

Federal law No . 7
Issued on 1/7 / 2002
Corresponding to 20 Rabi' al - Akhar 1423 H .
ON COPYRIGHTS AND RELATED RIGHTS 2

Abrogating

Federal law no . 40/1992 dated 28/9 / 1992

Amended by

Federal Law no . 32/2006 dated 1/10/2006

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

Pursuant to the perusal of the Constitution ; and

Federal Law no . 1 of 1972 regarding the jurisdictions of the Ministries and the competences of the Ministers and the amending laws thereof ; and

Federal Law no . 15 of 1980 regarding Printings and Publications ; and

Federal Law no . 40 of 1992 regarding the Protection of Intellectual Works and Copyrights ; and

Acting upon the proposal of the Minister of Information and Culture , the consent of the Cabinet and the approval of the Supreme Federal Council ;

Have promulgated the following law :

DEFINITIONS

Article 1

In the implementation of the provisions hereof , the following terms and phrases shall have the meanings assigned for each of them unless the context requires otherwise :

The State : United Arab Emirates .

The Ministry : The Ministry of Economy .

The Minister : The Minister of Economy .

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

The Author : The person who creates the work . Unless otherwise established , shall be considered the author of the work , any person whose name is mentioned thereon or if , upon publication , the work is attributed to him as being the author thereof .

Shall also be considered author , whoever publishes anonymous or pseudonymous work , or in any other manner , provided that there is no doubt as to the true identity of the author ; otherwise the publisher or producer of the work , whether a physical or juridical person , shall be deemed as representing the author in the exercise of his rights , until the true identity of the author is recognized .

Creativity : The innovative character that bestows genuineness and distinctiveness upon the work

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Owners of related rights : performers , producers of sound recordings and broadcasting organizations , as defined in this Law .

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

Producers of Sound Recordings : Any physical or juridical person who first records sounds of a performer , or other sounds .

Broadcasting Organization : Any Body that performs wireless audio , visual or audiovisual broadcasting .

Broadcasting : The audio , visual or audiovisual transmittal of work , performance , sound recordings or program and its recording , to the public by wireless means . Transmission via orbits and satellites shall also be deemed broadcasting .

Publication : Availability to the public , in any manner whatsoever , of the work , sound recording , broadcast programs , or any public performance .

Public performance : Any performance that creates a direct link between the public and the work , live or recorded , such as acting for dramatic works ; presentation or performance for artistic works ; projection for audiovisual works ; playing for musical works ; or recital for literary works .

Public communication : Wire or wireless transmission of a work , a performance of sound recording or of a broadcast program , enabling reception thereof only by other than members of the family and close friends , in any place other than the place of transmission ; regardless of the time , place or manner of reception .

Copying : The making of one or more copy of a work , sound recording , broadcast program , or any performance in any manner or form , including loading or permanent or temporary electronic storage , regardless of the method or device used in copying .

Sound recording : Any fixation of a group of oral sounds constituting a particular performance ; regardless of the manner of fixation or the device that has been used . This includes the process of fixing sounds with images to produce an audiovisual work ; unless otherwise agreed .

Producers of audiovisual works : A physical or juridical person providing the necessary facilities for producing an audiovisual work and assumes the responsibility of such achievement .

Collective work : The work achieved by a group of authors under the guidance of a physical or juridical person assuming the duty of its publication in his name and under his own direction .

The contribution of such authors shall be incorporated in such work within the common aim targeted by such person so that it becomes impossible to separate the contribution of each author distinctively .

Joint work : The work realized through the participation of a number of persons , whether the share of each one of them may be separated or not , and which is not included in the category of collective works .

Derivative work : The work that originates from a preexisting work , such as translations .

The collections of literary and artistic works and collections of folklore expressions shall also be deemed derivative works , as long as they are innovative in their arrangement or the choice of their contents .

National Folklore : Every expression of popular traditions be it verbal , musical , through artistic gestures or touch grouped in distinctive elements reflecting the traditional artistic heritage originating or preserved in the State , and which may not be attributed to a known author .

