

## **Royal Decree**

**No. 65/2008**

### **Issuing the Law of Copyrights and Neighboring Rights**

**We, Qaboos bin Said, Sultan of Oman.**

After perusal of the Basic Law of the State issued by Royal Decree No. 101/96,  
The Financial Law issued by the Royal Decree No. 47/98,  
The Judicial Authority Law issued by the Royal Decree No. 90/99,  
The Public Prosecution Law issued by the Royal Decree No. 92/99,  
The Law of Criminal Procedures issued by the Royal Decree No. 97/99,  
The Law of Copyrights and Neighboring Rights issued by the Royal Decree No. 37/2000,  
The Law of Civil and Commercial Procedures issued by the Royal Decree No. 29/2002,  
And the Law of Telecommunications Regulatory issued by the Royal Decree No. 30/2002,  
And according to the requirements of the public interest.

#### **We decree the following**

**Article one:** The Copyrights and Neighboring Rights shall be applied in accordance with the attached Law.

**Article two:** The Minister of Commerce and Industry shall issue the regulations implementing the attached Law. Pending the issue of the regulations, prevailing regulations and decisions shall remain in force insofar as they do not contradict its provisions.

**Article three:** The mentioned Law of Copyrights and Neighboring Rights issued by the Royal Decree No. 37/2000 shall be repealed, with anything that contradicts or contravenes the attached Law.

**Article four:** This Royal Decree shall be published in the Official Gazette and shall come into effect from the day following the date of its publication.

**Issued on: 28<sup>th</sup> Rabe'a II of 1429 A.H**

**Corresponding: 4<sup>th</sup> of May 2008 A.D**

**Qaboos bin Said  
Sultan of Oman**

## Law of Copyrights and Neighboring Rights

### Chapter one

#### Definitions

**Article (1):** For application of the provisions of this Law, the following words and expressions shall have the meanings given below, unless otherwise required by the context:

**1- The Ministry:**

The Ministry of Commerce and Industry.

**2- The Minister:**

The Minister of Commerce and Industry.

**3- Author:**

The natural person who creates the work.

**4- Work:**

Any innovation production in the literary, artistic, or scientific domain, of whatever type, way of expression, importance, or purpose.

**5- Invention:**

The creative nature, which gives originality and distinction to the work.

**6- Collective work:**

Any work invented by a group of authors under the supervision of a natural or legal person who undertakes to publish it under his own liability and supervision. The efforts of authors shall be included in the general objective when it is not possible to separate the share of all authors and distinguish it independently.

**7- Joint work:**

Any work invented with the contribution of many authors irrespective of whether it is possible or not to distinguish the share of each, unless otherwise agreed, and which is not classified under collective works.

**8- Derivative work:**

Any work derived its origin from an existing one, such as translations, musical adaptations, arrangements, and other alterations.

**9- Audio-visual work:**

The work composed of a series of linked images giving the impression of motion and recorded on media or any other devices, either accompanied with audio or not, such as movies works.

**10- Work of Applied Arts:**

Any artistic invention of useful functions or integrated into a tool for use related work for producing traditional or industrial crafts.

**11- Work of Photography:**

Any recording of light or any other beam on a device can produce an image or from which an image can be produced, whatever is the technical nature through which the recording was accomplished.

**12- Expressions of National Folklore:**

Any production of distinguishable elements reflecting the traditional popular heritage that was originated developed and maintained in the Sultanate of Oman to express the traditional cultural identity which is communicated through generations, which can not be attributed to an unknown author, including particularly the following expressions:

A- Oral expressions, popular mysteries,  
poems, and other.

B- Musical expressions such as folk songs accompanied by musical instruments.

C- Movement performances such as dances, popular artistic presentations, and traditional popular rituals.

D- Concrete expressions including all products of folk graphic arts such as drawings sculptures, carpets, traditional musical instruments, architectural forms.

**13- Reproduction:**

or more identical to the original of work, or recording or indirectly by any means and in any form, such as printing or photocopying or recording or permanent or temporary electronic storage.

**14- Publication:**

Making available to the public, in reasonable quantities, tangible copies of a work, sound recording, broadcasting programs or performance by any means, for sale, rental or other transfer of the ownership or the possession of the copies.

**15- Sound recording:**

The fixation of or representation of it, other than in the form of a fixation incorporated in an audio-visual work.

**16- Producer of sound recording:**

The natural or legal person, who assumes the responsibility for the first performing of the sound recording.

