

Federal Law No. (7) of 2002 Pertaining to Copyrights and Neighboring Rights

We, Zayed Ben Sultan Al Nahyan, President of the United Arab Emirates;

After perusal of the constitution;

Federal law # 1 of 1972 pertaining to the jurisdiction of Ministries and the competences of Ministers, and the laws amending thereto;

Federal law #15 of 1980 pertaining to printed matters and publication; and

Federal law # 40 of 1992 for the protection of Intellectual works and copyrights;

Upon the recommendation of the Minister of Information and Culture; the approval of the Cabinet and the ratification of the Supreme Board of the Council;

Have, hereby promulgated the following Law:

Definitions

Article 1:

The following words and phrases shall, in the application of the provisions of the Law herein, have the meaning attributed thereto, unless the context otherwise provides:

The State: United Arab Emirates

The Ministry: The Ministry of Information and Culture

The Minister: The Minister of Information and Culture

The Work: Any innovated work, in the literary, artistic or scientific domain, whatever the type, manner of expression, significance or purpose of classification thereof

The Author: The person who creates the work. Any person citing his name on the work or attributing same thereto, upon publication, as the author thereof, shall be deemed the author of such work; unless otherwise has been proven.

Any person publishing anonymous or pseudonymous work, or in any manner else shall be deemed the author thereof; provided that no doubt is raised in respect of the true identity of the author; otherwise the publisher or producer of the work, whether a natural or Juridical person, shall be deemed representative of the author in exercising the rights thereof, until the true identity of the author is recognized.

Creativity: The element of innovation that bestows authenticity and distinctiveness upon the work.

Holders of neighboring rights: performers, producers of phonograms and broadcasting organizations, as defined in the law herein.

Performers: Actors, singers, musicians, dancers and other persons who recite, chant, play in or otherwise perform, in any manner, literary, artistic or other works, that are protected pursuant to the provisions of the Law herein, or that have fallen into public domain.

Producers of phonograms: Any natural or juridical person who first records the sound of a performer, or other sounds.

Broadcasting organization: Any party that undertakes audio, visual or audiovisual broadcasting by wireless means.

Broadcasting: The audio, visual or audio-visual transmission of work, performance, phonogram or broadcast and the recording thereof to the public by wireless means. Transmission via satellites shall also be deemed broadcasting.

Publication: Making the work, phonogram, broadcast, or any performance available to the public, in any manner whatsoever.

Public performance: Any act that leads to making the work, either live or recorded, directly communicated to the public such as acting in dramatic works; presentation or performance of artistic works; performance of audio-visual works; playing in musical works; or recital of literary works.

Public communication: Wire or wireless transmission of a work, a performance of phonogram or of a broadcast in a manner that enables receiving thereof, through transmission only, to persons other than the family members and close friends, and in any place other than the place of transmission; regardless of the time, place or manner of receiving.

Reproduction: The making of one or more reproductions of a work, phonogram, broadcast or any performance in any manner or form, including permanent or temporal electronic loading or storage, and whatever the method or device used in reproduction.

Phonogram: Any aural fixation of sounds of particular performance; regardless of the manner of fixation or the medium that has been used. Phonogram includes the process of fixing sounds with images to produce an audio-visual work; unless otherwise agreed upon.

Producers of audio-visual works: Natural or juridical person who provides the necessary potentials for producing an audio-visual work and assumes the responsibility of such

production.

Works of collective–authorship: The work made by a group of authors under the guidance of a natural or judicial person, who shall undertake publishing the work in his name and under his supervision. The works of such authors shall be incorporated in such work, for the main purpose sought by such person, such that the works of each author may not be separated or distinguished independently.

Works of Joint-authorship: The work that is made by a number of persons, whether the share of each person may be separated or not, and which may not be listed under the works of collective- authorship.

Derivative work: The work that originates from a preexisting work, such as translations. The collections of literary and artistic works and collections of folklore expressions, shall also be deemed derivative works; so long as such collections are innovated in respect of the arrangement or choice of the contents thereof.

