

LAW OF COPYRIGHTS AND NEIGHBORING RIGHT

Chapter I Definitions

Article (1):

For the purposes of the application of the provisions of this Law, the following words and expressions shall have the meanings given below, unless otherwise required by the context:

1. Author: The natural person who creates the work.
2. Work: Any production in the literary, artistic or scientific domain, of whatever type, way of expression, importance or purpose.
3. Creation: The creative nature, which gives originality and distinction to the work.
4. Collective work: Any work created by a group of authors under the supervision of a natural or legal person who undertakes to publish under his own liability and supervision. The efforts of authors shall be integrated in the general objective when it is not possible to separate the share of all authors and distinguish it independently.
5. Joint work: Any work created with the contribution of many persons irrespective of whether it is possible or not to distinguish the share of each, unless otherwise agreed, and which is not classified under collective works.
6. Derivative work: Any new work created and produced from an existing one, like translations, adaptations, arrangements, and similar alterations.
7. Audio-visual work: The work composed of a series of linked images giving the impression of motion and recorded on medium or any other devices, either along with audio or not.
8. Work of Applied Arts: Any artistic creation of useful functions or integrated into a tool for use concerning a work for producing traditional or industrial crafts.
9. Work of Photography: Any recording of light or any other radiation on a medium producing an image or from which an image can be produced, whatever is the technical nature through which the recording was accomplished (chemical, electronic or other).
10. Expressions of national folklore: Any expression or production of distinguishable elements reflecting the traditional popular heritage that was originated developed and maintained in the Sultanate of Oman to express the traditional cultural identity which is communicated through generations, including particularly the following expressions:
 - Oral expressions such as popular stories, anecdotes, sayings, mysteries, poems and other folklores.

- Musical expressions such as folk songs accompanied by musical instruments.
 - Movement performances such as dances, popular artistic presentations and traditional popular rituals.
 - Concrete expressions such as drawings or paintings, sculptures, pottery, porcelain, carving, sculpture, mud, engraving on wood and metals, jewelry, needlework, textiles, clothing, carpets, traditional musical instruments, architectural forms and all products of plastic folk art.
11. Reproduction: Making one or more copies of a work, performance, or sound recording by any means and in any form, including permanent or temporary electronic storage, printing and photocopying of a work or sound recording.
12. Publication: Making available or offering, to the public, in reasonable quantities, tangible copies of a work, sound recording, broadcasting programs or performance by any means, with the consent of the right owner, for sale, rental, public lending or other transfer of the ownership or the possession of the copies.
13. Sound recording: The fixation of the sounds of a performance or of other sounds, or of a representation of sounds, other than in the form of a fixation incorporated in an audio-visual work
14. Producer of sound recording: The natural or legal person, who takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representations of sounds.
15. Producer of audio-visual work: The natural or legal person, who takes the initiative and responsibility for making the audio-visual work
16. Neighboring rights: The rights of the performers, producers of sound recordings and broadcasting organizations.
17. Performers: The persons, who act, sing, orate, recite, play, dance or otherwise perform other works and national folklore expressions.
18. Public domain: The property, which include all works excluded from protection or of which the term of protection of economic rights expires in accordance with the provisions of this law.
19. Broadcasting: Transmission of sounds or sounds and images, or transmission of any representation thereof, by wireless means - including transmission by satellite – to the public. It is considered as broadcasting the wireless transmission of encrypted signals if the means for decoding are provided to the public by the broadcasting organization or with its consent. Broadcasting does not include transmissions over computer networks or any transmission where the time and place of reception may be individually chosen by members of the public.

20. Public Performance: Any action presenting the work to the public of any variety including acting, playing music, singing, declaiming or dancing whereby a contact is established between the public and the work through direct performance or any other means.

21. Communication to the public: Transmission, by wired or wireless means of a work, performance, sound recording or broadcasting program, in a way to allow individuals, other than family members and their closest friends, to receive the transmission in any place other than the origination point of the transmission, including the making available to the public of the work, performance, sound recording or broadcasting program in such a way that members of the public may access them from a place and at a time individually chosen by them.

22. Broadcasting organizations: The authority, which transmits, by wireless means, audio or audio-visual broadcasting.

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

24. Rights Management Information: Information that identifies

(1) a work, performance, or sound recording **or broadcasting program;**

(2) the author of the work, the performer of the performance, or the producer of the sound recording **or broadcasting organizations;**

(3) the owner of any right in the work, performance, sound recording **or broadcasting program;**

(4) information about the terms and conditions of the use of the work, performance, sound recording or **broadcasting program;**

(5) any numbers or codes that represent such information.

When any of these items is attached to a copy of the work, performance, or sound recording, or appears in connection with the communication or making available of a work, performance, or sound recording **or broadcasting program** to the public.

25. Fixation: The embodiment of sounds, or of the representations thereof, from which they can be perceived, reproduced, or communicated through a device.