**17- Producer of audio-visual work:**

The natural or legal person, who assumes the responsibility for making the audio-visual work.

**18- Neighboring rights:**

The rights of the performers, producers of sound recordings and broadcasting organizations.

**19- Performers:**

The persons, who act, sing, orate, recite, play, dance, or otherwise perform other works and national folklore expressions.

**20- Public domain:**

The property, which include all works excluded from protection or of which the term of protection of financial rights expires at the date of enforcing this Law, or of which the term is so reduced in accordance with the provisions of this Law.

**21- Broadcasting:**

broadcasting of sounds or images and sound, or broadcast of any representation thereof, by wireless means - including transmission by satellite – to the public. It is considered as broadcasting the wireless transmission of encrypted signals if the means for decoding are provided to the public by the broadcasting organizations or with their consent. Broadcasting does not include transmissions over computer networks or any transmission where the time and place of reception may be individually chosen by members of the public.

**22- Public Performance:**

Any action presenting the work to the public in a direct method whereby a contact is established between the public and the work through direct performance or any other means.

**23- Transporting to the public:**

sounds of work or sound recording or broadcasting program, in a way to allow individuals, other than family members and their closest friends, to receive the transmission in any place other than the origination point of the transmission, and regardless of the time and place of this reception, including the time or place chosen by the individual as received by a computer or any other means.

**24- Broadcasting organizations:**

The parties, which transmits, by wireless means, for sounds or images and sounds, or any representation thereof.

**25- Technical protection measures:**

Any technology, device or component that, in the ordinary course of its operation, controls access to a work, fixed performance, sound recording, or broadcasting program, or protects any copyright or neighboring rights.

**26- Rights Management Information:**

Information that attached with a copy of the work, fixed performance, sound recording or broadcasting program and information that appears when transporting any of them or makes them available to the public that identifies the following:

- A- Definition of the work, fixed performance, sound recording, or broadcasting program.
- B- The author of the work, the performer of the performance, the producer of the sound recording, or the broadcasting organization.
- C- The owner of any rights in the work, fixed performance, sound recording, or the broadcasting program.
- D- The terms and conditions of the use of the work, fixed performance, sound recording, or the broadcasting program.
- E- Any numbers or codes that represent such information.

**27- Fixation:**

The embodiment of images or sounds, or both, or of the representations thereof, from which they can be understood, reproduced, or communicated through a device.

**28- The Service Provider:**

A- A provider of online services, access services to such network or associated facilities services.

B- A provider or controller of transmission service or direct digital connections between points specified by the user, of material of the user's possession and a content of his choice, without modification of their content which are sent or received.

## **Chapter two**

### **Range of Protection**

**Article (2):** The innovative works of literature, arts and science shall enjoy a protection under the provision of this Law regardless of their value, type, of way of expression or purpose of their production. The protection shall particularly include the following works:

A- Books, booklets, articles, bulletins and other written works.

B- Computer programs and databases whether readable from the computer or from others.

C- Works that are orally recited such as lectures, speeches, discussions, sermons and other oral works.

D- Dramatic, musical and choreographic works, silent shows (pantomimes) and other works made for acting performance.

E- Musical compositions with or without words.

F- Audio-visual works.

G- Works of drawing, painting, architecture, sculpture, wood or metals, and any similar works in fine arts.

H- Photographic works and similar.

I- Works of applied and plastic arts either handcrafted or industrial.

J- Illustrations, geographical maps, diagrams, and “three-dimensional” works related to geography, topography, or architecture.

The title of the work also enjoys a protection if it is innovative.

**Article (3):** Also the following shall enjoy the protection under the provisions of this Law:

A- Derivative works.

B- Collections of works, such as encyclopedias, that forms intellectual innovations by selection and arrangement of their contents.

C- Collections of extracted of data or other material that forms intellectual innovations by selection and arrangement of their contents.

The protection, stipulated in the three previous paragraphs shall be without prejudice to any copyright.

**Article (4):** Protection shall not include mere ideas, procedures, working methods, mathematical concepts, principles, discoveries and data.

Additionally, protection shall not include the following:

A- Official documents of, as texts of Laws, regulations, decisions, agreements, international conventions, judicial orders, judgments of arbitrators and decisions issued by administrative committees with judicial competence, as well as official translations.



B- Daily News and current events which are mere journalistic information.

Notwithstanding, all of the above in the previous paragraphs shall enjoy protection if their compilation or arrangement, or any creation or intellectual effort, eligible for protection, is distinguished.

