the mark of the certificate of the Moroccan Cinematographic Center or which are in a version other than the one which was granted the certificate provided for in Article 5 above shall be punishable by a fine of DHS10,000 to DHS100,000.

In the event that the content of these videograms is contrary to public morality, family order or public order, the guilty party shall further be punishable by a prison sentence of one to six months.

Any person who produces videograms for the purpose of commercial exploitation without the authorization to film referred to in Article 6 above shall also be liable to the penalties provided for in this Article.

Article 12

Failure to display the authorization number provided for in Article 3 above shall be punishable by a fine of DHS500.

Failure to notify the Director of the Moroccan Cinematographic Center of any change in one or more of the various elements having given rise to authorization shall be punishable by a fine of DHS500 and withdrawal of such authorization, or by only one of these two penalties.

Article 13

Any infringement of the provisions of Article 8.1 above shall be punishable by a fine of DHS2,000 to DHS5,000.

Article 14

Any infringement of the provisions of Article 8.2 above shall be punishable in accordance with the provisions of Articles 575 to 579 of the Penal Code.

Article 15

Subject to any sanctions which may be pronounced by the court, the Director of the Moroccan Cinematographic Center may order the provisional seizure of the unlawfully exploited videograms and apparatus as well as the provisional withdrawal of the authorization issued to the firm in question.

Article 16

Infringements of the provisions of this Law shall be noted by the officials of the Moroccan Cinematographic Center, sworn in on the conditions provided for by the legislation in force and commissioned to this end by the Director of the Center.

Article 17

The competent supervisory officials of the Moroccan Cinematographic Center may proceed, once they have noted infringements of the provisions of Articles 1, 8 and 11 above, with the seizure of videograms and the materials and apparatus used for their reproduction or showing.

To this end, they shall draw up a detailed report, a copy of which shall be provided to the person concerned against a receipt.

Article 18

The proceeds from the fines and seizures referred to under the previous Articles shall be allocated to the general State budget.

Article 19

The provisions of this Law shall apply to any person running, administering or exploiting an activity of production, edition, reproduction, distribution, sale or rental of videograms, as well as all those who are a party to the infringements or have deliberately abetted them.

Any person concerned, in particular the Director of the Moroccan Cinematographic Center, may denounce to the Public Prosecutor the acts referred to in Articles 9 to 14 of this Law and may, where applicable, file a civil action in a criminal proceeding.

The Director of the Moroccan Cinematographic Center may forward to the professional organizations concerned copies of the reports drawn up by the sworn agents of said Center.

Article 20

Firms exercising one or more of the activities referred to in the first paragraph of Article 1 above shall have six months as from the date of publication of the texts adopted for the application of this Law in the Official Gazette to become acquainted with them and to comply with their provisions.

Article 21

The texts to be adopted for the application of this Law shall appear after their publication in the Official Gazette.

* Official Gazette No. 4318 of Wednesday, August 2, 1995