

# Copyright Law

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# Copyright Law

## Article 1: Definitions

In this Law, the following terms shall have the meanings assigned thereto, unless the context requires otherwise:

**Work:** Any literary, scientific, or artistic work.

**Joint Work:** A work composed by two or more natural or corporate persons whether the contribution of each is separable or not.

**Collective Work:** A work collectively composed by a group pursuant to the instruction of a person, natural or corporate, who undertakes its publication under his name or administration, where the work of the contributors is integrated in the general objective sought by that natural or corporate person, so that the contribution of each of the participants may not be separated or singled out.

**Audio Work:** Any audio fixation of a specific performance or sound, regardless of the means of fixation.

**Audio-Visual Work:** Any work produced for simultaneous audio and visual use, consisting of a series of related images, accompanied by sound, recorded on an appropriate means, and shown by suitable devices.

**Derived Work:** Work based on a pre-existing work.

**Author:** The person who creates a work.

**Performers:** The persons who act, recite, sing, play roles, or participate in performing by any other means in literary or artistic works.

**Publication:** Making copies of a work to meet public need.

**Copying:** Producing a copy or more of a literary, artistic, or scientific work on material means, including any audio or visual recording.

**Folklore:** All literary, artistic, or scientific works which are assumed to have been created on Saudi territory and transmitted from one generation to the next, and which constitute part of the traditional Saudi cultural and artistic heritage.

**Broadcasting:** Transmission of a work, performance, or audio or visual recording to the public, using wired or wireless methods or any other means of transmission, to be received by the public, including transmission via satellite.

**Committee:** The competent committee formed to review violations resulting from the implementation of the provisions of this Law.

**Authority:** Saudi Authority for Intellectual Property.

**Board of Directors:** The Authority's Board of Directors.

**Implementing Regulations:** Implementing Regulations of this Law.

## **Article 2: Original Works**

This Law shall protect works created in the fields of literature, arts, and sciences, irrespective of their type, means of expression, importance, or purpose of authorship, such as:

1. Written materials like books, booklets, and the like.
2. Works which are verbally delivered like lectures, speeches, poetry, songs, and the like.
3. Dramatic works, plays, shows, and similar presentations which involve motion, sound, or both.
4. Works which are prepared for broadcasting purposes or are presented through broadcasting.
5. Drawings, works of visual art, architecture, decorative art, artistic embroidery, and the like.
6. Audio and audio-visual works.
7. Applied art works, whether handcrafted or manufactured.
8. Photographic works and the like.

9. Illustrations, geographical maps, designs, plans, sketches, and visualworks related to geography, topography, architecture, and science.
10. Three dimensional works of geography, topography, architecture, or science.
11. Computer programs.
12. Protection shall include the title of a work, if it is creatively unique, and not a common expression indicating the subject matter of the work.

### **Article 3: Derived Works**

This Law shall also protect:

- (1) Works of translation.
- (2) Works of abridgement, modification, illustration, editing, or any other form of alteration.
- (3) Encyclopedias and anthologies which are deemed creative with respect to the selection of content or arrangement, whether they are literary, artistic, or scientific works.
- (4) Compilations of folkloric works and expressions and selections therefrom, if such compilations are creative as to the selection or arrangement of their contents.
- (5) Databases, whether they are mechanically readable or can be read in any other manner, if they are creative as to the selection or arrangement of their contents.

Copyright protection enjoyed by the authors of the works mentioned in the above paragraphs shall in no way jeopardize the protection enjoyed by the authors of the original works.

### **Article 4: Works Excluded from Protection**

Protection prescribed by this Law shall not cover the following:

- (1) Laws and judicial judgments, decisions of administrative bodies, international agreements, and all official documents, as well as the official translations thereof, subject to the provisions concerning the circulation of such documents.

- (2) Daily news or news-like events that are published in newspapers, magazines, periodicals, or broadcasts.
- (3) Ideas, procedures, work methods, concepts of mathematical sciences, axioms, and abstract facts.

