

**Federal Law No. (7) of 2002
In respect of Author Copyrights
& Parallel Rights**

We, Zayed Bin Sultan Al Nahyan, President of U.A.E, after perusal of the Constitution;

Federal Law No. (1) for 1972 in respect of Competencies of Ministries and authorities vested in Ministers and the amendments thereto;

Federal Law No. (15) for 1980 in respect of printing and publication; and

Federal Law No. (40) for 1992 in respect of the protection of intellectual property and author's copyrights;

Upon the presentation by the Minister of Information & Culture, and the approval by the Cabinet of Ministers and the Federal Supreme Council,

Ratified the following law:

Definitions

Article 1

In operation and implementation of the provisions hereof, the following words and expressions shall, unless the context otherwise requires, have the meanings shown opposite:

State:

The State of the United Arab Emirates.

Ministry:

The Ministry of Information & Culture.

Minister:

The Minister of Information & Culture.

Work of art:

Any original authored work of art in the field of arts, fine arts or sciences of whatever type, manner of expression, significance or purpose.

Author:

The person who originates the work of art. He whose name appears on or is ascribed to the work of art upon publication as an author shall, unless a proof to the contrary is established, be considered as the author thereof. Furthermore, he who publishes pseudonyms and anonymous works of art or in any other fashion provided that no doubt should arise as to his identity, shall be considered as the author thereof. In case doubt arises, then the publisher or producer of a work of art, whether corporate or natural person, shall be the agent for the author to undertake his rights till the true identity of the author is identify ascertained.

Originality:

The novel innovative nature, which bestows originality and distinctiveness on the work of art.

Parallel Right Holders:

Performer artists, producers of audio-record and broadcast corporations as defined herein.

Performer artists:

Actors, singers, musicians, dancers, and the likes who

vocalize, chant, sing, compose or in any other form perform any literary or artistic work of art, or any work in the public domain and covered by or within the scope of protection under the provisions hereof.

Audio-recording Producer:

Corporate or natural person who for the first time audio-record voices for any of the performer artists, or any other sounds.

Broadcast Authority:

Any authority carries out any radio audio, visual or audio-visual transmission

Broadcasting:

The radio transmission of audio, visual or audio-visual work of art, performance, audio-record, or programme to the public and recording the same as well as transmission through satellites or dependencies.

Publishing:

Presentation of the work of art, audio-record, broadcast programme, or any other performance to the public in any medium whatsoever.

Public Performance:

Performance which entails the direct communication of the work of art to the public such as theatrical performance, presentations, performing works or arts, demonstration of audio-visual works, playing composed works, and vocalising literary works, whether live or recorded.

Open Communication:

Wired and radio (wireless) transmission of a work of art, audio-records, or broadcast programme which can, through transmission only, be received by any person other than family members and intimate friends, at any place other than that where transmission started, regardless of the elements of time, place or manner of transmission.

Copying:

The production of one or more copies of the work of

art, audio-records, broadcast programme, or any other performance in any manner including downloading, permanent or temporary electronic saving regardless of the manner applied or tool utilised in copying.

Audio Recording:

The storing of audible sounds of performance vocalisations, regardless of the manner or medium of storing; including audio-visual storing to create audio-visual work of art, unless otherwise agreed upon.

Audio-visual Producer:

The corporate or natural person who provides facilities necessary to producing an audio-visual work of art and undertakes the responsibility for its production.

Communal Work of Art:

A work of art created by a group of authors under corporate or natural person's direction who undertakes the publication in his name and under his control. The works by the group of authors are combined under the main objective set by the said person in such manner where their respective works cannot be separated or singled out independently.

Joint Work of Art:

A work of art to the creation of which several persons contribute whether or not their respective works can be separated or singled out independently, and does not fall under the category of communal works of art.

Derivative Work of Art:

A work of art that is derived or originated from pre - existent work of art, such as translations. Sets of literary and artistic works as well as folkloric expressions are deemed to be so, if original in terms of arrangement or selection of content.

National Folklore:

Any expression of vocalised, musical or chorographical folkloric material elements reflecting the artistic traditional heritage created or continued in the State, and cannot be attributed to an identified author.

