

Copyright Law

Royal Decree No. M/11
19 1410

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 .

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 original literary, artistic or scientific works of Saudi origin.

- (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

writing and shall limit the scope of the transferred right in terms of both time and place.

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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 centers on the following conditions:
 - (a) Shall not be commercial or for profit.
 - (b) Copying shall be restricted to the requirements of activities.
 - (c) Shall not impair the material benefit of the work.
 - (d) 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 theater, 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.

- (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,

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 pretense 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.
- (5) Removing and cracking any protective electronic code that C8uProtectinAP 4MCID 1o3(th)4(er)

- (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 pretense.
- (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.

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.

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.