

Law No. (29) for The Year 1999 The Law Amending the Copyright Protection Law

ARTICLE (1)

This Law shall be known as "The Law Amending The Copyright Protection Law For The Year 1999", and shall be read in conjunction with the Law No.

(22) For The Year 1992 and its amendments, referred to hereinafter as the Original Law, as one law. This Law shall come into force thirty days after the date of its publication in the Official Gazette.

ARTICLE (2)

Subparagraph (8) of Paragraph (B) of Article (3) of the Original Law shall be repealed and replaced with the following text:

8) Computer software, whether in source or object code.

ARTICLE (3)

Article (11) of the Original Law shall be repealed and replaced with the following text:

Article (11)

Notwithstanding what is stated in Article (9) of this Law:

- A) Any Jordanian Citizen, shall have the right to obtain from the Minister, or any deputy thereof, a non-exclusive and non-transferable license, to translate into the Arabic language, any foreign work, published in a printed form or any other form, and to publish such translation in a printed form or any other similar form, if three years have elapsed since the first publication of the work, and that the owner of the right of translation did not publish in Jordan, or with his authorization, any translation of the work in Arabic, or if all the editions of the Arabic translation are out of print.
- B) Any Jordanian Citizen, shall have the right to obtain from the Minister, or any deputy thereof, a non-exclusive and non-transferable license, to reproduce and publish any of the published works, according to the following conditions:
 - 1) The lapse of three years from the date of the first publication of any printed work relating to technology, natural or physical sciences, or mathematics, or the lapse of seven years from the date of the first publication of any work of poetry, drama, music, art books and novels, or the lapse of five years from the date of the first publication of other types of printed works.
 - 2) Copies of such works have not been distributed in the Kingdom, by the owner of the right of reproduction, or with his authorization, to meet the general public demand, or for school or university education, at a price related to that normally charged in the Kingdom for comparable works.
 - 3) Copies published in accordance with this Subparagraph are sold at that, or lower price as stated in Subparagraph (2) of this Paragraph.

C) The licenses for translation provided for in Paragraph (A) of this Article shall be granted only for school or university education, or for research purposes. As for the licenses for reproduction provided for in Paragraph (B) of this Article, it shall be granted only for school or university education.

D) Where licenses for translation or reproduction are issued, the author of the original work which had been translated or reproduced shall be entitled to receive a just compensation that is consistent with the standard royalties normally applicable to voluntary license agreements between persons in the Kingdom and persons in the author's country.

E) Conditions and procedures for granting licenses provided for in this Article shall be determined in a Regulation issued for this purpose.

ARTICLE (4)

Paragraphs (A) and (8) of Article (17) of the Original Law shall be repealed and replaced with the following:

- Presenting, displaying, reciting, acting or playing the work of art, if it occurs in a private family gathering or at an educational, cultural or social institution as an illustration for educational purposes, the national musical bands may play musical works, provided that all this does not yield any financial returns and that the source and name of the author is cited if mentioned thereto.
- Making use of the work for private personal use, by making one copy of the work by reproducing, recording, photocopying, translating or musical distributing, provided that this does not conflict with the normal exploitation of the work, and does not cause unjustified damage to the legitimate interests of the right holder.

ARTICLE (5)

Article (20) of the Original Law shall be amended by adding the following phrase to the end of it:

"And that such does not conflict with the normal exploitation of the work".

ARTICLE (6)

Article (23) of the Original Law shall be amended as follows:

First: Subparagraph (2) of Paragraph (A) shall be repealed and replaced with the following text:

2) The Radio and Television Broadcasting Corporation or the copyright holder shall have the right to prevent others from fixing unfixed broadcast programs or reproducing any fixation thereof, or broadcasting the same wirelessly, or broadcasting the same to the public by television broadcast, without obtaining the approval from such Corporation or the right holder.

Second: Paragraph (B) of the same Article shall be repealed and replaced with the following text:

B) The producers of phonograms or their successors in title, or any other legal right holder in phonograms, shall have the right to authorize, or to prevent, direct or indirect reproduction of their phonograms, or the commercial rental of originals or copies of the same to others.

ARTICLE (7)

Article (27) 9f the Original Law shall be amended by adding the following phrase to the end of it: "Provided that the publishing or republishing is in the public interest".

ARTICLE (8)

Article (29) of the Original Law shall be amended by repealing the following phrase (The original musical manuscripts) and replacing it with: (the original musical or literary manuscripts or his heirs).

ARTICLE (9)

Article (30) of the Original Law shall be amended by adding the following phrase at the end of it:

"For purposes of calculating the term of protection, the date of death shall be deemed to occur on the first day of January of the calendar Gregorian year following the author's actual date of death."

