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UAE COPYRIGHT LAW

FEDERAL LAW NO. (40) FOR THE YEAR 1992 FOR THE PROTECTION OF INTELLECTUAL WORKS AND COPYRIGHT

We, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates, after the perusal of the provisional constitution,

The Federal Law No. (1) of 1972 regarding the fields of specialization of the Ministries, and the specialties of the Ministers, and the laws amending thereof,

The Federal Law No. (15) of 1980 regarding the publishing, and the laws amending thereof.

And according to the presentation of the Minister of Information and Culture, the approval of the Council of Ministers and the ratification of the Supreme council of the Federation.

We have issued the following law:

ARTICLE (1) Definitions

In the enforcement of the provisions of this law, the following words shall mean the definitions shown before each of them, unless the context means otherwise:

The Ministry The Ministry of Information and Culture.

The Minister The Minister of Information and Culture.

The Work Any innovative literary, scientific or artistic work.

The Author Any person who has publicized the work related to himself whether by showing his name on the work, or by any of the methods prescribed for relating the works name on the work, or by any of the methods prescribed for relating the works to their authors, unless there is an evidence for the otherwise.

Publishing Copying the work itself, taking copies or photos thereof or from any part therefrom, which could be read, listened to, watched, or performed.

Reproduction The production of one or more copies of the literary, artistic or scientific works in any manner including audio or visual records.

Folklore State to express their cultural entity, and which passed from one generation to another and from one of the main elements of its heritage.

ARTICLE (2)

The authors of the innovative intellectual works in literature, art and science, whatever the value of such works, their type, the purpose of their composition or the method of expressing thereof , enjoy the protection prescribed in this law. Protection include the following intellectual works: Books, booklets and other written matters.

Works given verbally as lectures, speeches and sermons.

Dramatic plays and musical plays.

Musical works whether accompanied by words or not.

The works of designing eurhythmics and pantomime.

Photography works.

Cinema, television and broadcasting work, and creative audio visual works, and computer programmes.

Works of applied arts whether handicraft or industrial.

Works of drawing and painting with lines or colours, architecture, sculpture, decorative arts, engraving, designs, geographical plans designs, and relief maps.

Encyclopedias, sundries and selections which form, in respect of selecting, arranging and editing their material, intellectual creative works.

3. Protection also includes the works for which the aspect of expressing in writing, sound, drawing, photography or motion.

ARTICLE (3)

The provisions of this law shall apply on the following:

Works of the citizens of the United Arab Emirates which are publicized inside or outside the State.

The works of those who are not the citizens of the United Arab Emirates which are published inside the United Arab Emirates for the first time.

The works of the citizens of any foreign country which treats the works of the citizens of the United Arab Emirates with reciprocity treatment.

ARTICLE (4)

The works shall be filed at the concerned authority in the Ministry according to the provisions of this law, the filing registers in the Ministry shall be considered as a reference of copyright data.

Non-filing shall not lead to the violation of the copyright prescribed by the law.

ARTICLE (5)

The person who, under a permission from the original author, has translated to another language, summarized, altered, amended or explained the work or made any act thereof which leads to make the work appears in a new form, shall enjoy the protection - this does not violate the protection prescribed for the authors of the original works.

The protection of the copyright of the author and the right of the person who translated his work into another foreign language and in translating that work into Arabic language ends if the author or the translator, by himself or through others, does not practise such right within three years from the date of the first publication of the original or translated work.

ARTICLE (6)

Protection prescribed in this law does not include the following items:

Laws and judicial judgements, decisions of the administrative authorities, international agreements, and other official documents and the official translations thereof. However, the above mentioned groups shall enjoy protection, if they are distinguished due to creation, arrangement or any other personal effort deserving protection. News published, broadcasted or publicly announced.

ARTICLE (7)

The author alone has the right to relate his work to himself, and to have his name written on all copies produced therefrom, whenever such work is circulated to the public, unless the mention of such work is casually made amidst a broadcast or television representation of the current events. This right is not liable to disposal or lapse with the passing of time. The author alone has the right to exploit his work, provided he has not assigned thereof to others. It is not permitted to exploit any intellectual work by circulation to the public in the United Arab Emirates without a written notarized permission from the author.

ARTICLE (8)

It is not permitted to publish, represent or circulate any work whatever its kind is, without fulfilling the following conditions:

To attach with the work a certificate of origin showing the name of the author or the person to whom the right of exploitation has been assigned. To attach with the work a permission from the supplier or the owner for presentation or circulation showing the geographical area and place, wherein the presentation and circulation has been permitted. To attach with the work a certificate from the supplier showing the payment for the copyright whether by public performance, making models of the work, or copying it for distribution.