Public domain : All works that are initially excluded from protection , or that which the period of protection of their patrimonial rights have expired .

CHAPTER ONE

SCOPE OF PROTECTION

Article 2

Authors of the works and owners of related rights shall enjoy the protection provided for in this Law , in case of violation of their rights within the State , namely as concerns the following works :

- 1 - Books , pamphlets , articles , and other written works .
- 2 - Computer programs and applications , databases , and similar works as determined by a ministerial decision .
- 3 - Lectures , speeches , sermons , and any other works of similar nature .
- 4 - Theatrical works , musical shows and pantomime .
- 5 - Musical compositions with or without words .
- 6 - Audio , visual or audiovisual works .
- 7 - Architectural works , and engineering drawings and layouts .
- 8 - Works of drawing in lines or colors , sculpture , engravings , lithography , printing on textiles , wood and metals , and any similar works of fine arts .
- 9 - Photographic and analogous works .
- 10 - Works of applied arts and plastic arts .
- 11 - Illustrations , geographical maps , sketches , and three - dimensional works relative to geography , topography or architecture and others .
- 12 - Derivative works , without prejudice to the protection prescribed for the works from which it has been derived .

Protection shall include the title of the work , if innovative , as well as the written innovative broadcast program .

Article 3

Protection shall not include ideas , procedures , work methods , mathematical concepts , abstract principles and facts , but shall however extend to the innovative expression of any thereof .

Likewise , protection shall not include :

1 - Official documents regardless of their original language or the language in which they were reproduced such as texts of laws , regulations , decisions , international conventions , court decisions , arbitral awards , and decisions issued by administrative committees having judicial competence .

2 - News and reports about incidents and current events which constitute mere information releases .

3 - Works that have fallen into public domain .

Nevertheless , the items mentioned in paragraphs 1,2 and 3 of the present Article shall be protected , if their compilation , arrangement or any effort deployed in their respect are innovative .

Article 4

The Ministry shall draw up a scheme for depositing or registering the rights related to works , and all acts of disposal occurring thereto , with the competent authority as prescribed by the Implementing Regulation to the Law .

Registers of depositing or registering the rights kept with the Ministry shall be deemed a reference as concerns the work particulars .

Failure to deposit the work or register its rights or the acts of disposal thereof shall not impair in any manner whatsoever the protection or the rights prescribed by the present Law .

CHAPTER TWO

COPYRIGHTS

Article 5

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

1 - The right to decide publishing the work for the first time .

2 - The right to claim paternity of the work .

3 - The right to object to any alteration of the work if such alteration shall cause distortion or mutilation to the work , or be prejudicial to the standing of the author .

4 - The right to withdraw his work from circulation in case serious justifiable reasons occur . The exercise of such right shall be through the competent court and , in this case the right owner shall be condemned to pay in advance a fair compensation to the assignee of the financial exploitation rights within the period specified by the court and prior to the execution of the judgment , failing which the said judgment shall be devoid of any effect .

Article 6

Amendment of translation shall not be deemed an infringement , unless the translator has omitted reference to where the cancellation or change occurred ; or by his act has caused prejudice to the author's standing .

Article 7

The author alone and his successors , or the owner of the author's right may authorize the exploitation of the work , in any manner whatsoever , namely through reproduction , including loading or electronic storage ; acting , in any manner ; broadcasting ; re - broadcasting ; public performance or communication ; translation ; assimilation ; modification ; rental ; lending ; or publication in any manner , including making it available through computers , data or communication networks or any other means .

Article 8

The right to rent shall not apply to computer programs , unless such program is , in itself , the principal object of the rent . It shall not equally apply to audiovisual works should it not affect the normal exploitation thereof .

Article 9

The author or his successors may transfer some or all of his financial rights stated in the present Law to third parties , whether they be physical or juridical persons .

The validity of such transfer shall require that it be in writing and specifying the transferred right together with mentioning the object of such transfer , duration and place of exploitation .

The author shall be the owner of all the financial rights that have not been explicitly assigned .

Without prejudice to the moral rights of the author provided for in this Law , the author may not take any action that is likely to impair the exploitation of the disposed right .