26. service provider: A provider or operator of facilities for online services or network access, including, but not limited to, a provider of transmission, routing, or connections for digital online communications, without modification of their content, between or among points specified by the user, of material of the user's choosing. **This paragraph has been redrafted in two items (a & b)**

Chapter II

Scope of Protection

Article (2):

The created works of literature, arts and science shall enjoy protection under this law regardless of their value, type, and way of expression or purpose of their production. The protection shall include:

1. Books, booklets, articles, pamphlets and other written works.
2. Computer programs and databases whether readable from the computer or other.
3. Works that are orally recited such as lectures, speeches, discussions and other oral works.
4. Dramatic, musical and choreographic works, silent shows (pantomimes) and other works made for acting performance.
5. Musical compositions with or without words.
6. Audio-visual works.
7. Works of drawing, painting, architecture, sculpture, lithography, printing on fabric, wood or metals, and any similar works in fine arts.
8. Photographic works and similar.
9. Works of applied and plastic arts either handcrafted or industrial.
10. Illustrations, geographical maps, plans, sketches and three-dimensional works related to geography, topography or architecture.
11. The title of the work, if created.

Article (3):

The following shall enjoy the protection under this law:

1. Derivative works.
2. Collections of works, such as encyclopedias, which by reason of the selection and arrangement of their contents constitute intellectual creations.
3. Compilations of data or other material, whether in machine readable or other form, which by reason of the selection and arrangement of their contents constitute intellectual creations.

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

Article (4):

Protection shall not cover mere ideas, procedures, working methods, mathematical concepts, principles, discoveries and data.

Additionally, protection shall not cover the following:

1. Official documents of whatever original language or translated language, as texts of laws, regulations, decisions, agreements, international conventions, judicial orders, judgments of arbitrators and decisions issued by administrative committees with judicial competence, as well as official translations.

2. News of the day and current events which are mere journalistic information.

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

Chapter III **Author's rights**

First: Moral rights**Article (5):**

The author and his public successor shall enjoy non-prescriptive and non-transferable moral rights, such as:

1. Right to claim authorship of the work or to use a pseudonymous name or to keep his name anonymous.

2- Right to decide the publication of his work for the first time .

3. Right to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the work, which would be prejudicial to his honor or reputation.

Any disposal of any of the moral copyrights, stipulated under this law, shall be completely void.

The competent authority shall succeed to these moral rights, stipulated under this law, in the absence of a public successor for the author.

Articles 6 & 7 have been combinedin 2 paragraphs at the end of article 5 .

Article (6):

The author and his public successor shall have the exclusive right to authorize or prohibit using his work in any way, in particular by means of reproduction, broadcasting, re-broadcasting, public performance, communication to public, translation, modification, rental, lending or access to public including access through computers, internet or other communication networks and the making available to the public of the original and copies of their works through sale or other transfer of ownership

This article has been redrafted in seven items (a.....to.... g)

Article (7):

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

Article (8):

The right owner or his successor shall have the right to transfer to a third party, being a natural or legal person, all or part of his economic rights, stipulated under this law. Any person acquiring or holding any economic right in a work, performance, or sound recording by virtue of a contract, including contracts of employment underlying the creation of works, performances, or sound recordings, shall be able to exercise that right in that person's own name and enjoy fully the benefits derived from that right The disposal shall be in writing and shall specify the right, and duration of use. The author shall be the owner of all rights which he did not expressly waive.

Subject to moral copyrights, stipulated under this law, the author shall not, in any way, retract any assignment of rights.

Article (9):

The author or his successor may obtain compensation in money or in kind against the transfer of one or more rights to another party or be authorized to use his economic rights of the work on the basis of a relative share in the royalties derived from the use, and he shall have the right to contract on the basis of a recorded amount, or on both bases.

Article (10):

In cases where authorization is needed from both the author of a work embodied in a sound recording and a performer or producer owning rights in the sound recording, the need for the authorization of the author does not cease to exist because the authorization of the performer or producer is also required, and the need for the authorization of the performer or producer does not cease to exist because the authorization of the author is required.

Article (11):

Without prejudice to the provisions of article (8) of this law, the transfer of economic rights, in respect to the works of computer programs and applications or databases, shall be subject to authorization of the contract which is mentioned or attached to the program, either shown on the medium of the program or shown upon loading or storing the program in the computer screen, and the program's buyer or user shall comply with the conditions stipulated in such authorization.

Article (12):

Disposal by the author of the original version of his work, shall not, in any way, result in transferring any of his economic rights, unless otherwise agreed upon. However, without prior agreement, the transferee of the ownership of this copy shall not be compelled to allow the author to reproduce, transfer or present such.

Article (13):

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

Article (14):

Disposal by the author of all his future works shall be completely null and void.