## **Chapter three**

### **Copyrights**

#### **First: Literary rights**

**Article (5):** The author shall enjoy non-prescriptive and non-transferable literary rights, such as:

A- Right to claim authorship of the work in the manner he determines

B- The right to decide the publishing of his work for the first time.

C- Right to prevent his work from any distortion, mutilation or other modification of, or any prejudice to his work, which would be prejudicial to his honor or reputation.

It is absolutely void and null to dispose of any of these rights, whether such disposition results or does not result in compensation.

The author's general successor shall enjoy these rights, and the Ministry shall succeed to these rights in the absence of a public successor to the author.

#### **Second: Economic Rights**

**Article (6):** The author or his general successor shall have the right to enjoy the following exclusive financial rights:

A- The reproduction of his work

B- Translation of his work into another language, quoting it, musical composition, or modification in another form.

C- The disposition of the original or a copy of his work to the public through sale or other transfer of ownership.

D- Rental of the original or a copy of his work embodied in sound recording, or of his cinematic work, or his work which is computer program, for commercial purposes.

E- Public performance of his work.

F- Presenting the original or a copy of his work to the public in any manner.

G- Broadcasting of his work.

**Article (7):** The right of rental shall not apply to computer programs, unless the program itself is the main object of rental, and shall not apply as well to audio-visual works if it will damage the normal use thereof.

**Article (8):** The right owner or his successor shall have the right to transfer to a third party, all or part of his financial rights, stipulated under this Law, or permits him to exploit such rights, according to a written contract that shall specify the right subject to disposal, the purpose, duration, and the location of the clearance, the author remains the owner of all matters not expressly give up his rights. Without prejudice to his literary rights stipulated in this Law, the author shall not, in any way, carry out any action that would disable the exploitation of the disposed right or authorization.

**Article (9):** The author or his successor may obtain compensation in money or in kind against the disposal to another party in any of his financial rights of the work or authorize him to utilize it on the basis of a recorded amount, or on both bases.

**Article (10):** The authorization to utilize a work embodied in a sound recording shall be granted by the consent of the author and all the owners of other rights on the work such as the performer or the producer collectively with other approval

**Article (11):** Without prejudice to the provisions of article (8) of this Law, the transfer or authorization to exploit the of financial rights, in respect to the works of computer programs and applications or databases, shall be subject to the limits lead down in the contract

Whether explained in the medium of the program or shown on the computer screen when loading or storing, and or users shall committed to the conditions contained in this license.

Or copying from his work whatever the type of any of his financial rights to this work, however, it may not to obligate the Alienee to enable the Author to reproduce the work or present its original copy or transfer it to the public unless otherwise agreed upon in writing.

**Article (13):** Financial Author's rights may not be seized pursuant to a court decision. But, copies of a published work may be seized. However Works of the owners who die before publication may not be seized unless it is proven beyond any doubt that those owners intended to publish those works before their death.

**Article (14):** Disposal by the author of all his future works shall be completely null and void.

## Chapter four

### Protection of Neighboring Rights

**Article (15):** Performers shall enjoy non-transferable and non-prescriptive eternal literary rights, including:

A- \_\_\_\_\_, except in cases dictated by the way of using the performance.

B- Right to object to any distortion, mutilation or other modification of their performance, which would be prejudicial to their honor or reputation.

Any disposal of such copyrights either compensated or not, shall be void.

The performers' public successor shall succeed the rights stipulated in this article, and the Ministry shall succeed to these rights, in the absence of a general successor for the performers.

**Article (16):** Performers shall enjoy the following exclusive financial rights:

- A- Broadcasting and communication to the public of their unfixed (live) performances.
- B- Fixation of their unfixed (live) performances.
- C- Preventing the use of their unfixed (live) performance in any way unless a prior written authorization is obtained.
- D- \_\_\_\_\_, or of the transfer of ownership.
- E- Renting original or copies of their fixed broadcasted performances to the public, for commercial purposes.
- F- \_\_\_\_\_ Or transfer it to the public.
- G- Reproduction of their fixed performances.

The provision of this article does not apply in case the performers agree to incorporate their performances within an audio-visual work.

**Article (17):** Producers of sound recordings shall enjoy the following exclusive financial rights:

- A- The utilize of their sound recordings in any way, including reproduction or rental.
- B- Making available to the public of the original and copies of their sound recordings through sale or other transfer of ownership.
- C- \_\_\_\_\_ Or transfer it to the public in other way.

