

## **COPYRIGHTS AND NEIGHBORING RIGHTS ACT, JULY 19, 2003 ALGERIA**

- By virtue of the Constitution, especially Articles 38, 122 and 124 therein,
- In accordance with Order (Act) No.66-154 dated 18 Safar 1386 corresponding to June 8, 1966, which includes the Civil Procedures Law, as amended and supplemented,
- In accordance with Order No. 66-155 dated 18 Safar 1386 corresponding to June 8, 1966, which includes the Penal Procedures Law, as amended and supplemented,
- In accordance with Order No. 66-156 dated 18 Safar 1386 corresponding to June 8, 1966, which includes the Penal Law, as amended and supplemented,
- In accordance with Order No. 73-26 dated 4 Jumada I, 1393 corresponding to June 5, 1973, which includes Algeria's joining the World Copyright Convention (1952) as revised in Paris on July 24, 1971,
- In accordance with Order No. 75-58 dated 20 Ramadan 1395 corresponding to September 26, 1975, which includes the Civil Law, as amended and supplemented,
- In accordance with Order No. 75-59 dated 20 Ramadan 1395 corresponding to September 26, 1975, which includes the Trade Law, as amended and supplemented,
- In accordance with Law No. 84-11 dated 9 Ramadan 1404 corresponding to June 9, 1984, which includes the Family Law,
- In accordance with Law No. 90-22 dated 27 Muharram 1411 corresponding to August 18, 1990 related to Commercial Registration, as amended and supplemented,
- In accordance with Order No. 96-16 dated 16 Safar 1417 corresponding to July 2, 1996 related to Legal Filing,
- In accordance with Order No. 97-10 dated 27 Shawwal 1417 corresponding to March 6, 1997 related to Copyrights and Neighboring Rights,
- In accordance with Order No. 03-03 dated 19 Jumada I, 1424 corresponding to July 19, 2003 related to Competition,
- In accordance with Presidential Decree No. 97-341 dated 11 Jumada I, 1418 corresponding to September 13, 1997, which includes the People's Democratic Republic of Algeria's joining, with reservation, the Berne Convention for the Protection of Literary and Artistic Works (1886) as complemented in Paris on May 4, 1896, as amended in Berlin on November 13, 1908, as complemented in Berne on March 20, 1914, as amended in Rome on June 2, 1928, Brussels on June 26, 1948, Stockholm on July 14, 1967 and Paris on July 24, 1971 and as amended on

September 28, 1979, and

- Having listened to the discussions of the Council of Ministers,

**The President of the Republic issues an order that reads as follows:**

### **Preliminary Provisions**

**Article 1:** This Law aims at introducing copyrights and neighboring rights, as well as the protected literary or artistic works, and identifying penalties entailing infringement of such rights.

**Article 2:** The provisions of this Law shall guarantee the protection of the rights of:

- The author of literary or artistic works, the performer or the musician, the producer of audio or audio and video recordings, and institutions of audio or audio / video radio broadcasting.
- Rules for the collective enforcement of rights and the protection of traditional cultural heritage and national works of public property.

## **PART I PROTECTION OF WORKS & COPYRIGHTS**

### **Chapter 1 Protected Works**

**Article 3:** Each original innovator of a literary or artistic work shall be granted the rights provided for herein.

Protection shall be granted, whatever the type of the work is, its manner of expression, level of ownership and destination, once the work is filed whether it is established or not by a medium that allows its notification to the public.

**Article 4:** The following shall be in particular categorized as protected literary or artistic works:

- a. Written literary works such as: literary attempts, scientific and technical research, novels, stories, poems, computer software, oral works such as lectures, speeches and sermons and the like,
- b. All theatre plays, drama, musical and rhythmic works and pantomimic works,
- c. Musical works, chanted or silently acted,
- d. Cinematographic works and other audio video works whether accompanied or not with sounds,
- e. Works of plastic and applied arts such as: drawing, oil painting, sculpture, carving, lithography and Zaraby art,
- f. Drawings, diagrams, mini-geometrical models of art, architecture and technological installations,
- g. Charts, maps, and drawings related to topography, geography or sciences,

- h. Photographic works and works expressed in a manner similar to photography,
- i. Clothing innovations for fashionable wears and scarf.

**Article 5:** The following works shall also be protected:

- Translation and adaptation works, musical distributions, editing reviews, and other original alterations of literary or artistic works,
- Collections and selections of works, collections of traditional cultural heritage and databases whether reproduced on a medium capable of being utilized by a machine or in any other form, whose originality come from the selection of their materials or their order.

The protection of the derivative works' author shall be guaranteed without prejudice to the rights of the authors of original works.

**Article 6:** The title of the work, if original, shall enjoy the same protection as the work itself.

**Article 7:** Protection shall not include the ideas, concepts, principles, approaches, techniques, working procedures and patterns associated with intellectual work creation themselves, except to the extent they are enlisted, structured or arranged in the protected work, and in the format expression independent of their description, interpretation or clarification.

**Article 8:** Works of traditional cultural heritage and national works considered as public property shall be granted special protection as provided for in the provisions herein.

Works of traditional cultural heritage shall consist of the following:

- Traditional classic music works,
- Musical works and popular songs,
- Popular expressive forms produced, produced, developed and deep-rooted in the national community, and have the characteristics of traditional culture of a nation,
- Anecdotes, poems, dances and folklore shows,
- Works of popular arts such as drawings, oil paintings, sculptures, carvings, pottery and mosaic,
- Handcrafts on metal and wood, jewels, baskets, needle works, Zaraby tricot and textiles.

National works categorized under public property shall consist of literary or artistic works, whose terms of material right protection have expired in favor of their author and right holders, in accordance with the provisions herein.

**Article 9:** State works, legally made available for public use in non-profit generating purposes, may be freely used subject to maintaining the work wellbeing and highlighting its source. State works, within the context of this article, shall mean works produced and published by various state institutions, local groups and public establishments of administrative nature.

**Article 10:** Works endowed to the state by way of donation or inheritance shall remain subject to the legal protection system that was applicable thereon prior to said endowment without prejudice to the provisions of inheritances and grants.

**Article 11:** Approved protection of copyrights provided for herein shall not be granted to administrative laws, regulations, resolutions and administrative contracts issued by the state institutions, local groups, justice rulings and the official translation of these texts.

## **Chapter 2**

### **Author & Rights Ownership Evidence**

**Article 12:** The author of a literary or artistic work, within the context of this Order, shall be the natural person who creates it.

The nominal person may be considered as the author in the cases provided for herein.

**Article 13:** Unless otherwise proven, the copyrights owner shall be considered the natural or nominal person who proclaims the work under his name, legally offers it to the public or submits a proclamation in his name to the National Bureau of Copyrights and Neighboring Rights, provided for in Article 131 herein.

In case a work is published without the name of its author, the person who legally offers it to the public shall be considered a representative of rights owner, unless otherwise is proven.

