

Ministry of Culture and Information

Copyright Law

Royal Decree No: M/41

2nd Rajab 1424 H

Article 1: Definitions

The following terms, wherever used in this Law, shall have the meanings following them, 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:

The work collectively composed by a group at 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 no contribution of any of the participants may 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 and recorded on an appropriate means and shown by suitable devices.

Derivative Work:

Work based on a pre-existing work.

Author:

The person who creates a work.

Performers:

The persons who act, recite, sing or 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 one of the literary, artistic or scientific works on a material means, including any sound or visual recording.

Folklore:

Shall mean 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 constitute part of the traditional Saudi cultural and artistic heritage.

Broadcasting:

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

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Committee:

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

Ministry:

The Ministry of Culture and Information.

Minister:

The Minister of Culture and Information.

Implementing Regulations:

The implementing regulations of this Law.

Chapter One

Protected Works

Article 2: Original Works

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

- (1) Written materials like books, booklets and others.
- (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 especially prepared for broadcasting or are presented through broadcasting.
- (5) Drawings, works of plastic arts, architecture, decorative art and artistic embroidery and the like.
- (6) Sound 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 sculptured works 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 of creative nature, and not a common expression indicating the subject matter of the work.

Article 3: Derivative works

This Law shall also protect:

(1) Works of translation.

(2) Works of abridgement, modification, illustration, editing or any other forms of alteration.

(3) Encyclopaedias and anthologies which are deemed creative with respect to the selection of their 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 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 selection or arrangement of their contents.

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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 these documents.

(2) What is published in newspapers, magazines and periodicals, or broadcasted in daily news or news-like events.

(3) Ideas, procedures, work methods, concepts of mathematical sciences, axioms and abstract facts.

Chapter Two

Owners of Rights

Article 5: Authors

(1) An author is any person who publishes a work attributed to himself 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) The authors of the audio work and the audio-visual work shall be the persons who participated in the creation of this work, such as:

() Author of text.

() Scenarist.

() Dialogue writer.

() Director.

() 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 in writing. Each of the participants in the 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 has incurred 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 contributions 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.

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(3) A natural or corporate person who directed or organized the creation of such a collective work shall alone exercise the copyright.

Article 7: Folklore

(1) Folklore shall be the property of the state, and the Ministry shall exercise the copyright pertaining thereto.

(2) The import or distribution of copies of folklore works, copies of their translations or others which are produced outside the Kingdom without a license from the Ministry shall be prohibited.

Chapter Three

Rights

Article 8: Moral Rights

(1) The author shall have the right to exercise any of the following:

(a) Attributing the work to himself or publishing it under a pseudonym or anonymously.

(b) Objecting to any infringement on his work and preventing any deletion, change, addition, distortion, corruption or any other form of tampering with the work itself.

(c) Making any amendment to or deletion from his work, at his discretion.

(d) Withdrawing 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) The 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 Ministry upon the death of the owner who has no heirs.

Article 9: Financial Rights

First:

The author, or whoever he delegates, shall have the right to exercise all or any of the following, as per the nature of the work:

(0) Printing and publishing the work in a reading format; recording it on audio or visual tapes, compact disks or electronic memory or any other means of dissemination.

(0) Translation of the work into other languages, quoting or altering it and the redistribution of the sound or visual material.

(0) Communicating the work to the public via any possible means, such as displaying, acting, broadcasting or data transmission networks.

(0) All forms of material exploitation of the work in general, including permissible commercial rental.

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Second:

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

Article 10: Compensation upon Withdrawal of the Work:

The author shall refrain from performing such deeds that may prejudice 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 the said person according to the decision of the Committee.

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 instructed in his will that the publication of his work be barred or if he specified 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 the Islamic Shari'ah.

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 rights' owners shall make arrangements for their relations and their rights with the establishments of production, printing, publishing and distribution, broadcasting organizations and other entities licensed to perform their activities, pursuant to certified contracts that specify all rights and obligations of the parties concerned.

(2) Establishments of production, printing, publishing and distribution as well as broadcasting organizations and others shall not engage in any activity related to copyright except after concluding a

contract with the copyright's owners or their attorney-in-fact, where the rights and obligations of each party shall be specified.

Article 14: Continuity of Contracts

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

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Chapter Four

Lawful Use

Article 15: Exceptions

The following uses of the copyrighted work, in its original language or in translation, are lawful without obtaining the permission of the copyright owner. These forms of use are:

(1) Copying the work for personal use, excluding computer software, audio and audio-visual works.

(2) Quoting passages from the work in another work, provided that such quotation be consistent with the conventional practice and within the limits justified by the intended objective, and provided that the source and name of author shall be 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 centres on the following conditions:

() Shall not be commercial or for profit.

() Copying shall be restricted to the requirements of activities.

() Shall not impair the material benefit of the work.

() The work is out of print or is lost or damaged.

(4) Citing or copying articles published in newspapers or periodicals dealing with current subjects or broadcast works of similar nature, provided that the source and name of the author, if known, are clearly given.