Common title:

All the works of art primarily excluded from protection or those whose scope of protection for rights to commercial exploitation has expired.

CH0APTER ONE
Scope of Protection

Article 2

Protection conferred hereunder shall be benefited by the authors of works of art and parallel-right holders in case infringement is committed against their rights within the State; namely the following works:

1. Books, booklets, articles and other printed works.
2. Computer software and its applications, databases, and similar works as determined under a resolution by the Minister.
3. Lectures, sermons, preachments, and other similar works of art.
4. Drama and musical drama works and pantomime.
5. Musical works whether or not accompanied by language.
6. Audio, visual and audio-visual works of art.
7. Architectural works of art and engineering plans and drawings.
8. Works of drawing in lines or dyes, sculpture, engraving, impressions on stone, textile, wood or metals, or any similar works of fine arts.
9. Photographic works of art and the likes.
10. Works of applied or plastic arts.
11. Diagrams, geographical maps, sketches and plans, three-dimensional works pertaining to geography or topography or other architectural works and the likes.

12. Derivative works of art, without prejudice to the protection conferred on the works from which they are derived, including protection to the title of work of art if original, and the original written concept of broadcast programme.

Article 3

Protection shall not include the concepts, procedures, techniques, mathematical theories, or abstract principles and facts, yet shall apply to original expression of any of them. Protection shall not cover the following:

1. Official documents, regardless of the original or second language thereof, such as stipulations of laws, regulations, resolutions, international agreements, court judgements, arbitrators' awards, decisions issued by administrative committees of judicial competency.
2. News bulletins, accidents, and current events, which merely constitute informational news.
3. Works of art, which passed on to the public domain.

However, the items mentioned under paragraphs 1, 2 & 3 of this article shall benefit by protection if being distinctive in terms of arrangement, selection or any original efforts.

Article 4

The Ministry shall lay down the rules regulating the deposit of works and registration of their rights together with any dispositions thereof with the competent authority as determined under the Executive Regulations of the present law. The records for such deposit or registration with the Ministry shall be deemed as reference for the details of a work of art.

Failure to file a work of art or register its rights or any disposition thereof shall not entail any prejudice to any aspect of protection or rights conferred hereunder.

CHAPTER TWO

Author's Rights

Article 5

The author and his universal successors shall have the benefit of non-time-barred and non-assignable copyrights for a work of art, including the following:

1. Right to determine the publication of the work for the first time.
2. Right to ascribe the work to himself.
3. Right to object against any modification to the work, which modification entails any distortion, deformation of the work or prejudice to the author's standing.
4. Right to cease the distribution of the work in case serious justification arise. Such right can be acquired through the competent court, provided that he will be compelled with the payment of meritorious compensation to the parties to whom rights to commercial exploitation may pass on, within the duration as determined by the court and before a favorable judgement is granted, otherwise such judgement shall have no effect.

Article 6

Amendments to translation shall not be deemed as infringement, unless the translator fails to refer to deletions or amendments; or causes any prejudice to the author's standing.

Article 7

Only the author and his successor or the copyright holder may authorize the exploitation of the work of art, in any manner whatsoever, namely by way of copying including downloading, electronic saving, any drama performance, radio broadcast transmission and re-transmission, public performance or

communication, translation, rearrangement, amendment, renting out, borrowing, or publication in any manner including presentation via computers or information or communication networks or any other medium.

Article 8

The right to renting out shall not apply to computer software, unless such software is the core of hire; nor shall such right apply to audio-visual works of art, unless the same is prejudicial to the normal right of exploitation.

Article 9

The author and his successors may assign to a third party, whether a corporate or natural person, all or part of his rights to commercial exploitation set out herein, provided that such disposition is executed in writing and the subject matter together with the purpose, duration and territory thereof is specified. All the rights, which are not assigned shall remain the entire property of the author.

Without prejudice to the author's copyrights for literary works set out herein, the author shall not be entitled to perform any act, which may entail any impediment to the exploitation of the right, subject matter of disposition.

Article 10

The author and his successors may receive the consideration, cash or in kind, for the assignment of one or more of the rights to commercial exploitation for a work of art to third parties on the basis of proportional sharing of the exploitation proceeds. He can also enter into contract on lump-sum basis or a combination of the above.