Article 10

The author or his successor may receive consideration , in cash or in kind , for the transfer of one or more of the financial exploitation rights of the work to third parties . Such consideration shall be in the form of percentage participation in the income generated from the exploitation . The author may further contract on lump sum basis or combine both bases .

Article 11

Should the agreement referred to in Article 10 of this Law appear to be unfair to the author or to any of the related rights owners or should it become so due to circumstances subsequent to the conclusion of the contract , the author , his successors or their successors may resort to the competent court asking for the review of the agreed consideration .

Article 12

Without prejudice to the provisions of Article 9 of the present Law , the transfer of financial rights concerning the works of computer programs and applications thereof or databases , shall be subject to the contract license mentioned or affixed on the program , either appearing on the support that carry the program , or on the computer screen , upon downloading or storing the program . The purchaser or user of such program shall be bound by the terms included in such license .

Article 13

Unless otherwise agreed , the author's disposal , by any means , of the original copy of his work , shall not entail the transfer of the financial rights thereon .

Nonetheless , the transferee , to whom the property of such copy has passed , may not , without prior agreement , be bound to allow the author to reproduce , transfer or display it .

Article 14

The financial rights of authors on their published works may be seized by distress but not those whose owner passed away prior to its publication , unless it is established that he intended to publish it prior to his death .

Article 15

Shall be absolutely null and void the author's disposal of his total future intellectual production , or of more than five future works .

CHAPTER THREE

SCOPE OF PROTECTION OF OWNERS OF RELATED RIGHTS

Article 16

Performers and their general successors shall enjoy a moral right , not subject to assignment or prescription , entitling them to the following :

- 1 - Attribute the live or recorded performance to themselves ; and
- 2 - Prohibit alteration , distortion , mutilation or modification of their performance , in a manner that is prejudicial to their standing .

After the lapse of the period prescribed for protection of financial rights provided for in this Law , the Ministry shall exercise such moral right , for the purpose of maintaining their performance in its best creative shape .

Article 17

Performers shall exclusively enjoy the following financial rights :

- 1 - The right to transmit and communicate their unfixed performance to the public .
- 2 - The right to fix their performance on sound recordings .

3 - The right to reproduce their fixed performance on sound recordings .

Shall be deemed prohibited exploitation by third parties , recording of such live performance on a tangible support ; the rental of such support for the purpose of obtaining direct or indirect commercial returns ; its transmission or making it available to the public , in any manner , without previous consent from the right owner .

Unless otherwise agreed , the provision of this Article shall apply to the fixation of performance made by the respective performers within an audiovisual work .

Article 18

Producers of sound recordings shall exclusively enjoy the following financial rights :

1 - The right to prohibit any exploitation of their recordings , in any manner , without obtaining their authorization . Shall be considered third parties' prohibited exploitation , their reproduction , rental , broadcasting , re - broadcasting or making them available to the public , through computers or any other means .

2 - The right to diffuse their recordings through wire or wireless means , or through the computers or any other means .

Article 19

The broadcasting organization shall exclusively enjoy the following financial rights :

1 - The right to grant license for exploitation of its recordings and broadcasts .

2 - The right to prohibit any communication to the public of its programs and recordings thereof , without its previous authorization . Third parties shall particularly be prohibited from recording such programs by copying , reproducing , renting , re - broadcasting , or communicating its recordings to the public in any manner whatsoever .

CHAPTER FOUR

PROTECTION TERM AND THE LICENSE TO USE THE WORKS

Article 20

1 - The financial rights of the author provided for in this Law are protected all through the lifetime of the author and fifty years thereafter commencing as of the beginning of the calendar year subsequent to the author's death .

2 - The financial rights of the authors of joint works are protected all through the lifetime of all of them and fifty years thereafter commencing as of the beginning of the calendar year subsequent to the death of the last surviving author .

3 - The financial rights of authors of collective works , excluding the authors of applied arts works , are protected for a term of fifty years commencing as of the beginning of the calendar year following the year of the first publication thereof , should the author be a juridical person .