(5) Copying any broadcast work that may be viewed or listened to during presentation of current events by means of still or motion pictures, provided that copying remains within the intended objective with the source clearly given.

(6) Copying public speeches, lectures, judicial proceedings or any other similar works made 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 and show, provided that all the copies be 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 troupes or public corporate entities or school theatre, as long as such playing, performance 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 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 fulfil the requirements of those who are conducting studies and research, provided that the source be mentioned.

(12) Making one reserve copy of computer programs for the persons possessing 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 Minister 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 publication of this work serves public interest, in the following cases:

() 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 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.

() 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.

() 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 the 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 date of the request, if they have no 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 Minister may specify the remuneration to be paid by the licensee to the 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 the mandatory license.

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Article 17: Prohibited Use of Certain Works

(1) Whoever produces pictures shall not publish, display or distribute the originals or copies thereof without permission of the individuals pictured 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 permission of photographer. Such provisions shall apply to the picture, regardless of the way the picture has been produced.

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

Chapter Five

Scope and Duration of Protection

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 of producers of sound recordings and performers.

Third:

Works copyrighted pursuant to international agreements or treaties for protection of copyright to which the Kingdom is a party.

Article 19: Duration of Protection

First:

(1) The period of copyright for the author of a work shall be for the duration of his life and for a period of fifty years following his death.

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

(3) Protection period for works where the author is a corporate entity, or if his name is unknown, shall be fifty years from the date of the first publication of the work. If the name of the author becomes known before the end of the fifty years, the duration of protection 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 protection period.

(5) Protection period for sound works, audio-visual works, films, collective works and computer programs is fifty years from the date of the first show or publication of the work, regardless of republication.

(6) Protection period for applied art (handcrafted or manufactured) and photographs shall be twenty five years of 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) Protection period for broadcasting organizations shall be twenty years from the date of the first transmission of programs or broadcast materials.

(2) Protection period for the producers of sound recordings and performers shall be fifty years from the date of performance or its first recording, as the case may be.

Article 20: Validity of Protection to the Works Antecedent to the Law

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

Chapter Six

Provisions of Infringements and Penalties

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, publishing it under the pretence of its

ownership or without obtaining a written authorization or a contract with the author of the work, his heirs or their representatives.

(2) Amendment of the contents of a work, its nature, subject or title without the knowledge of the author and his prior written consent thereof, whether the amendment is made by the publisher, the producer, distributor or anyone else.

(3) Reprinting the work by the producer, the publisher or the printer without obtaining prior written consent of the copyright owner, or having the documents authorizing the reprint.

(4) Removal of any written or electronic information that may lead to forfeiting the owner's copyrights.

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(5) Removing and cracking any protective electronic code that guarantees the use of the original copies of the work, such as coding or data recorded by the use of laser or other means.

(6) Commercial use of intellectual works 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 receiving or exploiting works through means other than those determined by owner of the rights.

(8) Copying or photographing parts of a book or 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 of the Ministry, with the exception of cases of lawful copying specified in Article (15) of this Law.

(9) Import of counterfeit, imitated or copied works.

(10) Keeping non-original works at the commercial establishment, its warehouse or any other facility owned by it, whether directly or indirectly and under any pretence.

(11) Infringement on any of the protected rights specified in this Law or violation of 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 two hundred and fifty thousands riyals.

(3) Closing the violating establishment or the one which participated in the violation of the copyright, for a period not exceeding two months.

(4) Confiscation of all copies of the work along with the materials used or intended for use in the infringement on the 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 one hundred thousand riyals or cancellation of the license, the case shall be submitted to the Minister for referral to the Board of Grievances.

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Fourth:

The Committee may decide on financial compensation for the benefit of the owner whose right has been infringed upon and who files the complaint. Compensation shall be consistent with the size of 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 such shall be at his expense and by the method the Committee deems appropriate.

Sixth:

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

Seventh:

The Committee may issue an injunction against the printing of the work infringed upon, its production, publication or distribution, in addition to protective impounding of the copies, materials and pictures made from it. It may take any temporary measure it finds necessary to protect the copyright till 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 was made by the Committee shall have the right to file a grievance with the Board of Grievances within sixty days from the date of notification of the decision.

Article 24: Investigation of Violations

The officers concerned at the Ministry shall investigate the violation and visit media and commercial facilities, warehouses and 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 which these employees shall adhere to.

Article 25: Violation Review Committee

(1) A Committee to review the violation shall be formed by the Minister's decision, with a minimum of three members, provided that one of them is a legal advisor and the other a Shari'ah advisor.

(2) Decisions of the Committee shall be made by majority vote, which shall be endorsed by the Minister.

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Chapter Seven

General Provisions

Article 26: Issuance of implementing regulations

The implementing regulations of this Law shall be issued by the Minister, within six months, and it shall be published in the Official Gazette.

Article 27: Superceding other laws

This Law shall supercede the Copyright Law issued by the Royal decree No. M/11, dated 19/05/1410 H.

Article 28: Validity of this Law

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