Chapter IV

Protection of Neighboring Rights

Article (15):

Performers and their public successor shall enjoy non-transferable and non-prescriptive eternal moral rights, including:

- 1- Right to claim authorship of their performances, whether live or recorded, as done by them, except where omission is dictated by the manner or use of the performance;
- 2- Right to object to any distortion, mutilation or other modification of the performance, which would be prejudicial to his reputation.

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

The competent authority succeeds to such rights, stipulated under this article, in the absence of a public successor for the performers.

Article (16):

Performers shall enjoy the following exclusive economic rights:

1. Broadcasting and communication to the public of their unfixed performances, except where the performance is already a broadcast performance,
2. Fixation of their unfixed performances
3. Using their live performance in any way unless a prior written authorization is obtained.

4. Renting their broadcasted performances to the public, for commercial purposes. The provision of this article does not apply to the performers for recording their performance as audio-visual work, unless otherwise agreed.

5. Making available to the public of the original and copies of their performances through sale or other transfer of ownership.

6. Broadcasting or any communication to the public of their performances fixed in a sound recording.

7. Reproducing their fixed performances.

The provision of this article shall not apply in case the performers approve of including their performance in an audio – visual work.

Article (17):

Producers of sound recordings shall enjoy the following exclusive economic rights:

1. The use of their recordings in any way, including reproduction and rental.
2. Making available to the public of the original and copies of their sound recordings through sale or other transfer of ownership.
3. Broadcasting or any communication to the public of their sound recordings.

Article (18):

Broadcasting organizations shall enjoy the following exclusive economic rights:

1. Fixing or recording and reproducing the programs of the broadcasting organizations, as well as broadcasting their programs and communicating them to the public;
2. Prohibiting others from communicating the television recording of their programs to the public without a prior written authorization, and it shall be considered prohibited for others to record, reproduce, rent, re-broadcast, distribute or communicate such to the public by any means.

Article (19): (NEW ARTICLE)

The provisions of articles (8 ,9,10,12,and 14) of this Act shall apply to disposals of economic rights of the owners of neighboring rights . The provision of article (13) shall apply to disposal of economic rights of the author .

Chapter VI

Free Uses of Works

Article (20):

Subject to the moral copyrights, stipulated under this law, the following uses of works shall be lawful even without the consent of the author provided that the source and the name of the author are mentioned if listed in the work , and provided that a free use shall not be allowed if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms:

1. Quoting paragraphs from a protected work lawfully made available to the public in another work for clarification, explanation or criticism purposes, to the extent of the desired purpose and as much as justified by such goal.
2. Use of the work in meetings within the family or through an educational institution for clarification during face-to-face educational or teaching purposes, within the limits justified by such goal, provided that this would be done with no direct or indirect compensation.
3. Reproduction, to the extent justified by the purpose and without the purpose of direct or indirect financial gain, of a single copy by reprographic means of protected works by public libraries, non-commercial documentation centers, educational establishments and scientific and cultural institutions, provided that such reproduction shall be:
 - For a published article or short work whereas the purpose of reproduction is to meet the need of a natural person for use in a study or research and (i) the reproduction of any particular work is an isolated act occurring, if repeated, on separate and unrelated occasions, and (ii) there is no collective license available under which such reproduction can be made, or;
 - For the purpose of maintaining the original copy or replacing a lost or damaged copy for which it is not possible to obtain a substitute.
4. The press may reproduce portions of articles published in newspapers or periodicals on current economic, political, or religious topics and of broadcast works of the same character, in cases in which the reproduction, broadcasting, or such communication thereof is not expressly reserved.
5. Reproduction or adaptation of a single copy of a computer program by the lawful owner of the copy, provided that it is necessary for the use of the computer program for the purpose and extent for which the computer program was obtained, or for archival purposes and

for the replacement of the lawfully owned copy of the program in the event that the original copy is lost, destroyed or rendered unusable

6. Public performance of a dramatic, musical or dramatic-musical, choreographic, pantomime works or any other work, created for dramatic performance, if:

- Religious ceremonies to the extent justified by the nature of these celebrations.
- Purposes of face-to-face learning activities in approved non-profit educational institutions, in classrooms or similar places dedicated to education.

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

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

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

Chapter VI

Special provisions

Article (21):

If many authors participate in making a joint work, whereas the part of each cannot be separated, they shall all be equally considered as right owners of such work, unless agreed otherwise in writing.

In this case, any of them shall not individually exercise the copyrights unless agreed otherwise in writing.

If the participation of all authors in the joint work concerns a different type of art, each of them shall have the right to separately use the part of his contribution, provided that such does not cause damage to the use of the joint work, unless agreed otherwise in writing.

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

Article (22):

The natural or legal person, who took the initiative to create the collective work and undertook to publish it under his name, shall be owner of the moral and economic rights of the work, unless agreed otherwise.

