

The Copyright Protection Law
No. (22) of 1992

Translated By : Nabeel Law Office

Copyright Protection Law Table of Content

No. (22) of 1992

Article	Title
1	Title and Effective Date
2	Definitions
3	Works Enjoying Copyright Protection
4	The Author
5	Translators and Performers Copyrights
6	Work Created for the Account of another Person
7	Works not Subject to Protection
8	Author's Exclusive Rights
9	Author's Right to Exploit his Work
10	Author's Publication of his Letters
11	Translation, Reproduction and Publication Licenses
12	Seizure of Copyright
13	Disposal of Monetary Rights
14	Disposal of Future Intellectual Creations
15	Transfer of Original Copy's Title
16	Copyright of Photographic Work
17	Use of Published Works
18	Serial Novels, Short Stories and Other Works Published in Newspapers or Periodical Publications
19	Sermons, Conversations and Similar Works Copyrights
20	Copy of Work without Author's Consent
21	Rights of the Author's Heirs
22	Restrictions on the Rights of the Author's Heirs
23	Protection of the Rights of Performers, Sound Recordings and Broadcast Programs
24	Temporary Recording of the Works of Official Radio and Television Entities
25	Restrictions on Exploiting Photographic Works
26	Works not Carrying Author's Name or Pseudonym
27	Minister's Right in Exercising Work's Monetary Rights
28	Disposal of any Right of the Work by its Author
29	Auction of Original Plastic Arts and Original Musical and Literary Manuscripts
30	Protection Period of Author's Financial Copyrights
31	Works Included in the Fifty-Year Protection Period
32	Works Included in the Twenty-Five-Year Protection Period
33	Date of Publication

Article	Title
34	Lapse of Protection Period
35	Creation of Work by a Number of People
36	Copyrights Protection Office
37	Rights related to Cinematic, Radio and Television Works
38	Works Subject to Depositing Provisions Stipulated in this Law
39	Persons Responsible for Depositing Works
40	Depository Number
41	Placing Index's Data, Category, Number and Date of Deposition on the Work
42	Responsibility of Press or Entity which Prints, Publishes or Distributes Works to Present Lists of Same
43	Lists or Indexes of Periodical Bibliographical Data
44	The Unified Index
45	Failure to Deposit Work
46	Litigation Procedures
47	Work Reproductions Published in an Illegitimate Manner
48	Restoration of Works whose Copyrights have been Violated
49	Compensation of Author whose Work's Copyrights have been Violated
50	Publication of Court Decision
51	Penalties
52	Fines
53	Application of the Law
54	Application of the Law to Existent Works
55	Application of the Law to Events and Agreements Concluded after its Enforcement
56	Calculation of Periods Stipulated in the Law
57	Implementation of the Law
58	Cancellations
59	Persons Responsible for Applying this Law

Copyright Protection Law
No. (22) of 1992
And Law No. (14) for the year 1998
And Law No. (29) for the year 1999
And Law No (88) for the year 2003
And Law no. (8) for 2005.
♦ And Law No. (9) for the year 2005

Article (1): Title and Effective Date

This Law shall be cited as the “Copyright Protection Law of 1992” and shall come into effect as of the date of its publication in the Official Gazette.

Article (2): Definitions

The following words, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context provides otherwise:

The Ministry: ♦ The Ministry of Culture.

The Minister: The Minister of Culture.

Deposit: Delivery of the work to the Depository Center in accordance with the provisions of this Law.

Consolidation ♦: Setting the work in a material permanent manner.

The Center ♦: The depository center in the National Library or any official authority accredited by the Minister.

The Court: The competent Court of First Instance.

Article (3): Works Enjoying Copyright Protection

a) Works created in literature, art and science, whatever the nature, or importance of those works, or the purpose for which they were produced, shall enjoy protection in pursuance to this Law.

♦ Amended by the Amending Law No. (14) for the year 1998.