National Folklore: Any verbal, musical, bodily–action or tangible folklore expression represented in distinctive elements reflecting the technical conventional heritage, originating or remaining in the State, and which may not be attributed to a known author.

Public domain: All works that are excluded from protection, or that the term of protection on the financial rights thereof has been exhausted.

Chapter One

Scope of Protection

Article 2:

The authors of the works and holders of neighboring rights shall enjoy the protection stipulated by the law herein, if an infringement has occurred upon their rights inside the State, and particularly the following works:

- 1- Books, pamphlets, articles, and other written works.
- 2- Computer software and applications thereof; databases; and similar works as determined by the decision of the Minister.
- 3- Lectures, speeches, sermons, and any other works of similar nature.
- 4- Dramatic, dramatico- musical works and pantomime.
- 5- Musical compositions with or without words.
- 6- Audio, visual or audio-visual works.
- 7- Architectural works, and engineering drawings and layouts.
- 8- Works of drawing, painting, sculpture, engravings, lithography, printing on textiles, wood and metals, and any similar works of fine arts.

- 9- Photographic works and analogous works.
- 10- Works of applied arts and plastic arts.
- 11- Illustrations, geographical maps, sketches, and three- dimensional works relative to geography, topography or architecture and others.
- 12- Derivative works, without prejudice to the protection prescribed for the works from which it has been derived.

Protection shall include the title of the work, provided that such title is innovated; as well as the written innovated idea of the broadcast.

Article 3:

Protection shall not include ideas, procedures, plans of action, mathematical concepts, absolute principles and mere facts; however, protection shall apply on the innovated expression thereof. Protection shall not include:

- 1- Official documents, whatever the source or target language thereof, including legal texts, regulations, decisions, international agreements, judicial rulings, arbitral awards, and judgments issued by administrative committees of judicial competence.
- 2- Reports and news of incidents or current events having the character of mere items of press information.
- 3- Works that have fallen into public domain.
Nevertheless, items 1, 2 and 3 of the present article shall be protected, if characterized by innovation in terms of the collection or arrangement thereof or any other effort exerted therein.

Article 4:

The Ministry shall set the regulation for filing or registering the rights prescribed for works or any disposals conducted therein before the competent party, pursuant to the provisions of the Implementing Regulations of the law herein. The records of filing or registering the rights at the Ministry shall be deemed a reference for the particulars of the work.

No prejudice shall be caused to the aspects of protection or the rights prescribed in the law herein, had the work not been filed nor the rights thereof and disposals therein been registered.

Chapter Two Copyrights

Article 5:

The author and his successors shall enjoy, in respect of the work, moral rights, which are not liable for prescription or assignment. Such rights include:

- 1- The right to decide to first publish the work.
- 2- The right to claim authorship.
- 3- The right to object to any amendment on the work if such amendment shall cause distortion or mutilation to the work, or which would be prejudicial to the reputation of the author.
- 4- The right to withdraw his work from circulation, if serious reasons justifying such have occurred. Such right shall be exercised through the relevant court of jurisdiction. In which case, the author shall be ordered to pay fair compensation, in advance, to the party ascribed the financial exploitation rights, within a period to be specified by the court, before the judgment of withdrawal is implemented; otherwise such judgment shall be null and void.

Article 6:

Amendment of translation shall not be deemed infringement, unless the translator has omitted the citation of the places of cancellation or changes; or has prejudiced to the honor and reputation of the author by his translation.

Article 7:

The author and his successors or the holder of copyright may solely grant licenses for exploitation of the work, in any manner, particularly, through reproduction, including electronic storage or loading; acting, in any manner; broadcasting; re-broadcasting; public performance or communication; translation; assimilation; modification; rental; leasing; or publication; in any manner, including providing such work through computers, information or communication networks or any other means.