In case an anonymous work is published without indicating the identity of the person who offers it to the public, the National Bureau of Copyrights and Neighboring Rights shall practice the related rights until the rights owner is identified.

**Article 14:** The “Compound Work” shall be the work in which a work or components of original works are merged by intellectual incorporation, approximation or conversion without the participation of the author of the original work or the work components incorporated therein.

The rights of “Compound Work” shall be owned by the person who creates the work subject to the copyrights of the original work.

**Article 15:** A work shall be classified as “joint work” if several authors participated in its creation or accomplishment.

The “joint” work may not be disclosed except under conditions agreed upon by the rights owners.

The rights of the work shall belong to all its authors. Such rights shall be practiced in accordance with conditions agreed upon among them. In case an agreement is not reached, the provisions related to commons shall be applicable.

Each contributor to the joint work may not oppose the work utilization in the form agreed upon without justification.

Each author of the joint work shall be allowed to utilize the part he contributed to the disclosed work, unless such utilization would cause damage to the utilization of the work as a whole, subject to indicating the source. Any condition in contrary thereto shall be void.

**Article 16:** A work where any natural person can directly contribute to its intellectual creation shall be categorized as audiovisual work.

The following persons shall be, in particular, participants in the audiovisual work:

- The scenarist,
- The adaptation author,
- The author of the dialogue or uttered text,
- The director,
- The author of original work in case the audiovisual work is adapted from an original work,
- The composer of the musical work with or without words, which is particularly prepared for the

audiovisual work,

- The key cartoonist(s) in cases of animations.

**Article 17:** A work created by the author of a literary or musical work for the purpose of audio-broadcasting shall be considered broadcasting work.

Each natural person who directly partakes in the intellectual creation of the work shall be considered a contributor to the broadcasting work.

**Article 18:** A work where many authors take part in its creation, by an initiative from and under the supervision of a natural or nominal person who publishes the work in his name, shall be considered a collective work.

Contribution to the collective work shall not grant distinctive rights to each of the participants in the entire accomplished work.

The rights of the collective work shall be vested with the natural or nominal person, who initiates, completes and publishes the work in his name, unless otherwise provided for.

**Article 19:** If a work is created under a contract or a business involvement, the user shall assume the ownership of the copyrights to utilize the work for the purpose for which it has been created, unless otherwise provided for.

**Article 20:** If a work is created under a contracting agreement, the person who has requested its execution shall assume the ownership of the copyrights within the purpose for which it has been created, unless otherwise provided for.

## **PART II PROTECTED RIGHTS**

**Article 21:** The author shall enjoy moral and material rights for the work he has created. Moral rights shall not be disposable, prescriptive or assignable.

Material rights shall be practiced by the author himself, his representative or any other owner of the rights within the context of this Order.

### **Chapter 1 Moral rights & Their Practice**

**Article 22:** The author shall have the right to disclose the work published in his own name or under pseudonym, and he may transfer this right to others.

Disclosure of the work following the death of its author shall be the discretion of his heirs, unless there is a special will otherwise.

The Judicial authority selected by the initiator shall decide upon the work disclosure in case a dispute occurs among the heirs.

The Minister of Culture or his representative shall, upon a request from others, notify the judicial authority to decide upon the work disclosure in case the heirs refuse to make the disclosure if the work is important for the national group.

The Minister of Culture or his representative shall notify the competent judicial authority to obtain permission for the work disclosure in case the author has no heirs.

**Article 23:** The work's author shall have the right to require his family name or his pseudonym be indicated in the work's common form, and also on the appropriate mediums of the work. He shall also have the right to indicate his family name or his pseudonym in connection with all forms of accidental notifications of the work if the profession practices and ethics permit.

**Article 24:** The author, who finds that his work is no longer consistent with his beliefs, may stop the publication of the medium carrying the work to the public by practicing his right of repentance or by withdrawing the work previously published to the public by practicing his right to withdraw the work. However, the author can not practice this right unless he pays a fair compensation for the damages incurred by the beneficiaries of the assigned rights as a result of his action.

**Article 25:** The author shall have the right to require that the integrity of his work be respected and to oppose any amendment, mutilation or distortion thereof if such action would be detrimental to his name as author, or his honor or legal interests.

**Article 26:** The rights provided for in Articles 23 & 25 herein shall be practiced by the heirs of the work's author following his death, or by each natural or nominal person conferred with these rights under a will.

If a dispute arises among the heirs of the work's author, the judicial authority shall settle such dispute upon request from the stakeholder practicing the rights referred to in the previous clause. The National Bureau of Copyrights & Neighboring Rights may practice the rights provided for in the first clause herein in a manner that ensure optimal use of copyrights if the author has no heirs.

## **Chapter 2**

### **Material Rights**

**Article 27:** The author shall have the right to utilize his work in any form and to obtain the financial proceeds thereof.

He shall also solely have the right, subject to the provisions herein, to carry out or allow others to carry out the following:

- Reproduce the work by any means whatsoever,
- Offer the original audio-visual work or reproductions thereof for public circulation through rental or commercial rental of computer software,
- Convey the work to the public by public representation or performance,
- Convey the work to the public by audio or audio-visual radio broadcasting,
- Convey the broadcasting work to the public via wire mediums, optical fibers, cabling or any other medium to transmit signals carrying sounds, images or both.
- Convey the broadcasting work to the public via wireless diffusion by another facility other than the original broadcasting facility.
- Convey the broadcasting work to the public via loudspeaker, radio, or television placed in an open setting,

- Convey the broadcasting work to the public by any information processing system,
- Translate, adapt, distribute and convert by any other conversion method applied to the author's work to generate derivative works thereof.

Rental rights provided for herein shall not be applied to renting computer software when the software is not the subject matter of the rental.

**Article 28:** The author of a plastic art shall benefit from the proceeds of reselling an original work by auction or through professional traders of plastic arts.

Such right shall be non-disposable and shall be transferred to the heirs within the protection period approved herein.

The percentage of the author's participation shall be 5% of the work's reselling amount.

The methods to implement this Article shall be determined through the regulation.

**Article 29:** If it is not representing the author or the right owners, the National Bureau of Copyrights & Neighboring Rights may approve, in return for a fair reward, the reproduction of musical work accompanied with words or not if the right owner have previously licensed it for registration.

The above mentioned reward shall be determined on the basis of approved rates for royalty calculations for similar works, which are permitted to be registered by a voluntary license delivered by the National Bureau as the representative to the author or any other owner of rights.

**Article 30:** The audio or audio-visual radio broadcasting for a work, previously offered for public according to a license from its author in return for a fair reward, shall be valid unless the National Bureau of Copyrights & Neighboring Rights represents such author.

The reward due to the author shall be determined on the basis of approved rates for royalty calculations for similar works, in terms of their method of audio or audio-visual radio broadcasting if conducted under a voluntary license delivered by the above-mentioned Bureau as a representative of the author.