#### **Article 5: Authors**

- (1) An author is any person who publishes a work attributed to him by mentioning his name on the work or by any other means used to attribute works to their authors, unless there is evidence to the contrary.
- (2) The publisher whose name appears on the work shall be the representative of the author, if the work is published under a pseudonym or anonymously.
- (3) Authors of audio works and audio-visual works shall be the persons who participated in the creation of such works, such as:
  - a) Author of the text
  - b) Scenarist
  - c) Dialogue writer
  - d) Director
  - e) Composer

#### **Article 6: Joint and Collective Works**

- (1) When two or more persons participate in the authorship of a work in such a way that the contribution of each in the work cannot be separated, they shall all be considered equal partners in the ownership of the work, and none of them may independently exercise the author's rights prescribed by this Law, unless otherwise agreed upon in writing. Each of the participants in authorship shall have the right to protective and summary procedures upon infringement on the work and shall have the right to claim

for compensation for his share, against the damage he incurs as a result of such infringement.

- (2) When two or more persons collectively participate in the authorship of a work in such a manner that their contribution to the collective work can be separated, each party shall have the right to individually exploit his part, provided that no damage is caused to the exploitation of the collective work, unless otherwise agreed upon.
- (3) A natural or corporate person who directs or organizes the creation of a collective work shall have the sole right to exercise the copyright.

### **Article 7: Folklore**

- (1) Folklore shall be the property of the State, and the Authority shall exercise the copyright pertaining thereto.
- (2) It shall be prohibited to import or distribute copies of folkloric works, copies of their translations, or others which are produced outside the Kingdom without a license from the Authority.

### **Article 8: Moral Rights**

- (1) The author shall have the right to exercise any of the following:
  - (a) Attribute the work to himself or publish it under a pseudonym or anonymously.
  - (b) Object to any infringement on his work and prevent any deletion, change, addition, distortion, corruption, or any other form of tampering with the work itself.
  - (c) Make any amendment to or deletion from his work, at his discretion.
  - (d) Withdraw his work from circulation.
- (2) The moral rights provided for in paragraph (1) of this Article are permanent rights of the author and are not subject to waiver or lapse by prescription.
- (3) Moral rights shall be retained by their owner and shall not be forfeited by granting the right of exploiting the work in any manner.

(4) Moral rights provided for in this Law shall pass to the Authority upon the death of the owner who has no heirs.

### **Article 9: Financial Rights**

**First:** The author, or his designee, shall have the right to exercise all or any of the following, as per the nature of the work:

- (1) Printing and publishing the work in a readable format; recording it on audio or video tapes, compact disks, electronic memories, or any other means of dissemination.
- (2) Translating the work into other languages, quoting or altering it, or redistributing audio or visual material.
- (3) Communicating the work to the public via any possible means, such as displaying, acting, broadcasting, or data transmission networks.
- (4) All forms of material exploitation of the work in general, including permissible commercial rental.

**Second:** The authors of artistic and literary works, their performers, composers, the producers of audio recordings, and broadcasting organizations shall enjoy their financial rights, as prescribed by the implementing regulations.

### **Article 10: Compensation upon Withdrawal of a Work**

The author shall refrain from performing the deeds that may prejudice the exploitation of the authorized right of third parties. Nevertheless, the author may withdraw his work from circulation, amend, delete from, or add to it, upon agreement with the party authorized to exercise said right. Should there be no agreement, the author shall be obligated to compensate said person according to the Committee's decision.

### **Article 11: Assignment of Copyright**

- (1) Copyrights provided for in this Law shall be transferable, in whole or in part, either through inheritance or by lawful disposal, which shall be recorded in writing and shall limit the scope of the transferred right in terms of both time and place.

- (2) The rights provided for in this Law shall be passed to the author's heirs, with the exception of performing any amendment to or deletion from the work.
- (3) If the author instructs in his will that the publication of his work shall be barred or if he specifies a date for such publication, his will shall be carried out within its limits.
- (4) If the work is produced by an individual and its author dies, or it is a joint work and one of the authors dies with no heirs, his share shall be passed to those entitled to it according to the provisions of Sharia.