Article 11

In case it is found that the agreement, referred to in Article 10 above, is or has on a later stage become prejudicial to the author's right or any of the parallel-copyright holders, the author, his successors or their respective successors, may apply

to the competent court to reconsider the value of consideration agreed upon.

Article 12

Without prejudice to the provisions of Article 9 herein, the assignment of rights to commercial exploitation pertaining to the computer software, its applications or databases, shall be subject to the licensing agreement associated or attached to the programme, whether appearing on the supporting bar or upon downloading or saving the programme on the computer screen. The buyer or user of the programme shall be bound to abide by the terms set out in the said agreement.

Article 13

Any disposition by the author in any manner, whether in the original or copy of his work of art, shall not, unless otherwise agreed, entail the assignment of any of the rights to commercial exploitation thereof.

However, it shall not be permissible, without prior consent, to obligate the party to whom the title to the copy was assigned to enable the author to copy, reproduce or exhibit such copy.

Article 14

Authors' rights to commercial exploitation for their published works may be seized; while works of art which are published posthumously can not be seized, unless it is conclusively evidenced that the author had intended to publish the same before his demise.

Article 15

Any disposition by the author in his future entire intellectual production or in more than five future works of art, shall be null and void.

CHAPTER THREE
Scope of Protection for
Parallel-Copyright Holders

Article 16

Performer artists and their universal successors shall benefit by a non-time-barred and non-assignable copyrights, under which they shall be entitled to:

1. Right to ascribe the work to themselves, whether live or recorded.
2. Right to cease any modification to the work, which modification entails any distortion, deformation of the work or prejudice to their standing.
The Ministry shall undertake the copyright after the elapse of the protection period for the rights to commercial exploitation stipulated hereunder for the purpose of protecting their performance as to its original fashion.

Article 17

Only performer artists shall benefit by following rights to commercial exploitation:

1. Right to transmission and exhibition of their unrecorded performance to the public.
2. Right to saving their performance on audio records.
3. Right to copying their performance kept on audio records.

Saving such live performance on a bar, renting out on direct or indirect commercial basis, transmission or presentation thereof in any medium without the consent of the copyright holder shall be deemed as illegal exploitation.

The provisions of this article shall, unless otherwise agreed

upon, apply to saving or recording any performer artist's performance of any audio-visual work of art.

Article 18

Only audio-record producers shall benefit by following rights to commercial exploitation:

1. Right to cease any exploitation of their records in any manner, without their authorization. Copying, renting out, broadcasting or re-broadcasting or presenting the same via computers or in any medium shall be deemed as illegal exploitation.
2. Right to publish their records via wired or wireless media, via computers or any other means.

Article 19

The broadcast authority shall benefit the following rights to commercial exploitation:

1. Right to grant authorization for exploitation of its records and programmes.
2. Right to cease any communication of its records or programmes to the public in any manner, without their authorization. Recording, copying, reproducing, renting out, broadcasting or re-broadcasting or presenting the same to the public in any medium shall be deemed as illegal exploitation.

CHAPTER FOUR
Term of Protection
Authorization to Exploit Works

Article 20

1. The author's rights to commercial exploitation, as stipulated herein, shall be protected during his lifetime and extend for 50 years commencing on the first of the calendar year following his demise.
2. The rights to commercial exploitation of authors of joint works of art shall be protected during their lifetime and extend for 50 years commencing on the first of the calendar year following the demise of last survivor.
3. The rights to commercial exploitation of authors of communal works of art, excluding authors of applied arts works, shall be protected for 50 years commencing on the first of the calendar year following the year of first publication in case the author is a corporate person; while the term of protection shall be subject to paragraphs 1 & 2 hereinabove in case the author is a natural person.

As to works published posthumously, the rights to commercial exploitation shall lapse 50 years commencing on the first of the calendar year following the year of first publication.

4. The rights to commercial exploitation of pseudonyms and anonymous works of art shall be protected for 50 years commencing on the first of the calendar year following the year of first publication; in case the author is or later becomes identified or known, the term of protection shall be subject to paragraph 1 hereinabove in case the author is a natural person.

