

COPYRIGHT LAW AND ITS RELATED RIGHTS

Article 1: In implementing the provisions of this law, the following words and expressions shall have the meaning specified against each, unless otherwise dictated by the text.

1. Author: Is the natural person who has created the work.

2. Work: Any literary, scientific or artistic work created.

3. Audio Visual Work:

Any work prepared for simultaneous audio visual use, comprising of a collection of interrelated pictures, accompanied by voices, recorded on a suitable media and projected by suitable appliances.

4. Group Work:

Is the work composed by a group, under the direction of a natural or juristic personality, whereas it is not possible to separate the work of every participant and differentiate it separately. Natural or juristic personality, who has directed and organised the creation of this work, solely assumes the copyright of this work.

5. Joint Work:

Is the work created jointly by more than one person, in the event of not being possible to separate the share of each person from the share of others in the joint work, then everybody is considered as the owner of this work on equal shares between them, unless otherwise agreed. If it was possible to separate the share of each participant, then each participant may have the right to capitalize on the share participated in, separately, provided that this shall not harm the capitalization of the joint work, unless otherwise agreed.

6. Translation:

Is the expression of any work in a language other than the original language of the text.

7. Publication:

Providing copies or audio recording of the work to the general public, with the consent of the author/producer of the audio recording, and with reasonable quantities, sufficient for the public's need, by way of sale, rent or any other way that transfers the ownership or provide copy of the work or audio recording, or the right of use. Publication also means providing copies of the work or audio recording to the public by means of any electronic device.

8. Computer Programmes

Means set of phrases and instructions expressed in any language, code or sign, prepared for direct or indirect use in the computer, in order to achieve specific results.

9. Folklore

Literary, arts or science works created by popular groups in the Sultanate of Oman to express its cultural identity, passed from one generation to another, and form a basic element in national popular and traditional heritage, whereby the authority concerned assumes the jurisdiction of the author, in respect of folklore works, against distortion, modification or illegal commercial use.

PROTECTION COVERAGE

Article 2: The protection of this law is enjoyed by the authors of literary, scientific, artistic and cultural works in general, regardless of the value or

type of the works, expression method used or the purpose of its creation. Said protection specifically covers the authors of the following works:

- A) Books, computer programmes and other written materials.
- B) Works presented orally, such as lectures, speeches and religious sermons.
- C) Theatrical plays and musical shows.
- D) Musical works, accompanied by lyrics or not.
- E) Dance patterns and pantomime.
- F) Audio and audio visual works.
- G) Sketching and molding by tracing, colors, structure, sculpture, ornamentation or engraving.
- H) Applied art works, be it artisan or industrial.
- I) Illustrative pictures, geographical maps and maquettes for designs, plans and models related to geography, topography, architecture and science.
- J) Folklore
- K) The title of the work if it is distinguished by a creative impression and was not a circulated expression to indicate the subject of the work.

Article 3: The protection of this law is enjoyed by:

- A) Whoever has translated the work into another language, also, whoever has summarized, modified or amended the work, or by other methods, which resulted in presenting the work in a new format.
- B) Collections of folklore works and expressions for traditional and popular heritage, and selections and data base, in the event of these collections are novelties due to its layout or the selection of its contents.

The protection provided in the two preceding paragraphs does not violate the protection enjoyed by the authors of the original works and their successors.

Article 4: Without prejudice to the provisions of articles two and three, protection does not cover the following works:

- A) International conventions, legal verdicts and collections of official documents, also official translation of these works.
- B) Published, broadcasted or publicly announced news.
- C) Works passed to the public domain.

AUTHOR'S RIGHTS

Article 5: Rights of the copyright authors include:

- A) Moral or literary rights:
 1. The work should be attributed to the author, or published under pen name or without the author's name.
 2. It is prohibited to delete, change, add or implement any other amendment on the work without the author's consent.

