

Law No. 7 of 2002 on the Protection of Copyright and Neighbouring Rights 7 / 2002

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WE, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar,
HAVING PERUSED the amended Provisional Constitution, particularly Articles 23, 34 and 51 thereof;
The Penal Code of Qatar promulgated by Law No. 14 of 1971 and amending laws thereof;
Law No. 15 of 1971 on Criminal Procedures, and amending laws thereof;

Law No. 8 of 1979 on Press and Publication;

Decree-Law No. 14 of 1982 concerning the Deposit of Works at the Qatar Public Library;

Decree-Law No. 16 of 1993 concerning the organization of activities pertaining to advertising, public relations, artistic production and works of art;

Decree-Law No. 32 of 1993 concerning organization of the Ministry of Economy and Trade;

Law No. 25 of 1995 on the Protection of Works of Intellect and Copyrights;

Decree No. 11 of 1997 concerning the establishment of the Qatari Public Broadcasting Corporation;

Emiri Order No. 1 of 2002 concerning the amendment of the Council of Ministers;

Decree No. 50 of 1986 concerning the accession of the State of Qatar to the Arab Agreement for the Protection of Authors' Rights;

Decree No. 24 of 1995 concerning the accession of the State of Qatar to the Agreement estab

Part 1

Definitions

Article 1

In the implementation of this Law, the following words and expressions shall have the meaning given for each, unless the context requires otherwise:

“**Ministry**” means the Ministry of Economy and Trade;

“**Minister**” means the Minister of Economy and Trade;

“**Bureau**” means the Bureau of the Protection of Copyright and Neighbouring Rights;

“**Work**” means any original artistic or literary work;

“**Author**” means any natural person who conceived and originated the work;

“**Year**” means calendar year;

“**Publication**” means the production of works or sound recordings to meet the needs of the public, subject to the consent of the Author, copyright-holder or sound recording producer;

“**Reproduction**” means the production of one or more copies of work by means of printing, painting, engraving, or photography in any form or in any manner, including permanent or temporary storage in electronic form;

“**Audio-visual work**” means the work that consists of a series of related images that give the impression of movement, with or without accompanying sounds, capable of being made visible and, where accompanied by sounds, capable of being made audible;

“**Sound recording**” means any exclusively aural fixation of the sounds of a performance or of other sounds, regardless of the method by which the sound or performance are captured and regardless of the medium in which the work is stored; the fixation of sounds accompanying an audio-visual work is not included in this definition.;

“**Producer**” means any natural or juristic person that takes the initiative to, and has responsibility for, making the audio-visual or aural work;

“**Broadcasting**” means communication of a work, a performance or a sound recording to the public by wireless transmission, including transmission by satellite (Satel);

“**A collective work**” means a work created by a number of natural persons at the initiative and under the direction of one single person or juristic entity that undertakes the responsibility of publishing the work under his or its name provided that it is impossible to distinguish the individual contribution of each (choirs);

“**Work of joint authorship**” means a work in the making of which two or more persons participated and each of whose work can be separately identified;

“**Work of applied art**” means an artistic creation with utilitarian functions or incorporated in a useful article whether hand-made or produced on an industrial scale;

“**Communication to the public**” means the transmission by means of electromagnetic waves of images or sounds, or both, of a work, a performance, a sound recording or a broadcast

“**Owner of copyright**” means one of the following persons:

1. The Author
2. Any natural or juristic person in which the financial rights are originally vested;
3. Any natural or juristic person to whom the ownership of the financial rights has been transferred;

“**Performers**” means singers, musicians and other persons, who sing, present, act, play or otherwise perform literary or artistic works or folkloric material;

“**Public performance**” means performing a work, whether directly or by means of any device or process, by recitation, playing, dancing, acting or otherwise presenting the work: performance is deemed to be public if it can be perceived at a place where persons outside the normal circle of the family and its closest acquaintances are or can be present;

“**Neighbouring Rights**” means rights that protect performers, producers of sound recordings and broadcasting organizations;

