

LAW NO. /12/ 2001

COPYRIGHT LAW

OF SYRIA

According to the provisions of the constitution and the approval of the people's Assembly in its session of 26/11/1421 Hijri.

*Concurrent with
19/2/2001 AD the following is herein issued.*

Chapter I

Definitions:

Article 1: In enforcement of the Law herein, the following expressions shall hold the meanings corresponding thereof:

The Ministry: Ministry of Culture.

The Minister: The Minister of Culture.

The Author: Whom the Work is published related to, whether by mentioning his name on the work on or by any other mean (to include assumed names) unless anything else is proved.

The Work: The cognitive mean that includes a literary, scientific or artistic creative production no matter what its quality or importance is, and whatever mean of expression are used, or the reason of its classification.

Performers: Actors, musicians, singers, dancers, recitals and others whom perform an artistic work whether literary, artistic or in other way.

Publishing: Transmitting or communicating the work to the public either by direct or indirect means; reproducing or transcribing such work in whole or in part that could read, heard, seen or performed.

Copyright: the group of moral and material rights entitled to a person for his work.



Chapter II

Scope of protection

Article 2: Works entitled To protection according to the stipulation of the Law herein are:

- a) works produced and published by citizens of the Syrian Arab Republic and Similar stance inside Syria or abroad.
- b) Works produced and published in the Syrian Arab Republic by authors who make Syria as their selected domicile.
- c) Works produced through the provisions of cultural agreements and other agreements to which Syria is committed.

Article 3: All works are protectable according to the stipulations of the Law herein, such protection shall cover the following.

- a) Written works « books, booklets, brochures, pamphlets, manuscripts lectures and similar written material ».
- b) Artistic works (theatrical and musical whether in a digitally encrypted form or not « accompanied by words or not » in addition to cinematography, broadcast, televised, lyrical eurythmic, pantomime and music composing works).
- c) Works of plastic and applied arts and photography.
- d) Works of drawings, geographic maps and designs related to topography architect or Science.
- e) Works of computer software to include design documents and data thereof. Protection shall include the title of the work unless such title is a common term indicating the subject of the work.

Article 4: The Protection prescribed by the Law herein shall not include the following:

- a) Groups of official documents such as laws, decrees, regulations, international agreements, juridical judgments, decisions of the administrative authorities and all other official documents and its official translations.
- b) Daily news whether published, broadcasted, or publicly announced.



Chapter III

Copyright

Article 5: The author of the protected work alone is entitled to publish such work and to select the mean of such publishing. The author alone, and whoever he assigns in writing, may financially exploit the work by any means or in any form; nobody else is entitled for the same right unless he has a written authorization of the author or his successors.

Article 6: The author alone is entitled to introduce whatever amendment or change to his work. The author alone has the right to translate the work to another language,

nobody else has these rights without the written authorization of the author or his successors.

Article 7: The work shall be related to its author by mentioning the name of the author on any work stipulated in Articles 5 and 6 herein except in cases where the work is introduced within a broadcasted or televised current events.

Article 8: The author or his representative may refute any violation to his work and to prevent any distortion, misrepresentation, alteration or any damage that may cause harm to the author morally or materially. The author may claim compensation for such actions. This right shall also be entitled to the heirs after his death.

Article 9: Quotations or analysis of the published Work will not be deemed an infringement to the author's rights if intended for criticism, discussion, education or information; as long as the work is referred to both work and author's name (if known).

Article 10: The creditor holding a written document against the author i.e. agreement, contract, debt, debenture, may provisionary seize the published copies of the author's work published on the author's expense. Such seizure may not be applied to the author's to publish the work, disclaim the work, right, to defend his work against any infringement or draw back his work from circulation.

Article 11: Buildings constructed according to illegal adaptation of an architectural design and drawings may not in any manner be subject to seizure, confiscation or destruction intending to protect the architect's creativity rights which his designs and drawings used illegally.

Article 12: The author of a scientific or literary work is entitled to draw back his work from circulation or ban such circulation provided that the author indemnifies the damaged party by an appropriate compensation.

Article 13: Television and broadcasting organizations are entitled to ban any exploitation of the programs without prior written authorization. Retransmitting such programs, transcription, rental or sale to the public shall be deemed as illegal exploitation of the work.

Article 14: The author may assign to third parties the rights of exploitation as expressed in the provisions of Articles 5 and 6 of the Law herein. Such assignment shall be in writing with specific definition of each right separately.