Article (23):

The author, who completed the derivative work, shall be considered the owner of the moral and economic rights of such work, without prejudice to the rights of the author of the original work.

Article (24):

The following shall be considered as co-author of the audio-visual work:

1. The author of the scenario;
2. The person who adapts an existing literary work to make it appropriate to audio-visual
3. The author of the script;
4. The arranger of the music if specifically composed for the work;
5. The director if he actually supervised the realization of the work.
6. If the work was extracted or taken out of another existing one, the author of the previous work shall be considered as co-author of the new one.

(The last paragraph has been numbered as 6)

Article (25):

Paragraphs (SECOND,THIRD,FOURTH & FIFTH) have become a separate article (25)

The author of the literary or musical part shall have the right to publish his work in a way that is different to that under which the audio-visual work was published, unless agreed otherwise.

1. The author of the scenario, the adapter of the literary work, the author of the script and the director shall have together the right to present the audio-visual work, despite the opposition of

the author of the original literary work or the music composer, without prejudice to any rights the author of the original literary work might have pursuant to contract.

2. Where one of the participants in making an audio-visual work abstained to finish his part, the other co-authors may use the part which he made, without prejudice to any rights derived from his participation in the creation.

3. The producer of the audio-visual work shall represent the authors of this work and be entitled to exercise all of the economic rights, during all the period of using such work, except for the composers of musical works, in the use of their rights of this work, unless agreed otherwise in writing.

Chapter VII

Term of Protection of the Economic Rights and Neighboring Rights

First: Term of protection of the Economic rights

Article (26):

The term of protection subsequent to the death of the author and the terms provided in chapter VIII shall run from the date of death or of the event referred to in the said chapter, but such terms shall always be deemed to begin on the first of January of the year following the death or such event.

Deleted

Article (26):

The term of protection for the economic copyrights, stipulated under this law, shall be the life of the author and seventy years starting from the beginning of the Gregorian calendar year following the year of his death.

Article (27):

The economic rights of authors of joint works shall be protected for their life and seventy years starting from the beginning of the Gregorian calendar year following the year of the death of the last surviving author.

Article (28):

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

Article (29):

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

Article (30):

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

Second: Term of protection of the neighboring rights**Article (31):**

The economic rights of the performers shall be protected for ninety-five years starting from the first day of the Gregorian calendar year following the year during which the recorded performance was legally published for the first time. If such work was not published during twenty-five years starting from the date of completion, the economic rights of this work shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following its creation.

Article (32):

The economic rights of the producers of sound recordings shall be protected for Ninety-five years starting from the first day of the Gregorian calendar year following the year during which the sound recording was legally published for the first time. If such sound recording was not published during twenty-five years starting from the date of completion, the economic rights of such work shall be protected for one hundred twenty years starting from the first day of the Gregorian calendar year following the creation of such sound recording.

Article (33):

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

Chapter VIII**Deposit****Article (34):**

The right holder shall have the right, but no obligation, to deposit, at his own expenses, one copy of the work, performance, phonogram or broadcasting program with the competent authority, and such deposit is considered as presumption of ownership, and a record of the deposit shall be published as determined by the regulations.

A decision shall be issued by the competent minister determining the deposit system and due fees.

Chapter IX

Collective Management of Economic Copyrights and Neighboring Rights

Article (35):

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

Article (36):

The associations and authorities, which run the management of economic rights for authors and neighboring rights owners, shall, unless otherwise agreed to by the author or neighboring rights owner in its agreement with them to the extent required by the agreement, have the following powers:

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

Article (37):

The management of the economic rights for authors and neighboring rights owners shall be only engaged by authorization of the competent authority, after payment of the fees specified by a decision issued by the regulations.

Article (38):

The management of economic rights for authors and neighboring rights owners shall be subject to control and supervision of the competent authority. The associations and authorities involved

in this activity shall keep records of the names of their members, status, rights authorized to be used, due fee and the period agreed upon, and shall allow authors, rights owners and their representatives to access their data and information registered in these records.

The competent authority shall withdraw the authorization in case of breaching, by such association or authority, the provisions of this law or the decisions issued in application of its provisions.

Article (39):

The competent authority issues a decision on the organization of collective administration for the economic rights of the author and neighboring rights owners and the organization for supervising and controlling the exercise of such activity.