Article 8:

The right to rent shall not apply to:

- i) Computer software, unless such software is the essential subject of rental; and
- ii) Audio-visual works, unless such rental is prejudicial to the normal exploitation of such works

Article 9:

The author or his successors, may transfer some or all of the financial rights thereof as defined by the law herein to third parties, either natural or juridical person. Disposals of such rights shall be established provided being conducted in writing, and including specification of each right that has been subject of disposal; and statement of

the purpose of each right and the exploitation period and place.
The author shall be the owner of all the financial rights that have not been explicitly assigned.

Without prejudice to the moral rights of the author provided for in the Law herein; the author may not undertake any act that is liable to hinder the exploitation of the disposed right.

Article 10:

The author or his successor may receive compensation in cash or in kind, in return for the transference of one or more of the financial exploitation rights of the work to third parties. Such compensation shall be in the form of percentage participation in the income generated by the exploitation. The author may further make contracts based on randomly estimated sums or based on a combination of both the percentage participation and the randomly estimated sums.

Article 11:

If it appears that the contract mentioned in article (10) of the Law herein is unfair to the copyrights or to the holders of neighboring rights, or developed to be so due to certain conditions that occurred after signing the contract, the author or his successor may resort to the relevant Court, requesting to re-evaluate the compensation that has been agreed upon.

Article 12:

Without prejudice to the provisions of article 9 of the Law herein; the transference of financial rights, in respect of the works of computer software and applications thereof or data basis shall be subject to contractual license included or affixed on the product, either appearing on the medium that carry the program or on the computer screen, upon downloading or storing the program. The purchaser or user of such program shall observe the terms included in such license.

Article 13:

The author's disposal of the original copy of his work, whatever the kind of such disposal might be, shall not result in transferring the financial rights thereof on such work; unless otherwise agreed upon.

However, the transferee of such copy may not be forced to permit the author to reproduce, transfer or display the original copy; without prior agreement to this end.

Article 14:

The financial rights of authors to their published works may be sequestrated. Works of which the holder has died before publication thereof may not be sequestrated; unless it has been conclusively proven that such author was willing to publish same before his death.

Article 15:

The author's disposal on all the total future intellectual production thereof or in more than five future works shall be deemed absolutely null and void.

Chapter Three

The Scope of Protection for the Holders of Neighboring Rights

Article 16:

Performers and their successors shall enjoy a moral right, which is not liable for assignment or prescription. Such right shall entitle the performers and successors thereof to the following:

- 1- To attribute the live or recorded performance to themselves; and
- 2- To prevent altering, distorting, mutilating or modifying their performance, in a manner that is prejudicial to their reputation.

After the lapse of the period prescribed for protection of financial rights provided for in the Law herein, the Ministry shall exercise such moral right, for the purpose of maintaining the performance thereof in the manner thus created.

Article 17:

Performers shall exclusively enjoy the following financial rights:

- 1- The right to transmit and communicate the unfixed performance thereof to the public.
- 2- The right to fix the performance thereof on phonogram.
- 3- The right to reproduce the performance thereof fixed on phonogram.

The following shall be deemed prohibited exploitation by third parties: i) The recordation of such live performance on a medium; ii) the rental of such medium for the purpose of acquiring direct or indirect commercial revenue; and iii) the transmission or the making of same available to the public, in any manner, without previous consent from the right holder.

The provision of the present article shall apply to the fixation of performance made by

the respective performers within an audiovisual work; unless otherwise agreed upon.

Article 18:

Producers of phonograms shall exclusively enjoy the following financial rights:

- 1- The right to prevent any exploitation of the phonograms thereof, in any manner, without obtaining authorization therefrom. Third parties shall be prohibited from exploiting such phonograms by reproduction, rental, broadcasting, re-broadcasting or making available to the public, through computers or any other means.
- 2- The right to publish the phonograms thereof through wire or wireless means, or through the computers or any other means.