Article 15: If property of an original work is assigned to other parties, such assignment shall not include copyright, yet the assignee may offer such work to the public without having right to re- assign or copy such work unless otherwise agreed.

Article 16: Producers of a picture are not entitled to display, publish or distribute the original or copies of such picture without the consent of the individuals displayed in the picture. Such stipulation shall not be enforceable if the display of the picture was in

the event of public occurrence, was of public figures or was approved by the Ministry for the intention of public welfare.

The figure personified in the picture may allow publication of the picture in books, newspapers, magazines and similar means even without the consent of the picture producer unless otherwise agreed.

Such stipulations shall be enforceable on all types of pictures whether produced by means of photography, drawing, painting, engraving, sculpture or any other means.

Article 17: The protection of copyright shall not be in violation of the state right to prohibit circulation of any work which its circulation forms violation to the public order or ethics.

Article 18: The author whose rights as stipulated in the law herein are violated, is entitled for an appropriate material compensation.

Article 19: The copyrights are assigned in whole to the author's heirs after his death. Such assignment shall include publishing of the work if not previously published, if there is no heirs, such rights are assigned to the Ministry.

Article 20: If the work is a result of a combined effort of several persons, and one of such persons dies without successors, the share of the deceased in the financial exploitation of the work is vested to the state while other rights are reverted to the rest of the authors unless otherwise agreed.

The right of the deceased to have his name ascribed to the work remains unchanged.

Article 21: If the heirs or successors of the author neglect practicing the rights stipulated in the provisions of Articles 19 , 20 in the law herein and the Ministry deems to publish the work for the interest of the public. The Ministry may request, via registered mail from the successors the publication of the work within a period of six months. If such period lapses without publication, the state may practice the rights as stipulated, provided that the heirs properly compensated. In case the author had no heirs, such rights are assigned to the state represented by the Ministry.

Article 22: The author shall be entitled to his copyrights for his lifetime and fifty years after his death. If the work is a combined effort of more than one author, then the copyrights are entitled for their lifetime and fifty years after the death of the last author of the work.

Article 23: The work published without mentioning the author's name or by mentioning of a pseudonym shall be entitled to the copyrights for fifty years as of the date of the first legitimate publication. If the identity of the author is revealed or doubts are no longer valid before such period lapses, the copyrights shall be applied according to the provisions of Article 22 of the Law herein.

Article 24: Protection of audio- visual, broadcasted televised or cinematography work shall be enforceable for fifty years as of the date of producing the work. If the work is offered to the public with the author's consent during such period, protection shall be enforced till fifty years as of such later date.

Article 25: Copyrights of work shall be photographic, fine arts and plastic arts enforceable for ten years starting from the date of producing such work.

Article 26: All unprotected works or works with expired protection periods according to the stipulations of the Law herein shall fall in the public domain.



Chapter IV

Performance Rights

Article 27: Performers and their successors are entitled to moral rights that could neither be assigned or outdated, such rights entitle the performers and their successors to a performance compensation ratio and protection against violating such performance.

Article 28: Performers are entitled to exclusive financial rights that authorize such performers to prevent any exploitation of their performance without prior written authorization.

Broadcasting and televising such performance is deemed illegal and shall be prohibited. The recording on any medium making reproduction, selling or renting such medium shall also be prohibited. Such right shall extend for fifty years as of the date of first published performance.



Chapter V

Copyrights of Joint works.

Article 29: If more than one person jointly create the work so as each person's share of the work cannot be identified, all the persons contributing to the work shall be deemed owner equally unless otherwise agreed in writing. In case a dispute arises leading to publication of the work. The Ministry may apply the stipulations of Article 21 of the Law herein. If the Ministry deems that such publication is in the public interest, the Ministry fairly compensates the owners of such jointly created work properly.

Article 30: If the contribution of several persons in the creation of a joint work is due to a different scope of the subject of the work, each person shall be entitled

individually to exploit part of the work provided that such exploitation does not harm the exploitation of the joint work unless otherwise agreed in writing.

Article 31: The Work created by one or more individual upon the instructions or guidance of a natural or a juridical person, and the performance of the participants in Such Work is merged in the general idea in a manner that denies Separation and identification of performance of the individual participants of Such Work, then the natural or juridical person who instructed or guided the creativity of such work shall be considered the author of such work and shall solely be entitled to the protection of the copyrights.