Chapter X

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

Article (40):

The following acts shall be prohibited:

- a. Circumventing without authority any effective technological measure that controls access to a protected work, performance, phonogram, or other subject matter.**
- b. Manufacturing, importing, distributing, offering to the public, providing, or otherwise trafficking in devices, products, or components, or offering to the public or providing services, which:**
 - i. Are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure, or**
 - ii. Have only a limited commercially significant purpose or use other than to circumvent any effective technological measure, or**

- iii. Are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure.
- c. Committing any of the following without authority, and knowing or having reasonable grounds to know that it would induce, enable, facilitate, or conceal an infringement of any copyright or related right:
 - i. Knowingly removes or alters any rights management information;
 - ii. Distributes or imports for distribution rights management information knowing that the rights management information has been removed or altered without authority; or
 - iii. Distributes, imports for distribution, broadcasts, communicates, or makes available to the public copies of works, performances, or phonograms, knowing that rights management information has been removed or altered without authority;
- d. Manufacturing, assembling, modifying , importing, exporting, selling, leasing, or otherwise distributing a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted program-carrying satellite signal without the authorization of the lawful distributor of such signal;
- e. Receiving or further distributing a program-carrying signal that originated as an encrypted satellite signal knowing that it has been decoded without the authorization of the lawful distributor of the signal.

**We have already notified you and received your consent to replacing
the above text for original article 40 .**

Chapter XI

Border Measures

N.B This chapter has become “Border Measures” as a matter of order, and chapter XI has taken its place .

Article (41):

- 1. The right owner may, if he believes that copyright goods may be imported that involve a violation of any of the rights established under the provisions of this law, submit a written request to the competent authority of customs clearance to stop customs clearance of such goods and prevent circulation thereof.**

The request must enclose sufficient evidence to convince the competent authorities of customs clearance that the rights of the applicant are apparently violated, and the application shall contain sufficient information, which may reasonably be expected to be available to the applicant to allow the mentioned authority to reasonably identify the concerned goods .

The competent authority of customs clearance shall notify the applicant in writing of its decision on his application within seven days from the date of submitting the application. The decision applies, when the request is approved, for a period of one year from the date of submission or for the remainder of the term of protection for the goods for which an action shall be taken, unless the applicant requests a shorter period.

The competent authority of customs clearance shall ask the applicant to provide an appropriate bond or equivalent guarantee enough to protect the defendant and the competent authorities, and to prevent abuse of the right to request the suspension of customs clearance. The bond shall be set at a level that does not unreasonably deter recourse to the procedures in this Chapter.

Subject to the provisions of the preceding paragraphs, the competent authority of customs clearance shall, automatically and with no need to file a complaint or request by the right owner or by others, issue a decision to stop customs clearance on goods that are imported, in transit or prepared for export upon receipt to the customs area under its jurisdiction, where the authority concludes that the evidence is apparently sufficient to prove violation of any of the rights set forth in this law.

- 2. If the competent authority of customs clearance decides, in application of the provisions of this article, to stop customs clearance for goods received to the customs area under its jurisdiction, it shall:**

- a. Notify the importer of goods and the right owner of the decision issued to stop customs clearance as soon as issued.**
- b. Notify the right owner, upon his written request, of the names and addresses of the sender, consignor, and importer of goods, the recipient and quantities.**
- c. Allow the concerned persons to inspect the goods according to the customs procedures conducted in this respect.**

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

If a lawsuit is filed for the cause of dispute, the court shall approve, amend or repeal it.

- 3. If the court decides that the goods, of which customs clearance is suspended, involve any violation to any of the rights set forth in this law, an order shall be issued to destroy such goods at the expenses of their importer except in exceptional circumstances, or to discard them out of the commercial channels if such destruction would incur an unreasonable damage to public health or environment. In no event shall the competent authorities be authorized, except in exceptional circumstances, to permit the exportation of pirated goods or to permit such goods to be subject to other customs procedures.**

The regulation shall specify the data, conditions, controls and procedures related to the submission of a request for suspension of customs clearance, and decide about the documents to be enclosed to this request.

As well, the regulation shall, after coordination among the competent authorities, specify the following:

- a. Rules of bond value or equivalent guarantee to be deposited by the applicant on the basis of the provisions of this article.**
 - b. Fees imposed for the storage of goods of which the customs clearance is suspended.**
- The bond value, an equivalent guarantee or the fees value referred to shall not be so high as to unreasonably deter recourse to such procedures.**

- 4. The provisions of this article do not apply to small quantities, with non-commercial nature, of works and sound recordings which are available among the personal belongings of passengers or sent in small parcels.**

Chapter XII

Preventive Measures

Article (42):

The competent court shall, upon the request of the author, the right holder or their successor, under an order issued for a petition, order to take the following preventive measures:

1. Stop violation of any right protected under this law.
2. Sign the seizure of the copies of the work, subject to violation, as well as the materials used in making such copies.
3. If the alleged violation is for public performance of a work, performance, sound recording, or **broadcasting programme** stop the current show or ban it in the future.
4. Limit income from publishing or presentation decided by an expert, appointed for such purpose, if necessary, and sign the seizure of the income in all cases.
5. Stop publication, presentation or manufacture of such work.