**Article 31:** Conveying the work broadcasted to public by wire diffusion shall be considered valid if conducted in conjunction with the broadcasting facility without any amendment to the broadcasted program and according to a license from the National Bureau of Copyrights & Neighboring Rights in return for a fair reward to its author.

The reward due to the author shall be determined on the basis of approved rates for royalty calculations for the similar work, which has been the subject matter of a voluntary license to the wire distributor from the above-mentioned Bureau as a representative of the author.

**Article 32:** The utilization of a work previously disclosed under the conditions included in Clauses 4 & 5 of Article 22 herein, shall entail the payment of a fair reward to the right owners as determined by the competent judicial authority.

### **Chapter 3**

#### **Exceptions & Limitations**

**Article 33:** Each literary or artistic work produced in a printed, audio, audio-visual or any other form, and prepared for school or university education may entail the following:

- A compulsory license of non-exclusive translation for publication purposes in Algeria in the form of a written publication or by the audio or audio-visual radio broadcasting, if it has not been previously translated into the national language and offered or conveyed to public in Algeria within one year from its first publication,

- Non-exclusive compulsory license to reproduce a work for the purpose of its publication if it has not been previously published in Algeria for a price equivalent to the price applicable by national publishers within three years after its first publication if related to a scientific work, seven years after its first publication if related to a work of fiction, and five years after its first publication if related to any other work,

The National Bureau of Copyrights & Neighboring Rights shall give the license provided for in the above two clauses in accordance with approved international agreements.

**Article 34:** The National Bureau shall simultaneously carry out the following procedures to grant the compulsory license:

- Notify the copyright owner or his representative of the translation or reproduction license request submitted by the applicant,

- Notify each concerned international or regional center through a notice to be filed with international organizations managing international copyright agreements in which Algeria is a member.

**Article 35:** The compulsory license to translate the work into the national language shall be delivered within 9 months from sending the license request and informative copies to the recipients provided for in the last clause of Article 34 herein, whenever the right owner cannot be contacted, or a license from him cannot be obtained.

**Article 36:** The compulsory license for a work reproduction shall be delivered within six months from sending the license request and informative copies to the recipients provided for in the last clause of Article 34 herein, if related to a scientific work, and within three months if related to other works, whenever the right owner cannot be contacted, or a license from him cannot be obtained.

**Article 37:** The compulsory license shall not be granted if the right owner or his representative offers the translation or reproduction of the concerned work for public in Algeria in accordance with the same conditions, price and form submitted by the applicant.

**Article 38:** The licensee may not assign the compulsory license granted to him for the translation or reproduction of the work.

This license shall be limited to the national territory.

However, each national body providing a public service may send and distribute copies of the work produced under a compulsory license to citizens domiciled abroad subject to international obligations of Algeria in this regard.

**Article 39:** The beneficiary of a compulsory license for the work translation or reproduction shall observe the moral rights of the author during the utilization of the work.

This beneficiary must pay a fair reward to the right owner.

The National Bureau of Copyrights & Neighboring Rights shall collect and pay such reward to the right owner.

**Article 40:** The compulsory license for a work translation or reproduction shall be nullified if the work's right owner, who licensed its translation or reproduction, is publishing or permitting the publishing of his work under the same conditions, display, form and content or for a price similar to the price of the edition accomplished by the licensee.

However, the displaying of the produced copies shall continue until they are finished prior to the license termination.

**Article 41:** One copy of the work can be reproduced, translated, quoted or converted for personal or family purposes without prejudicing the provisions of Article 25 of this law. An exception of the provisions of the first clause herein is the reproduction of architectural works embodied in buildings or similar forms, the written reproduction of a whole book, the reproduction of a musical work in a written form, the reproduction of a database in a digital form and the reproduction of computer software other than the cases stipulated for in Article 52 herein.

**Article 42:** The imitation, opposition, cynical simulation or caricature description of an original work is considered a legal act, unless such act results in distorting or disgracing the original work.

It is also legal to cite or quote a work if it is in compliance with the requirements of honest use, required conveyance and announcement in all cases. However, the name and source the original work must be indicated when using citation and quotation.

**Article 43:** The use of decorative or illustrative drawing of a literary or artistic work in a publication, in an audio or audio video recording or in audio or audio video programs meant for teaching or professional training is legal if intended to achieve the targeted purpose. The author and source of the original work must be mentioned in accordance with the ethics and practices of the profession.

**Article 44:** Free acting or performing of a work is legal in the following two cases:

- The family circle.
- Educational and training insinuations to meet their pure pedagogical needs.

**Article 45:** Each library or document keeping center can reproduce a work in an article form, or into another summarized work or an excerpt from a written work with or without ornamentation, if published in a collection of works, newspaper volumes or periodicals except for computer software upon the request of a natural person subject to the following conditions:

- The converted copy shall only be used for educational, academic research, or personal purposes.
- The reproduction process shall be an isolated and non-recurring act.
- The National Bureau for Copyrights & Neighboring Rights has not granted a collective license authorizing such reproduction.

**Article 46:** Libraries and document keeping centers, not aiming at making direct or indirect commercial profits, can reproduce a work without the author's or right owner's permission in response to a request from another library or document keeping center, or to maintain the work's copy, or to compensate a damaged, lost or void one under the following conditions:

- It is impossible to obtain a new copy in reasonable conditions.
- The reproduction process must be isolated and no-recurring.

**Article 47:** It is legal for any mass media institution to reproduce, circulate or convey to the public articles on daily events published by newspapers, radio or television, without permission from the author or reward to him, provided that the author and the source are indicated, unless there is an express provision prohibiting its use for such purposes.

Free use of daily news, events and incidents of pure media nature is permissible.

**Article 48:** It is legal for a mass media institution to copy or circulate lectures or speeches in public occasions for information purposes without permission from the author or reward to him, provided that the author and the source are indicated.

Only the author has the right to comprehensively compile such lectures or speeches for publishing purpose.

**Article 49:** It is legal, without permission from the author or a reward him, to reproduce, convey, use a work necessary for substantiating techniques in legal or administrative proceedings.

**Article 50:** It is legal, without permission from the author or a reward him, to copy or inform the public an architectural work, fine art, practical art or pictorial work, if always on display in a public place, except in open galleries, museums, cultural and natural places.

**Article 51:** It is legal, without permission from the author or a reward him, for audio or audio video institution to transiently record, by its own means, a work for broadcasting purposes, provided that the recorded copy is damaged within six months after recording, unless the author agrees to a longer period.

It is, however, permissible to keep a single copy of this record for archiving purpose only, even in the absence of such agreement.

**Article 52:** It is legal, without having permission from or rewarding the author or the any other owner of rights, for the legal owner of computer software to copy or emulate a single copy of the software, if the copy or emulation is necessary for:

- Using the computer software for the purpose it has been acquired for and subject to the conditions applicable when acquired.
- Compensating for a legally acquired copy of the software for documentation purposes in case of loss, damage, or invalidity.