“**National folklore**” any expression that consists of distinctive elements of the traditional artistic heritage originating or developed in the State of Qatar and reflects its artistic heritage shall be considered to be national folklore, including in particular the following expressions:

1. Oral expressions such as tales, popular poetry and riddles;
2. Musical expressions such as popular songs accompanied by music;

3. Expressions by means of movement such as popular dances, plays, artistic forms and rituals, whether or not incorporated into material form;
4. Tangible expressions such as:
 - a) Products or popular art, particularly drawings with lines and colours, engravings, sculptures, ceramics, pottery, woodwork, mosaic, metalwork, jewellery, hand-woven bags, knitting, carpets, textiles;
 - b) Musical instruments; and
 - c) Architectural forms.

Part 2

Jurisdiction and Provisions of Protection

Article 2

Protection under this Law is conferred on authors of original literary and artistic works, irrespective of the value, quality, purpose or mode of expression of these works.

Protection shall cover the following works:

1. Books, pamphlets and other writings;
2. Works delivered orally such as lectures, addresses, sermons or similar works such as poems and hymns;
3. Dramatic and dramatico-musical works;
4. Musical works, whether or not they include accompanying words;
5. Choreographic works and pantomimes;
6. Audio-visual works;
7. Photographic and similar works;
8. Works of applied art, whether hand-made or produced on an industrial scale;
9. Works of drawing and painting with lines and colours, architecture, sculpture, decorated arts, engravings, sketches, designs and three-dimensional geographic or topographic works;
10. Computer programs: protection shall also extend to the title of the work if it is original. The protection shall also cover the Title of the work where this is innovative.

Article 3

Notwithstanding the protection provided by Article 2, the following derived works shall be protected by the provision of this Law:

1. Works of translation, summary, alteration, explanation and other modifications;
2. Collections of encyclopaedias and selections if creative in the selection and arrangement of their subject matter;
3. Data bases if creative in the arrangement or selection of their subject matter;
4. Collections of works and expressions of folklore if creative by reason of arrangements or selection of their subject matter.

Article 4

The protection provided by this Law shall not cover the following works:

1. Laws, legal provisions, administrative decisions, international treaties, official documents or any official translation thereof. However, collections of such material are protected if they involve creative work in the selection and arrangement of their subject matter;
2. Daily news and other news that is purely media-related;
3. Ideas, procedures, operational methods, mathematical concepts, principles and un-collated data. However, any derivative expression thereof shall be covered by protection.

Article 5

The provisions of this Law shall apply to the following:

1. Works of Qatari Authors published within or outside the State;
2. Works that are published for the first time inside the State; and
3. Works that are published for the first time in another State and then published in Qatar within thirty days of their first publication date, irrespective of the nationality or place of residence of their authors;
4. Audio-visual works the producer of which has his or her headquarters or place of residence in Qatar;
5. Architectural works constructed in Qatar, or any other artistic work incorporated in a building or any other construction situated in Qatar;

The provisions of this Law shall also apply to works protected by an international agreement or a Court in which Qatar is a Party, and in accordance with the provisions of such agreement or Court.

Article 6

No work of any kind shall be published, displayed or circulated unless accompanied by the following:

1. A certificate of origin indicating the name of the author or the person to whom the right of exploitation has been assigned;
2. A declaration, by the importer or the owner, regarding display or circulation, specifying the geographic area or place within which the display or circulation is authorized.

Part 3

Author's Financial and Moral Rights

Chapter One

Financial Rights

Article 7

The Author or the owner of the copyright shall have the exclusive right to carry out or to authorize any of the following acts:

1. Reproduction of the work;
2. Translation of the work;
3. The making of excerpts, musical arrangements or other transformations of the work;
4. Distribution to the public of the work through sale;
5. Rental to the public of audio-visual works or computer programs. However, the right to rental shall not apply to the rental of computer programs where the program itself is not the essential object of the rental;
6. Public performance of the work;
- 7- Communication of the work to the public.