Rights stipulated in the preceding two paragraphs are not subject to assignment, disposal or prescription.

B) Financial Rights:

1. Copy the work in any way whatsoever.
2. Translate the work into any other language, summarize it, quote it or implement any other modification on it.
3. Public performance, or conveying the work to the public in any way.
4. All types of financial capitalization of the work in general, including commercial leasing of the work or its copies.

LIBERTY TO USE PROTECTED WORKS

Article 6: The following utilizations of works are considered legal, even if it is not in conjunction with the author's consent, provided that the source and the author's name are clearly mentioned:

A) Quoting paragraphs of the work in another work to clarify, explain or criticize, within the common custom and in as much as justifiable by this purpose.

B) Utilization of literary or artistic works by illustration in publications, broadcasts or sound or visual recordings for the purpose of teaching, provided such utilization is compatible with fair practice.

C) Duplication of protected works by public libraries, non commercial documentation centers, educational institutes and science and cultural foundations, provided that duplication and number of copies are limited to the needs of its activities and the service of its objectives, and that it does not unreasonably prejudice the legitimate interests of the right holder.

D) Duplication of political, economic or religious news articles dealing with current affairs, or publish it by newspapers and periodicals, also broadcasted works with similar nature.

E) The press and other media publishing speeches and lectures, together with pleadings delivered during the examination of legal disputes, and other similar works publicly presented to the public. Only the author have the right to publish these works in a single publication or in any other way deemed suitable.

F) Resorting to the work for private and personal use, only, by duplication, translation, quotation, music distribution, acting, audio listening, television viewing or any other form of modification.

G) Casually mentioning the work during radio or television presentation of current affairs.

DURATION OF COPYRIGHTS PROTECTION

Article 7: The duration of the author's financial copyrights continues throughout the author's life, and thereafter, for fifty Gregorian years, starting from the beginning of the Gregorian year following the author's death.

Duration for joint works is calculated for fifty Gregorian years, starting from the beginning of the Gregorian year following the last author's death.

Article 8: Duration of the copyright continues for 50 Gregorian years from the date of first publishing the following works:

- A) Movies, applied art and photographs.
- B) Works published under pen name or anonymous, unless the author's personality was revealed during this period.
- C) Works published for the first time after the death of its owner.

Article 9: In the event the work comprises of several parts, published separately and over a period of time, then every part is considered an independent work for the purpose of calculating the duration of copyright protection.

ASSIGNMENT OF COPYRIGHTS

Article 10: The author, or owner of the copyrights, may assign to others outright or partial financial rights, freely or against consideration. The transaction should be through a written contract, specifying clearly and in details, every right separately under disposal, together with its extent, purpose, duration of use, location and consideration, if any.

Article 11: Authors' singular or joint copyrights pass to their legal heirs after their death, unless otherwise bequeathed.

DEPOSITS OF WORKS

Article 12: Owner of copyrights for literary, technical or science work may, at own expenses, deposit one copy of the work with the Ministry of Commerce and Industry. The deposit is considered as a presumption of ownership, and will be made public as specified by the executive bylaws.

Regulation for deposit, and fees due on this deposit, is to be issued by the Minister of Commerce and Industry.

These provisions are not applicable on works published in newspapers and periodicals, unless it is published separately.

COPYRIGHTS PROTECTION INSTRUMENTS

Article 13: It is not permitted to seize copyrights to fulfill a legal sentence, rather, seizure is permitted on copies of published work, also, it is not permitted to seize works of those owners who died before being published, unless it is conclusively established that the author aimed to publish it before his death.

Article 14: The court concerned, on the basis of the author, copyright owner or successor's request, may order the following precautionary procedures:

- A) Stop transgression on any copyright protected in accordance with this law.
- B) Impose seizure on the violated copies and materials that may be used to make these copies.
- C) Establish overt performance for dropping, acting or delivering a work amongst the public, prevent continuance of current presentation or prohibit it in the future.
- D) Appoint a legal custodian for the disputed work, assigned to re-publish, present, make or reproduce copies of the work, provided that the proceeds are

deposited with the court's treasury, the custodianship ends by the agreement of the parties concerned, or by a court decision.

