

Law No () of ...
On the Protection of CopyRights & Related Rights

In the Name of the People,

Mr. President of the Republic:

- After reviewing the Constitution of the Republic of Yemen,

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Audiovisual Work: the work that consists of a number of linked pictures that give an impression through motion whether accompanied by sound or not.

Producer of Audio or Audiovisual Work: The natural or artificial person who takes the initiative and carries the responsibility of producing the work.

Collective Work: The work which is ~~by~~ more than an author with the initiation and direction of a natural or artificial person who takes the responsibility of publication under his name and management and with the work of authors integrated in the general goal aimed by this person in such a way that it becomes impossible to separate the work of each author and distinguish it on its own.

Joint Work: The work which is ~~authored~~ by more than an author whether the work of each is separable in the work or not. This work is not included among collective works.

Derived Work: The work whose origin is derived from previous work in existence.

Establishment: Establishing the ~~work~~ on a permanent physical form

Audio Recording: An establishment of performance or sound on a physical material. It does not include the audio recording which accompanies an audiovisual work.

Producer of Audio Recording: The natural or artificial person who takes the initiative and carries the responsibility of first establishment of performance or sound.

Folklore or Folkloric Expressions: Every expression represented by distinctive elements(that).3(m)-t.6()

Performers: actors, singers, musicians, dancers, others from the people who participate through the performance in a literary, scientific, artistic, or folkloric expressions.

Public Performance: carrying out of the work or audio recording through presentation, playing, delivering, narrating, acting, dancing, or any other way either directly or through a device or through any other means. Performance shall be public when performed publicly or in public places.

Broadcast: direct broadcast of audio or audiovisual work or

11. Databases if innovated in terms of selection or sequence of content.
12. The title of the work if distinctive innovated and is not a current

utilization shall be stated therein with its purpose, duration of the utilization and its place.

C. The assignee, according to item (B) of this article, may exercise in person all the rights assigned to him/ her/ including the transfer of right to others.

Article (9) The author shall be the owner of all financial rights of his work if he has not explicitly disposed them in total or in partial. The disposition of the author for part of his financial rights shall not be considered a license from the same to utilize any other financial right according to the provisions of the law.

Article (10) The author shall receive financial remuneration in cash or in kind or both in return

Chapter Four

Financial Rights on Joint & Collective Works

- Article (16) A. If more than a person co-author a joint work, all shall be considered owners of the rights equally unless agreed otherwise in writing.
B. None of the coauthors in a joint work may individually exercise copy rights on the work except after the approval of all coauthors. If a dispute arises, settlement shall be through the court.
C. Any coauthor in a joint work may file a claim whenever there is a violation of copy right.
- Article (17) If one of the co-authors in a joint work dies without having a legitimate

show the work or utilize it in any other means without violation of the moral or financial rights of the coauthors unless agreed otherwise.

Article (24) If one of the coauthors of audiovisual work refrains from completing the work required by him for any reasons, any of the other coauthor may, in this case, complete the work and shall be considered an author for what he has accomplished and shall enjoy the ensuing rights.

Article (28) The TV and Radio Broadcast Authority shall have an exclusive right in agreeing on or preventing the carrying of any of the following acts:
1.

- Article (41) A. Without a permission from the author or the owner of the right, copying from a newspaper; an article in an economic, political or religious periodical; a broadcast program of the same nature; or transferring this article or program to the audience may take place with reference to the source and name of the author if ~~its~~ in the cases in which the right to copy or transfer to audience is not explicitly preserved for the author or the owner of the right.
- B. Any audio or audiovisual work may be copied through broadcasting of news of the current events or filming the event and then broadcasting the

performance does not violate the moral rights of the author or performance artist according to the law.

Article (49)

A. Any Yemeni citizen may apply to the ministry for a non-exclusive and non-assignable license to copy or translate a protected work according to law without the permission of the author or owner of the right for purposes of meeting the general needs of the audience and for educational, research and study. The license shall be issued from the minister with a statement of the reason for use and the fair financial

Article (53) After acceptance of the application, the ministry shall grant a depositing certificate free for once. The regulation shall decide the amount of fees for obtaining an additional certificate.

Article (67) The court may dispose of the tools and copies sentenced to confiscation by selling them in a public auction provided the author, owner of the right or

all cases, the court, when issuing the judgment of guiltiness, may order taking any of the following measures as complementary penalties:

1. Confiscating the copies under violation.
2. Confiscating the tools and equipment used in committing the violation.
3. Closing the publishing house, shop, institution, or company whom the verdict used in committing the violation for a period not exceeding six months. In case of repeating the violation, the closure shall be final. In all cases, the court shall decide to destroy the counterfeit copies.
4. Publishing the guiltiness judgment in a daily newspaper at the expense of the convict.

Section III Compensation

Article (70) The court shall fine every person who violates any of the author or owner of related rights a fair compensation for the material or immaterial damages on the owner of the right.

Chapter Eleven General & Final Provisions

Article (71) All publishing houses, shops of producing audio records and institutions licensed by the ministry to practice the profession of publishing, copying, distributing, and selling of works, audio records, performances, and broadcast programs shall keep documents that entitle them to do so from the owner of the right or his heritors whether the work is from inside the Republic or from abroad. The regulation shall specify the type of information needed for works from outside the Republic.

Article (72) A. The minister shall form a committee, comprising three members of experience and competence to assume, after the agreement of the conflicting parties, the task of solving and settling any conflict arising as a result of applying or interpreting this law.
B. The Committee, when carrying its tasks, shall apply the rules and provisions of national legislation with regards to arbitration on issues referred to it as well as when enforcing its decisions.

Article (73) The title of law enforcement officers shall be granted to the employees who are named by a decree from the Minister of Justice based on a the request of the minister. They shall assume the task of entering shops and stores selling, distributing, renting, showing, copying, or producing works, audio records, performances, broadcast programs and seize the tools, copies, and means used in committing any of the violations stated in this law. They may take the help of policemen if need be.

Article (74) The provisions of this law shall apply to the following:
1. Works of Yemenis.

2. Works of foreigners based on ~~agreements~~, international conventions of Intellectual Property Rights to which Yemen is a party. In case they do not apply, the principle of reciprocity shall apply.
3. Works, performances, audio recordings, and their related rights when enforcing the law, provided they do not fall in the public domain at the time of enforcing the law. The time that passed from the date of starting the protection until the start of enforcing this law shall be factored in the protection period for any of such works.

- Article (75) The counterfeit products of works enjoying protection in the Republic shall be denied entry to the lands of the Republic
- Article (76) The court shall specialize in looking at disputes arising from the enforcement of the provisions ~~of~~ this law and its regulation.
- Article (77) Provisions regarding copy rights ~~is~~ stated in the Republican Decree No (19) of 1994 on intellectual right shall be cancelled by this law as well as any text or provision in conflict with it.
- Article (78) The regulation shall be issued ~~by~~ decision from the Prime Minister based on the presentation of the minister and after the approval of the Cabinet.
- Article (79) The minister shall issue the decrees and instructions enforcing the provisions of the law.