The Court shall, when required, issue the order upon the request of the petitioner, without calling the other party in any case, where it is unlikely that the delay in issuance may incur to the defendant a damage which can not be remedied, or in which evidences may be removed or destroyed, and in this case, the other party shall be notified of the order without delay as soon as issued, and notification may be sent, when appropriate, immediately after implementation of the order. The competent court shall act upon the request of the petitioner expeditiously and shall, except in exceptional cases, generally execute such requests within ten days. The Court shall have the authority to require the petitioner to provide any reasonably available evidence in order to satisfy the court with a sufficient degree of certainty that the petitioner's right is being infringed or that such infringement is imminent.

If the Court ordered a preventive measure taken without calling the other party, the defendant shall be notified of the order and file a response before the competent court within ten days from the date of notification. If the defendant files a response the court shall approve, repeal or amend the order.

The Court shall assign a petitioner to submit adequate bond or equivalent guarantee sufficient to protect the defendant and prevent abuse of the right. The bond value or an equivalent guarantee shall not be so high as to unreasonably deter recourse to the procedures in this Chapter.

The plaintiff shall submit the original dispute to the court within a period of fifteen days from the date of issuance of the order on the dispute, otherwise the taken procedure would be completely void.

Chapter XIII

Civil and Administrative Procedures and Remedies

Article (43): (THIS ARTICLE WAS NUMBERED 44-74 IN THE ENGLISH VERSION)

The competent court shall have the authority to order the infringer to pay the right holder:

1. Damages adequate to compensate for the injury the right holder has suffered as a result of the infringement; and
2. The profits of the infringer that are attributable to the infringement and that are not taken into account in computing the amount of the damages referred to in clause (1).

“Right holder” shall include exclusive licensees and federations and associations representing such right holder under the laws of the Sultanate of Oman.

In determining damages for infringement the competent court shall consider, *inter alia*, the value of the infringed-on good or service, measured by the suggested retail price or other legitimate measure of value submitted by the right holder.

The competent court shall be authorized to order the infringer to provide pre-established damages, when the right holder so elects. Pre-established damages shall be determined by regulation and shall be in an amount sufficient to constitute a deterrent to future infringements and to compensate fully the right holder for the harm caused by the infringement.

The competent court shall have the authority to order at the conclusion of civil judicial proceedings that the prevailing party shall be awarded payment of court costs or fees and reasonable attorney’s fees by the losing party, except in exceptional circumstances.

(The compensation amount has been fixed at (10000) ten thousand Omani Rials , maximum , in line with the Omani legislations) .

Article (44): (THIS ARTICLE WAS NUMBERED 48 IN THE ENGLISH VERSION)

In civil and administrative proceedings involving copyright or neighboring rights, it shall be presumed that, in the absence of proof to the contrary, the person whose name is indicated as the author, producer, performer, broadcasting entity, or publisher of the work, performance, broadcasting program, or sound recording in the usual manner is the designated right holder in such work, performance, sound recording or broadcasting program. It shall also be presumed that, in the absence of proof to the contrary, the copyright or neighboring right subsists in such subject matter.

Article (45): (THIS ARTICLE WAS NUMBERED 51 IN THE ENGLISH VERSION)

The competent court shall have the authority to order the infringer to provide any information that the infringer possesses regarding any person or persons involved in any aspect of the infringement and regarding the means of production or distribution channel of such goods or services, including the identification of third persons involved in the production and distribution of the infringing goods or services or in their channels of distribution, and to provide this information to the right holder.

Article (46): (THIS ARTICLE WAS NUMBERED 52 IN THE ENGLISH VERSION)

The competent court shall have the authority to order a party to desist from an infringement, in order, *inter alia*, to prevent, immediately after they clear customs, the entry into the channels of commerce in the Sultanate of Oman of imported goods that involve the infringement, or to prevent their exportation.

Article (47): (THIS ARTICLE WAS NUMBERED 49 IN THE ENGLISH VERSION)

The competent court shall have the authority to order the seizure of suspected infringing goods, and any related materials and implements. **(see articles 53 & 54) .**

Article (48): (THIS ARTICLE WAS NUMBERED 53 IN THE ENGLISH VERSION)

Costs incurred by the parties to the litigation that are associated with court appointed technical or other experts must be closely related, *inter alia*, to the quantity and nature of work to be performed and must not unreasonably deter recourse to such proceedings.

Article (50):

Pursuant to a request from the right holder, the competent court shall, except in exceptional circumstances, order the destruction of pirated goods, and such goods shall be destroyed pursuant to that order. The competent court shall have the authority to order that materials and implements that have been used in the manufacture or creation of the pirated goods be, without compensation of any sort, promptly destroyed. In exceptional circumstances only, the competent court shall be permitted to order that materials and implements that have been used in the manufacture or creation of pirated goods be, without compensation of any sort, disposed of outside the channels of commerce in such a manner as to minimize the risks of further infringements

This article is referred to in chapter XIV .