#### **Article 12: Assignment of Future Production**

An author's assignment of all his future intellectual production is deemed null and void.

#### **Article 13: Arrangement of Contractual Relations**

- (1) The owners of rights shall make arrangements for their relations and their rights with production, printing, publishing, and distribution establishments, broadcasting organizations, and other entities licensed to perform their activities, pursuant to certified contracts that specify all the rights and obligations of the parties concerned.
- (2) Production, printing, publishing, and distribution establishments as well as broadcasting organizations and the like shall not engage in any activity related to copyright except after concluding a contract with the copyright owners or their attorney-in-fact, in which the rights and obligations of each party shall be specified.

#### **Article 14: Continuity of Contracts**

An author's heirs shall be obligated to abide by the contracts concluded by their testator during his lifetime, including the rights and obligations of third parties.

#### **Article 15: Exceptions**

The following uses of a copyrighted work, in its original language or a translation thereof, shall be deemed lawful without obtaining the permission of the copyright owner:



- (1) Copying the work for personal use, excluding computer software, and audio and audio-visual works.
- (2) Quoting passages from the work in another work, provided that such quotation is consistent with established conventions and within the limits justified by the intended objective, and provided that the source and name of author are mentioned in the work where the quotation is cited. This shall also apply to journalistic summaries abstracted from newspapers and periodicals.
- (3) Using the work by way of clarification for educational purposes, within the limits justified by the intended objective, or making a copy or two for public libraries or non-commercial documentation centers on the following conditions:
  - (a) Such use shall not be commercial or for profit.
  - (b) Copying shall be restricted to the requirements of the activities.
  - (c) Such use shall not impair the material benefit of the work.
  - (d) The work is out of print, lost, or damaged.
- (4) Citing or copying articles published in newspapers or periodicals dealing with current issues or broadcast works of a similar nature, provided that the source and name of author, if known, are clearly given.
- (5) Copying any broadcast work that may be viewed or listened to during the presentation of current events by means of still or motion pictures, provided that the same remains within the intended objective with the source clearly given.
- (6) Copying public speeches, lectures, judicial proceedings, or any other similar works presented in public, if such copying is made by the media, provided that the name of the author is clearly mentioned. The author shall retain the right to publish such works in the manner he sees fit.
- (7) Production of temporary recordings by broadcasting organizations and through their own means –without impairing the author’s copyright– in one copy or more for any protected work, for which they are licensed to broadcast or show, provided that all the

copies are destroyed within a period not exceeding one year from the date of their preparation, or a longer period agreed to by the author. A copy of this recording may be kept with official archives, if the recording is a unique documentary work.

- (8) Music playing, acting, performing, or showing any work after publication by government groups, public corporate entities, or school theaters, as long as such playing, performing, or acting does not lead to direct or indirect financial gains.
- (9) Copying short quotations from published works, drawings, pictures, designs, or maps in school books prepared for educational curricula or in books of history, literature, and art, provided that such copying is within the limits of necessity and that the title of the work and the name of the author are mentioned.
- (10) Taking new photographs of any previously photographed object or work and publishing these pictures, even if the new pictures have been taken from the same vantage point and under the same circumstances of said pictures.
- (11) Citing parts of scientific articles and works by research institutions for their internal use or to fulfill the requirements of those who are conducting studies and research, provided that the source is mentioned.
- (12) Making one reserve copy of computer programs by the persons who possess the original copy for the purpose of protecting the original, while keeping the original with the user, to show upon request.

The implementing regulations shall detail the circumstances required for these exceptions to apply.

### **Article 16: Mandatory Licenses**

- (1) The Board of Directors may grant a publication license for the work after the lapse of a period to be specified by the implementing regulations for each case, if he sees that publishing this work serves the public interest, in the following cases:
  - (a) If no copies of the published work in its original language are made available in the Kingdom by the copyright owner to satisfy the general needs of the public or the needs

of school or university education, at a price comparable to the price of similar works in the Kingdom, upon the author's declining to make available copies of that work.