Article 8

The author may transfer any of the financial rights provided to him or her by this Law to any other person or persons. The transfer of the financial rights shall be made in writing and shall specify explicitly and separately each right of disposal, indicating the duration of disposal or transfer, its manner and quantity, the purpose and the place.

Article 9

The author shall abstain from any act that might prevent the person to whom the author's financial rights may have been assigned the Assignee from using the rights assigned to him or her. Nevertheless, the author may withdraw his or her work from circulation or introduce any modification, omission or addition to it. In the event of disagreement, the author shall be obliged to pay fair compensation to the Assignee.

Chapter Two

Moral Rights

Article 10

The author of a work shall have the following moral rights:

1. to choose whether his or her name or pseudonym is indicated on his or her work;
2. to object to any distortion, deformation or any other modification of his or her work;
3. to object to any distortion and to prohibit any other use of his or her work that would be prejudicial to his or her honour or reputation.

The rights provided for in the preceding Articles are imprescriptible and perpetual.

Article 11

Any disposal by the author of his or her future intellectual production shall be considered null and void.

Article 12

Any disposal by the author of the original copy of a work shall not be considered an assignment of the authors' rights.

Article 13

The author shall have the exclusive right to publish his or her letters. However, he or she may not exercise such right without the permission of the recipient where the publication is likely to be prejudicial to the latter.

Article 14

Any person taking any photograph of a person shall be prohibited from publishing, displaying or distributing the original picture or any copy thereof without the permission of the subject of such photograph. This provision shall not apply if the photograph or portrait was taken on the occasion of a public event, or if the subject of the photograph or portrait is a public figure or world-famous celebrity, or if the taking of the photograph or portrait has been authorized by public authorities for the public interest.

The person represented in the photograph may authorize its publication in newspapers and magazines and other similar publications without the authorization of the photographer, unless otherwise agreed.

These provisions shall apply irrespective of the method used to produce the photograph.

Part 4

Duration of Protection

Article 15

The financial rights to any piece of artistic work shall be protected during the life of the Author and for fifty calendar years after his or her death. Protection for original, artistic or literary work shall ensure for the following periods:

1. With regard to a work of joint authorship, the rights shall be protected for fifty calendar years from the date of the death of the last surviving co-author;
2. With regard to audio-visual or collective work, the rights shall be protected for fifty years as from the date on which the work was first published. For works that are not published, the term of protection shall run from the first day of the calendar year after the completion date of the work;
3. With regard to a work published under a pseudonym or published anonymously, the rights shall be protected for fifty calendar years from and including the date on which the work was first published. Nevertheless, where the pseudonym used by the author leaves no doubt as to the author's identity, the term of protection shall be calculated as from the date of the author's death. This provision applies where the author reveals his identity before the expiration of the protection period.

Article 16

In the event that protection runs from the date on which the work was first published, under the provision of this Law, the date of the first publication shall be the date on which the period of protection shall commence, irrespective of subsequent publications, unless the author has, on republication, introduced substantive changes that render the work to be considered a new work. If the work comprises several Parts or, Parts of the work are published separately at different stages, each Part shall be considered a separate work with regard to the calculation of the periods of protection.

Article 17

The moral rights provided for in this Law shall be perpetual and transferable by inheritance following the Author's death. Where the Author dies without a beneficiary, the relevant Ministry shall undertake the protection of such rights.

Part 5

Restrictions on Copyright and Neighbouring Rights

Article 18

The following uses of a protected work are permitted without the Author's express authorization:

1. Use of the work exclusively for personal enjoyment, through reproduction, translation, quotation, musical arrangement, acting, receiving broadcasts, televising, photography or by any other means;
2. Use of the work by way of illustration for teaching, through publications, broadcasts, sound or visual recordings, and films or by any other means, to the extent justified by the purpose, provided that the use is non-profit-making and that such illustration is attributed to the source and the Author.
The uses provided for in Article 18 Paragraph 1 and Article 18 Paragraph 2 shall neither conflict with any usual exploitation of the work nor unreasonably prejudice the legitimate interests of the author;
3. The citing of a paragraph of a work in another work for the purpose of illustration, demonstration or criticism, within acceptable practice and as justified by the purpose, provided that such illustration is attributed to the source and the Author.