ARTICLE (9)

The author alone shall be entitled to decide publishing his work or art, determining the method of publication, and exploiting his work in the way she determines for exploitation.

No-one else shall be entitled to exercise this right without a notarized written authorization from the author, whomever the author deputized to do so, or his successors after his death..

ARTICLE (10)

An author's rights to exploit his work shall include the following:

To convey the work to the public under any form especially publishing, public reading, musical arrangement, theatrical acting, or communicating with the public through broadcasting, sound, pictures or performance. To convey the work of art to the public directly especially through printing, painting, engraving, photography, moulding or any other artistic way whether schematic or three-dimensional arts or through photographic or cinematographic publication.

ARTICLE (11)

The author alone has the right to introduce to his work whatever amendment or change which he deems to be fit. He has the right of translating it into another language. Others are not permitted to do any of those actions, or to make any of the other acts mentioned in Article 5 without a written notarized permission from the author.

ARTICLE (12)

The heirs of the author have the right to practise translating the work.

ARTICLE (13)

The author has the right to refute any violation of his rights. He may prevent any deletion, addition or change to his work. However, if the deletion, addition or change took place in the translation of the work, the author has no right to prevent it, unless the translator denied the reference to the places of the deletion or change or the author's reputation and artistic stand have been defamed therefrom.

ARTICLE (14)

The following uses of the protected works shall be considered legal even if they are not accompanied by the author's consent:

Getting the assistance of the work for only the special personal use by copying, translation, adaptation, musical arrangement, acting, broadcast listening, television watching or photography with any other form. Getting the help of the work for explication in education by publications, broadcast or television programmes and records or cinema films for educational, instructive or religious aims or for vocational training, and in the limits of realizing such aim, provided the intention of use is not for making financial profit, in addition to mentioning the source and the author's name. Citing paragraphs of the work in another work with the aim of clarification, explanation or criticism, and in the limits of the known tradition and in the extent which is justified by such aim, provided the source shallmention the author's name. The same is applied on the paragraphs taken from press articles and periodicals which are declared in the form of press summaries.

ARTICLE (15)

It may be possible, without the author's permission, to copy the political, economic, social, cultural or religious news articles which tackle the topical subjects, or to be published by newspapers or periodical, and also the broadcasting works of similar nature provided that the source is mentioned. It shall be permitted to reproduce any work of art which can be watched or listened to during the presentation of current events or to publicize it by photographic or television filming or any means of the mass media, provided the same should be in the limit of the information objective aimed at, with reference to the name of the author.

ARTICLE (16)

Public libraries, non-commercial documentation centers, educational institutes, and scientific and cultural institutions may, without the author's permission, copy the protected works by photographing or by a similar method, provided that copying and the number of copies are limited to the needs of their activities and doing no harm to the financial exploitation of the works and also do not cause harm to the legal interests of the author. The broadcast organizations may prepare a temporary recording of any work for their programmes and by their own methods, having been permitted to broadcast thereof. All copies should be destroyed within a period not exceeding one calendar year with effect from the date of preparation. The author may extend this period. The records of documentary characteristic in the limit of one copy, are exceptions to this right.

ARTICLE (17)

The press and the other mass media means shall publish, without the permission of the author, the speeches, lectures, speeches for the defense delivered during judicial disputes, and such similar works openly communicated to the public provided that the author's name is clearly mentioned. The author alone shall have the right to publish these works in one volume or in any other way he deems fit.

ARTICLE (18)

The heirs of the author, after his death, shall have the right to exercise the financial exploitation rights of the work provided for in Article (7) of this Law.

ARTICLE (19)

If the author dies before he determined the publication of his work, his right shall be assigned to his successors who, alone, may practise the author's rights. However, if the author has recommended in his will to prevent the publication or fixed a certain date for the publication, it is obligatory to execute his will in this respect.

ARTICLE (20)

The copyright shall be valid during the author's lifetime and for twenty five calendar years after his death. The validity period of the copyright shall be twenty five calendar years from

publication date for the following works: Cinema films and the works of the applied arts. Works made by legal persons.

Works published under a pen name, or without mentioning the author's name to hide his personality till he reveals it.

Works published for the first time after the death of their author.

The validity period of the copyright for photographic works shall be ten calendar years from the date of publication. The validity period of the author's rights of the works of joint-authors shall be counted from the death date of the last surviving person of the authors. In case the work consists of parts which were published separately indifferent times, each part shall be considered an independent work in respect of the calculation of protection period.