Article 19:

Broadcasting organizations shall exclusively enjoy the following financial rights:

- 1- The right to grant license for exploitation of the recordings and broadcasts thereof.
- 2- The right to prevent any communication to the public of the broadcasts and recordings thereof, without a previous authorization therefrom. Third parties shall be prohibited from exploiting such broadcasts by recordation, copying, reproduction, rental, re-broadcasting, or communication to the public in any manner.

Chapter Four

The Protection Term and the License for Using the Works

Article 20:

- 1- The protection term for the financial rights of the author prescribed by the Law herein shall be the life of the author and fifty years calculated from the beginning of the calendar year subsequent to author's death.
- 2- The protection term for the financial rights of authors of a work of joint-authorship shall be the life of such authors and fifty years calculated from the beginning of the calendar year subsequent to the death of the last surviving author.
- 3- The protection term for the financial rights of the authors of a work of collective-authorship – with the exception of the authors of works of applied art – shall be fifty years calculated from the beginning of the calendar year subsequent to the year in which the work has been first published. Such provision shall apply if the author is a juridical person; however, if the author is a natural person, the protection term shall be

calculated in accordance with the provisions provided for in items 1 and 2 of the present article.

The financial rights on the works first published after the death of the author thereof shall be exhausted upon the lapse of fifty years calculated from the beginning of the calendar year subsequent to the year in which such works have been first published.

4- The protection term for financial rights of anonymous and pseudonymous works shall be fifty years calculated from the beginning of the calendar year subsequent to the year in which such works have been first published. If the author of such works is identified and well-known or has disclosed his identity, the protection term shall be calculated pursuant to the rule provided for in item 1 of the present article.

5- The financial rights of the authors of works of applied arts shall be exhausted upon the lapse of twenty five years calculated from the beginning of the calendar year subsequent to the year in which such works have been first published.

6- In case of calculating the protection term from the date of first publication, such date shall be taken as a basis for calculating the term; regardless of re-publication unless the author has entered substantial modifications on such work upon re-publication, so that such work may be deemed novel.

If the work is composed of several parts or volumes that have been separately published on intervals, each part or volume shall be deemed independent when calculating the term of protection.

7- The protection term for the financial rights of the performers shall be fifty years calculated from the beginning of the calendar year subsequent to the year in which the performance has taken place. If the performance has been fixed on phonogram, the period shall be calculated from the end of the year in which the work has been fixed.

8- The protection term for the financial rights of the producers of phonograms shall be fifty years calculated from the beginning of the calendar year subsequent to the year in which the recordation has been published; or the year in which the recordation has been fixed, if not published.

9- The protection term for broadcasting organizations shall be twenty years calculated from the beginning of the calendar year subsequent to the year in which such broadcasts have been first transmitted.

Article 21:

Any party may request from the Ministry to be granted a compulsory license for reproducing and / or translating any licensed protected work of translation pursuant to the provisions of the law herein, after the lapse of three years calculated from the date of publishing such work.

Licenses shall be issued, pursuant to a justified decision, in which the time and place limits of the exploitation thereof as well as the fair remuneration due for the author shall be specified.

The purpose of granting such license shall always be restricted to the fulfillment of the requirements of all kinds and levels of education; or the requirements of public libraries and archives.

The above shall be done in accordance with the conditions, constraints and terms of issuing the license as stipulated by the Implementing Regulations of the law herein; and in the manner that ensures that no prejudice shall be unreasonably caused to the lawful rights of the author or his successor or to the normal exploitation of the work. The fees applied in this respect shall be determined by a decision issued from the cabinet.

Article 22:

Without prejudice to the moral rights of the author, provided for in the law herein, the author may not prevent third parties, after the publication of his work, from undertaking any of the following acts:

1- Reproducing one single copy of the work to be personally used by the reproducer himself, for non-profit and non-professional purposes; with the exception of the following: i) works of fine or applied arts, unless existing in public, and upon consent from the right holder or the successor thereof; ii) Architectural works, unless pursuant to item 7 of the present article; and iii) Computer software, and applications thereof and data bases unless pursuant to item 2 of the present article.