E) Computing the revenues resulting from publishing or presentation by an appointed expert, if necessary, and seize the revenues in all cases.

The plaintiff should submit the origin of the dispute to the court within the following fifteen days to decide on the matter and suitable compensation, otherwise, all traces of action taken will be removed.

PROTECTION OF PERFORMERS, AUDIO RECORDING PRODUCERS AND BROADCASTING CORPORATIONS

Article 15: Performers means actors, singers, musicians, dancers and any other person who is reciting, singing and playing in literature or art works, protected or became public property.

Article 16: Performers enjoy the following rights:

1. Moral Rights:

A) The right of a percentage share of the proceeds of their performance.

B) The right to prevent any distortion, alteration or variation of their performance.

2. Financial Rights:

A) Broadcasting of their unauthenticated performance or convey it to the public.

B) Verify or record their unauthenticated performance.

C) Copy audio recordings that include unlicensed authentication of their performance.

D) Commercial leasing of audio recordings that include their performance.

Article 17:

1. Producer of an audio recording is the natural or juristic personality who assumes recording under his name and responsibility.

2. Audio recording is every recording physically authenticated, comprising of voices, produced by an artist or not, this does not include audio recording accompanying audio visual works.

Article 18: Producers of audio recordings enjoy the following rights:

1. Direct or indirect reproducing of their recordings.

2. Commercial leasing of recordings.

Article 19: Right protection for performers and audio recording producers continues for fifty Gregorian years, starting from the beginning of the Gregorian year following the date of starting recording, verification or performance, as the case may be.

Article 20: Broadcasting corporations, for its programmes, enjoy the following rights:

1. Verify or record its programmes and reproduce these recordings.
2. Broadcast these programmes by radio and convey it to the public.

Article 21: The protection of broadcasting corporations continues for twenty Gregorian years, starting from the beginning of the Gregorian year following the year of recording or verification.

Article 22: Provisions of articles (6, 12, 13 & 14) of this law are applicable for the rights of performers, audio recording producers and broadcasting corporations, together with any modification that may be required.

Article 23: Punishable by imprisonment for no more than two years and/or a fine not exceeding Rial Omani three thousand, anyone violating any of the copyrights or financial rights of the author, or owners of the associated rights, in accordance with the provisions of this law. In particular, it is considered as an infringement in the event the infringer commits one or more of the followings:

- A) Sell, or in any way circulate a work protected in accordance with the provisions of this law.
- B) Within the Sultanate of Oman, imitate works published abroad, or circulate, export or ship it abroad, with the knowledge that it is an imitation.
- C) Provide to the public, perform, broadcast, audio record or make it available on the internet as long as it is for commercial purpose.
- D) Without any right, remove or in any way deform any protection for regulatory technology, or restrict public knowledge of any work, performance, broadcasting, recording, distribution, import for distribution, broadcasting or make available to the public any of the above mentioned, provided that the perpetrator is aware, or able to know of the occurring infringement.

In the event of a reoccurrence, the penalty will be doubled. In all cases, the court may order the confiscation of all imitated copies, and materials used for making these copies, and the court, when a conviction sentence is pronounced, may decide to foreclose the foundation used by the counterfeiters.

CLOSING PROVISIONS

Article 24: The provisions of this law are applicable to Omani nationals and foreigners whose works, performances and phonograms are published, acted or presented for the first time in the Sultanate of Oman or in a foreign country.

Article 25: The provisions of this law are applicable to the works, performances and phonograms and associated rights, from Oman and from other WTO members, existing at the time of its implementation. For the protection period of these works, it should include the period that has elapsed from the date of the event specified for the commencement of the protection period, up to the date of implementing this law.