Article 19

The reproduction in a newspaper or periodical, the broadcasting or other communication to the public of an article published in a newspaper or a periodical on current political, economic, social, cultural or religious topics or a broadcast work of the same character shall be permitted. This permission is subject

to the obligation to attribute such work to the source and the author, when known. Nevertheless, this exception shall not apply where authorization of the right of reproduction or communication to the public is explicitly reserved by the author.

It is also permitted to reproduce any work that can be seen or heard through an informatory display of current events, photography or television or any other information mass media, provided it remains within the terms of this Law and provided it is attributed to the Author.

Article 20

The reproduction of a single copy of a computer program or the adaptation of a computer program by the rightful owner of a copy of that computer program shall be allowed to the extent justified by the initial purpose, or for the purpose of preservation or replacement of an original copy or an adaptation thereof. This right shall expire in the event that the possession of the computer program ceases to be lawful.

Article 21

1. Reproduction of articles, short works or extracts of works is permitted for teaching purposes in educational institutions the activities of which do not serve direct or indirect commercial gain, to the extent justified by the purpose provided that:
 - a The act of reproduction is an isolated event, the repeating of which takes place on separate and unrelated occasions;
 - b There is no collective licence for reproduction available from a competent authority in the collective management of rights of which the educational institution is or should be aware;
 - c The name of the author and the title of the work shall be attributed as far as practicable on all copies.
 2. Any library or archive the activities of which do not serve direct or indirect gain may make a single copy of the work by reprographic reproduction:
 - a Where the reproduced work is a published article, a summary or an extract of work and where reproduction is undertaken to satisfy the reasonable needs of the person making such reproduction, provided that:
 - i the library or archive is satisfied that the copy will be used solely for the purposes of study, scholarship or research, and that any repetition of such reproduction takes place on separate and unrelated occasions; and
 - ii there is no collective licence for reproduction available from a competent authority in the collective management of rights of which the library or archive is or should be aware.
 - b Reproduction is permitted where a copy is made with the aim of preserving the original copy or, when necessary, replacing a lost, destroyed or a copy rendered unusable in the permanent collection of another similar library or archive, provided that:
 - i it is impossible to obtain such a copy by reasonable means;
- ii the act of reprographic reproduction is an isolated incident.

Article 22

Broadcasting organizations may prepare, for the purposes of their broadcasts and by their own means, a provisional recording of a protected work they are authorized to broadcast to the public. Such a copy shall be destroyed within one year from the date of its preparation with the exception of recordings of documentary nature.

Article 23

Any individual person may, without the express authorization of the Author, import a copy of a work for his or her own personal use.

Article 24

The press or other information media may publish, without the express authorization of the Author, speeches and lectures, as well as legal proceedings or similar works displayed openly to the public, provided that attribution is made to the author. The Author shall have the exclusive right to publish such works in one or more publications or in any other medium he or she deems appropriate.

Article 25

Musical bands or armed forces may, without the express authorization of the Author, play or perform published work in as much as such rendition or performance does not directly or indirectly produce any financial revenue.

Article 26

The restrictions on financial rights provided for in this Part shall apply *mutatis mutandis* to the rights of performers, producers of sound recordings and broadcasting organizations.