- b) The said protection shall include the works expressed through writing, sound, drawing, photography or movement, and in particular:
1. Books, booklets and other written material.
 2. Oral works delivered orally such as lectures, speeches and sermons.
 3. Theatrical works, lyrical and musical plays and pantomime acting.
 4. Musical works whether expressed in notes or not and whether accompanied with words or not.
 5. Cinematic and audio and visual broadcasting works.
 6. Painting, photography, sculpting, architecture, applied arts and lithographical works.
 7. Illustrations, maps, designs, blueprints and three-dimensional works related to geography and topography.
 8. ♦Computer programs whether in the origin language or machine language.
- c) Protection shall also include the title of the work unless the title is generic used to describe the subject of the work.
- d) ♦♦ Collections of literary or artistic works such as encyclopedias, anthologies, and compiled data, whether in an automatically read form or in any other form, which constitutes unique intellectual works in respect of their selection or arrangement, shall also enjoy protection. Collections containing selected excerpts of poetry, prose, music or other shall also be protected, provided that the sources and authors of same are mentioned without prejudice to the rights of the authors in respect to each work forming a part of the collections.

Article (4): The Author ♦♦♦

A)-1- A person who publishes a work that is attributed to him, whether by mentioning his name on the work, or by any other means, is considered an author unless proven otherwise.

♦ Amended by the Amending Law No. (29) for the year 1999

♦♦ Amended by the Amending Law No. (14) for the year 1998

♦♦♦ Amended by the Amending Law no. (8) for 2005..

- 2- publisher whose name appears on a work shall be considered the representative of the author if this work carries a pseudonym or if it does not carry a name or if the author is unknown. In this capacity, the publisher may perform the literary and financial rights stipulated in this Law until the identity of the author is discovered or the author declares his identity and proves it.
- b) The person whose name appears in the regular manner on an audio visual work or an audio recording work shall be considered the producer of work unless it is proven otherwise.
- c) The person whose name appears in the regular manner on a work shall be considered a performer unless it is proven otherwise.

Article (5): Translators and Performers Copyrights

Without prejudice to the right of the author of the original work, the following shall enjoy protection and be is considered work for the purposes of this Law:

- a) Any person who translates a work to another language or transforms it from one form of literature, art or science to another or summarizes, modifies, amends, explains, comments or indexes it to present it in a new form or presents it in a new form through other means.
- b) A performer who performs to an audience an artistic work of others whether same is achieved by singing, performance, rhythm, recitation, photography, drawing, movement, steps or any other method.
- c) ♦ Authors of encyclopedias, anthologies, compiled data, and collections protected in pursuance to the provisions of this Law.

Article (6): ♦♦ Work Created for the Account of another Person

- a) If a person creates a work for the account of another the copyrights shall belong to the author of the work unless agreed otherwise in writing.

♦ Amended by the Amending Law No. (14) for the year 1998

♦ Amended by the Amending Law No (88) for the year 2003

- b) Notwithstanding the provisions of paragraph (a) of this Article and any other Law, if an employee invents during his employment a work related to the activities or businesses of his employer or utilized in the course of arriving at this invention the employer's expertise, data, tools, equipment or materials which are placed under his disposal, then the copyrights shall belong to the employer after taking into consideration the intellectual effort of the employee unless agreed otherwise in writing.
- c) The intellectual property rights shall belong to the employee if the property right invented by him is not related to the businesses of the employer, and if same did not utilize the employer's expertise, data, tools or primary material to arrive at this invention unless agreed otherwise in writing.

Article (7): Works not Subject to Protection

The protection provided for under this Law shall not include the following works unless collections of these works are distinguished with personal effort, which encompasses invention or organization:

- a) Laws, regulations, judicial decisions, administrative committees' decisions, international agreements and other official documents and translations of these works or any part thereof.
- b) News published, broadcast or delivered publicly.
- c) Works that have become public property. National folklore shall be considered public property for the purposes of this Article, provided that the Minister shall exercise the copyrights of such works to counter distortion, alteration or damage to cultural interests.

Article (8): Author's Exclusive Rights

The author shall have the exclusive right to:

- a) Have his work attributed to him and his name cited on all produced reproductions whenever the work is made available to the public, unless the work is cited incidentally during the news broadcast of current events.
- b) Decide the publication of his work and determine the manner and date thereof.
- c) Affect any alteration on his work whether by modification, editing, omission or addition.
- d) Challenge any infringement upon his work and prevent any distortion or alteration or any other modification thereof or any other transgression that may harm his reputation and honor. Nonetheless, shall any omission, alteration, addition or any other modification occur to the translation of the work, then the author shall not have the right to prevent same unless the translator fails to note the places of such modification, or should the translation prejudice the author's reputation and cultural or artistic standing or distorts the content of the work.
- e) Withdraw his work from circulation should there be serious and legitimate reasons to do so. In such a case the author shall be liable to justly compensate the person to whom the monetary rights have passed.