**Article (18):** Broadcasting organizations shall enjoy the following exclusive financial rights:

- A- Fixing, reproducing, broadcasting and rebroadcasting their programs and transferring them to the public.
- B- Prohibiting others from transferring the television recording of their programs to the public without a prior written authorization.

It shall be considered prohibited for others to record, reproduce, rent, re-broadcast, make them available or transfer such program to the public by any means.

**Article (19):** The provisions of articles (8, 9, 10, 12, and 14) of this Law shall be applied to disposals of financial rights of owners of neighboring rights. Provisions of article (13) apply to these rights.

## **Chapter five**

### **Free Uses of Works**

**Article (20):** Subject to the literary copyrights, stipulated under this Law, the following uses of works shall be lawful even without the consent of the author provided that the \_\_\_\_\_ and the name of the author are mentioned -if listed in the work-, and provided that a free use shall not be allowed if the use conflicts with the normal exploitation of the work, performance, or sound recording or unreasonably prejudices the legitimate interests of the author, performer, or producer of sound recording:

- 1- Quoting paragraphs from a protected work lawfully made available to the public in another work for clarification, explanation, or criticism purposes, within the limits and as much as justified by such purposes.
- 2- Use of the work in meetings within the family or through an educational institution for clarification during face-to-face educational or teaching purposes, within the limits justified by such purposes, provided that this would be done with no direct or indirect compensation.
- 3- Reproduction a single copy from protected works by institutions which keep the documents or public libraries, non-commercial documentation centers, educational establishments or scientific and cultural institutions, in one of the following cases:
  - A- For a published article or short work whereas the purpose of reproduction is to meet the need of a natural person for use in a study or research and provided that reproduction shall be for one time, or at varying intervals. Reproduction shall also be considered if repeated, on separate and unrelated occasions, and that there is

no collective license available under which such reproduction can be made.

B- Reproduction for the purpose of maintaining the original copy or replacing a lost or damaged copy for which it is not possible to obtain a substitute.

In both cases, the re-production shall be in the limit of justification by the purpose and without the purpose of direct or indirect financial gain.

4- Reproduction, broadcasting, or transferring to the public, portions of articles published in daily newspapers or periodicals on current economic, political, or religious topics or of broadcast works of the same character, in which the reproduction, broadcasting, or such transferring thereof is not expressly reserved for the right owner at the time of publication and the reproduction was by the press.

5- Reproduction of a single copy of a computer program by the legitimate owner of the original copy, provided that it is necessary for the use of the computer program for the purpose and extent for which the computer program was obtained, or for archival purposes and for the replacement of the lawfully owned copy of the program in the event that the original copy is lost, destroyed or rendered unusable, or making an adapted, or modified copy of the program, or translated into another computer language, whenever deemed necessary to match with a certain computer, and provided that it is exclusively used by the legitimate owner of the original copy.

6- Public performance of a dramatic, musical or dramatic musical, other work, created for dramatic performance, in the two following cases:

A- Religious ceremonies to the extent justified by the nature of these celebrations.

B- Face-to-face learning inside classrooms in the educational institutions or other similar places dedicated to education which approved non-profit.

In both cases, it is provided not to obtain, directly or indirectly, any financial gain.

7- Broadcasting organizations may, by their own means, for the purposes of use in their broadcasts, make a temporary recording of a work, provided that:

A- The broadcasting organization has the right without the others to broadcast this recording;

B- The broadcasting organization destroys this recording after six months from execution thereof, unless the right owner agrees to extend this period, except for keeping one single copy of this recording for archive purposes.

## **Chapter six**

### **Special Provisions**

**Article (21):** Everyone who participates in making a joint work, whereas each part cannot be separated from the other parties, the right owner shall be equally with the other parties of such work, none of the parties unilaterally shall enjoy the copyright on this work, unless agreed otherwise in writing. In the case which includes the participation of all co-authors under a different type of art, each of them shall have the right to separately use the part of his contribution, each of them has the right to exploit the part which contributed separately provided that such does not cause damage to the use of the joint work, unless agreed otherwise in writing.

If any of the co-authors passes away with no public successor, his part shall go to the other co-authors or their successors, unless agreed otherwise in writing.

**Article (22):** The natural or legal person, who invented collective work and undertook to publish it under his name, shall be owner of the literary and financial rights of the work, unless agreed otherwise in writing.

**Article (23):** The author, who completed the derivative work, shall be considered the owner of the literary and financial rights of such work, without prejudice to the rights of the author of the original work.

**Article (24):** The following shall be considered as co-author of the audio-visual work:

A- The author of the scenario, or the innovated written idea.