In case the author is a physical person , the calculation of the protection term shall be computed on basis of the rule provided for in clauses 1 and 2 of this Article .

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

4 - The financial rights of anonymous and pseudonymous works are protected for a period of fifty years as of the beginning of the calendar year subsequent to the year in which such works have been first published . In case the author of such works has been known or specified or has disclosed his identity , the clause 1 of the present Article .

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

6 - In case the protection term is computed as of the date of first publication , such date shall be taken as a basis for calculating the term ; irrespective of re - publication unless the author has entered substantial modifications on such work upon re - publication , so that it may be considered a new work .

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

7 - The financial rights of the performers are protected for a period of fifty years as of beginning of the calendar year subsequent to the year in which the performance has taken place . If the performance is fixed on a sound recording , the period shall be calculated as of the end of the year in which the work has been fixed .

8 - The financial rights of the producers of sound recordings are protected for a period of fifty years as of the beginning of the calendar year subsequent to the year in which the recording has been published ; or the year in which the recording has been fixed , if not published .

9 - The rights of broadcasting organizations are protected for a period of twenty years as of the beginning of the calendar year subsequent to the year in which such broadcasts have been first transmitted .

Article 21

Any person may request from the Ministry to be granted a compulsory license for reproducing and / or translating any work protected in accordance with the provisions of the present Law , after the lapse of three years as of the date of publishing such work , in case of a license for translation . Licenses shall be issued , pursuant to a justified decision , in which is specified the scope of time and place of its exploitation as well as the fair consideration due to the author , provided however that the objective of issuing such license shall always be restricted to the fulfillment of the requirements , of all kinds and on all levels , of education ; or the requirements of public libraries and archives . The above shall be done in accordance with the instances ,

constraints and conditions of issuing the license as stipulated by the Implementing Regulation of the present Law , and in the manner that ensures that no prejudice shall be unjustifiably caused to the legitimate interests of the author or his successor or to the normal exploitation of the work . The fees applied in this respect shall be determined by a Cabinet decision .

Article 22

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

1 - Reproducing one single copy of the work to be personally used by the reproducer himself , for non - profit and non - professional purposes ; with the exception of works of fine or applied arts , unless exposed in a public place with the consent of the right owner or his successor , as well as architectural works , except as stated in clause 7 of this Article , computer programs , and applications thereof and databases , except as stated in clause 2 of this present Article .

2 - Making one single copy of the computer program or applications thereof or of the databases , with the knowledge of the legitimate possessor thereof . Such person may alone make extracts thereof provided that they fall within the licensed purpose or for the purpose of saving or substitution in case the original copy is lost , damaged or becomes unfit for use ; and on condition that the spare or extracted copy be destroyed , even if downloaded or stored in the computer hardware , once there is no more reason for keeping the original copy .

3 - Reproducing protected works for use in judicial proceedings , or their equivalent , within the limits prescribed by such procedures , with mention of the source and the name of the author .

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

a - Reproduction is made for the purpose of preserving the original copy or of substituting a lost , damaged copy or one unfit for use , if it has become impossible to obtain a substitute thereof under reasonable conditions .

b - The purpose of reproduction is the satisfaction of a request made by a physical person , to use it in a study or research provided it is done only once and on different intervals in case it was impossible to obtain a license for reproduction pursuant to the provisions of the present Law .

5 - Citations of short paragraphs , excerpts , or analyses , within the customary limits of the work , for the purpose of criticism , discussion or information , with mention of the source and name of the author .

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

7 - Exhibiting works of fine , applied , plastic or architectural arts in broadcasts , if such works permanently exist in public places .

8 - Reproducing short abstracts of a work in the form of manuscripts or audio , visual , or audiovisual recordings , for the purposes of cultural or religious education , or vocational training

provided that reproduction is made within the reasonable limits and does not go beyond the purpose thereof ; mention shall be made of the name of the author and the title of the work , whenever possible ; the reproducer shall not directly or indirectly seek profit ; and it was not possible to obtain a license for reproduction pursuant to the provisions of the present Law .

