

Unofficial translation

Draft Law No () of ... On the Protection of Copyrights and Related Rights

Chapter One Definitions

Article (1) This law shall be called (Law of Protection of Copyrights and Related Rights)

Article (2) For the purposes of applying this law, the following terms and phrases shall have their corresponding meanings unless context suggests otherwise.

Republic: The Republic of Yemen

Ministry: The Ministry of Culture

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Regulation: The regulation of this law

Competent Department: The General Department of Works & IPRs

Court: The competent commercial court

Related Rights:	The rights related to copyrights which are enjoyed by performers, producers of phonogram and broadcasting organization.
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 an audio or an 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 made by a group of authors 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 co-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 a previously work existing work.
Fixation:	fixing the work in a permanent material form.
Phonogram:	fixation of performance or sound on a permanent material form. It does not include the phonograms, which accompany audiovisual work.
Producer of Phonograms	The natural or artificial person who takes the initiative and carries the responsibility of first fixation of performance or sound.
Performers:	actors, singers, musicians, . 4679 :4 Tc(fo)- 4.4(. .4(h-)4.)đlo Tc-.009 Tw[4.5(c

Broadcast:	direct broadcast of audio or audiovisual work or performance or recording of work or performance or phonogram to the public through wireless or industrial means.
Broadcast Authorities:	The entities or authorities responsible for audio or audiovisual broadcast.
Transfer to audience:	making the work, performance, phonogram available to the audience through any means other than broadcast so that the audience can hear it, see it, or watch it at the time and place of their choosing.
Copying:	making a copy or more of a work, phonogram, performance, or broadcast program through any means or form whether temporarily or permanently especially through print, photocopying, cinematographic copying, or recording through mediums like tapes, CDs, digital recording or the like.

Chapter Two Protected Works

- Article (3)
- A. The following shall be granted the protection of this law: innovative works in the areas of literature, arts and science regardless to their type, form, value, and way of expressing them, the purpose of authoring them once the work is innovated without the need for a formal procedure.
- B. Legal protection covers Yemenis and foreigners who are nationals of member countries to international agreements and treaties on intellectual Property Rights to which Yemen is a party, in particular, in the following works:
1. Written or printed works such as books, booklets, magazines, bulletins, and other written materials.
 2. Works delivered orally such as lectures, sermons, and preachments.
 3. Musical works whether accompanied by words or not.
 4. Photographic works and the like.
 5. Series, plays, musical and song plays, silent acting works, dance designs.
 6. Audio and audiovisual works.
 7. Works of lines or colors drawing, digging, graving, adornment, stone sculptures, metal or wood epigraphy, carpets, and any other works.
 8. Works of maps and Rocco schemes.
 9. Solid works concerning geography, topography, science or architecture.
 10. Computer software.
 11. Databases if innovated in terms of selection or sequence of content.

12. The title of the work if it is distinctive and innovated, and not a current utterance to signify the subject of the work.

C- Works, tools, phonographs, radio programs and rights attached to them which are available at the time this law was passed provided prior to that had not become prior to that a public property. The Regulation illustrates

- Article (4) Without prejudice to the protection of original works, protection shall include the following derived works:
1. Translation works, adaptations, summarizations, amendments, explanations, investigations, and works derived from folkloric expressions.
 2. Groups of works and folkloric expressions of traditional popular heritage provided they are invented in terms of selection and sequence of their contents.

- Article (5) Protection shall not include the following:
1. Ideas procedures, work methods, operations modes, concepts, principles and data if expressed or described or clarified or inserted in a work.
 2. Official documents such as texts of government decisions and decrees and texts of laws, regulations, judicial verdicts, international agreements, all official documents and their official translations.
 3. The news and incidents which are merely media news.
 4. The works that have fallen into the public domain.

Chapter Three

Copy Rights

Section I

Literal Rights

- Article (6) A. the author of a work shall enjoy the following literal rights.
1. The right to authorize the first publication of the right and define the method of publication.
 2. The right to attribute the work to his real or pseudonymous or without a name.
 3. The right to prevent any deletion, alteration, addition, perversion, adaptation or modification to the work.
 4. The right to make modification to the work through revision, refining, deletion or addition.
 5. The right to withdraw the work from circulation if the court finds serious and legitimate reasons do so. In this case, the author shall be obliged to pay equitable compensation to whom the rights have been assigned.
- Article (7) The literal rights stated in this preceding article of this law shall be

Section 2

- Article (14) Every disposition by the author of any of his/her future intellectual production shall be considered null.
- Article (15) The Ministry shall assume the financial right of a deceased author, if he does not have a legitimate inheritor and has not, during his lifetime

4. Author of the musical work if authored especially for the work.
 5. Director of the work.
 6. Author of the former work from which the audiovisual work was derived.
- Article (23) The producer of the audiovisual work shall do, on behalf of the coauthors of the work or their heirs, make contracts with others to show the work or utilize it by any other means without prejudice to the literal or financial rights of the coauthors unless agreed otherwise.
- Article (24) If one of the co-authors of an audiovisual work fails to complete the work required by him for any reason, any of the other co-authors may, complete the work and shall be considered an author for what he has accomplished and shall be granted the ensuing rights.