ARTICLE (21)

The works published by the heirs for the first time after the decease of the author shall be subject to the protection and they shall have the rightto exploit them financially.

ARTICLE (22)

If the author's heirs neglected publishing his work and the Minister deems that the public interest necessitates the publication of the work, he may ask the heirs in writing to publish it. If six months elapsed after the date of that request and the heirs have not published the work, the Minister may practise its printing and the right of publication thereof, and to compensate the heirs, in such case, with a fair compensation.

ARTICLE (23)

If some persons participated in preparing a work in a manner which makes it difficult to separate the share of each of them in the joint-work, all shall be equally considered owners unless they agreed contrary thereof. Any partner shall not practise the rights resulting from the copyright unless they all agreed thereof. Any dispute raised among them shall be determined by the legal authorities. Each of the joint-authors has the right to raise claims in case of any violation to the copyright. This right shall be transferred to the heirs of any of them.

ARTICLE (24)

The work prepared by a group of authors or by one author under the direction of a natural or legal person to publish it in his name and under his management, this natural or legal person who directed the creation of such work shall alone have the right of practising the author's financial rights, unless the contract between the two parties includes the contradiction thereof, or contains certain conditions. As for the literary right of the work affiliation, it shall remain for the author or the authors of such works.

ARTICLE (25)

In case of joint-participation in preparing musical song composition works, the author of the melody and music alone has the right of public performance permission of the total work, its execution, publication or copying without violating the right of the author of the literary part. This provision shall apply on the works which are executed in works of motions accompanied by music, shows accompanied by music and in all other similar works.

The author of the literary part shall have the right to publish only his own part. However, he shall not have the right to dispose such part to bethe basis of another similar work unless there is a written agreement for the contrary thereof.

ARTICLE (26)

Each of the following persons shall be considered a partner in the preparation of the theatrical work, cinema work, or the work prepared for the broadcast or the television:

1. The author or the owner of the theme written for the broadcast, television, cinema or theatre programme.

2. The person who writes the dialouges.

3. The person who edits the existing literary work in a form to make it fit for the cinema art, television art or broadcast art.

4. The music composer if he composed it especially for the cinema work, broadcast work, television work or theatre work.

5. The director if he extended actual control and made a positive action from the intellectual aspect to realize the work in its previous forms.

If the work prepared for broadcast, television, cinema or theatre is adopted or extracted from another precedent work, the author of this precedent work will be considered participating in the new work, and his name shall be mentioned with reference to the adaptation or extraction explicitly.

ARTICLE (27)

If one of the participants in the creation of a cinema theatre work, or a work prepared for broadcast or television abstains from completing the works related to himself, this will not result in preventing the other participants from using the part he prepared without violating his rights resulting from his participating in the preparation in case the abstention is due to acceptable reasons which prevented him from completing the work. But if abstention is due to his individual will without having justifying reasons, he shall be deprived of any rights resulting from the part he completed.

ARTICLE (28)

If a literary author, scenarist, a dialogist, a director and a composer have collectively filed a cinematic, dramatic, radiophonic and television work of art each of them in his line of

specialization, none of them shall have the right to prevent any reproduction or the showing of the work without prejudice to the composer's literary and financial rights. The scriptist and the composer may publish their works in any other way other than the cinema, theatre, radio and television unless otherwise agreed on.

ARTICLE (29)

The person who executes the tape takes the responsibility of such execution and gives the authors of the work the material and financial methods which warrant its production, is considered the producer of theatre, cinema, broadcast or television work.

The producer is always considered publisher of the work, and he shall have all the rights of the publisher for the tape and its copies. Throughout the exploitation period of the tape, the producer shall be considered as a representative of the authors of the theatre, cinema, broadcast or television work, their successors in agreement for its presentation and exploitation without violating the rights of the authors of literary or musical works, by publishing their works in other method, unless the contrary is agreed upon.

ARTICLE (30)

The Ministry has the right to broadcast the public works, such as public seminars, lectures, speeches, poetical evenings, cultural, literary and religious activities and the public art festivals which are presented or performed in theatres or any other public place. Officials for such place shave to allow the Ministry's bodies, facilitate their function and surmountany difficulties before the broadcast or television, provided that the name of the author and the work's title shall be broadcasted.

ARTICLE (31)

The national folklore of the United Arab Emirates society shall be the public property of the State.