2- Making one single copy of the computer software or applications thereof, or the data bases, upon the consent of the person lawfully in control thereof. Such person may solely quote therefrom, provided that such quotation is within the licensed purpose or for the purpose of maintenance or substitution, in case of loss, distortion or invalidation of the original copy; with the proviso that the spare or quoted copy should be distorted, even if downloaded or stored in the computer hardware, once the reason of holding the original copy is terminated.

3- Reproducing protected works for usage in judicial procedures, or equivalents thereof within the limits prescribed by such procedures. Mention shall be made of the source and the name of the author.

4- Making one copy of the work through the non-profit archives, libraries or authentication offices, either directly or indirectly, in the following cases:

A- Reproduction is made for the purpose of maintaining the original copy or of substituting a lost, distorted or invalid copy, if it has been impracticable to obtain a substitute thereof under reasonable conditions.

B- Reproduction is made in fulfillment of a request made by a natural person, for using same in study or research. Such reproduction shall be made for only once and on irregular intervals; if it has been impracticable to obtain a license for reproduction pursuant to the provisions of the law herein.

5- Citations of short paragraphs, quotations, or analysis, within the scope of the work, for the purpose of criticism, discussion or media; wherein mention shall be made of the source and name of author.

6- Performance of a work in meetings with family members or by pupils in an educational institution, so long as such performance has not been made against direct or indirect consideration.

7- Exhibiting works of fine, applied, plastic or architectural art in broadcasts, if such works are permanently existing in public.

8- Reproducing short abstracts of a work in the form of manuscripts or audio, visual, or audio-visual recordings, for the purposes of cultural or religious education, or vocational training; with the proviso that: i) reproduction shall be within the reasonable limits; ii) reproduction shall not surpass the purpose thereof; iii) mention shall be made of the name of the author and the title of the work, whenever possible; iv) the reproducer shall not seek profit, either directly or indirectly; and v) a license for reproduction may not be obtained pursuant to the provisions of the law herein.

Article 23:

Without prejudice to the moral rights of the author pursuant to the provisions of the Law herein, the author shall not prevent reproduction through the newspapers, periodicals or broadcasting organizations, within the limits justified by the objective thereof, from publishing any of the following:

1- Extracts of the works thereof that have been lawfully made available to the public. Such shall apply on communicating extracts of seen or heard works, during current incidents; or broadcasting or communicating same to the public in any other manner.

2- Published articles relating to discussions of issues, which have occupied public opinion at a certain time; so long as upon publication such articles are not prohibited. In all the cases provided for in items 1 and 2 of the present article, mention shall be made to the source from which the above have been reported and to the name of the author.

3- Speeches, lectures, and addresses delivered in the course of public sessions of

parliament, judicial councils and public meetings; so long as such speeches, lectures and addresses are delivered to the public, and are reproduced within the framework of reporting current news.

The author or his successor shall solely have the right to compile such works in collections attributed thereto.

Article 24:

The restrictions applicable to the financial rights of the author provided for in the law herein, shall apply to the holders of neighboring rights.

Chapter Five Provisions for Some Works

Article 25:

In case of works of joint-authorship, in which the shares of authors may not be separated, all the joint-authors shall be deemed equal authors of the work; unless otherwise agreed upon in writing. In which case, no author may singularly exercise the copyrights; unless pursuant to a written agreement therebetween.

If the participation of each of the authors in the same work, is categorized under a different kind of art, each author may exploit the part independently offered by him in participation thereof; provided that no prejudice shall be caused to the exploitation of the work in respect of the rest of the authors unless otherwise agreed upon in writing. Each author may bring an action, in case of infringement upon any of the copyrights protected by the law herein.

In case of the death of any of the joint-authors, without having successor the share thereof shall be transferred to the rest of the joint-authors or the successors thereof; unless otherwise agreed upon in writing.