5. As to applied arts works, the rights to commercial exploitation shall lapse 25 years commencing on the first of the calendar year following the year of first publication.
6. In the cases where the term of protection is calculated as of the date of first publication, the date of first publication shall be considered as the basis of calculation of the protection term, regardless of the republication, unless substantial amendments or modifications are incorporated by the author to the extent that the same becomes a different work of art.

In case the work is comprised of several parts or volumes published independently and in intervals, each part or volume shall, upon calculation of term of protection, be considered as an independent work of art.

7. The rights to commercial exploitation of performer artists shall be protected for 50 years commencing on the first of the calendar year following the year of performance; and in case such performance is saved on audio-records, the protection term shall be calculated as from the end of the year in which the same was recorded.
8. The rights to commercial exploitation of audio-record producers shall be protected for 50 years commencing on the first of the calendar year following the year of publication of record; or year of recording if not published.
9. The rights to commercial exploitation of broadcast authorities shall be protected for 20 years commencing on the first of the calendar year following the year of first transmission of the programme.

Article 21

Any person may apply to the Ministry to grant him a mandatory license for copying or translating, or both, any work protected under the provisions hereof, after the elapse of three years from the date of publication, in case of application for translation. The said license shall be granted under a justified resolution wherein the scope, duration and territory of exploitation shall be specified as well as the meritorious consideration payable to the author, provided that the purpose for issuing such license shall be always limited to meeting the requirements of all educational levels and types, public libraries, and learning institutions, as determined under the Executive Regulations hereof and any other conditions or restrictions for the issue of the said license, and in such manner to ensure the prevention of any avoidable prejudice to the lawful interests of the author and his successors or to the normal exploitation of the work.

Fees payable in this respect shall be determined under resolution from the Cabinet of Ministers.

Article 22

Without prejudice to the author's copyrights stipulated herein, the author shall not, after the publication of his work, be permitted to prevent third parties from performing any of the following acts:

1. Single-copying the work of art for exclusively private use on non-commercial and non-professional basis, excluding the applied and fine arts works unless exhibited in a public place and under the consent of the copyright holder or his successors, and excluding the architectural works, unless in conformity with the provisions of paragraph 7 of this article, and also excluding computer software, its applications and databases, unless in conformity with the provisions of paragraph 7 of this article.

2. Single-copying a computer software, its application, or databases on the initiative of the lawful holder thereof, who shall solely have the right to quote therefrom, provided that the same shall be carried out within the limits of the licensed purpose, or for the purpose of saving, or keeping back-up in case of damage, loss, or mal-functionality of the original, and provided that the back-up or quoted, even if downloaded or saved in a computer, should be destroyed upon the termination of the title document for the original.
3. Copying protected works for utilization in court proceedings, or the likes, within the limits of the requirements thereof, provided that the source and name of the author shall be indicated.
4. Single-photocopying the work of art on the initiative of the authorities of documentation, authentication, archives, public libraries, or attestation centres, which do not exploit the work for direct or indirect commercial purposes, in either of the following events:
 - A. That copying is intended to preserve or replace the original if lost, damaged, has become mal-functional, or it has become impossible to obtain a reasonable replacement.
 - B. That copying is intended to meet a natural person's need for study or research, provided that the same shall be carried out once or on intervals, only if it has become impossible to obtain the proper license in accordance with the provisions hereof.
5. Referring to, quoting, or citing short paragraphs or analyses within the familiar limits of the work of art, for the purpose of criticizing or discussing the work or

for informational purposes, provided that the source and name of author is indicated.

6. Performing the work of art in family meetings, by students within the educational facility, provided that such performance is without any direct or indirect consideration.
7. Exhibiting the works of architectural, applied, plastic and fine arts through broadcast programmes in case such works are permanently existent in public places.
8. Copying short parts in the form of written, audio, visual, audio-visual records for cultural and educational, religious or professional-training purposes, provided that such copying is within and not beyond reasonable limits; that the name of the author is indicated, and the title of the work, if possible, without direct or indirect commercial profitability; and that obtaining of copying license in accordance herewith is not possible.