Article 27

1. Any Qatari citizen may obtain from the Minister or his delegate a non-exclusive and non-assignable licence for the translation into Arabic of a foreign work published in printed form or in any other form and for the publication of this translation in printed form or in any other form three years from the date of the first publication of such work and provided that no translation of this work into Arabic was previously published in Qatar by the owner of the right to translation or with his or her consent or upon the depletion of available translated editions.
2. Any Qatari citizen may obtain from the Minister or the Minister's delegate an exclusive and non-assignable licence to reproduce and publish any published work according to the following conditions:
 - a following a lapse of three years from the date of the first publication of any published work related to technology, natural science, physics or mathematics or following a lapse of seven years from the first publication of works of poetry, theatre, music, art books and novels or following a lapse of five years from the first publication of other published works; and
 - b in the event that the number of copies of a work distributed in the State of Qatar were insufficient to satisfy the needs of the public or the needs for school or for university education by the owner of the right to reproduction by or with his or her consent to make further reproductions of such work for a price similar to the price of similar works in the State of Qatar; and
 - c provided that the published copy is sold according to the provisions of this clause for a price which is similar or less than the price provided for in sub-clause b of this clause.
3. The translation licences provided for in clause 1 of this Article are granted for the purposes of school and university education or for the purposes of research. Licences for reproduction as provided for in sub-clause of this Article are granted only for the use of a work in connection with school or university education.
4. Where a licence for translation or reproduction is granted, the author of the original translated or reproduced work shall be entitled to fair compensation in conformity with the criteria of financial rights applied for voluntary licences between persons in the State of Qatar and persons in the Author's country.
5. The conditions and procedure of the granting of licences provided for in this Article are prescribed by a decision of the Minister.

Part 6

Provisions relating to a Work following the Death of an Author

Article 28

The copyright provided for in this Law is wholly or partly transferable by inheritance or by legal assignment.

Article 29

1. When an Author includes in his or her Will or any other testamentary disposition the non-publication or the publication at a fixed date of his or her

work, his or her Will or testamentary disposition shall be respected accordingly.

2. Where an Author or one of a group of co-authors dies without a beneficiary his or her portion of a work shall accrue to those who are entitled to it in accordance with the provisions of Islamic Sharia law.

Article 30

Where the beneficiaries or successors of an Author of a work do not exercise the rights transferred to them and if the Minister is of the opinion that the publication of the work would be in the public interest the Minister may request, by registered mail, that the beneficiaries of the Author publish such work. If they do not publish the work within twelve months from the date of the request, the Minister may order the publication of the work and fair compensation shall be paid to the beneficiaries.

Article 31

In the event the first publication of a work published by an Author's beneficiaries occurs following the death of the Author, the rights to the work shall be protected for fifty years as from the date of such first publication.

Part 7

Provisions Related to Certain Works

Article 32

National folklore shall be the public property of the State. The State as represented by the Ministry shall protect national folklore by all legal means and shall act as the Author of folkloric works with regard to any deformation, modification or commercial exploitation.

Article 33

In the event that several persons participate in the creation of a work, the co-authors shall be the original owners of the financial rights to that work. A sole co-author may not exercise rights of authorship unless all co-authors express agreement in writing. Any dispute shall be settled by the relevant tribunal. Each co-author shall have the right to file a case against any copyright violation. This right is transmittable to the beneficiaries of any of the co-authors. In the event that several persons Participate in the creation of a work and the role of each of them in the joint work is distinguishable, each person shall have the right to exploit his or her Part separately, without prejudice to the exploitation of the joint work, unless agreed otherwise between the co-authors in writing.

Article 34

In the case of a collective work, the natural or juristic person who initiates and directs such work shall be the original owner of the copyright, unless otherwise provided in the contract.

Article 35

In the event of the co-authorship of a musical work, the music composer shall have the exclusive right to authorize the public performance, execution, publication, reproduction or communication to the public of the whole work, without prejudice to the rights of the author of the literary component of the work.

The same provision shall apply to choreographic works accompanied by music, shows accompanied by music and to any other similar works.

Article 36

Co-authorship of an audio-visual work includes the following:

1. The author of the scenario or the written idea;
2. The author of the dialogue;
3. The editor of the existing literary work, adapting it to the audio-visual work;
4. The composer of the music that has been especially composed for the audio-visual work;
5. The producer, if he exercises effective control and provides positive intellectual input to the realization of the work in all its aspects.

Where the audio-visual work is adapted or extracted from another previous work, the author of the previous work shall be considered as a co-author of the new work. His or her name shall be explicitly mentioned with regard to the adaptation or extraction.