Article 26:

Any natural or juridical person who directed the creation of a work of collective-authorship may solely assume the moral and financial copyrights thereon; unless otherwise agreed upon.

Article 27:

1. The following shall be deemed a joint-author of an audiovisual, audio or visual work:
 - A- Author of scenario;
 - B- Assimilator of an existing literary work, to make such work suitable for the audio-visual manner;

C- Author of a dialogue;

D- Music composer if composing such music especially for the work; and

E- The director, if effectively controlling the achievement of the work.

If the work is extracted or derived from another previous work, the author of the previous work shall be deemed a joint-author of the new work.

2. The author of the literary or musical part may publish the respective part thereof in a manner other than that specified for publishing the joint – work; unless otherwise agreed upon in writing.

3. If one of the joint-authors of an audio-visual, audio or visual work abstained from completing the part thereof, the rest of the joint-authors shall not be subsequently prevented from exploiting the part accomplished by each of them; without prejudice to the rights of the abstaining party resulting from being a joint- author of the work.

4. The producer shall be, during the period of exploitation of an audio-visual, audio or visual work that has been agreed upon, a representative of the authors of such work and of the successors thereof in conducting agreements on the exploitation of such work; without prejudice to the rights of the authors of the quoted or assimilated literary or musical works; unless otherwise agreed upon in writing.

The producer shall be deemed the publisher of such work and shall be entitled to the rights of the publisher regarding such work and the reproduction thereof, within the scope of the commercial exploitation.

Article 28:

In case of anonymous or pseudonymous works, the publisher whose name appears on the work shall be deemed to represent the author; and in this capacity, shall be entitled to undertake the rights provided for in the law herein.

The provision of the present paragraph shall cease to apply when the author reveals his identity or proves his capacity, or otherwise doubt no longer persists in respect of his real identity.

Article 29:

Buildings may neither be sequestered nor a decision for the destruction, confiscation or the change of features thereof be issued, for the purpose of maintaining the rights of the author of architecture whose engineering designs, drawings or sketches have been unlawfully used. However, such shall not be prejudicial to the right of the author of architecture to receive fair compensation.

Chapter six

Collective Management of Copyrights and Neighboring Rights

Article 30:

Holders of copyrights and neighboring rights may assign their financial rights to specialized professional committees for managing such rights, or may authorize other parties to exercise such rights.

Agreements conducted in this respect through such committees or parties, shall be deemed civil contracts.

Article 31:

The committees or parties provided for in article (30) of the Law herein shall not distinguish between the applicants requesting to conclude agreements therewith for the exploitation of works, the management of which is ascribed to such committees or parties.

The committees or parties' granting of licenses for exploitation in the following cases in return for reduced financial compensation shall not be deemed distinction, provided that the decision of granting such licenses shall be justified:

- 1- Exploiting works in public events through live performance of performers.
- 2- Exploiting works within the framework of educational or cultural activities, which do not generate direct or indirect revenue.

Article 32:

Committees or parties that assume the management of copyrights and neighboring rights may not operate without an annual license from the Ministry. The Ministry shall add to the implementing regulations any rules regulating the work of such committees and parties, and shall enter the necessary amendments to the rules and regulations governing the licenses and the manner of carrying out the works thereof.

The fees for granting such license shall be determined by a decision issued by the Council of Ministers.

Article 33:

The committees and the other parties that assume the management of copyrights and neighboring rights shall hold registers of the names and capacities of the members thereof and the works they have contracted upon. Such registers shall include the type and period of the work and the sum of money agreed upon. Such committees shall notify the Ministry in this respect, whenever a change occurs in such registers. Such committees and parties shall abide by the administrative decisions issued by the Ministry. The Ministry may revoke the license if such committees or parties do not abide by the provisions of the Law and the regulations and administrative decisions

implementing thereto.