**Article 53:** The uses of the single copied or emulated copy of the software shall be limited to the areas provided for in Article 52 above.

The copied or quoted copy of the software shall be damaged when its acquisition legality elapse.

## **Chapter Four**

### **Protection Period**

**Article 54:** The material rights shall be protected in favor of the author throughout his life, and in favor of the rights owners for fifty (50) years from the beginning of the Gregorian year following his death.

**Article 55:** The said protection period in Article 54 above shall be effective in respect of a joint work from the end of the Gregorian year following the death of the last co-authors. If there are no heirs for the deceased author, his authorship share in the joint work shall be managed by the National Bureau for Copyrights & Neighboring Rights.

**Article 56:** The protection period of the material rights for the collective work shall be fifty (50) years from the end of the Gregorian year during which the work has been legally published for the first time.

In the case where the work has not been published within fifty years of its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been publicly circulated.

If the work has not been publicly circulated within fifty years from its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been accomplished.

**Article 57:** The protection period of the material rights for the pseudonym or anonymous work shall be fifty (50) years from the end of the Gregorian year during which the work has been legally published for the first time.

In the case where the work has not been published within fifty years of its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been publicly circulated.

If the work has not been publicly circulated within fifty years from its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been accomplished.

If the identity of the author name has been undoubtedly identified, the 50-year protection period shall be effective from the beginning of the Gregorian year following the death of the author.

**Article 58:** The protection period of the material rights for the audiovisual work shall be fifty (50) years from the end of the Gregorian year during which the work has been legally published for the first time.

In the case where the work has not been published within fifty years of its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been publicly circulated.

If the work has not been publicly circulated within fifty years from its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been accomplished.

**Article 59:** The protection period for material rights of pictorial or applied art work shall be fifty years from the end of the Gregorian year during which the work has been accomplished.

**Article 60:** The protection period of the material rights for a work published after the death of the author shall be fifty (50) years from the end of the Gregorian year during which the work has been legally published for the first time.

In the case where the work has not been published within fifty years of its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been publicly circulated.

If the work has not been publicly circulated within fifty years from its accomplishment, the 50-year protection period shall be effective from the end of the Gregorian year during which the work has been accomplished.

## **Chapter Five Rights Utilization**

**Article 61:** The author's material rights shall be assignable among survivors with or without financial consideration subject to the provisions herein. These rights shall be transferred due to death subject to the provisions herein and applicable legislation.

**Article 62:** The author's rights shall be assigned under a written contract. The contract shall be concluded, when necessary, by exchanging letters or telegraphs determining the assigned material rights in accordance with Article 65 below.

**Article 63:** The approval to assigning the material rights of incompetent person shall be given in accordance with the applicable legislation.

However, the minor may express his approval if he is judicious.

His guardian shall determine the contract execution methods.

**Article 64:** The author's material rights shall be wholly or partially assignable. The assignment contract shall identify the assigned rights nature and economic conditions, the work utilization manner, rights assignability period and the territorial extent of work utilization. Each assignment that does not set out the willingness of contracting parties in a field mentioned in the above paragraph, except for the assignment territorial extent, shall be nullified upon a request from the author or his representative.

The assignment shall be considered valid within the territorial area of the assignee activity country, unless the assignment contract provides for the utilization territory only.

**Article 65:** The material rights assignment for consideration shall include a reward due to the author originally calculated in proportion to the utilization revenues with maintaining a minimum limit.

However the author's due reward shall be arbitrarily calculated in the following cases:

- When the circumstances of work utilization do not allow the accurate determination of revenues relative reward.
- When the work is a support of a larger work such as encyclopedias, selections, and dictionaries.
- When the work is a secondary element for a larger work such as introductions, prefaces and comments or remarks and illustrative charts.

- When the work is accomplished to be published in a newspaper or periodical within the framework of employment contract or contracting agreement.

The author's reward may also be arbitrarily determined in the case where the rights owner residing outside the country assigns his rights or is associated with works utilized abroad.

**Article 66:** The author shall have the right to request the contract review in case inequity incurred to him. If an agreement is not reached thereof, he shall have the right to file a lawsuit if it becomes clear that the arbitrary reward obtained is less than the fair reward compared to the earned profit. Each agreement in violation thereof shall be considered void.

The author shall initiate a lawsuit due to injustice incurred to him within fifteen (15) years from the assignment date.

In the case of the author death, his heirs shall comply with the provisions herein for fifteen (15) years of the date of the author's death.

**Article 67:** The author shall guarantee the assigned rights for the assignee. He shall also help and support the assignee against any action of others that would prevent him from rights utilization.

**Article 68:** The assignment of the author's material rights, for the assignee, shall entail an obligation to convey the work to the public and protect the legal interests of the assignor in accordance with the assignment contract items and subject to the provisions herein.

The rights exclusive assignment shall entitle the assignee only to the right of complete practice of assigned rights to continuously utilize the assigned rights.

However, the exclusive practice of rights related to works placed under collective enforcement by their authors shall not be of significance towards others authorized by the National Bureau of Copyrights and Neighboring Rights unless from the date of filing the exclusivity contract with the National Bureau.

The effects of the exclusive assignment of rights shall end after a notification from the assignor not answered within three months, if the assignee refrains from conveying the work to the public during the periods agreed upon or stops the regular utilization of work as per the terms provided for herein.

**Article 69:** The assignment contract shall be canceled upon the assignor request, if the assigned rights are not utilized after one year from the delivery date of the contracted work.

**Article 70:** The assignee may not transfer the author material rights to a third party unless an explicit permission is obtained from the author or his representatives.

Such obligation shall not prevent the assignee from organizing the normal use of the work in cooperation with third parties.

The assignor of material rights shall be granted the permission set forth in paragraph one herein in the assignment contract or upon transferring the practice of the assigned rights within the framework of work utilization.

However, the assigned rights shall be transferred after a commercial shop operation, without the author approval, provided that the acquirer observes the terms of original contract determining conditions of transferred rights practice.

**Article 71:** Total assignment of the author's material rights related to future works shall be considered nullified.

However, it shall be permissible to vest the National Bureau of Copyrights and Neighboring Rights with the authority to enforce existing and future works related rights.

**Article 72:** The assignment of the author's material rights shall be limited to patterns of work utilization specifically provided for in the contract.

Rights assignment shall not be extended to similarly include other patterns or anonymous utilization patterns of works upon contract conclusion.

**Article 73:** The acquisition of a work copy in itself as an absolute property shall not be considered an assignment of the author's material rights. However, the author may not request the owner of the original medium to place the work at his disposal to practice his rights with regard to works of plastic arts and pictorial arts.

It shall be permissible for the owner of the work original medium to offer it to the public for non profit purposes without permission, unless the author explicitly excludes this possibility when selling the origin medium.

**Article 74:** The author participating in an audiovisual production shall have the right to use his contribution in a different type unless there are contrary contractual provisions.