- (b) If all editions of the original work or its Arabic translation are out of print, with the copyright owner's failure to make it available upon request.
  - (c) If no translation has been published for this work by the owner of the translation copyright or with his permission, provided that the purpose is to make use of this translation in educational curricula.
  - (d) If the heirs of a Saudi author or his successors decline to exercise the rights passed to them pursuant to Article 11 of this Law, within one year of the request date, if they do not have a valid excuse.
- (2) The license shall terminate upon publication of the work or the translation by the copyright owner, or with his authorization.
- (3) The Board of Directors may specify the remuneration to be paid by the licensee to copyright owners for every license issued, and they shall have the right to appeal his decision to the Board of Grievances.

The implementing regulations shall determine the procedures and conditions required for the application of mandatory licensing.

#### **Article 17: Prohibited Use of Certain Works**

- (1) Whoever produces pictures shall not publish, display, or distribute the originals or copies thereof without the permission of the individuals in the pictures or their heirs. This provision shall not apply if the pictures were published on the occasion of public events, if they are pictures of officials or public figures, or if publication is permitted by public authorities in the service of public interest. The person represented in the picture may give permission for its publication in newspapers, magazines, and the like, even without the photographer's permission. Such provisions shall apply to the picture, regardless of the way the picture was produced.

(2) The author shall have the sole right to publish his letters. However, this right shall not be exercised without the permission of the addressee, if publication may harm him.

### **Article 18: Scope of Protection**

Provisions of this Law shall cover the following:

**First:** 1- Works of Saudi and Non-Saudi authors published, produced, performed, or displayed for the first time in the Kingdom of Saudi Arabia.

2- Works of Saudi authors published, produced, performed, or displayed for the first time outside the Kingdom.

**Second:** Works of broadcasting organizations and producers of audio recordings and performers.

**Third:** Works copyrighted pursuant to international agreements or treaties on copyright protection to which the Kingdom is party.

### **Article 19: Duration of Protection**

**First:** 1- The copyright period for the author of a work shall be for the duration of his life and for a period of 50 years following his death.

2- The copyright period for joint works shall be computed from the date of the death of the last surviving author.

3- The copyright period for works in which the author is a corporate entity, or if his name is unknown, shall be 50 years from the date of the first publication of the work. If the name of the author becomes known before the end of the 50 year period, the duration of copyright shall be the period specified in paragraph (1) of this Article.

4- If the work consists of several parts or volumes, published separately or over a period of time, each part or volume shall be considered an independent work for the purposes of the computation of its copyright period.

5- The copyright period for audio works, audio-visual works, films, collective works, and computer programs shall be 50 years from the date of the first show or publication of the work, regardless of republication.

6- The copyright period for applied art works (handcrafted or manufactured) and photographs shall be 25 years from the date of publication. Computation of the period starts in this case on the date of the first publication of the work, regardless of republication.

**Second:**1- The copyright period for broadcasting organizations shall be 20 years from the date of the first transmission of programs or broadcast materials.

2- The copyright period for the producers of audio recordings and performers shall be 50 years from the date of performance or its first recording, as the case may be.

#### **Article 20: Validity of Copyright to Works Antecedent to the Law**

Literary, artistic, and scientific works, audio recordings, and broadcasting programs published before the date this Law enters into force, pursuant to the periods specified in Article 19 of this Law, shall be protected, provided that the copyright period under the previous Law has not expired and that protection was not terminated in their countries of origin which are parties with the Kingdom to international agreements or treaties for the protection of copyright.

#### **Article 21: Infringements**

The following acts shall be deemed infringements on the rights protected by the Law:

- (1) Publishing a work not owned by the publisher, or publishing it under the pretense of its ownership or without obtaining a written authorization or concluding a contract with the author of the work, his heirs, or their representatives.
- (2) Amending the contents of a work, its nature, subject, or title without the knowledge of the author and his prior written consent thereof, whether this amendment is made by the publisher, producer, distributor, or anyone else.