B- The person who modifies a previous literary work to make it appropriate to audio-visual form.

C- The author of the script.

D- The music composer who specifically composed for the work.

E- The director who actually supervised the realization of the work.

F- If the work was extracted or taken out of another previous one, the author of the previous work shall be considered as co-author of the new one.

**Article (25):** Without prejudices to the right of the author of the literal or music portion to publish his work in a way different from publishing the audio-visual work – unless otherwise agreed upon in writing – the co-authors rights in the audio-visual work shall be as follows:

A- Where author of the scenario and the subject of literary work and the director combined the right to present an audio-visual work despite opposition from the author of the original work or the author of the music and without prejudice to their rights to the entered contract.



- B- , without prejudice to any rights derived from his participation in the creation.
- C- The producer of the audio-visual work shall represent the authors of this work and be entitled to exercise all of the financial rights, except for the composers of musical works, in the use of their rights of this work, unless agreed otherwise in writing.

## Chapter seven

### Term of Protection of the Financial Rights and Neighboring Rights

#### First: Term of protection of the financial rights

**Article (26):** The term of protection for the financial copyrights, stipulated under this Law, shall be the life of the author and seventy years starting from the beginning of the Gregorian calendar year following the year of his death.

**Article (27):** The financial rights of authors of joint works shall be protected for their life and seventy years starting from the beginning of the Gregorian calendar year following the year of the death of the last surviving author.

**Article (28):** The financial rights of the audio-visual works and collective works shall be protected for ninety-five years starting from the first day of the Gregorian calendar year following the year during which these works were published the first time, and if such works were not published during twenty-five years starting from the date they were completed, the financial rights of these works shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following their creation.

**Article (29):** The financial rights of the works published anonymously or under a pseudonym, shall be protected for ninety-five years starting from the first day of the Gregorian calendar year following the year during which these works were published for the first time. If such works were not published during twenty-five years starting from the date of completion, the financial rights of these works shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following their creation, and if the identity of the author is known or revealed during the mentioned period, the term of protection shall be according to the provisions of article (26, 27) according to circumstances.

**Article (30):** The financial rights of the works of applied arts shall be protected for ninety-five years starting from the first day of the Gregorian calendar year following the year during which these works were published for the first time. If such works were not published during twenty-five years starting from the date of completion, the economic rights of these works shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following their creation.

### **Second: Economic rights protection period for the neighboring rights**

**Article (31):** The economic rights of the performers shall be protected for ninety five years starting from \_\_\_\_\_ to the following the year during which the recorded performance was legally published for the first time, and if such work was not published during twenty-five years starting from the date of completion, the economic rights of this work shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following its creation.

**Article (32):** The financial rights of the producers of sound recordings shall be protected for ninety-five years starting form the first day of the Gregorian calendar year following the year during which the sound recording was published for the first time. If such sound recording was not published

during twenty-five years starting from the date of completion, the financial rights of such work shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following the creation of such sound recording.

**Article (33):** The rights of broadcasting programs of the broadcasting organizations shall be protected for twenty years starting from the first day of the Gregorian calendar year following the year in which the program was broadcasted for the first time.

## **Chapter eight**

### **Deposit**

**Article (34):** The right holder shall have the right, to deposit, at his own expenses, one copy of the work, performance, sound recording, or broadcasting programs with the Ministry and such deposit is considered as presumption of ownership, and bylaws shall determine deposit system and the manner of publication. They also determine due fees, in accordance with prevailing financial regulations.

## **Chapter nine**

### **Collective Management of Financial Copyrights and Neighboring Rights**

**Article (35):** The authors and neighboring rights owners and their successors in interest shall have the option of authorizing one or more associations or other authorities to manage all or some of their financial rights, according to exclusive or non-exclusive authorizations, for a fee to be deducted by the association or authority from their dues according to the terms agreed upon in writing.

**Article (36):** The associations and authorities, cited in the previous article, shall, unless otherwise agreed in writing, assume the following powers:

- A- Authorize others to use all or some of the financial rights of the work, performance or sound recording, and agree on a fee due for such use.
- B- Collection of the due fee and distribution thereof to the right owners, after deduction of the payment due to these associations and authorities for managing such rights.
- C- Any other authorization under the entered agreement for managing such rights.

**Article (37):** and the neighboring rights with a license from the Ministry, and the executive regulations show and payable fees for the observance of the provisions of the financial Law.