Article 23

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

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

2 - Published articles relating to discussions of issues , which have preoccupied public opinion at a certain time ; as long as upon publication such articles were not prohibited .

In all instances provided for in clauses 1 and 2 of the present Article , mention shall be made to the source from which the above have been taken and to the name of the author .

3 - Speeches , lectures , and addresses delivered in the course of public sessions of the Parliament , judicial councils and public meetings ; so long as such speeches , lectures and addresses are addressed to the public , and are reproduced within the framework of reporting current news .

Only the author or his successor shall have the right to compile such works in compilations attributed to him .

Article 24

Restrictions applicable to the financial rights of the author provided for in the present Law shall apply to the holders of related rights .

CHAPTER FIVE

PROVISIONS RELATED TO SPECIFIC WORKS

Article 25

In case of works written by joint authors , in such a manner as it is impossible to separate the share of each from the others , all joint authors shall be deemed equal authors of the work ; unless otherwise agreed in writing . In which case , no author may individually exercise the copyrights except by virtue of an advance written agreement reached between them .

If the participation of each of the authors in the same work is classified under a different kind of art , each author may separately exploit the part in which he participated provided that this does

not cause prejudice to the exploitation of the work with respect to the others , unless otherwise agreed upon in writing .

Each author may file a case in court , upon occurrence of a trespass on any of the copyrights protected by this Law .

In case of death of any of the joint authors , without leaving a general successor , his share shall be transferred to the rest of the joint authors or their successors thereafter , unless otherwise agreed upon in writing .

Article 26

Unless otherwise agreed , any physical or juridical person who directed the creation of a collective work may alone exercise the moral and financial rights thereon .

Article 27

1 - Shall be considered a partner in an audiovisual , audio or visual work :

- a - The scenarist ;
- b - The adaptor of an existing literary work , so that it becomes suitable for the audiovisual style ;
- c - The dialogist ;
- d - The music composer if composing such music especially for the work ; and
- e - The director , if effectively controlling the achievement of the work .

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

2 - Unless otherwise agreed in writing , the author of a literary or musical partition may publish his respective partition in a manner other than that specified for publishing the joint work .

3 - If one of the joint authors of an audiovisual , audio or visual work abstains from completing his part of the work , the other joint authors shall not be consequently prevented from exploiting the accomplished portion , without prejudice to the rights of the abstaining party resulting from his participation in the authorship of the work .

4 - All through the period of exploitation of an audiovisual , audio or visual work that has been agreed upon , the producer shall be the representative of the authors of such work and of their successors in the agreement on the exploitation of such work ; without prejudice to the rights of the authors of the extracted or adapted literary or musical works ; unless otherwise agreed upon in writing .

The producer shall be deemed the publisher of such work and shall be entitled to the publisher's rights thereon and on its copies , within the purposes of commercial exploitation .

Article 28

The author of an anonymous or pseudonymous works shall be deemed to have given authority to the publisher of such work to exercise the rights provided for in the present Law , unless the author appoints another proxy or declares his identity and proves it or if there is no doubt as to his real identity .

Article 29

Buildings may neither be attached nor their destruction , change of their characteristics or confiscation be ordered , for the purpose of preserving the architectural rights of the author whose engineering designs , drawings or sketches have been unduly used ; without prejudice to his right to a fair compensation .

CHAPTER SIX

COLLECTIVE MANAGEMENT OF THE COPYRIGHTS AND RELATED RIGHTS

Article 30

Holders of copyrights and related rights may assign their financial rights to specialized professional associations in order to manage such rights , or entrust to other bodies the exercise of such rights .

Contracts concluded in this respect through such associations or bodies , shall be construed as civil contracts .

Article 31

The associations or bodies provided for in Article 30 of this Law shall not discriminate between the applicants requesting to conclude agreements therewith for the exploitation of works whose management is entrusted to them . Shall not be considered discrimination the act of delivering , by the association or body , exploitation licenses against reduced financial consideration , in the following two instances , provided their decision is justified :

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

Article 32

Associations or bodies that assume the management of copyrights and related rights may not perform their activities without an annual license delivered by the Ministry . The Ministry shall add to the Implementing Regulation any rules regulating the work of such organizations and bodies , and shall enter the necessary amendments to the rules and regulations governing the licenses and the manner of carrying out their work .