Article (54):

The judicial authorities shall have the authority in a civil or administrative proceeding to:

- (a) **fine not exceeding one thousand Omani Rials per day or imprisonment not exceeding three years** , or both, in appropriate cases, a party to litigation who fails to abide by valid orders issued by the judicial authorities;
- (b) impose sanctions on parties to litigation, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of confidential information produced or exchanged in a proceeding.

This article is referred to in chapter XIV .

Article (54A):

The provisions of the Telecommunications Law and its regulations relating to the liability of online service providers for infringement of copyright and related rights shall be deemed incorporated into this Law and shall govern the liability of online service providers for infringement or other violations of this Law.

This article is referred to in chapter XV .

Chapter XIV Criminal Penalties

Article (49): (THIS ARTICLE WAS NUMBERED 64 IN THE ENGLISH VERSION)

The competent authorities may initiate a criminal action *ex officio* without the need for a formal complaint by a private party or right holder

Article (50): (THIS ARTICLE WAS NUMBERED 59 IN THE ENGLISH VERSION)

The Court shall issue an order to seize goods suspected of involving violation of any of the rights, established under the provisions of this law, and other relevant materials, as well as any tools used in committing the crime and any assets attributable to the activity of violation or prohibited act, punishable under the provisions of this article and any documentary evidence related to the crime. Such orders need not individually identify the items subject to seizure, so long as they fall within general categories specified in the order.

(2-The penalty, determined by the court pursuant to Article 57, shall be in an amount sufficient to prevent, in the future, any violation or prohibited acts, and remove the monetary incentive of the infringing person or perpetrator of prohibited act.

3- The Court shall order the closure of the business or enterprise used by the imitators.) **This 2 paragraphs have become with Article 52**

Article (51): (THIS ARTICLE WAS NUMBERED 60 IN THE ENGLISH VERSION)

In criminal proceedings involving copyright or neighboring rights, it shall be presumed that, in the absence of proof to the contrary, the person whose name is indicated as the author, producer, performer, broadcasting entity, or publisher of the work, performance, broadcasting program, or sound recording in the usual manner is the designated right holder in such work, performance, sound recording or broadcasting program. It shall also be presumed that, in the absence of proof to the contrary, the copyright or neighboring right subsists in such subject matter.

Article (52): (THIS ARTICLE WAS NUMBERED 57 IN THE ENGLISH VERSION)

Without prejudice to any more severe sanction provided under any other law, any person shall be punished by imprisonment from a minimum of three (3) months up to a maximum of 2 (two) years as well as monetary fines from a minimum of 2,000 up to a maximum of 10,000 Riyals, or by either one, if that person performs one of the following acts:

1. Sell, rent or circulate, without the consent of the right holder, any copy of the protected work under the provisions of this law.

2. Intentionally violate any of the moral or economic copyrights or neighboring rights under the provisions of this law.

3. Intentionally violate any of the moral or economic copyrights or neighboring rights under the provisions of this law for the purpose of realizing commercial benefit or private financial gain or significant willful copyright infringements that have no direct or indirect motivation of financial gain.

4. Violate any of the economic rights of a work in the Sultanate of Oman then publish it abroad or release it for circulation or export knowing of such violation.

5. In the case of any person other than a nonprofit library, archive, educational institution, or public non-commercial broadcasting entity, engages, willfully and for purposes of commercial advantage or private financial gain, in any of the activities prohibited by Article 41 or Article 42 of this Law.

6. Knowingly traffic in counterfeit labels affixed or designed to be affixed to: a sound recording, a copy of a computer program, documentation or packaging for a computer program, or a copy of an audio-visual work.

7. Knowingly traffic in counterfeit documentation or packaging for a computer program.

8. Willfully importing or exporting infringing goods.

9. Manufacturing, assembling, modifying, importing, exporting, selling, leasing, or otherwise distributing a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted program-carrying satellite signal without the authorization of the lawful distributor of such signal.

10. Willfully receiving or further distributing a program-carrying signal that originated as an encrypted satellite signal knowing that it has been decoded without the authorization of the lawful distributor of the signal. **This 2 paragraphs have become with Article 40 (d and e)**

In case of recidivism, the Court shall have the authority to double those remedies.

In determining the criminal remedies, the Court shall take into account that those remedies must be sufficient to provide a deterrent to future infringements, consistent with a policy of removing the infringer's monetary incentive.

Article (53): (THIS ARTICLE WAS NUMBERED 61 IN THE ENGLISH VERSION)

The court shall have the authority, among other measures, to order the forfeiture of any assets traceable to the infringing activity and shall, except in exceptional cases, order the forfeiture and destruction of all pirated goods, and order the forfeiture and destruction of materials and implements that have been used in the creation of infringing goods. Such forfeiture and destruction shall be without compensation of any kind to the defendant.