**Article 75:** The author participating in an audiovisual production, who refuses to complete his contribution or fails to complete it due to a force majeure, shall not object incorporating his authorship portion in the audiovisual production.

However, he shall obtain the capacity of author as a result of such contribution, and he shall withdraw his name from the introduction of the audiovisual work.

**Article 76:** The audiovisual work shall be considered ready and complete when the typical copy thereof is prepared in accordance with the contract concluded between the producer and director. Each amendment to the final form of the audiovisual work by addition or deletion in particular shall be subject to a prior permission from those who approved the work final form. It shall be definitely impermissible to damage the main copy of audiovisual work.

**Article 77:** The moral rights shall be practiced on the final form of the audiovisual work.

**Article 78:** The relations between the co-authors and producer of an audiovisual work shall be determined in a written contract.

The producer of the audiovisual work shall be considered the natural or nominal person who initiates its production at his responsibility.

The contract of the audiovisual work production shall require, unless otherwise is stipulated, that the right be exclusively assigned in favor of the producer in the following cases:

- Reproduce the work for utilization needs or in the form of audio-video recordings prepared to be distributed to public.
- Present the produced work in public exhibitions or transmit it via audio or audio-video broadcasting.
- Translate or duplicate the work.

The rights shall be maintained for the composers of silently acted or chanted musical works prepared particularly for an audiovisual work.

**Article 79:** The reward for co-authors of an audiovisual work shall be determined for each pattern of its utilization in the stage of concluding the work production contract or upon its utilization.

**Article 80:** If the audiovisual work is exhibited or broadcasted by any mean to public in an open area in return for entrance charge, or publicly circulated through renting the medium for personal use, the co-authors whose rights are protected under the provisions herein and represented by the National Bureau shall have the right to obtain a reward from the utilizer or user commensurate to the revenues.

If the work is exhibited or broadcasted by any mean without entrance charge, the due reward shall be arbitrarily calculated and the National Bureau of Copyrights and Neighboring Rights shall determine the percentages of proportional reward and arbitrary royalty level with regard to the utilization aspects mentioned in the previous two paragraphs.

**Article 81:** Each user utilizing the audiovisual works as per terms provided for in Article 80 above shall inform the National Bureau on the revenues earned thereof in order to calculate the author's rights royalty payable thereon.

The methods to implement this Article shall be determined by the regulation.

**Article 82:** Producing the work copies in an audio-video recording publicly circulated for the purpose of renting for personal use shall be subject to permission from the author or his representative.

**Article 83:** The provisions applicable to the audiovisual works utilization shall also be applicable to the similar broadcasting works in terms of characteristics.

**Article 84:** The contract, under which the author assign to the publisher the right of reproducing several copies of the work as per conditions agreed upon and in return for a reward to publish and distribute them to public in favor of the publisher, shall be considered a publishing contract. The publishing contract shall include the literary or artistic work in the form of written printing or audio or audio-video recordings.

**Article 85:** The author shall assign to the publisher, unless there is a contrary stipulation, the exclusive right to manufacture, reproduce, publish and distribute the work within the limits set forth in the contract.

The publishing contract may include the assignment of the right of original form reproduction and translation.

**Article 86:** The adaptation rights and the rights associated with other types of work utilization in its published original or translated form shall not entail an assignment in the publishing contract.

**Article 87:** Each publishing contract that does not indicate the following matters shall be canceled:

1. The kind of rights assigned by the author to the publisher and whether they are exclusive or not.
2. The author rewarding method agreed upon subject to the provisions of Article 65 herein.
3. The number of specific copies in each edition agreed upon.
4. The assignment term and the territorial extent of work utilization.
5. The work appropriate form to be delivered to the publisher by the author for reproduction.
6. The work delivery date, if not with the publisher upon contract conclusion, and whenever the author decides to deliver his work in subsequent date.
7. The starting date of publishing and distributing the work.

**Article 88:** The date to publicly circulate the work copies shall not exceed one year from its date of delivery in the form agreed upon for reproduction as set out in Article 87 above, except for encyclopedias, selections, dictionaries and similar technical and scientific publications. The author shall freely recover his right if such period expires, in addition to his right in filing a lawsuit to claim a civil compensation due to non-discharge of publisher obligations.

**Article 89:** The author shall have the right to make any amendments during the production of the medium that allows work reproduction, provided that these amendments do not result in changing the work type and purpose compared to the obligation which has incited the publisher to conclude the contract.

In case the amendments parallel in nature and significance are in prejudice to the approved production costs, the publisher shall request that the author be incurred the additional expenses resulting therefrom.

**Article 90:** The publisher shall not make amendments to the work by correction, addition or deletion unless he obtains the author approval.

**Article 91:** In case the work is printed, the author shall:

- Correct proof edition, unless it is agreed upon.
- Sign the permission form to withdraw the work copies on the dates agreed upon.

**Article 92:** The publisher shall indicate the author's name or pseudonym in each copy of the work, unless it is stipulated to omit thereof.

**Article 93:** The work original form that has been delivered to the publisher shall remain the author's property, unless otherwise is stipulated. In the absence of such stipulation, the author shall return the work original form back to the author immediately after completing the creation.

**Article 94:** The publisher shall reproduce, publish, and ensure availability of the work.

**Article 95:** The publisher shall pay the author the reward agreed upon subject to the provisions herein.

If the reward is calculated in proportion to the revenues, it shall not be less than 10% of the work's selling price to the public, in addition to any potential reward granted to a work published for the first time.

However, the author of pedagogical medium used for education and formation needs may get a reward not higher than 5% of the work's selling price to public.

**Article 96:** The publisher shall provide the author with all necessary information about the contract execution status, especially the financial terms, if the author due reward is calculated in proportion to the revenues of the work copies sales. The publisher shall also in this framework send accounts statement to the author, once each year, that indicates the following:

- The number of work copies agreed to be withdrawn and the date of such withdrawal.
- The number of work sold copies.
- The number of work stored copies
- The number of work damaged or corrupted copies, when necessary, as a result of a force majeure.
- The amount of due royalty.
- The amount of paid royalty.
- The other loyalty to be paid to the author and their payment methods.

**Article 97:** The author shall, without prejudice to the compensations he would be entitled to, cancel the publishing contract following a warning not answered within three month in the following cases:

- If the work copies are not publicly circulated according to the approved specifications and terms set forth in the contract.
- If he is not paid the due copyrights royalty for a year.
- If the publisher does not reproduce the work as determined in the contract, where the number of the stored copies of the work equals 3% at maximum of the concerned edition withdrawn.

**Article 98:** For a maximum two years after the expiration of the contract term, the publisher shall have the right to sell the remaining copies of the work at the price specified in the contract or at a new price agreed upon between both parties, provided that the publisher informs the author or his representative on the number of unsold copies and provides him with the valid justification to dispense thereof.