**Article (38):** subject to the Ministry to control and supervision, and the associations and entities licensed to involve in the activity shall keep records of the names of their members, status and the rights and the fee agreed upon and their representatives to access their information registered in these records.

The Ministry shall cancel the authorization in case of breaching such association or authority, the provisions of this Law or its executive regulations in application of its provisions.

**Article (39):** the regulated activity and the neighboring rights as shown by the executive regulations.

## Chapter ten

### Prohibitions Related to Effective Technological Measures, Rights Management Information, and Retransmission of Television Signals

The following acts are prohibited:

- 1- without the permission of the owner the right to cancel or absent measures of any technical protection measures.



- 5- Intentionally receiving, or further distributing an encrypted signal that program-carrying and transmitted by satellite if he knows that it has been decoded without the written authorization of the lawful distributor of the signal.

## **Chapter eleven**

### **Border Measures**

**Article (41):** 1- Any of the protected right owners may, if he believes that copyright goods may be imported that involve a violation of any of the rights established under the provisions of this Law, submit a request to the Customs Authorities to stop customs clearance of such goods and prevent circulation thereof.

The request must enclose sufficient evidence to convince the Customs Authorities that the rights of the applicant are apparently violated –as appeared-, and the application shall contain sufficient information, which may reasonably be expected to be available to the applicant to allow the mentioned authority to reasonably identify the concerned goods. The unavailability of such information should not prevent resorting to taking these measures. The Customs Authorities shall process the application and notify the applicant in writing of its decision on his application within seven days from the date of submitting the application. The decision, to stop custom clearance, applies for a period of one year from the date of submission or for the remainder of the term of protection for the goods for which an action shall be taken, whichever is shorter, unless the applicant requests a shorter period.

The concerned customs authorities shall ask the applicant to provide an appropriate bond or equivalent guarantee enough to protect the defendant. The bond and guarantee shall be set at a level that does not unreasonably which deter the right owners from recourse to these procedures.

The concerned customs authorities shall, by itself and -with no need to file a complaint or request by the right owner or by others for the Customs clearance of Infringing goods (the imported or “transient” or the Intended for export) once it enters to the customs area which included in its jurisdiction.

2- If the concerned customs authorities decide, in application of the provisions of this article, to stop clearance procedures , it shall:

A- , importer of infringing goods and the right owner the suspension order.

B- upon written request and the addresses of the sender, importer of goods, recipient and its quantities.

C- according to standards procedures of customs.

In this case the right owner shall file a lawsuit about the cause of dispute before the competent court and report it to the concerned customs authority ten working days from the date stop customs clearance of such goods, otherwise the decision is considered void unless this authority or competent court decides to extend the deadline for a term not exceeding ten more days in other estimated cases

- 3- The application to stop customs clearance, and assessing the bond value or the guarantee that stipulated in this article, and defining the storage sites and fees shall be in accordance with the rules and regulations stipulated by exclusive regulations matching with the provisions of financial Law.
- 4- The provisions of this article do not apply to small quantities, with non-commercial nature, of works and sound recordings which are available among the personal belongings of passengers small parcels.

## **Chapter twelve**

### **Preventive Measures**

**Article (42):** The competent court shall, upon the request of the owner of a protected right, under \_\_\_\_\_ issued for a petition, order to take one, or more, of the following preventive measures:

- A- Prevent the violation of, or the prohibited action against, any right protected under the provisions this Law.
- B- Stop violation of any right protected under the provisions this Law.
- C- Sign the seizure of the copies of the work, subject to violation, as well as the materials used in making such copies.
- D- \_\_\_\_\_ If the alleged violation is for public performance of a work, performance, sound recording or broadcasting program or ban it in the future.
- E- Limit income from illegal use or presentation decided by an expert, appointed by the court for such purpose, and signs the seizure of the income.

The Court may order the petitioner to provide evidences available to him, that suggest violation of his rights, or committing the prohibited act, or that either of them is imminent, and any other information that it may deem necessary to enable \_\_\_\_\_ .



The Court may oblige the petitioner to submit adequate bond or equivalent guarantee sufficient to protect the defendant and prevent abuse this right. The bond or guarantee shall be set at a level that does not unreasonably which deter the right owners from recourse to these procedures.

The Court shall act on the petition expeditiously and within ten days from the date it is submitted.

The Court may issue an order on the petition in the absence of the defendant, where it is likely that delay in issuing an order may incur to the Plaintiff a damage which cannot be remedied, or in which evidences of infringement may be removed or destroyed, , The defendant may file a grievance before the competent court within ten days from the day following the date of his notification.