Chapter Seven

Precautionary Measures and Penalties

Article 34:

The Head of the Court of First Instance may order, upon request of the author or his successors, and pursuant to an injunction that the following measures be taken, for each work published, performed or exhibited without written permission from the author or his successor:

1- Conducting detailed description of the work.

2- Ceasing the publication, reproduction or making of the work.

3- Sequestering the original or copies of the work, (either books, pictures, drawings, performances, photographs, phonograms or broadcasts, or otherwise); as well as the articles that are used in re-publishing or reproducing such work, provided that such articles are not valid except for re-publishing or reproducing of the work.

4- Preserving relevant evidence in regard to the public performance of playing, acting or reciting of a work to the public, and preventing the continuation of the current performance or prohibiting same in the future.

5- Calculating the income generated from the publication, performance or exhibition, by an expert delegated to this aim, if necessary and sequestering such income in all cases.

6- Providing proof in regard to the infringement on any of the rights protected pursuant to the provisions of the law herein.

The Head of the Court of First Instance may, in all cases, order the delegation of one or more experts for assisting the process server charged with execution; and also may order the applicant to post a relevant guarantee.

The applicant shall refer the dispute to the relevant Court of jurisdiction within fifteen days counted from the date of issuing the order; otherwise the dispute shall be deemed of no effect.

Article 35:

The adjudged party may lodge a petition to the Head of the relevant Court, within twenty days, as of the date of issuing the order; in which case, the Head of the Court may either uphold or reject the order in whole or in part; or appoint a trustee charged with re-publishing, exploiting, exhibiting, making or reproducing the disputed work. The generated revenue shall be posted in the treasury of the Court, until a decision is issued in the dispute.

Article 36:

Customs authorities may order, on its own accord or upon request from the author or right holder or successors thereof, and pursuant to a justified decision, the suspension of the release of goods that have been counterfeited in contradiction with the provisions of the law herein, for a period not exceeding twenty days. The Implementing Regulations shall determine the terms, constraints and procedures governing the application for suspension of release; the documents that shall be attached thereto; and the adequate financial value of the guarantee to be posted by the applicant to ensure the seriousness of the application. A decision shall be issued in respect of such application within three days as of the date in which the application was duly submitted. The applicant shall be notified by such decision, upon the issuance thereof.

In all cases, the customs authorities may not prevent the interested parties from inspecting the goods, in respect of which an order of suspension of release is made, pursuant to the provisions prescribed by the Implementing regulations.

Article 37:

Without prejudice to any severer penalty provided for in any other law, any person committing one of the following acts without written authorization from the author or holder of the neighboring right or successors thereof, shall be penalized by imprisonment for not less than two months and a fine of not less than ten thousand Dirhams, and not exceeding fifty thousand Dirhams, or either of both penalties:-

1. Infringing upon one of the moral or financial rights of the author or the holder of the neighboring right provided for in the law herein, including the making of any work, performance, phonogram or broadcast protected pursuant to the law herein, available to the public, either through computers, the internet, information and communication networks, or other means or devices.

2. Selling, renting or offering for circulation, in any manner, a work, phonogram, or broadcast protected pursuant to the provisions of the law herein.

Penalties provided for in the present article shall be diverse according to the diversity of infringing works, performances, broadcasts or phonograms.

In case of recurrence the penalty shall be imprisonment for a period not less than six months and a fine not less than fifty thousand Dirhams

Article 38:

Without prejudice to any severer penalty provided for in any other law, a penalty of imprisonment for not less than three months and a fine of not less than fifty thousand Dirhams and not exceeding five hundred thousand Dirhams shall be imposed upon any person committing any of the following acts:-

1- Unrightfully manufacturing or importing, for the purpose of sale, rental or circulation, any work, counterfeit copies, apparatus, means or devices designed or prepared for manipulation upon the technical protection used by the author or holder of neighboring right for transmitting, offering for circulation, regulating or managing such rights; or for maintaining particular quality of fidelity and clarity for reproduction.

2- Unrightfully impairing or distorting any technical protection or electronic information aiming at regulating and managing the rights prescribed by the Law herein.