Article 37

Where any of the co-authors of an audio-visual work fails to complete his or her assigned role, the remaining co-authors shall not be prevented from using the Part already accomplished notwithstanding his rights as a co-author if his failure to complete the work was justifiable. Where his or her failure was of his or her own free will, without justifiable reasons, he or she shall be deprived of any rights that may accrue to him or her by virtue of the Part he or she has accomplished.

Article 38

Where the authors of a literary text, scenario and dialogue, and the producer and music composer collectively create an audio-visual work, none of them shall have the right to prevent the production or display of such work, without prejudice to the moral and financial rights of the dissenting party or parties. The author of the literary or musical component of a work may publish his or her work by means other than film, theatre, radio or television, unless otherwise agreed in writing with the other Parties to the work.

Article 39

The producer shall always be considered the publisher of a work. During the period of exploitation of the work the producer shall act on behalf of the co-authors and their successors with regard to the terms of the display and exploitation of the work, without prejudice to the rights of the author in their works by other means, unless otherwise agreed to the contrary.

Part 8

Neighbouring Rights

Chapter One

Rights of Performers

Article 40

1. Performers shall enjoy the following rights:
 - a Moral rights which will consist of the following:

- i the right to be identified as such with respect to their performances only if such indication would be in contradiction to the exploitation of the performance;
 - ii the right to prevent any distortion, deformation or modification of their performance that would be prejudicial to their reputation;
- b Financial rights which will consist of the right to:
- i broadcast or make their unfixed performance available to the public;
 - ii make a fixation or a recording of their unfixed sound recordings;
 - iii reproduce sound recordings containing unauthorized fixation of their performances;
 - iv rent sound recordings containing their performances;
 - v distribute to the public through the sale of sound recordings containing their performances;

2 The provisions of this Article shall not deprive performers from concluding contracts with better terms for their performances;

3 The rights conferred by this Article shall be protected until the end of the fiftieth year following the fixation of the performance in a sound recording or in the absence of such fixation from the end of the year in which the performance took place.

Chapter Two

Rights of Producers of Sound Recordings

Article 41

Producers of sound recordings shall have the exclusive right to carry out or to authorize any of the following acts:

1. Direct or indirect reproduction of a sound recording in any manner or form;
2. Rental to members of the public of a copy of the sound recording;
3. The retailing of recordings to the public.

The rights under Clause 1 of this Article shall be protected from the publication of the sound recording until the end of the fiftieth year following the year of publication or if the sound recording has not been published from the fixation of the sound recording until the end of the fiftieth year following the year of fixation.

Chapter Three

Rights of Broadcasting Organizations

Article 42

Broadcasting organizations shall have the exclusive right to carry out or to authorize any of the following acts:

1. Re-broadcasting of their broadcasts;
2. Communication of such broadcasts to the public;
3. Fixation of its broadcasts;
4. Reproduction of a fixation of its broadcast.

The rights under this Article of the publication of the sound recording shall be protected for twenty years as from the year following the year in which the broadcast takes place.

Article 43

The provision of this Law shall apply to the following:

1. Performances of Qatari performers;
2. Sound recordings of Qatari producers or recordings that have been recorded or published in Qatar;
3. Broadcasts or broadcasting organizations that have their headquarters in Qatar or broadcasting organizations that broadcast through a transmitter in Qatar.

The provisions of this Law shall also apply to performances, sound recordings or broadcasts protected by any international convention to which the State is Party.

Part 9

Bureau of the Protection of the Copyright and Neighbouring Rights

Article 44

An office shall be established within the Commercial Affairs Department (CAD) in the Ministry to be known as the "Bureau for the Protection of Copyright and Neighbouring Rights" and shall be vested with the enforcement of this Law. For this purpose, the Bureau shall undertake to:

1. Raise authors' awareness of the optimal means by which to exercise their financial and moral rights and to provide them with assistance;
2. Settle any disputes arising between the authors, performers and third parties, subject to the provisions of this Law, with the consent of the parties concerned;
3. Consider and pursue issues related to Copyright and Neighbouring Rights at local, Arab and international levels and to submit relevant proposals or recommendations;
4. Examine applications to register works, sound recordings, performances and broadcasts in accordance with the provisions of this Law;
5. Propose the necessary measures to implement the provisions of this Law with Particular reference to the appropriate procedures for the registration of works with the Bureau as provided for in Clause 4 of this Article, the publication of such registration, and the forms or records related to the registration;
6. Represent the country in meetings, seminars and conferences related to Copyright and Neighbouring Rights at local, Arab and international levels.