The fees for granting such license shall be determined by a Cabinet decision .

Article 33

The associations and other bodies that assume the management of the copyrights and related rights shall hold registers of the names and capacities of the members thereof and the works they

contracted , stating the kind and duration of the work and the agreed amount . They must inform the Ministry whenever there is a change of entries in these registers . These associations and bodies shall have to comply with the administrative regulations issued by the Ministry . The Ministry may withdraw the license in case of non - compliance by these associations and bodies with the provisions of the laws , regulations and administrative decisions in implementation thereof .

CHAPTER SEVEN

PRECAUTIONARY MEASURES AND PENALTIES

Article 34

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

- 1 - Making detailed description of the work .
- 2 - Stopping the publication , exhibition or production of the work .
- 3 - Seizing the original or copies of the work , (whether books , pictures , drawings , performances , photographs , sound recordings or broadcasts , or otherwise) ; as well as the devices that are used in re - publishing or reproducing such work , provided that such devices are not valid except for re - publishing or reproducing of the work .
- 4 - Establishing public performance as regards playing , acting or reciting a work to the public and preventing the going exhibition or prohibiting it for the future .
- 5 - Computing the income generated from the publication , performance or exhibition , by an expert appointed for this purpose , if necessary , and seize such income in all instances .
- 6 - Establishing the fact of trespassing on any of the rights protected under the present Law .

The President of the Court of First Instance may , under all circumstances , order the appointment of one or more experts for assisting the process server charged with execution ; and may also order the claimant to deposit an adequate guarantee .

The claimant shall submit the dispute to the competent Court within the fifteen days following the issue of the injunction order , failing which it shall be of no effect .

Article 35

The party against whom the injunction is issued may submit a grievance against the said injunction to the President of the court that has issued it , within twenty days following the date of its issuance . In this case the President of the court shall either confirm it or cancel it totally or partially or appoint a guardian whose assignment is to re - publish the work under litigation , exploit it , exhibit it or make copies thereof . The income resulting therefrom shall be deposited with the court's treasury until settlement of the dispute .

Article 36

Customs authorities may , on its own or upon request from the author or right holder or successors thereof , and pursuant to a justified decision , order the non - release from customs , for a maximum period of twenty days , of any counterfeited goods in violation of the provisions of this Law . The Implementing Regulation shall determine the terms , constraints and procedures governing the application for non - release , the documents that shall be attached thereto and the adequate financial amount of the guarantee to be deposited by the applicant to ensure the seriousness of the application . A decision shall be taken in respect of such application within three days as of the date on which it has been duly submitted and the applicant shall be notified of such decision upon its issuance .

In all cases , the customs authorities may not prevent the concerned parties from inspecting the goods , subject to an order of non - release in accordance with the terms specified in the Implementing Regulation .

Article 37

Without prejudice to any severer penalty provided for in any other law , any person committing one of the following acts without written authorization from the author or holder of the related rights or successors thereof shall be sentenced to imprisonment for a minimum period of two months , and to a fine amounting to AED 10.000 at least , and AED 50.000 at most , or to either penalty :

1 - Trespassing one of the moral or financial rights of the author or the holder of the related rights provided for in this Law , including put any work , performance , sound recording or broadcast , protected pursuant to this Law , within the reach of the public , either through computers , internet , information and communication networks , or other means or devices .

2 - Selling , renting or offering for circulation , in any manner , a work , sound recording , or broadcast protected under the provisions of this Law .

Penalties provided for in the present Article shall be repeated according to the number of incriminated works , performances , programs or sound recordings .

In case of recurrence , the penalty shall be imprisonment for a minimum period of six months and a fine amounting to AED 50.000 at least .