Chapter Five
Owners of Related Rights
(Performers, Producers of Phonograms and Broadcast Organizations)

- Article (25) A. A performer shall enjoy literal rights and these rights include the following:
1. The right to attribute his/her performance to oneself.
 2. The right to prevent any distortion, deformation or amendment of his/her performance.
- B. The moral rights stated in paragraph (A) of this article shall be considered eternal rights and not subject to assignment, outdated, or disposition and the same shall be transferred after the death of the performer to his legitimate heirs. If the performer does not have heirs, the Ministry shall directly assume these rights.
- Article (26) The performer shall have the exclusive right of agreeing to carrying out, or preventing any of the following acts:
1. Broadcasting or live transmission of the performance to the audience.
 2. Fixation or recording live performance in phonogram.
 3. Copying the fixed performance in a phonogram.
 4. Distributing the original copies or copying from the same in phonogram to audience whether through sales or any other means.
 5. Importing copies of the fixed performance in a phonogram.
 6. Rental of the fixed performance in a phonogram.
 7. Making the fixed performance in a phonogram available to the public through wired or wireless means.
- Article (27) The producer of phonograms shall have the exclusive right of agreeing to, or preventing the following acts:
1. Recording the phonogram.
 2. Distributing the original phonogram or copies of the same to the audience through sales or any other means.
 3. Importation of copies of the phonogram.
 4. Rental of phonogram.

5. Making phonogram available to the audience through wired or wireless means.

Article (28) The broadcasting organizations shall have the exclusive right of agreeing to, or preventing the implementation of any of the following acts:

1. Fixation, recording or copying programs.
2. Re-broadcasting programs through wired or wireless means and communicating such works to the public.

Article (29) The provisions of Articles (10,11,12) of this law shall apply to the acts on financial rights of owners of related rights.

Article (30) In case a phonogram is utilized for commercial purposes through broadcast or transmission to the public, the person utilizing the same must pay an equitable remuneration that shall be divided equally between the performers and producers of the phonogram, unless otherwise agreed.

Chapter Six
Term of Protection
Section I

the work regardless of re-publication unless the author, when re-

Article (41) A. Without 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 it exists. In the cases where the right to copy or transfer to audience is not exp

specified for such purposes.

- Article (53) A-The ministry shall grant one only free of charge depositing certificate.
B-The applicant shall pay a fee to obtain an additional Depositing Certificate.
- Article (54) The Depositing Certificate shall be considered evidence to the validity of

violations provided in Article (69) of this law are repeated. In all cases, the court, when issuing the conviction verdict, may order the enforcement of the following measures as complimentary penalties.

1. Confiscation of infringing copies.
2. Confiscation of tools and implements used in committing the infringement.
3. Closure the publication house, store, institution or company which were used by the convict in committing the infringement for a period not exceeding six months. In case of repeated infringement the closure will be permanent.
4. Publication o(ent.)-1.501TJ0 -4.7((enJ0 -4w2(o)-6a)4eiReic)4.4.7(at)-6a

right owner permitting the display or circulation of the work and defining the geographical region and sites where exhibition and circulation can take place.

3- A certificate form the provider attesting that the publication rights have been paid whether related to public performance, or through making specimens of the work or copying it for distribution.

Article (76) Protection of copyright cover publication of manuscripts preserved by Dar Al-makhtootat (manuscript house), public and private libraries. Researchers of heritage texts may not object to other researchers doing new research to the same text. The Regulation shall provide detailed provisions for the implementation of this article.

Article (77) A-the Minister shall form a committee comprising three members known to have experience and competence and who, with the consent of the conflicting parties, shall assume the task of resolving or settling any dispute that might arise from the implementation or enforcement of this law.

B- The committee shall, when performing its task, apply the rules and provisions of national legislations with regard to arbitration presented to it as well as well as when enforcing its decisions.

Article (78) A-The title of Law Enforcement Officers shall be granted to the employees who are named in a decree by the Minister of Justice based on a request by the Minister.

B- the Law Enforcement Officers shall assume the task of entering into shops and stores that sell, distribute, rent, show, copy, produce broadcast programs and substantiate the incidence of violations of this law, seize, impound and hold on to materials, copies and implements used in any of the violations provided in this law. They may, when necessary, seek the help of the police.

Article (79) Counterfeited work shall be prohibited from entering the territory of the Republic.

Article (80) A Republican Decree based on an approval by the Council of Ministers and a submission by the Minister shall be issued with regard to Fees collected for the benefit of the Ministry in accordance with the provisions of this law.

Article (81) the commercial court shall be the competent entity authorized to look into

law more effectively.

Article (84) The Regulation shall be issued by the Prime Minister based on a submission by the Minister and following the approval by the Council of Ministers. The Minister shall issue the decisions and instructions necessary to implement the provisions of this law.

Article (85) This law shall go into effect from the date of its issuance and shall be published in the Official Gazette.