Article (54): (BEFORE ARTICALE 62 IN THE ENGLISH VERSION)

The court shall have the authority in a criminal proceeding to:

- (a) fine of one hundred Omani Rial , minimum and one thousand Omani Rial ,maximum , or imprisonment for a period of not less than seven days and not acceding one month, or both, in appropriate cases, a party to a litigation who fails to abide by valid orders issued by the court, according to the provisions to articles 51 & 52 of this act ;
- (b) fine of one hundred Omani Rial , minimum, and one thousand Omani Rial ,maximum, on parties, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of confidential information produced or exchanged in a proceeding.

(Amended according to Omani legislation)

Article (55): (THIS ARTICLE WAS NUMBERED 63 IN THE ENGLISH VERSION)

In criminal cases, the court shall keep an inventory of goods and other material proposed to be destroyed, and shall have the authority temporarily to exempt such materials from the destruction order to facilitate the preservation of evidence upon notice by the right holder that it wishes to bring a civil or administrative case for damages.

Article (56): (THIS ARTICLE WAS NUMBERED 62 IN THE ENGLISH VERSION)

Any person who is injured by a violation of Art. 40(d) and (e) may exercise the civil remedies of this Law.

Chapter XV

Closing Provisions

Article (57):

The provisions of this Law shall apply to:

1. Works of Omanis and foreigners whose works, performances, sound recordings and broadcasting programs are published for the first time in the Sultanate of Oman or in a foreign country within a period of thirty days starting from the date of publication abroad.
2. Audio-visual works where the headquarters of their producers or their residence is in the Sultanate of Oman.
3. Architectural works that have been constructed in the Kingdom and other works of art, incorporated in a building, or any other facilities, located in the Kingdom.
4. Authors, performers, producers of sound recordings, and broadcasting organizations, that are eligible for protection by virtue of and in accordance with any multilateral and bilateral international treaties and conventions, to which the Sultanate of Oman is a party or may become a party later. **WE ADDED THIS PARAGRAPH TO ARTICLE 59**

4- Works, performances, sound recordings and broadcasting programs that have being created in the Sultanate of Oman regardless of the nationality or the place of residence of their creators.

Article (58): (THIS ARTICLE WAS NUMBERED 66 IN THE ENGLISH VERSION)

The employees, appointed by a decision of the competent minister, shall have the right to inspect, control and access related locations, in order to apply the provisions of this law and shall have the right to take the procedures specified under the regulations.

Article (59): (THIS ARTICLE WAS NUMBERED 67 IN THE ENGLISH VERSION)

The provisions of the multilateral and bilateral international treaties and conventions, in which the Sultanate of Oman is a part or may become a part later, which govern the rights of the

citizens of the States, which are parts in such treaties and conventions, or persons who are treated the same with respect to copyrights and neighboring rights, shall be deemed valid and shall apply under the provisions of this law, and, in cases of conflict with the provisions of this Law, shall prevail over the latter.

Article (60): (THIS ARTICLE WAS NUMBERED 68 IN THE ENGLISH VERSION)

This Law shall apply to all works, performances, sound recordings, and broadcasting programs which, at the moment of its coming into force, have not yet fallen into the public domain in their country of origin through the expiry of the term of protection, and, at the moment of its coming into force, are not in the public domain in the Sultanate of Oman due to the expiry of the term of protection previously granted.

Article (61): (THIS ARTICLE WAS NUMBERED 69 IN THE ENGLISH VERSION)

The competent authorities shall undertake the following powers:

- a. Alert authors and neighboring rights owners of their moral and economical rights.
- b. Amicably settle disputes that arise on any of the rights set forth in this law, if approved by the parties.
- c. Coordinate with the concerned authorities for the protection of copyrights and neighboring rights.
- d. Establish policies or guidelines that encourage judicial authorities to impose criminal remedies at levels sufficient to provide a deterrent to future infringements.
- e. Other powers set forth in this law or required to implement its provisions, as specified by the regulations.

Article (62): (THIS ARTICLE WAS NUMBERED 70 IN THE ENGLISH VERSION)

Final judicial decisions in copyright cases, and administrative rulings of general application pertaining to the enforcement of copyright rights, shall be in writing and shall state any relevant findings of fact and the reasoning or the legal basis on which the decisions or rulings are based. Such decisions or rulings shall be published, or, where publication is not practicable, otherwise made available to the public, in the Arabic language in such a manner as to enable governments and right holders to become acquainted with them. Making the decision or ruling available to the public on the Internet shall be deemed publications for purposes of this Article

Article (63): NEW ARTICLE

Without prejudice to the provisions of Telecommunications Law mentioned above, the provisions of this act shall apply to the eservice provider as to any violation of its provisions or implementing decisions.

Article (64): NEW ARTICLE

The provisions of the criminal procedures Law or the Civil and Commercial Low referred to above shall apply to criminal and civil proceedings arising from the applications of the provisions of this act, in whatever not provided for in this act.