However, the publisher shall have the right to dispense the unsold copies of the work for a maximum two years after the expiration of the contract term, provided that he informs the author or his representative on the number of unsold copies and provides him with the valid justification to dispense thereof.

**Article 99:** The notification of protected works to public through acting, performing, audio or audio-video broadcasting, wire distribution, exhibiting or any other mean shall be subject to a prior license from the author or is representative called “license of public notification”, except for the cases provided for herein.

**Article 100:** The license of work notification to public shall be delivered under a written contract as per the terms determined by the author or his representative.

This license shall take the form of general agreement if the National Bureau for Copyrights and Neighboring Rights entitles a natural or nominal person with the possibility to notify the works comprising his index to public as per specified conditions.

Such license may be granted for a specific period of time or to a specific number of public notification processes.

**Article 101:** The license of work notification to public shall not entitle any exclusive right of utilization unless there is an explicit agreement states otherwise.

The exclusivity condition shall not exceed 3 years from the first notification process to public. The above mentioned condition shall be void if the work is not utilized within maximum one year from the date of agreement conclusion without valid reason.

**Article 102:** The license of work notification to the public shall not be transferred to others without a prior approval of the author or his representative, unless in the case where the commercial shop is transferred as per the terms provided for in paragraph 4 of Article 70 herein.

**Article 103:** The beneficiary of work notification license shall within the framework of contract terms:

- Normally use the work subject to the contents therein.
- Disclose the work under the name of its author.
- Pay the rights royalties approved and submit the detailed and confirmed revenue statement if due royalties are calculated in proportion to revenue of work utilization.
- Deliver the statement of actually utilized works if the granted license allows the selection from complete works index.

**Article 104:** The author or his representative shall have the right to review terms of the work licensed utilization.

**Article 105:** The license of work notification to public by way of audio or audio-video broadcasting in accordance with paragraph 2 of Article 27 herein shall cover complete system of wireless transmission of signals bearing sounds or sounds and images in order to publicly circulate the work within the limits of the geographical area provided for in the license contract of work notification to public.

**Article 106:** The license of work notification to public by way of audio or audio-video broadcasting shall cover the wire distribution conducted by the original organization for its own program when accomplished inside its ordinary area of broadcasting provided for in the contract without any consideration paid by the public.

In case of satellite notification, the audio or audio-video broadcasting organization distinguished from the original organization may broadcast the transferred work via the satellite subject to the rights recognized for the author or his representative in accordance with the national legislation.

### **PART THREE NEIGHBORING RIGHTS PROTECTION**

**Article 107:** Each artist who performs or plays an intellectual work or a work of traditional cultural heritage, each producer who produces audio or audio and video recordings related to these works and each audio or audio-video broadcasting organization which produces programs

of notifying these works to the public shall obtain for their performances rights adjacent to copyrights called: “neighboring rights”.

## **Chapter One**

### **Neighboring Rights Holders**

**Article 108:** Each actor, singer, musician, dancer, and any other person who practices acting, singing, chanting, playing, or reciting or play any role whatsoever in an intellectual work or traditional cultural heritage works shall be considered a performer of artistic works or musician in accordance with Article 107 above.

**Article 109:** The performer or musician shall have the right to license, as per terms specified by a written contract, establishing a record of his performance or playing and reproducing this recording, and the audio or audio-video broadcasting of his performance or playing and directly notifying it to the public.

**Article 110:** The license to establish an audio or audio-video record for the performer or musician performance shall be considered an approval to the reproduction thereof in the form of an audio or audio and video recording he intended to be distributed or notified to the public.

**Article 111:** In case the performance of the performer or musician is accomplished within the framework of employment contract, his rights recognized in Articles 109 and 110 shall be considered as if they are practiced within the framework of labor legislation.

**Article 112:** The performer or musician shall be entitled to moral rights for his performance, i.e. indication of his family name or pseudonym unless the utilization method of his performance does not allow thereof.

He shall also have the right to stipulate the respect of his performance integrity and object any amendment, mutilation or distortion that would be detrimental to his reputation or honor as an artist.

Moral rights shall not be disposable, prescriptive and assignable.

Following the death of the performer or musician, these rights shall be practiced as per the terms provided for in Article 26 herein.

**Article 113:** The natural or nominal person who undertakes the initial record of sounds originated from implementing the performance of a literary or artistic work or a work of traditional cultural heritage shall be considered a producer of audio recordings in accordance with Article 107 above.

**Article 114:** The producer of audio recordings shall have the right to license, as per terms specified in a written contract, the direct or indirect reproduction of his audio recording and offer copies thereof to public by way of selling or renting, subject to the copyrights of works established in the audio recording.

**Article 115:** The natural or nominal person who undertakes the initial record of assembled animated images accompanied or not with sounds shall be considered a producer of audio and video recording in accordance with Article 107 herein.

**Article 116:** The producer of audio-video recording shall have the right to license, as per terms specified in a written contract, the reproduction of his audio-video recording and notify it to the public by whatever means subject to the copyrights of works included in the audio-video recording.

Upon his assignment, the producer of audio-video recordings may not separate between his rights in the audio-video recording and the rights he obtains from authors and performers who perform or play works established in the audio-video recording.

**Article 117:** The entity which broadcasts, by any of wireless transmission methods, signals bearing sounds or sounds and images or distributes them by optical wire or fiber or any other cable for the purpose of receiving programs broadcasted to the public shall be considered an audio or audio-video broadcasting organization in accordance with Article 107 herein.

**Article 118:** The audio-video broadcasting organization shall have the right to license, as per terms specified in a written contract, rebroadcasting and establishing record of its broadcasted shares, reproducing its established broadcasted shares and notifying its televised shares to the public, subject to the copyrights of works included in the programs.

**Article 119:** The performer or musician and producer of audio recording shall be entitled to a reward when he uses an audio recording published for business purposes or a copy thereof directly for audio or audio-video broadcasting or to convey it to the public by any means. The National Bureau of Copyrights and Neighboring Rights shall collect the royalty incurred due to the reward entitlement in favor of the performer or musician and producer of audio recordings from audio or audio-video broadcasting organizations or users concerned with their performances.

The royalty that covers all relevant utilization forms shall be usually calculated in proportion to revenues of utilizing performances produced by the rights owner. Moreover, it shall be arbitrarily calculated in the cases provided for in Article 65 herein.

The terms of royalty calculation and level shall be determined by a decision of the Minister of Culture after consultation with the representative of relevant rights owner.

The royalty shall be distributed at 50% to the performer or musician and 50% to the audio recording producer.

## **Chapter Two**

### **Exceptions and Neighboring Rights Limits**

**Article 120:** The prior license rights recognized for the performer or musician, producer of audio or audio-video recordings and audio or audio-video broadcasting organizations shall be subject to the same exceptions associated with the author's exclusive rights provided for in Articles 29-40 herein.

**Article 121:** The prior license rights recognized for the performer or musician, producer of audio or audio-video recordings and audio or audio-video broadcasting organizations shall be subject to the same limits associated with the copyrights provided for in Articles 41-53 herein.