The State, represented by the Ministry, will act to protect the national folklore by all legal means and methods and exercise the author's specialties as regards the folkloric works against distortion, modification and commercial exploitation. ARTICLE (32)

The author may transfer any of his financial rights gained from his work according to the provisions of this Law to one or more persons. Such transfer should be completed in writing specifying explicitly each disposable right separately, showing the duration of such disposition or transfer, its method, its quantity, its purpose and its place. The author in using the disposed right shall not do any act which may hinder the person to whom the right has been transferred.

ARTICLE (33)

The Ministry shall set a special system for filing the works protected by this law and any dispositions that may arise thereof. It shall arrange the necessary forms and registers for filing.

ARTICLE (34)

Owners and authors of the intellectual works may apply to the Ministry for the registration of their works. The following particulars shall be attached with the registration application:

1. The name of the author, or authors in case of joint-works.

2. The subject of the work.

3. Ten copies of the work.

4. A detailed statement of the work's specifications.

5. A written undertaking from the author or authors showing that they own the work according to the provisions of this law.

6. An undertaking from the author or authors specifying the method they select for publishing the work.

ARTICLE (35)

The Ministry shall give the owner or the owners of the work a certificate containing the date of registration, its subject, kind and name/names of owner/owners.

ARTICLE (36)

The work submitted for filing should be passed from the Censorship Department of the Ministry, or be one of the works passed by the Press and Publications law.

ARTICLE (37)

The author alone, if essential reasons took place, may ask the concerned court to order the withdrawal of his work from circulation, or to enter essential amendments in the work, in spite of his disposition of the financial exploitation rights. In such cases, the author has to submit in advance a fair compensation to be determined by the court to those whom financial exploitation rights have been devolved.

ARTICLE (38)

The person who published a work not owned by him without getting a written permission from the work's author or his heirs or his representative, will be punished with imprisonment and with a fine of not less that (50000) Fifty Thousand Dirhams, or with either both penalties. The person who claims, contrary to the truth, that he is the owner of a work, shall be punished with the same penalty.

ARTICLE (39)

The publisher who, on the execution of publishing a work, amended the reality, the nature, the subject and the title of the work, violating thereby the instructions and desire of the author, shall be punished with imprisonment and with a fine not less than (10000) Ten Thousand Dirhams or by either of these penalties.

ARTICLE (40)

The publisher is not allowed to republish the work unless he gets the consent of the author for the agreed quantity of the work. If the publisher violates this provision, he shall be punishable under with the penalty mentioned in Article 39 of this law.

ARTICLE (41)

The only licensed stores and persons in the State are allowed to publish, copy or print any work. Those who violate such provision shall be punished with imprisonment for a period not exceeding six months and with a fine not exceeding (10000) Ten Thousands Dirhams, or by either of these penalties.

ARTICLE (42)

Stores practising the distribution, sale, or copying the models of the works are not allowed to sell or copy without a written consent from the author who is the owner of the work or the person he so authorized. The store owner who violates this provision will be punished with imprisonment or with a fine not less than (50000) Fifty Thousand Dirhams, or with either of these penalties.

ARTICLE (43)

In all cases mentioned in this chapter, all copies of the work which is the subject of the crime shall be confiscated. The court may also order the store closure.

ARTICLE (44)

The provisions of penalties prescribed in this chapter shall be applied on the translated works if the licensed publisher or distributor republished or redistributed the translated work in violation of the agreement concluded between him and the author.

ARTICLE (45)

All stores licensed for copying, distribution or sale of works in the State shall keep the written documents authorizing them thereof from the owner of the work or other concerned authorities, whether the work is from within the State or from abroad. Regarding the works prepared outside the State, a statement should be tendered to show the origin of such works and the permission or agreement authorizing the copying, distribution or sale, provided that such works are previously censored by the Ministry.

ARTICLE (46)

The Minister of Justice in agreement with the Minister of Information and Culture, and after consultation with the responsible authority in the concerned Emirate, shall issue a decision to nominate the employees who will have the judicial power of arrest in the enforcement of the provisions of this law. Such employees shall have the right to enter stores which publish, distribute, copy and produce works in the state. They shall have the power to capture violators of the provisions of this law. To do so, they may confiscate materials, copies and means used to commit the offences mentioned in the law. They may have the

help of the security whenever warranted. ARTICLE (47) The Minister shall issue the Executive By-Laws of this law.

ARTICLE (48)

All provisions which are contrary to the provisions of this law, shall be considered null and void.

ARTICLE (49)

This law shall be published in the Official Gazette and will be effective after six months from the date of its publication.Issued in the Presidency Palace, Abu-Dhabi, dated Rabie Al-Thani 1413 H corresponding to September 28, 1992

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