Article 32: In case of participating in composing musical lyricism, then the music composer and distributor shall together be entitled to license for public performance, the joint work or publishing or reproducing such work without prejudice to the rights of the author of literary part, the author of such part may solely publish the literary part provided that such part may not be the ground work for another musical work unless otherwise agreed.

Article 33: In case of participating in the creation of works performed in motion accompanied by music, shows, sketches and similar works collectively achieved; the author of the non musical part of the work is entitled to license for public performance the entire joint work, performing such or reproducing such. The composer of the musical part may authorize the exploitation of the musical part alone, provided that such part is not exploited in a work similar to the joint work unless otherwise agreed.

Article 34: the following shall be deemed partners in the cinematography, theatrical, broadcasting, televised work:

- a) The Scenarist if the scenario is new.
- b) The adapter of the work in order to suit the theatrical, televised or cinematography arts.
- c) The dialogist.
- d) The music composer if particularly composed for the work or selected from the composer's music.
- e) The director, who has actually supervised the work and positively contributed in creation and the artistic realization of such. If the work was adapted from another protected work as of the stipulations of the Law herein, the Creator of Such other work shall be deemed a partner in the Creation of the new work.

Article 35: The Creator of artistic work (theatrical, televised, broadcast or cinematography etc.), its adaptor, its script writer, and its director are entitled collectively to present their work on show without the owner of the literal, intellectual, scientific or musical composer having the right to object to such, provided that the music composer and adapter are not subject to any prejudice related to their work or harm their reputation. Any of the creators of the literal, intellectual scientific and musical parts of the work are entitled to publish their part of the work by any mean other than cinema, television, theater, and broadcasting services unless otherwise agreed.

Article 36: If one of the participants of the artistic work (cinematography, theatrical, broadcastical, televised ...etc) refrains to complete his part of the work, such action shall not prevent any of the other participants to exploit such part without prejudice to the rights of the creator of the intellectual, literary or scientific work related to such part of the work.



Chapter VI

Free Utilization of the protected work

Article 37: The following exploitation of the protected work in its source language or its translation shall be deemed legitimate without need of the author's or creator's approval:

First: legitimately published works

- a) Translation of the work, its excerpts its (musical) composing or its adaption in form or reproducing of such work with the intention of making only one copy for personal use.
- b) Quotation of the work, its excerpts, of the work provided that such quotation complies with the prevailing customs and is justified, Mentioning of the work title, the creator or author in conjunction with the quotation is mandatory even on texts transcribed from press articles and periodicals in the form of press extracts.
- c) Utilization of the work for educational purposes in the form of publications broadcasted or televised programs audio-visual recordings or for pedagogical or vocational training purposes provided that such utilization complies with customary practice and that the title of the work and its creator are mentioned in all the means of utilization mentioned herein.

Second: Reproduction of an article which is broadcasted or published in newspapers or circulars to the public provided that the source is mentioned.

Such reproduction shall be deemed unlawful if it was explicitly mentioned in such article upon its previous broadcaster publication that the reproduction of which is prohibited.

Third: Reproduction of a work that may be seen or heard on the occasion of presenting current incidents through photography, cinematography or other means of the media making such work available to the public within the framework of the desired information goal.

Fourth: Reproduction of artistic, plastic or architectural work to show such to the public through cinema or television, if such works are permanently displayed to the public, their role in the program is secondary or extrinsic compared to the main topic.

Fifth: Reproduction of a literary, artistic or scientific work through photography or similar means, if such work was previously legitimately available to the public; such reproduction should be achieved by a public library, a non commercial documental center, a scientific organization or an educational institute and provided that such reproduced copies are in compliance with the activities of the reproducers and also provided that such reproduction shall not adversely effect

the financial exploitation of the work, or prejudice the legitimate interests of the creator or author.

Sixth: Reproduction made by newspapers or other media to the public for any political speech, speech delivered in a court hearing, lecture or religious or non religious occasion in public provided that the reason for such utilization to communicate news from the current incidents.

Article 38: The General corporation for Broadcast and Television is entitled to broadcast or display works that are presented on theatrical stages or on any other means of public performance, the managers of such locations shall allow the previously mentioned corporation to utilize all technical means required for such broadcast or display. The previously mentioned corporation shall fairly compensate the creator, the author or successors and show the title of the work and the name of its creator or author. The General Corporation should not broadcast or display any such work before tupsing of five years at least from the date of recording or otherwise agreed.