### **Chapter Three**

#### **Neighboring Rights Protection Term**

**Article 122:** The protection term of the performer or musician material rights shall be 50 years from:

- The end of the Gregorian year for the performance or playing recording.
- The end of the Gregorian year during which the performance or playing has been accomplished when the performance or playing is not recorded.

**Article 123:** The protection term for the rights of the producer of audio or audio-video recordings shall be 50 years from the end of the year during which the audio or audio-video recording has been published, or in the case where such publication does not exist within 50 years from their recording, the protection term shall be 50 years from the end of the Gregorian year during which the recording has been established.

The protection term for the rights of audio or audio-video broadcasting organizations shall be 50 years from the end of the Gregorian year during which the portion thereof has been broadcasted.

## **PART TWO**

### **SPECIAL COPY**

**Article 124:** The reproduction of a special copy of a work for personal use on a magnetic medium not been used before shall entail a right in a reward received by the author, performer or musician, producer, and producer of audio or audio-video recordings of the work reproduced as such as per terms specified in Articles 126-129 herein.

**Articles 125:** Each manufacturer and importer of magnetic tapes or unused other mediums and recording devices shall pay for quantities of mediums and devices he offers to public a royalty called “special copy royalty”, in return for the possibility he allows to the user of those means and devices to reproduce in his home works for special utilization in the form of audio or audio-video recordings legally notified to the public.

**Article 126:** The mediums and devices prepared for professional recording of works, recording that does not include works and recording works to meet the needs of public institutions dedicated for handicapped people and their associations shall not be subject to the mentioned royalty in Article 125 above.

However, this royalty shall be payable for all quantities to be offered in the market if the royalty payer has not determined the number of mediums and devices not subject to royalty payment in accordance with the cases provided for in the first paragraph herein.

**Article 127:** The royalty shall be calculated on the special copy in proportion to the selling price for the unused mediums and arbitrarily calculated for reproduction devices.

The Minister of Culture shall determine by a decision the proportional rates and arbitrary prices of the above-mentioned royalty after consultation with the National Bureau of Copyrights and Neighboring Rights or representatives of royalty payers.

The royalty payer shall pay the above-mentioned royalty to the National Bureau of Copyrights and Neighboring Rights.

**Article 128:** The royalty payer on the special copy shall regularly inform the National Bureau of Copyrights and Neighboring Rights of the actual quantities of locally produced or imported mediums and devices directed towards the special use and indicate the general selling price to the public.

The methods to implement this Article shall be determined by the regulation.

**Article 129:** The National Bureau of Copyrights and Neighboring Rights shall distribute the royalties received on the special copy after deducting enforcement expenses to beneficiaries according to the following installments:

- 30% for the author and composer
- 20% for the performer or musician
- 20% for the producer of audio or audio-video recordings
- 30% for the activity of promoting intellectual works creation and protecting traditional cultural heritage.

## **PART FIVE**

### **RIGHTS COLLECTIVE ENFORCEMENT, PROTECTION OF TRADITIONAL CULTURAL HERITAGE WORKS AND PUBLIC PROPERTY WORKS**

**Article 130:** The National Bureau of Copyrights and Neighboring Rights shall undertake the collective enforcement of rights recognized herein in favor of their holders and the protection of traditional cultural heritage and national works of public property in accordance with the provisions herein.

#### **Chapter One**

##### **Rights Collective Enforcement**

**Article 131:** The National Bureau of Copyrights and Neighboring Rights shall be assigned with the legal protection of rights provided for herein.

The National Bureau's Articles of Association shall determine its authorities and methods of organization within the framework of implementing the provisions herein.

The methods to implement this Article shall be determined by the regulation.

**Article 132:** The National Bureau of Copyrights and Neighboring Rights shall be entitled to the collective representation of authors, their heirs and other rights owners to act as mediator with users and users associations to legally license utilization of works and performances, collect royalties resulting therefrom, and distribute them to their beneficiaries in accordance with the provisions herein.

**Article 133:** Each author or any other owner of national rights who wishes to add the managing functions of his rights and the control of different utilization forms of his works or performances to the collective management shall join the National Bureau of Copyrights and Neighboring Rights.

**Article 134:** The author, as a member of the National Bureau of Copyrights and Neighboring Rights, or any other owner of rights shall be exclusively entitled, for each country, to license different forms of utilizing all his current and future works or performances or prohibit thereof.

**Article 135:** The National Bureau of Copyrights and Neighboring Rights shall ensure the protection of copyrights or each other owner of rights from members therein and authors or any other foreign owner of rights who resides in Algeria or abroad, represented by reciprocal representation agreements with similar foreign organizations, as long as a work or performance from their indices is the subject of public utilization.

The National Bureau of Copyrights and Neighboring Rights shall represent those authors and each other owner of rights before users within the framework of its activity related to rights and performances collective enforcement, and shall ensure a protection similar to that enjoyed by authors and other member rights owners in accordance with the Algerian international commitments regarding the foreign rights owner.

**Article 136:** The National Bureau of Copyrights and Neighboring Rights shall receive each permit of literary or artistic work accomplished by the author or any other owner of rights in order to evidence the ownership of the work and protected rights in accordance with the provisions herein.

The work's permit for the National Bureau of Copyrights and Neighboring Rights shall not represent a stipulation to recognize the rights entitled as per the provisions herein.

**Article 137:** The National Bureau of Copyrights and Neighboring Rights shall offer the works and performances from indices it represents to public users, and shall allow their utilization according to reasonable terms and in return for fair reward.

The National Bureau of Copyrights and Neighboring Rights shall not itself license the exclusive utilization of these works and performances without the approval of rights' owners.

**Article 138:** A reconciliation board shall be established in the Ministry of Culture charged with settling the disputes which would arise between the National Bureau of Copyrights and Neighboring Rights and users or associations representing users of works and performances in relation to terms of utilizing indices managed by the National Bureau.

The provisions of this Article shall not be applicable to works and performances of public property and traditional cultural heritage.

The structure, organization and operation of the board mentioned in the first paragraph above shall be determined through the regulation.

## **Chapter Two**

### **Protection of Works of Public Property & Traditional Cultural Heritage**

**Article 139:** The National Bureau of Copyrights and Neighboring Rights shall protect works of public property and traditional cultural heritage.

**Article 140:** The utilization of works mentioned in Article 139 above shall be subject to a license from the National Bureau of Copyrights and Neighboring Rights.

However, if the utilization is profitable, the National Bureau shall receive a royalty to be calculated in proportion to the revenues or arbitrarily calculated as per the terms specified in the collection system thereof.

The royalty mentioned in the previous paragraph shall be allocated to finance counting and maintaining works.

**Article 141:** The National Bureau shall control the extent of appropriate utilization of works provided for in Article 139 herein, and shall be free to reject or suspend each utilization that is detrimental thereto.