ARTICLE (10)

Article (31) of the Original Law shall be amended by repealing its Introduction and Paragraph (A), and replacing it with the following:

"The term of protection for works shall be valid for fifty years as of the date of publication, provided that the term of protection shall be deemed to begin on the first of January of the calendar Gregorian year following the actual date of publication:

- A) Cinematographic and television works. However, where such works are not published with the authorization of the right holder within fifty years of its completion, the term of protection shall run from the date of the completion of the work, which shall be deemed to occur on the first of January of the calendar Gregorian year in which the work was actually completed."

ARTICLE (11)

Article (32) of the Original Law shall be repealed and replaced with the following text:

"The term of protection for the following works shall be valid for twenty-five years as of the date of its completion, which shall be deemed to occur on the first of January of the calendar Gregorian year, in which the work was actually completed:

- A) Photographic works.
- B) Works of applied arts."

ARTICLE (12)

Article (46) of the Original Law shall be repealed and replaced with the following text

- A) The Court may, upon a petition by the right holder, or any heirs thereof, or successors in title, take any of the following measures, with respect to any work in which the copyright or any of the rights stated in Article (23) of this law have been infringed, provided that the petition contains a detailed and comprehensive description of the work:
 - 1. Cease the infringement upon a work or any part thereof.
 - 2. Seize the work, its copies and photocopies thereof, as well as the materials used in reproducing, provided that such are not useful for any other purpose.

3. Impound the revenues derived from exploiting a work that has been published through public performance.
- B) The petition may be filed before, upon, or after filing the lawsuit.
- C) Upon proving that the petitioner is the right holder and that his rights had been infringed upon or that such infringement is imminent, the Court may take any of the measures provided for in Paragraph (A) of this Article on a provisional basis to prevent the act of infringement from occurring, or to preserve evidence relevant to the act of infringement.
- D) In cases where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence related to the infringement being disappeared, the Court may take any of the measures provided for in Paragraph (A) of this Article on a provisional basis without notifying the defendant, and in his absence thereof. The damaged parties shall be notified of the measures taken by the Court as soon as the measure [s] executed. The defendant shall have the right to request a hearing within a reasonable period of time after he is notified of the measures taken. At the hearing, the Court shall decide whether the provisional measure shall be confirmed, modified, or revoked.
- E) A petition for provisional measures under Paragraphs (C) and (D) of this Article shall be filed together with a monetary guaranty sufficient to prevent arbitrary capricious, and to guarantee any damages sustained by the defendant if the petitioner is not justified in his lawsuit.
- F) Provisional measures taken before filing the lawsuit in accordance with Paragraphs (C) and (D) of this Article, shall be nullified upon the defendant's request if the lawsuit is not filed within eight days as of the Court's decision to take provisional measures.
- G) Where the provisional measures under Paragraphs (C) and (D) of this Article are revoked due to the lapse of the period of filing the lawsuit or due to any act of omission by the plaintiff, or where it is subsequently found that there has been no infringement or threat of infringement, the Court may upon request of the defendant, order appropriate compensation for the defendant, for any injury caused by such measures.
- H) The Court may order the petitioner who abused any measures under this Article to pay an adequate compensation for the damages to any party subject to such abuse.

ARTICLE (13)

Paragraph (A) of Article (47) of the Original law shall be amended by repealing the phrase: " Provided that such is not useful for any other use".

ARTICLE (14) Article (53) of the Original law shall be repealed and replaced with the following text:

- A) The provisions of this law shall apply to the works of Jordanian and non-Jordanian authors, published or unpublished, which exist in any of the objective forms provided for in Article (3) Paragraph (B) within the Kingdom, and to the works of Jordanian authors, published or unpublished, which exist in any of the objective forms provided for in Article (3) Paragraph (B) outside the Kingdom.
- B) Subject to the provisions of International Agreements relating to the protection of copyright, in case where such provisions are not applicable, reciprocal treatment shall be taken into account. The provisions of this Law shall apply to the works of foreign authors, published or unpublished, which exist in any of the objective forms provided for in Article (3) Paragraph (B) outside the Kingdom.
- C) For purposes of implementing the provisions of this Article, authors who are habitual residents in any of the member countries of International Agreements on the Protection of Copyrights, to which Jordan is a member, shall be accorded the treatment of the Kingdom's nationals, even if they are not nationals. The provisions of this article shall also apply to the right holders stated in Article (23) of this Law.

Source: World Intellectual Property Organization
<http://www.wipo.int>