- (3) Reprinting a work by the producer, publisher, or printer without obtaining the prior written consent of the copyright owner, or having the documents authorizing said reprint.
- (4) Removing any written or electronic information that may lead to forfeiting the owner's copyrights.
- (5) Removing and cracking any protective electronic code that guarantees the use of original copies of the work, such as coding or data recorded by the use of laser or other means.
- (6) Using intellectual works commercially through deception, which is not permitted by the owners of the copyright, such as using copied software or receiving coded broadcasting programs through illegal means.
- (7) Manufacturing or importing tools -for the purpose of sale or rental- of any means which facilitate the reception or exploitation of works through means other than those determined by the owner of the rights.
- (8) Copying or photographing parts of a book, a collection of books, or parts of any work, with or without compensation, without obtaining the written consent of the copyright owners and the competent authorities at the Authority, with the exception of cases of lawful copying specified in Article 15 of this Law.
- (9) Importing counterfeit, imitated, or copied works.
- (10) Keeping non-original works at a commercial establishment, its warehouse, or any other facility owned thereby, whether directly or indirectly, and under any pretense.
- (11) Infringing on any of the protected rights specified in this Law or violating any of its provisions.

## **Article 22: Penalties**

**First:** Any person who violates a provision of this Law shall be subject to one or more of the following penalties:

- (1) Warning.

- (2) A fine not exceeding 250,000 riyals.
- (3) Closing the violating establishment or the establishment which has participated in the violation of copyright, for a period not exceeding two months.
- (4) Confiscating all copies of the work along with the materials used or intended for use in the infringement of copyrights.
- (5) Imprisonment for a period not exceeding six months.

**Second:** Upon repetition of the infringement on the same work or any other work, the maximum limit of penalty, fine, and closure may be doubled.

**Third:** If the Committee sees that the violation entails imprisonment or a fine exceeding 100,000 riyals, or the cancellation of the license, the case shall be submitted to The Board of Directors for referral to the Board of Grievances.

**Fourth:** The Committee may decide on financial compensation to the benefit of the author whose right has been infringed upon and who files the complaint. Compensation shall be consistent with the size of the infringement and the damage incurred.

**Fifth:** The Committee may include in its decision the punishment of defamation against the person who commits the infringement. Publication of the same shall be at his expense and by the method the Committee deems appropriate.

**Sixth:** The Committee may include in its decision suspension of the participation of the infringing establishment in activities, occasions, or exhibitions, if the infringement is discovered during a commercial event, provided that the suspension period shall not exceed two years.

**Seventh:** The Committee may issue an injunction against the printing of infringed upon work, its production, publication, or distribution, in addition to enforcing a protective impoundment of the copies, materials, and pictures made therefrom. It may take any temporary measures it deems necessary to protect the copyright until a final decision is reached regarding the complaint or grievance.

The implementing regulations shall specify the protective impounding procedures.

### **Article 23: Grievance**

Anyone against whom a decision is issued by the Committee shall have the right to file a grievance with the Board of Grievances within 60 days from the date of notification of the decision.

### **Article 24: Investigation of Violations**

The officers concerned at the Authority shall investigate the violation and visit media and commercial facilities, warehouses, public institutions, and private establishments that use intellectual works in their activities and investigate them. They shall have the power of judicial investigation and protection of evidentiary proofs. The implementing regulations shall specify the rules and procedures to which these employees shall adhere.

### **Article 25: Violation Review Committee**

- (1) A Committee to review violations shall be formed pursuant to The Board of Directors decision, with a minimum of three members, provided that one of them is a legal advisor and the other a Sharia advisor.
- (2) Committee decisions shall be made by majority vote, and they shall be endorsed by The Board of Directors.

### **Article 26: Issuance of Implementing Regulations**

The implementing regulations of this Law shall be issued by The Board of Directors within six months and they shall be published in the Official Gazette.

### **Article 27: Superseding other Laws**

This Law shall supersede the Copyright Law issued by Royal Decree No. (M/11) dated 19/5/1410H.



**Article 28: Validity of this Law**

This Law shall be published in the Official Gazette, and it shall enter into force six months after the date of its publication.