The right owner shall submit the original dispute to the court within a period of fifteen days of date of issuance of the order on the appropriate procedure, or from the day following the date of his notification on rejecting the grievance submitted by the defendant; otherwise the taken procedure would be completely void.

## **Chapter thirteen**

### **Civil Procedures and Remedies**

directly from the protected right owner under the provisions of this Law as a violation on his right or committing a prohibited act stipulated in Article (40) of this Law, to file a lawsuit before the Competent Civil court to ask the committer to pay a compensation.

Compensation which the court decided, shall be sufficient enough to cover for the damages to the right owner attributed to the infringement. The Court must take into consideration the value of the infringed good or service, as estimated at the retail price determined by the right holder, or according to any other criterion he determines, provided that it is fair enough. The Court must consider the court fees and lawyers' charges spent by the right owner, instead of that, the Court may decide to give him according to his request, the value of compensation stipulated in the executive regulations, the executive regulations shall determine the amount of these compensations which must be capable of remedying the damages incurred under the provisions of this Law for the damages that done to them due to the violation on their rights or due to commitment a prohibited acts according to its provisions that not exceed ten thousand (10000) Riyals for each act of violation or prohibited act.

**Article (44):** In civil proceedings involving acts violating the provision of this Law, the person whose name is indicated as the author, producer, performer, broadcasting entity, or publisher of the work, performance, sound recording, or broadcasting program in the usual manner shall be the right owner of this work, performance, sound recording or broadcasting program, in the absence of proof to the contrary.

**Article (45):** The competent civil court shall have the authority to order the infringer and the owner of the rights to provide any information that the infringer possesses regarding any person or persons involved in any aspect of the infringement and regarding the means of production or distribution channel of such goods or services.

**Article (46):** The competent civil court shall have the authority to order the infringer to stop the infringement, including orders banning the export of infringed goods, banning the entry of imported goods to the trade channels after being customs cleared.

**Article (47):** The competent civil court shall have all the jurisdictions prescribed for a competent criminal court under the two Articles (53) and (54) of this Law.

**Article (48):** The competent civil court shall determine the fees and remuneration of experts and specialists it may appoint to assume certain missions related to the lawsuit and such assessment must be proportionate with the volume and nature of the mission, and in a manner that does not deter recourse of such procedures.

## **Chapter fourteen**

### **Criminal Procedures and Penalties**

**Article (49):** The Public Prosecution shall assume criminal investigation on whatever crimes it becomes aware of that violate the provisions of this Law, without the need of a complaint filed by the right owner, or his representative, or a request thereof from a competent government agency.

**Article (50):** The Public Prosecution may issue an order to seize goods suspected of involving violation of any of the protected rights, established under the provisions of this Law, and other relevant materials and tools used in committing the crime and any documentary evidence related to the crime. Such orders need not individually identify the items subject to seizure, so long as they fall within general categories specified in the order.

**Article (51):** In criminal proceedings involving acts violating the provision of this \_\_\_\_\_ producer, performer, entity \_\_\_\_\_ broadcasting program in the usual manner shall be the right owner of this work, performance, sound recording or broadcasting program in the absence of proof to the contrary.

**Article (52):** Without prejudices to any more severe sanction provided under any other Law, any person shall be punished by imprisonment from a minimum of

three months up to a maximum of two years as well as monetary fines from a minimum of Two Thousand Riyal up to a maximum of Ten Thousand Riyal, or by either one, if that person performs one of the following acts:

- 1- Intentionally violates the commercial range of one of the author's rights or neighboring rights under the provisions of this Law, this will include the following:
  - A- Violation even without meaning to, directly or indirectly realizing financial gains.
  - B- Violation for the purpose of realizing commercial benefits or achieving private financial gains.
- 2- Commits any of the prohibited actions under the provisions in this Law with the purpose of realizing commercial profits or private financial gain, whether he is knowing or having reasonable grounds to know that the act may enable, facilitate or hide a violation occurred on the protected right under the provisions of this Law.
- 3- Knowingly circulates forged labels which designed to be affixed to a sound recording, a copy of a computer program, documentation or packaging for a computer program, a copy of a movie or another audio-visual work.
- 4- Knowingly circulates forged documents or forged packaging for a computer program.
- 5- Knowingly import or export infringing goods.
- 6- Commits any of the prohibited actions prescribed in Paragraphs (4 and 5) of Article (40) of this Law.
- 7- Intentionally violates the financial right of a protected work under the provisions of this Law by its publication abroad, or offering it for further distribution, or export.