Article 23

Without prejudice to the author's copyrights stipulated herein, the author shall not object to copying through newspapers, periodicals, or broadcast authorities, within the purpose-justified limits, any of the following:

1. Extracts from his work of art which were presented to the public in lawful manner, and the same applies to the communication of extracts from audio or visual works during current events, or the broadcast, or transmission thereof to the public in any other media.
2. Published articles pertaining to discussions in issues of public interest in a certain time, so long as no reference was made to prohibition upon the publication thereof.

In all the events set out in paragraphs 1 & 2 of this article, the name of the author and source where such extracts or articles were taken out should be indicated.

3. Sermons, lectures, preachments, and other similar works of art delivered in open sessions of prosecution boards, courts, and public meetings; so long as they are addressed to the public and copied while covering current events.

The author solely, or his successors, shall have the right to compile any of the works in volumes to be attributed to him.

Article 24

The restrictions on the author's right to commercial exploitation, as stipulated herein, shall apply to the parallel- rights holders.

CHAPTER FIVE
Special Provisions for
Certain Works of Art

Article 25

In case several persons contribute together to authoring a work of art to the extent that it is impossible to separate their respective shares, they shall, unless otherwise agreed in writing, be equally considered as the authors of such work. In this case, either of them shall be permitted to benefit solely by the copyrights without prior written agreement by them.

In case such contribution by the authors is of various types of arts within the same work, each of them shall have the right to independently exploit his contribution, provided that such exploitation shall not affect the entire right of exploitation of the whole work of art for the remaining co-authors, and unless otherwise agreed in writing.

Each of them shall also have the right to institute proceedings in case of any infringement or violation of any of the copyrights protected hereunder.

In case any of the co-authors dies without universal successor, his share shall, unless otherwise agreed, pass on to the surviving co-authors, or their successors.

Article 26

The corporate or natural person who directed the origination of communal work of art shall, unless otherwise agreed, be solely entitled to the rights to commercial exploitation and the copyrights conferred on such work.

Article 27

1. The following shall be considered as co-authors of an audio, visual, audio-visual work of art:

- A. Scenarist.
- B. Editor of an existing work of art to adapt the audio-visual technique.
- C. Dialogue writer.
- D. Music composer, if composed specifically for the work of art.
- E. Director, if he has a direct control over the completion of the work of art.

If the work of art is inferred or deduced from a precedent, the author of such precedent shall be considered as a co-author of the new work.

- 2. Writer of literary hemistich or composer of musical parts shall, unless otherwise agreed in writing, have the right to publish their respective works in any other way than that in which their joint work had been published.
- 3. The refrain of any co-author of a joint audio, visual or audio-visual work of art refrains from completing his own contribution shall not entail depriving the remaining co-authors from exploiting the part he has completed, without prejudice to the abstaining co-author's copyrights arising from his contribution to authoring.
- 4. The producer shall, during the term of exploitation of the audio, visual or audio-visual work of art agreed upon and unless otherwise agreed in writing, act for the authors of such work and their successors in the agreement upon exploitation without prejudice to the copyrights of authors of quoted or adapted literary or musical works of art.

The producer shall be considered as the publisher of such work of art and shall, within the limits of commercial exploitation, be entitled to the publication and copying copyrights.

Article 28

The author of pseudonymous or anonymous works of art shall be deemed to have authorized the publisher to undertake the rights stipulated herein, unless the author nominates another agent or reveals his identity or until the cloud on his identity vanishes.

Article 29

It shall not be permissible to impose attachment on, destroy, distort, or impound buildings for the purpose of protecting the copyrights of the architect whose designs, drawings or plans has been utilised in an unlawful manner, provided that the same shall not be prejudicial to his right to meritorious compensation.

CHAPTER SIX
Joint Management of
Copyrights & Parallel-Rights

Article 30

The holders of copyrights and parallel-rights may assign their respective rights to commercial exploitation to specialized professional associations to undertake the management of such rights; or to authorize other bodies to undertake the same.

Contracts concluded in this respect by the said associations or bodies shall be deemed as civil contracts.