**Article 142:** Each user of works provided for in Article 139 herein shall respect the integrity of these works and shall be keen to notify them to public subject to the originality thereof.

## **PART SIX PROCEDURES & PENALTIES**

### **Chapter One**

#### **Civil Lawsuit**

**Article 143:** The judicial lawsuit to compensate damages resulting from unlicensed utilization of the author's work and the performance of the neighboring rights owner shall be the jurisdiction of the civil judicial authorities.

**Article 144:** The rights' owner who has incurred damage may ask the competent judicial authority to take procedures that prevent imminent infringement of his rights or stop such visible infringement and compensate for damages incurred thereto.

The compensations shall be estimated in accordance with the provisions of the Civil Law subject to the gains earned from rights infringement.

**Article 145:** The judicial police officers or sworn assistants associated with the National Bureau of Copyrights and Neighboring Rights shall inspect the infringement of authors' rights or neighboring rights.

**Article 146:** In addition to the judicial police officers, sworn assistants associated with the National Bureau of Copyrights and Neighboring Rights shall be entitled, in a precautionary capacity, to seize copies of counterfeit works or performances mediums, provided that they are placed under the National Bureau custody.

The head of the competent judicial authority shall be immediately notified by a report legally dated and signed in which seized counterfeit copies are proven.

The judicial authority shall decide upon the request of provisional seizure no later than three (3) days of its date of notification.

**Article 147:** The head of the competent judicial authority may order the following precautionary measures upon the request of the rights' owner or his representative:

- Halt each current manufacturing process that aims at illegal reproduction of the protected work or performance or marketing mediums produced in contrary to copyrights and neighboring rights.

- Seize the counterfeit mediums and revenues generated from illegal utilization of works and performances, even beyond the legal times.

- Seize all supplies mainly used for producing counterfeit mediums.

The head of the competent judicial authority may order the plaintiff to provide a guarantee.

**Article 148:** The party who claims damage due to the precautionary measures mentioned above may ask, within 30 days from the issuance date of the two orders provided for in Articles 146 and 147 above, the head of the competent judicial authority deciding upon the summary cases to release, reduce or limit seizure or remove the other precautionary measures in return for depositing sufficient financial amounts to compensate the right's owner in case his lawsuit is justified.

**Article 149:** The beneficiary of the above mentioned precautionary measures shall notify the competent judicial authority within 30 days from the date of two orders provided for in Articles 146 and 147 herein.

In the absence of such judicial lawsuit, the head of the competent judicial authority who decides upon summary cases may order the release of seizure or removal of other precautionary measures upon the request of the party claiming damage due to such measures.

**Article 150:** The royalties payable to the author and performer or musician for the last two years of his artistic work or performance utilization shall constitute privileged debts similar to wages. Moreover, amounts of ruled amounts and compensations due to the rights' owner shall constitute privileged debts in case illegal utilization of his work or performance occurs.

## **Chapter Two**

### **Penal Provisions**

**Article 151:** A person who commits the following actions shall be considered committing the counterfeit misdemeanor:

- Illegal disclosure of a work or infringement of the integrity of a work or performance of a performer or musician.

- Reproduction of a work or performance in whatever method in the form of counterfeit copies.

- Import or export of counterfeit copies of a work or performance.

- Leasing or circulation of counterfeit copies of a work or performance.

**Article 152:** A person who violates the protected rights under this order, i.e. conveys a work or performance by way of acting or public performance, audio or audio-video broadcasting, or distribution of signals bearing sounds or sounds and images via cable, any other transmission means or any information processing system shall be considered as committing counterfeit misdemeanor.

**Article 153:** A person who commits the misdemeanor of a work or performance counterfeit as provided for in Articles 151 and 152 above, shall be penalized by imprisonment for a period not less than 6 months and not more than 3 years and shall be fined for not less than 500000 derhams and not more than 1.000.000 derhams whether publication has occurred in Algeria or abroad.

**Article 154:** Each person who participates by his work or the means he owns in infringing the author's rights or any owner of neighboring rights shall be considered as committing the misdemeanor provided for in Article 151 herein and shall deserve the penalty set forth in Article 153 above.

**Article 155:** Each person who deliberately refuses to pay the reward due to the author or any other owner of neighboring rights in violation to rights recognized under the rights provided for herein shall be considered as committing the counterfeit misdemeanor and shall deserve the same penalty set forth in Article 153 above.

**Article 156:** The penalty provided for in Article 153 above shall be duplicated in case of recurrence.

The competent judicial authority may decide to temporarily close the institution exploited by the counterfeiter or his partner for a period not exceeding 6 months or it may decide the final closure, when necessary.

**Article 157:** The competent judicial authority shall decide to:

- Confiscate the amounts equal to the amount of revenues or revenues instalments generated from illegal utilization of a protected work or performance.
- Confiscate and damage all the supplies specifically procured to initiate the illegal activity and all counterfeit copies.

**Article 158:** The competent judicial authority may, upon the request of the civil party, order the complete or partial publication of conviction rulings in the newspapers it determines, and posting these rulings in the places it determines including the door of convicted person's dwelling and each institution or party hall owned by him, stipulated that it is on the expense of the latter provided that these expenses do not exceed the ordered fine.

**Article 159:** The competent judicial authority shall order in all cases provided for in Articles 151 and 152 herein, the delivery of supply, counterfeit copies or the total value thereof and revenues or revenues' instalments subject matter of confiscation to the author, any other owner of rights or their successors to be, when necessary, as a compensation for the damage they incur.

**Article 160:** The owner of the protected rights or his representative shall, in accordance with the provisions herein, file a complaint to the competent judicial authority in case he is the victim of the actions provided for and penalized under the provisions of this chapter.

## **PART SEVEN TRANSITIONAL & CLOSING PROVISIONS**

### **Chapter One Transitional Provisions**

**Article 161:** The provisions herein shall be applicable to the innovated works or established performances, and established audio and audio-video recordings and portions of audio and audio-video broadcasting which have been occurred prior to the date of these provisions effectiveness, provided that they do not occur within the public property due to the expiry of protection term to which they were subject prior to this date.

However, business and contracts related to works and performances or playing, audio and audio-video recordings and portions of audio and audio-video broadcasting established or concluded prior to the effectiveness date of the provisions herein shall be subject to the protection system applicable thereon under the previous legislations until the end of their related legal effects.

### **Chapter Two Closing Provisions**

**Article 162:** The provisions herein shall be applicable to the protected works and performances under the international agreements in which Algeria is a party.

**Article 163:** All provisions in contrary herein, especially Order No. 97-10 dated 27 Shawwal 1417 corresponding to March 6, 1997 related to Copyrights and Neighboring Rights shall be cancelled.

**Article 164:** This Order shall be published in the Official Gazette of People's Democratic Republic of Algeria.

This has been executed in Algeria on 19 Jumada I, 1424 corresponding to July 19, 2003.  
President Abdul-Aziz Bu Taflika