Chapter VII

Protective Measures

Article 39: The Ministry shall establish a special Department to register copyrights, and follow the protection of such rights.

The Minister shall issue the decrees defining the responsibilities of the Department, performance, and registration policies and documents without prejudice to the stipulations of the legal filing of applications.



Chapter VIII

Penalties

Article 40: The following shall be sentenced to imprisonment for a period from three months until two years and a fine not less than one hundred thousand Syrian Pounds or either:

First: Any person or entity who infringes any of the protected rights as stipulated in Articles 5, 6 or 7 of the subject law.

Second: Any person who claims to himself a work that is created or authored by others.

Third: Any person or entity who adapted, possessed offers for sale or made public in any means or enters into the territories of the Syrian Arab Republic a work in violation to the stipulation of the law herein for the purpose of commercial exploitation.

Fourth: Any person or entity who reproduced in the Syrian Arab Republic works that are protected in violation to the stipulations of the law herein and any person or

entity who issues, sold, communicated, published or rented such works while being aware of such violation.

Penalties shall be multifarious according to the number of works being infringed.

Article 41: The penalty shall be multiplied in case of recurrence of the infringement.

Article 42: The court may order permanent or temporary foreclosure of the locations utilized by violators or their accomplices for such infringement. The court may also order the confiscation of all the tools and equipment solely used for the unlawful publication in violation to the stipulations of the Law herein. The court may order the publication of ruling in one or more gazettes on the expenses of the sentenced violators.

Article 43: The Ministry may confiscate or request the confiscation of all the copies of the reproduced work that are reproduced in violation to the stipulations of the law herein.

Article 44: The court may, upon the request of the creator, the author, his successors or the request of the Ministry implement the following measures in relation to any work published or offered without the written approval of the creator or author his successors:

- a) Make a detailed description of the work.
- b) Order the discontinuation of the publication of the work, displaying or producing it.
- c) Order the impoundment of the original work and the copies there of (books, pictures, tapes or compact discs . . etc) and the materials used in republishing or reproducing such work provided that such materials are solely used for the republishing or reproducing of such work.
- d) Corroboration of evidence of public performance of the works that are displayed or performed before the audience and prohibit the continuation of the show in the present and in the future.
- e) Order the inventory of the outcomes resulting from the publication or display by expert to be appointed for that reason if needed, and impoundment of the outcomes in all cases.

Article 45: The court to which the dispute is brought before may, upon the creator author or successor's request, order the destruction of the copies or reproductions of the work that was illegitimately published and the materials used in such publication provided could not be otherwise utilized.

The court may order to change the characteristics of such copies or reproductions or render such inoperable at the cost of the - relevant person.

The court may, in case the copyright matures within a period less than two years as the date of the ruling, substitute its previous order to provisional seizure of such copies, reproductions or materials in compensation for the damages to the creator or author then the destruction or change the characteristics of such, without prejudice to the copyrights as stipulated in the relevant Articles.



Chapter IX

General Provisions

Article 46: All the firms licensed to publish, reproduce, distribute, or sell works in the Syrian Arab Republic shall hold in their files the written documents from the owner of the copyright or the relevant authorities authorizing the firm for such activities whether such work is from within the country or from abroad. Provided that for works from abroad, these written documents should be accompanied by statement indicating ~~the~~ source of such work and the relevant permission or agreement entitling the reproduction, distribution, or selling of such.

Article 47: The Minister shall issue a decision to nominate the civil servants who shall have the judicial authority in enforcing the stipulations of the law herein after administering the judicial oath before the First Instance Civil court. Such employees are authorized to inspect the firms publishing distributing, reproducing, and issuing the work in the country. They shall also have the power to apprehend any violation to the stipulation the law herein and may accordingly seize the materials, copies and means utilized in such violations as stipulated in the law herein with the support of the security and police forces whenever such support is required.

Article 48: The minister shall issue the decisions, regulations and executive bylaws as of the date promulgation of the Law herein.

Article 49: All provisions contrary to the Law herein shall be considered null and void.

Article 50: The Law shall be published in the official Gazette and shall come into force as of the date of issuance. Damascus 4/12/1421 Hijri Concurrent with.

21/2/2001 A.D.

Bshar EL-Asad
President
Syrian Arab Republic of