Article 38

Without prejudice to any severer penalty provided for in any other law , a penalty of imprisonment for a minimum period of three months and a fine amounting to AED 50.000 at least and AED 500.000 at most shall be imposed upon any person committing any of the following acts :

1 - Unduly manufacturing or importing , for the purpose of sale , rental or circulation , any counterfeited work or copies thereof , any apparatuses , equipment , devices or materials specially designed or prepared for defrauding protection or technology used by the author or

holder of related right for transmitting , offering for circulation , regulating or managing such rights ; or preserving a specific standard of purity of the copies .

2 - Unduly disrupting or impairing any technical protection or electronic data aiming at regulating and managing the rights prescribed by this Law .

3 - Downloading or storing in the computer any copy of the computer program or applications thereof or databases , without obtaining a license from the author or right holder or successors thereof .

In case of recurrence , the penalty shall be imprisonment for a minimum period of nine months and a fine amounting to AED 200.000 at least .

Article 39

Excepted from the provision of Article 37 of this Law , any person using a computer program or applications thereof or databases , without obtaining in advance a license from the author or successors thereto , shall be sentenced to a fine amounting to AED 10.000 at least and AED 30.000 at most for each program , application or database .

In case of recurrence , the penalty shall be a fine amounting to AED 30.000 at least .

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

Article 40

Without prejudice to the penalties stipulated in Articles 37,38 and 39 of this Law , the court shall order the confiscation and destruction of counterfeited copies subject of the offence or copies reproduced therefrom ; as well as the confiscation of the equipment , and devices used in the perpetration of the offence , and which cannot be used for any other purpose ; closing , for a period not exceeding six months , of the establishment in which the counterfeiting has been committed ; for a period not exceeding six months ; and publication of the summary of the court ruling in one or more daily newspapers on the expense of the condemned party .

Article 41

Without prejudice to the penalties provided for in this Law , a penalty of imprisonment for a period not exceeding six months and / or a fine shall be imposed upon any person violating any other provision included in this Law or the regulations or orders issued in implementation thereof .

CHAPTER EIGHT

FINAL AND GENERAL PROVISIONS

Article 42

The Ministry shall exercise the moral and financial copyrights upon any work , in case of absence of any heir or legatee . The Ministry shall continue preserving the work , after the termination of the period of financial protection prescribed for the work .

Article 43

Unless otherwise agreed , whoever makes a photograph of another , in any manner whatsoever , has no right to keep , exhibit , publish or distribute the original or copies thereof , without authorization from the person who appears in the photo . Nevertheless , the photo may be published if made on occasion of public events , or relating to official or public persons or enjoying celebrity ; or if the publication was authorized by the public authorities as a service for public interest ; provided that the exhibition or circulation of the portrait does not prejudice the position of the person concerned by this photo .

Unless otherwise agreed , this person may authorize publishing the photo in the newspapers and other publishing media even though the photographer did not acquiesce .

Article 44

Without prejudice to the provisions of international conventions applicable in the State ; shall be applied , in case of conflict of laws , the provisions of this Law shall apply on works , sound recordings , broadcast programs relative to foreigners , on condition of reciprocity .

Article 45

The Minister of Justice , Islamic Affairs and Endowments shall issue , in agreement with the Minister of Economy , a decision determining the civil servant , having the capacity of judicial officers , entitled to implement the provisions of the present Law .

Article 46

Fees to be charged for the procedures followed in accordance with the present Law shall be fixed by a Cabinet decision .

Article 47

The Minister shall issue the regulation and decisions necessary to implement the provisions of this Law .

Article 48

The Federal law no . 40 of 1992 [2](#) referred to hereinabove , and any other provision contradicting the provisions hereof herein shall be abrogated .

Article 49

Applicable regulations and decisions shall remain in effect in as far as they do not contradict the provisions of this Law , until the coming into force of the regulation and decisions issued in implementation thereof .

Article 50

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

Promulgated by Us at the Presidential

Palace in Abu Dhabi

On 20 Rabi' al - Akhar 1423 H .

Corresponding to 1 July 2002

Zayed Bin Sultan Al Nahyan

President of the United Arab Emirates State

This Federal Law has been published in the Official Gazette , issue no . 383 p . 11 .