Article 45

Owners of copyright and Neighbouring Rights may submit to the Bureau an application to register their works as provided for in Article 44 Clause 4 of this Law provided that they submit the following material with their applications:

1. The name of the author or authors in respect of joint works or the name of any owner of Neighbouring Rights;
1. The subject matter of the work or subject matter of the neighbouring right;
3. Two copies of the work or the subject matter of the neighbouring right;
4. A comprehensive statement of the specifications of the work or the subject matter of the neighbouring right;
5. A written statement by the authors of the ownership of a work or any neighbouring right and rights conferred on them.

Failure to register a work or the relevant Neighbouring Rights thereto shall have no effect on the protection of such work under this Law.

Article 46

The Bureau shall deliver to the owners of rights or the owners of Neighbouring Rights a certificate specifying the date of registration, the subject matter and nature of the neighbouring right or rights, and the name of the holder or owner of such rights, subject to the payment of the required certification fees.

Such certificate shall be considered evidence of the authenticity of the data included therein and the onus falls on any other Party to prove otherwise. The fees for issuing registration certificates shall be determined by a decision of the Council of Ministers upon the proposal of the Minister.

Part 10

Conservative Measures and Sanctions

Article 47

1. The Court may, upon application by the owner of the right to a work or any of his or her successors or hirers, take the following procedure related to the infringement of copyright:
 - a Grant injunctions to prohibit the committing of infringement;
 - b Order the seizure of the infringing copies or any part thereof;

c Seize infringing copies and any equipment used in such reproduction;

d Order the appropriate indemnification of injured Parties;

e Seize profits attributable to any infringement.

2. Where it is proved that a plaintiff is the owner of the rights to a work and that such right has been infringed or is subject to imminent infringement the Court may order any of the procedures provided for in Clause 1 of this Article as a conservatory measure to prevent infringement or to preserve evidence related to such infringement.
3. In the event that delay may prejudice a holder of the rights to a work beyond compensation or in the event there is a proved risk of losing material that constitutes evidence related to an infringement the Court may take any of the measures provided for in Clause 1 of this Article as conservatory measures without notifying the defendant and in his absence, and the prejudiced Parties shall be notified of the measures taken by the Court as soon as such measures are implemented. The defendant may request a hearing within thirty days after his notification of the measures taken by the Court. The Court shall decide in the course of such hearing whether to endorse, modify or repeal the conservatory measure.
4. The petition for conservatory measures shall be submitted in accordance with the provisions of Clauses 2 and 3 of this Article together with an appropriate financial deposit in order to prevent abuse and secure damages for a defendant should any petition prove to be untrue or flawed.
5. Upon request from a defendant, the conservatory measures taken in accordance with the provisions of Clauses 2 and 3 of this Article shall be repealed if the action is not filed within fifteen days from the date of an order of the Court to take appropriate measures.
6. In the event any conservatory measure taken in accordance with Clauses 2 and 3 of this Article is repealed due to the expiry of the period for filing an action, or due to the inability of the plaintiff or where it is proved that there is no infringement or any imminent infringement, the Court may, upon request by the defendant, order appropriate indemnification for prejudice caused by such measures.
7. The Court may order the petitioner who arbitrarily requested any of the measures stipulated in this Article to make payment of adequate compensation to the Party against whom the measures were taken to compensate for any damages sustained as a result of such abuse

Article 48

Without prejudice to any more severe sanction provided for under any other law, any person publishing a work the rights to which he or she does not own without certified written authorization from the author of the work, his or her beneficiaries, or his or her representative shall be subject to imprisonment for a period of not less than six months and not more than twelve months, or shall be fined not less than Thirty Thousand (QAR 30,000) Riyals and not more than One Hundred Thousand (QAR 100,000) Riyals, or shall be subject to a period of imprisonment together with a fine.

