

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)

Work: Any innovated literary, artistic or scientific work whatever its type is, way of expression, importance, or purpose.

Publication: publishing copies of the work and make available to the public with the permission of the author, the owner of related rights or whom the rights are assigned in quantities sufficient to meet of the public.

Computer Software: a group of phrases or instructions expressed by words, signs, or any other forms which enables the computer to carry out a task or give a certain result.

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/7.9(e) 4253.6()258.5(the)-7.3()5.7(n)-7.5(a)7.9(t)-6.9(u)-1.9(ral)5.7(o)-5.6(r)1.1()5.7(artifici
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.

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, dancers, others from the people who participate through their performance in a literary, scientific, artistic, or folkloric expressions.

Public Performance: carrying out of the work or phonogram 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 wh (Tcu9(,)6.8()5.6(or)4.7(fc-.-,4uo))- .shall-.(Penwh (.6

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 countries that are members to the international intellectual property agreements and treaties to which Yemen is a party, in particular, 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.

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 regarded permanent rights and not liable to assignment, outdated, or liable to be disposed of. These rights shall be transferred after the death of the author to his legitimate inheritors. If the author has no inheritor, the ministry shall directly own them.

obtaining a percentage of the resulting revenues or a lump sum. If it is found that the agreement is grossly unfair to the rights of the author or becomes so for circumstances that occur after contracting, the court may reconsider the financial return agreed on.

Article (20) A. If more than a person auth

- 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 heritors. If the performer does not have heritors, 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.
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introduces substantial amendment to the extent that is shall be considered a new work with a new protection period.

or colors on wood or mosaic, shells metals, jewelry, hand bags, needle works, embroidery, textiles, carpets and clothing.

b- Musical instruments

c- Architectural forms.

Article (57) A. Folklore or folkloric expressions are public property of the state and the Ministry shall protect them through all legal means possible.

Article (58) A- The Ministry shall exercise its literal rights over folkloric or folkloric expressions and shall protect them from any distortion or adaptation in

Precautionary Measures

Article (63) The court, based upon a request from the author or whoever possesses the author's right or their heritors, may order the implementation of the following precautionary measures.

1. Cease violation of protected rights in accordance with the provisions of this law.
2. Seizure of infringing works and the materials used in making such copies.
3. Prohibit public performance with respect of performing, acting, delivering a work before an audience and preventing the continuity of an on going show and prohibiting its occurrence the future.
4. Appointment of an official receiver of a disputed work who shall republish, reshow, remake or reproduce copies of the work provided that 0 1 Tf1.6(liTD{fqD-.00
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request a hearing session to hear his say. The court shall uphold, modify or cancel the precautionary measure.

Article (67) An applicant whose application has been rejected, or against whom an order

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 of the conviction verdict in a daily newspaper at the expense of the convict.

Section III

Compensation

- Article (71) The court may, upon a request by the author or owner of related rights, order an equitable compensation to be paid by the infringer against material and moral damages inflicted on the owner of these rights. The court may also order the infringer to pay judicial expenses and attorney's fees.
- Article (72) Any one who violates any other provision of this law shall be punished by a fine of no more than one hundred thousand Yemeni Rials.

Chapter Eleven

General & Final Provisions

- Article (81) the commercial court shall be the competent entity authorized to look into and decide disputes arising from the enforcement of this law.
- Article (82) the provisions related to copyright provided in Republican Decree by Law No. (19) of 1994 on Intellectual Property Rights shall be cancelled as well as any text of provision in conflict with this law.
- Article (83) The enforcement of this law shall not cancel the right of the Republic to benefit from the transition period granted in accordance with international treaties and agreements on Intellectual Property to Least Developed Countries or, an additional transition periods to enable it to implement the 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.