

Frequently Asked Questions (FAQs)

Copyright Protection in Saudi Arabia



Kadasa & Partners

You can download this FAQ from

www.kadasa.com.sa

Copyright Protection in Saudi Arabia

1. Is Copyright protection available in Saudi Arabia?

Yes, Saudi Arabia has copyright legislation in place for protection of copyright subject matters. The law and implementing regulations has detailed provisions on subject matters of protection, infringement, exceptions, ownerships clauses, and procedure to enforce rights.

2. What is the subject matter for Copyright protection in Saudi Arabia?

Literary, artistic and scientific works are protected in Saudi Arabia. Literary work may include books, articles, magazines, softwares, and artistic work may include paintings, photography, sculpture, lithography and maps etc.

3. What is the process for registration of Copyright in Saudi Arabia?

There is no procedure in place for copyright registration. Nonetheless, since Saudi Arabia is a member of Berne convention, any work which falls in protectable subject matter and fulfill the condition of originality will be protected without registration. Provisions related to copyrights in TRIPS agreements are also applicable in Saudi Arabia as a member of WTO.

4. Which ministry is responsible for Copyright protection?

Ministry of Culture and Information is responsible for protection and enforcement of copyrights in Saudi Arabia. Copyright protection division is a relevant department within ministry.

5. How much is duration of Copyright protection in Saudi Arabia?

It depends on type of work involved. For example for some of the works, period of protection are as following:

- i. Protection of work for an author is during his/her lifetime and for 50 years after death of author.
- ii. In case of joint work, the protection will be during lifetime of authors, and 50 years after death of last surviving author.

Copyright Protection in Saudi Arabia

- iii. For corporate entities, protection of fifty years will start from date of first publication of work.
- iv. Photographs are protected for a period of 25 years.

6. Is Saudi Arabia member to any international convention on Copyrights?

Saudi Arabia is a member of Berne Convention w.e.f March 11, 2004.

7. Who is owner of Copyrights in created work in Saudi Arabia?

The author is owner of copyrights in created work. The definition of author may be different depending on type of work involved.

8. Are there provisions on joint ownership?

Yes, any work which is created by two or more corporate or natural persons will be joint work, under joint ownership of all authors.

9. Is there Copyright protection available for software under Saudi Copyright law?

Yes, Saudi copyright law protects computer softwares for a period of fifty years post publication.

10. What type of actions are available for Copyright infringements in Saudi Arabia?

A Copyright owner can file statement of claims with Copyright Committee constituted in Ministry of Culture and Information. Committee is composed of panel of members.

11. Are there administrative actions available against Copyright infringements?

A copyright owner can file request with custom authorities to seize a consignment bearing infringing goods which is intended to be imported in Saudi Arabia. Other than custom measures, there is no administrative procedure in place currently.

12. Where is appeal against initial decision filed in infringement cases?

Appeal can be filed against decision of Copyright Committee to Saudi courts. Final appeal lies with Court of Appeal.

13. Is it possible to license or assign Copyright work in Saudi Arabia?

Yes, it is possible to license or assign copyright work through a written agreement. The subject matter of assignment shall exist at the time of agreement.

Copyright Protection in Saudi Arabia

14. Can moral rights be assigned in Saudi Arabia?

No, it is not allowed to assign moral rights even with consent of author. Only financial rights are assignable.

15. Is it necessary to record license agreement?

No, it is not mandatory to record a license agreement.

16. What are consequences of non-recordal of license?

Under Copyright law, there are no detrimental effects on non-recordal.

17. Who has right to initiate copyright infringement action?

A copyright owner, and an exclusive licensee having right to initiate action provided in license agreement may sue for infringements.

18. Are there custom measures available for right holders to take action against infringing acts?

Yes, Saudi copyright law, and special law related to border measures has a prescribed procedure for border measures against copyright infringement.

19. How often Copyright infringement actions are initiated in Saudi Arabia?

Copyright infringement cases are very rare in Saudi Arabia.

20. Is it possible to request for interim orders in Copyright infringement action?

Yes, the law authorizes Copyright committee to issue interim orders, however in practice, it is very unlikely that Copyright committee will issue an interim order.

21. Is it possible to claim damages in copyright infringement cases? How much damages are awarded?

In theory, damages are possible to be recovered, however in practice it is very unlikely that Saudi court will award damages. Shariah (Islamic) law is applicable to calculation of damages, which requires cause and effect relationship between infringing activity, and actual damages caused as a direct result of such acts.

Copyright Protection in Saudi Arabia

22. Does Saudi Copyright law provide punishments for copyright infringement?

Yes, copyright law provides fine and imprisonment and stipulates maximum punishments. Fine can imposed upto maximum of Saudi Riyals 250,000 equivalent to USD 66,700. Imprisonment upto maximum 06 months can also be imposed upon infringer.

Business establishment may be closed upto maximum 02 months. Confiscation and destruction of infringing goods used or intended to be used in violation of rights may also be imposed.

23. Is there additional punishments for repeat violator of copyright law?

Under Saudi Copyright law, double punishment can be imposed upon repeat violator. For example, fine will become Saudi Riyals 500,000 equivalent to USD 133,400 (maximum) and imprisonment will be for one year (maximum). Business establishment may be closed upto 04 months.