3- Downloading or saving in the computer any copy of the computer software or applications thereof or data basis, without obtaining a license from the author or right holder or successors thereof.

In case of recurrence, the penalty shall be imprisonment for a period of not less than nine months and a fine not less than two hundred thousand Dirhams.

Article 39:

Excluded from the provision of article (37) of the law herein, any person using a computer program or applications thereof or data basis, without obtaining previous license from the author or successors thereof, shall be penalized by a fine of not less than ten thousand Dirhams and not exceeding thirty thousand Dirhams for each program, application or data base.

In case of recurrence, the penalty shall be a fine of not less than thirty thousand Dirhams.

If the offence has been committed in the name or to the benefit of a juridical person, or a commercial or vocational establishment, the Court may decide upon the closure thereof for a period not exceeding three months.

Article 40:

Without prejudice to the penalties stipulated in articles 37, 38 and 39 of the Law herein, the court shall rule the following:

i) The confiscation and destruction of counterfeit copies subject of the offence or copies obtained therefrom; as well as the confiscation of the equipment, and devices used in the commitment of the offence, and which does not fit for any other purpose;

ii) Closure of the establishment in which the offence of counterfeit has been committed for a period not exceeding six months; and

iii) Publications of the summary of the court ruling in one or more daily newspapers on the expense of the ruled against party.

Article 41:

Without prejudice to the penalties provided for in the law herein, a penalty of imprisonment for a period not exceeding six months and a fine, or either of both penalties, shall be imposed upon any person violating any other provision included in the law herein or the regulations or orders implementing thereto.

Chapter Eight Final and General Provisions

Article 42:

The Ministry shall exercise the moral and financial copyrights upon any work, in case of the absence of heir or legatee. The Ministry shall continue exercising the moral rights provided for in the Law herein for the purpose of maintaining the work, after the termination of the period of financial protection prescribed for the work.

Article 43:

Any person taking a photograph of another, in any manner, may not maintain, exhibit, publish or distribute the original or copies thereof, without permission from the person appearing in the photograph, unless otherwise agreed upon. Nevertheless, the photograph may be published:

- i) In incidents that have publicly taken place;
- ii) If the photograph is related to official or public characters; or national or international celebrities; or
- iii) If the competent public authorities have permitted such publication for the purpose of public welfare; with the proviso that the exhibition or circulation of such photograph, is not prejudicial to the status of the person appearing in the photograph.

The person appearing in such photograph may authorize the publication thereof in newspapers and other publication means, even if the photographer did not permit such publication; unless otherwise agreed upon.

Article 44:

Without prejudice to the provisions of International conventions applicable in the State; if disputes arise in respect of the laws, provisions of the law herein shall apply to the works, performances, phonograms and broadcasts made by foreigners, provided that

the principle of reciprocity is applied.

Article 45:

The Minister of Justice, Islamic affairs and Awqaf (religious endowments) shall issue, upon agreement with the Minister of Information and culture, a decision of determining the law officers entitled to execute the provisions of the law herein.

Article 46:

The fees due on the procedures to be undertaken pursuant to the provisions of the law herein shall be determined by a decision from the Cabinet.

Article 47:

The Minister shall issue the regulations and decisions necessary to implement the provisions of the law herein.

Article 48:

Federal law # 40 of 1992 aforementioned, and any other provision contradicting with the provisions of the law herein shall be hereby repealed.

Article 49:

Applicable regulations and decisions shall remain effective in cases not contradicting with the provisions of the law herein, until the coming into force of the regulations and decisions implementing thereto.

Article 50:

The law herein shall be published in the Official Gazette, and shall come into force as of the date of publication.

Zayed Ben Sultan Al Nahyan
President of the United Arab Emirates
Issued in the Presidency
Abu Dhabi
Dated: Rabiaa 2nd 20, 1423 H
Concurrent with: July 1, 2002 A.C.