Article 31

The associations or bodies, referred to in Article 30 herein, to whom works of art were entrusted for management, shall not exercise any partiality among contractual applicants in respect of the exploitation of such works. The granting of exploitation licenses by such associations or bodies against reduced material consideration, shall not be considered as partiality, provided that their decision is justified, in the following two events:

1. Exploitation of works of art in public celebrations by way of live performance artists.
2. Exploitation of works of art in cultural and educational activities without any direct or indirect proceeds.

Article 32

The associations or bodies undertaking the management of copyrights and parallel-rights shall not be permitted to carry on their activities without annual license issued by the Ministry. The Ministry shall have the right to include in the Executive Regulations any rules governing the operations of the said associations or bodies and to incorporate due amendments thereto.

Fees payable for the granting of the said licenses shall be determined under a resolution by the Minister.

Article 33

The associations or bodies undertaking the management of copyrights and parallel-rights shall keep proper records including the names and titles of their respective members as well as the works in respect of which they concluded contracts, reflecting the type of work, duration, and the consideration agreed upon. The said associations or bodies shall notify the Ministry of any changes to the said records. They shall also abide by the resolutions and administrative decisions issued by the Ministry. The Ministry shall have the right to rescind any license in case of any violation of the provisions of the present Law, Executive Regulations or administrative decisions by the said associations or bodies.

CHAPTER SEVEN
Precautionary Measures & Penalties

Article 34

The head of Court of First Instance, may, at the request of the author or his successor in case a work of art is published or exhibited without their written consent and under an order on petition, decide any of the following actions:

1. To provide a detailed description of the work of art.
2. To suspend the publication, exhibition, or production of the work of art.
3. To impose attachment on the original or copies of the work of art (whether being books, pictures, drawings, performances, photography, audio-records, broadcast programmes...etc.) together with the materials used for the re-publication, re-production or copying such work of art, provided that such materials are used only for such purpose.
4. To substantiate the public performance of rhythm, playing or vocalising the work of art to the public, and to suspend the present performance and prevent any future ones.
5. To quantify and in all events impound the revenues yielded from the publication or exhibition through an expert to be, if required, appointed.
6. To substantiate the fact of infringement of any of the rights protected hereunder.

The head of the court may, in all events, appoint an expert to assist the execution bailiff, and compel the applicant to deposit due security.

Applicant shall present the substance of dispute to the competent court within the 15 days following the issue of the order; otherwise the same shall have no effect or value.

Article 35

The party against whom the order is rendered may object before the head of the court who has issued the same within the 20 following days. In this case, the head of the court may uphold the order, cancel the same in whole or part, or appoint a receiver whose assignment shall be re-publication, exploitation, exhibition, production, copying the disputed work of art and the revenues yielded shall be deposited with the court treasury till the substance of dispute is finally decided on.

Article 36

The customs authorities may, at the request of the author, holder of the parallel-right, or their successors or on its own accord, issue a justified resolution to withhold, for not more than 20 days, any duplicate materials in violation hereof. The conditions, restrictions and procedures of such withhold as well as the documents to be annexed and the due monetary security to be deposited by the applicant to show seriousness shall be specified in the Executive Regulations. The application shall be decided on within 3 days from duly submitting the same. The applicant shall be informed upon the issue of the relevant decision.

In all events, the concerned persons shall not be denied access to the materials withheld by the customs authorities as per the restrictions specified in the Executive Regulations.

Article 37

Without prejudice to any severer punishment stipulated under any other law, any person, who performs any of the following acts without prior written consent of the author or parallel-right holder, shall be punished by detention for not less than two months and payment of fine not less than AED10,000:

1. Infringing any of the copyrights or rights to commercial exploitation of the author or parallel-right holder as stipulated herein, including presenting any work of art, performance, audio-record, or broadcast programme, being protected hereunder, to the public whether via computers, the Internet, information networks or any other communication networks or any other media.
2. Selling, renting out, and in any manner dealing in any work of art, performance, audio-record, or broadcast programme, being protected hereunder.
The punishment stipulated under the provisions of this article shall multiply according to the works of art, performances, or programmes, subject of infringement.

The person who recommitts such offence shall be punished by detention for not less than six months and payment of fine not less than AED50,000.