In all cases, the punishment, both in its minimum and/or maximum limits, shall be doubled for repeating the offense, together with closure of the commercial establishment where the offense was committed, or banning of the activity, subject to the Court considerations.

**Article (53):** Upon proofing the violation or intentionally committing the prohibited act, the court shall have the authority to order the forfeiture and destruction of all the pirated goods, and the materials and tools used in the infringing activity and destroy them at the expense of the convicted defendant, or to dispose of them outside the commercial channels should the destruction causes harms to the public health or the environment.

**Article (54):** Without prejudice to any more severe sanction provided under any other Law:

A- Any person shall be punished by imprisonment from a minimum of seven days up to a maximum of one month as well as monetary fines from a minimum of One Hundred Riyal up to a maximum of One Thousand Riyal, or by either one, if that person, any of the rivals, violates an order issued by the court pursuant to Articles (45, 46) of this Law.

B- Any person shall be punished by monetary fines from a minimum of One Hundred Riyal up to a maximum of One Thousand Riyal, if that person, be any of the rivals ,their lawyers, experts, and other aides to the judges, violates an order issued by the court regarding protecting the secrecy of information submitted or exchanged during the proceedings.

**Article (55):** The Criminal Court shall keep a detailed account of all goods, materials, and other tools of which their destruction has been ordered in a crime committed in violation of the provisions of this Law. The Enforcing Agency, at the request of the violated right owner, may temporarily delay executing the destruction order, where the materials could be used as evidence in a civil lawsuit.

**Article (56):** Any person, who is injured by a violation which prescribed in Paragraphs (4 and 5) of Article (40) of this Law, may exercise the civil remedies against the perpetrator, before the concerned criminal court.

## **Chapter fifteen**

### **General and Closing Provisions**

**Article (57):** The provisions of this Law shall apply to:

- A- Works, performances, and sound recordings for the authors or performers of Omanis and foreigners, normal residents in the Sultanate, and broadcasting programs belonging to broadcasting organizations stationed in the Sultanate, or broadcasted from headquarters located inside the Sultanate.
- B- Works, performances, sound recordings, and broadcasting programs that have been produced in the Sultanate of Oman regardless of the citizenship or the residence of the producer.
- C- Works, performances, and sound recordings that are published for the first time in the Sultanate of Oman or published for the first time in a foreign country and then published in the Sultanate within a period of thirty days starting from the date of publication abroad, regardless of the citizenship or place of residence of the authors.
- D- Audio-visual works where the headquarters of their producers or their residence is in the Sultanate of Oman.
- E- Architectural works that have been constructed in the Sultanate and other works of art, incorporated in a building, or any other facilities, located in the Sultanate.

**Article (58):** The employees, appointed by a decision of the Minister of Justice, following agreement with the Minister, shall have the right to inspect, control and access related locations, to check on violations to the provisions of this Law and its executive regulations.

**Article (59):** Enforcing the provisions of this Law does not imply violating the provisions of the multilateral and bilateral international treaties and agreements, in which the Sultanate of Oman is a part or may become a part later, relevant to the copyrights and neighboring rights, which govern the rights of the citizens of member States or equivalent to them.

**Article (60):** The provisions of this Law shall apply to all works, performances, sound recordings, and broadcasting programs that are produced or broadcasted before the date that was enforced, provided that they have fallen into public domain due to the expiry of the term of protection as prescribed in the cancelled Law, or in the legislations prevailing in their country of origin.

**Article (61):** The Ministry shall undertake the following powers:

- A- Alert authors and neighboring rights owners of their literary and financial rights.
- B- Amicably settle disputes that arise on any of the rights set forth in this Law, if approved by the parties, and as detailed in the executive regulation.
- C- Coordinate with the concerned authorities for the protection of copyrights and neighboring rights.
- D- Other powers set forth in this Law or required to implement its provisions.

**Article (62):** The publication of final judicial decisions and administrative rulings of author' right and neighboring rights are according to the exigencies of public interests, and consistent with the rules detailed in the executive regulation. Posting in the Internet shall be considered as publication.

**Article (63):** Without prejudices to the provisions of the referred telecommunications Law, the provisions of this Law shall apply on the service provider on violations he commits against its provisions or its executive regulation.

**Article (64):** Where no specific text covers in this Law, provisions of the referred criminal procedures, civil and commercial procedures Laws shall apply to referred criminal and civil proceedings, as circumstances imply.

ジェットロ仮訳

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