Article 49

Without prejudice to any more severe sanction provided for under any other law, any publisher who when publishing a work modifies its intended meaning, nature, subject or title in contradiction to the instructions or wish of the author of the work shall be subject to imprisonment for a period not exceeding twelve months, or shall be fined not less than Thirty Thousand (QAR 30,000) Riyals and not more than Fifty Thousand (QAR 50,000) Riyals or shall be subject to a period of imprisonment together with a fine.

Article 50

No establishment that engages in the distribution, sale or reproduction of copies of work shall undertake any sale or reproduction of a work without written authorization from the author, or his or her representative. The owner of any establishment that contravenes the provisions of this Article shall be subject to imprisonment for a period not exceeding twelve months, or shall be fined not less than Thirty Thousand (QAR 30,000) Riyals and not exceeding Fifty Thousand (QAR 50,000) Riyals or shall be subject to a period of imprisonment together with a fine.

Article 51

The following acts shall be considered illegal acts and infringements of the rights protected under this Law:

1. The manufacture or importing of any device or instrument with the intention of using such device or instrument through sale, rental or by any other means if they were designed or intended to deactivate any device or instrument thereby preventing or limiting the reproduction of a work, a sound recording, or a broadcast, or if intended to undermine the quality of the work;
2. The manufacture or importing of any device or instrument with the intention of using such device or instrument through sale, rental or by any other means so as to enable the reception of encoded programmes broadcast or communicated to the public in any other way including programmes communicated by satellite, or if such device or instrument facilitates the transmission of such broadcasts or communications to persons not entitled to receive such programmes;
3. The removal or modification of any electronic data relating to copyright administration, without authorization;

4. The distribution of works, performances, sound recordings or broadcasts, or the importing of such works for distribution, transmission or communication to the public, or the provision of such works to the public without authorization in the knowledge that electronic data relating to copyright administration had been removed or modified without authorization.

Any person who commits any of the preceding infringements shall be subject to imprisonment for a period of not less than six months and not more than twelve months.

Article 52

In all circumstances specified in this Part, it is imperative to order the confiscation of all copies infringing the rights to the work and all equipment used in the reproduction of such work. A decision may also be taken to close down the trading entity responsible for such infringement for a period of not less than one month and not more than three years. In the event infringement reoccurs, the sanctions provided for in this Part shall be doubled and the Court may also order the publication of the judgment in one or more newspapers at the expense of the convicted party.

Article 53

All conservatory measures and sanctions provided for in this Part shall apply to any Neighbouring Rights.

Part 11

General Provisions

Article 54

The provisions of this Law shall apply to works, performances, sound recordings or broadcasts in existence at the time of the entry into force of this Law provided that the protection period had not lapsed under any previous legislation or the legislation in the country of origin of such works. The provisions of this Law shall not apply, however, to contracts concerning works, artistic performances, sound recordings or broadcasts that were concluded prior to the entry into force of this Law.

Article 55

The staff of the Bureau of the Protection of Copyright and Neighbouring Rights as mandated by the Minister shall have the capacity of judicial officers for the purposes of controlling and certifying offences committed in violation of the provisions of this Law. For that purpose they are authorized to enter and inspect premises where works are published, distributed, reproduced and produced, and to examine documents and records, and to confiscate any material, copies or the means used in any acts violating this Law.

Article 56

The Minister shall issue the necessary regulations and decisions for the implementation of the provisions of this Law. Until such date as this Law enters into force current regulations and decisions shall continue to be in force to the extent that they are consistent with the provisions of this law.

Article 57

Law No. 25 of 1995 is hereby repealed together with any provisions inconsistent with the provisions of this Law.

Article 58

All competent authorities within their respective areas of competence are liable to enforce this Law. This Law shall enter into force as from the date of its publication in the *Official Gazette*.

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