Article 38

Without prejudice to any severer punishment stipulated under any other law, any person, who performs any of the following acts without prior written consent of the author or parallel-right holder, shall be punished by detention for not less than three months and payment of fine not less than AED50,000 and not more than AED500,000:

1. Unlawful producing or importing for the purpose of selling, renting out, or dealing in any work of art or duplicate materials or any devices, media, or tools designed or created particularly to foil the protection or technique utilised by the author or parallel-right holder to transmit, deal in, organize, or manage such copyrights or maintain the certain qualities of copying.

2. Unlawful obstructing or impeding any protection to technology or electronic data meant for regulating and managing the copyrights specified herein.
3. Downloading or computer-saving any copy of computer software, its applications or databases without license from the author, copyright holder or their successors.

The person who recommitts such offence shall be punished by detention for not less than nine months and payment of fine not less than AED200,000.

Article 39

As an exception to the provisions of Article 37 herein, any person who uses a computer software, its applications or databases without prior license from the author or his successor, shall be punished by payment of fine not less than AED10,000 and not more than AED30,000 for each software, application, or database.

The person who recommitts such offence shall be punished by payment of fine not less than AED30,000.

In case such person commits the offence in the name or for the account of a corporate person, commercial or professional establishment, the court may determine its closure for not more than three months.

Article 40

Without prejudice to the punishments imposed under the provisions of Article 37, 38 & 39 herein, the court shall determine the confiscation and destruction of the duplicate materials, subject of or subsequent to infringement. It may also determine the seizure of the equipment or tools used exclusively in committing such infringement; the closure of the establishment, wherein the infringement is committed, for not more than six months; and the publication of outline of conviction judgement in one or more daily newspaper at the expense of the judgement debtor.

Article 41

Without prejudice to the punishments imposed under the provisions hereof, any person violates any other provision in the present Law, Executive Regulations or administrative decisions, shall be punished by detention for not more than six months and payment of fine; or either punishment.

CHAPTER EIGHT

Final Provisions

Article 42

The Ministry shall undertake any work of art in case of absence of heir, or trustee for the copyrights and commercial exploitation rights thereof. The Ministry shall continue to undertake such copyrights as stipulated herein for the purpose of preserving and protecting the work of art after the elapse of protection term granted to the commercial exploitation thereof.

Article 43

Any person takes a picture of another, in any manner whatsoever, shall not, unless otherwise agreed upon, have the right to keep, show, exhibit, communicate, distribute, or publish the original or copies thereof without the prior consent of the person to whom such picture had been taken; and unless such picture is relating to a public event or pertaining to official personalities, public figures or celebrities; or in case such publication is permitted by the authorities for the public interest; provided that such publication shall not entail any prejudice to the personality or standing of the person.

Such person depicted in the picture may, unless otherwise agreed upon, authorize newspapers and any other mass media to publish his picture, even if the party who has taken such picture does not consent.

Article 44

In case of conflict of laws, the provisions of the present Law shall apply to the works of art, performances, audio-records and broadcast programmes of the foreigners, only if reciprocal treatment is applied; and without prejudice to the provisions stipulated in any international treaty applicable in the State.

Article 45

The resolution determining the investigation officers who shall undertake the enforcement of the provisions hereof, shall be

issued by the Minister of Justice, Islamic Affairs & Awqaf shall, in conjunction with the Minister of Information & Culture.

Article 46

The resolution determining the fees payable for the procedures taken under the provisions hereof, shall be issued by the Cabinet of Ministers.

Article 47

The Executive Regulations and administrative decisions necessary to the enforcement hereof shall be issued by the Minister.

Article 48

The present Law shall supersede the Federal Law no. 40 of 1992, referred to hereinabove, and any other stipulation of law or legislation to the contrary or in conflict herewith.

Article 49

Any applicable regulations or resolutions shall, unless contrary to the provisions hereof, remain in force until the Executive Regulations and administrative decisions come into force.

Article 50

The present Law shall be published in the Gazette and shall come into force as from the date of publication.

Zayed Bin Sultan Al Nahyan
President of the U.A.E.

Issued at the Presidential Palace in Abu Dhabi:
On: 20th Rabia II, 1423 Hijri,
Corr: 1st July 2002.