Article (9) ♦: Author's Right to Exploit his Work

The author shall have the right to exploit his work in whatever manner he chooses. Others shall not be entitled to exercise any of the rights stipulated hereunder without the written authorization of the author or his successors.

- a) Reproduce the work in any manner or form whether in temporarily or permanently including photography or filming or digital electronic recording.

♦ Amended by the Amending Law no. (9) for 2005..

- b) Translate the work to another language, adapt it, musically distribute it, or carry out any alteration thereof.
- c) Commercial leasing of the original copy of the work or a copy thereof to the public.
- d) Distribute the work or reproduce it through sale or any other title transferring disposal.
- e) Import copies of the work in commercial quantities even if these copies were prepared with the approval of the holder of the right therein.
- f) Conveying the work to the public by reciting, announcing, exhibiting, or performing same or by radio, television, cinematographic broadcasting or any other means.

Article (10): Author's Publication of his Letters

The author shall have the exclusive right to publish his letters. However, the author and others are prohibited from exercising this right without the prior authorization of the recipient or his successor, should such publication harm the recipient.

Article (11) ♦: Translation, Reproduction and Publication Licenses

Notwithstanding the provisions of Article (9) of this Law:

- a) Any Jordanian citizen shall have the right to obtain an inclusive license whose title can not be transferred, from the Minister or the person authorized by him, to translate any foreign work published in a printed form or any other form to the Arabic language and to publish this translation in printed form or any other similar form, provided that three years have elapsed since the first publication date of this work, and that no translation thereof has been published in Jordan in the Arabic language by the owner of the translation right or with his approval or in the case the translated copies have been consumed.

♦ Amended by the Amending Law No. (14) for the year 1998 and the Amending Law No. (29) for the year 1999

- b) Any Jordanian citizen shall have the right to obtain an inclusive license whose title cannot be transferred to others, from the Minister or the person authorized by him, to reproduce or publish any of the following published works according to the following conditions:
1. The lapse of three years since the first publication date of any printed work related to technology, natural sciences, physics or mathematics, or after the lapse of seven years since the first publication of poetic, theatrical, musical works, art books and novels or the lapse of five years since the first publication of any other published works.
 2. That no copies thereof have been distributed in the Kingdom to fulfill the needs of the general public or school or university education through the owner of the right of reproduction or with his approval and at a price compatible with the prices of similar works in the Kingdom
 3. That the published copies be sold in accordance with the provisions of this clause at a price equal to or less than the price stated in clause (2) of this paragraph.
- c) Translation licenses provided for in paragraph (a) of this Article shall only be granted for the purposes of school or university education or research. Reproduction licenses provided for in paragraph (b) of this Article shall only be granted for use in the field of school or university education.
- d) Upon the granting of a translation or reproduction license the original author of the work which was translated or reproduced shall become entitled to a just compensation compatible with the standards of the monetary rights of the author which are prevalent in voluntary license contracts between people in the Kingdom and between people in the author's country.

- e) The conditions and procedures for the granting of licenses provided for in this Article shall be determined in pursuance to a regulation issued for this purpose.

Article (12): Seizure of Copyright

No seizure shall be affected on the author's right in any work. However, seizure of the reproductions of the work which has been published is permitted. Seizure of the work whose author has died before its publication is prohibited, unless proven that the author approved its publication before his death.

Article (13): Disposal of Monetary Rights

- a) The author may dispose of the monetary rights of his work, provided that such disposal is in writing and that it determines explicitly and in detail each right subject to disposal and the extent and purpose thereof and the duration and place of its exploitation.
- b) ♦ The person to whom the right to financially exploit a work has been transferred in accordance with the provisions of paragraph (a) of this Article shall be entitled to perform all the rights which have been transferred to him.

Article (14): Disposal of Future Intellectual Creations

Any disposal of the author of his entire future intellectual creations shall be null and void.

Article (15): ♦ Transfer of Original Copy's Title

The transfer of the title of the original copy of the work or the only reproduction or a number of reproductions thereof to others shall not include the transfer of the copyright of this work to those others and shall not be obliged to enable the author to reproduce or transfer or present same unless agreed otherwise.

♦ Amended by the Amending Law no. (8) for 2005..

Article (16): Copyright of Photographic Work

The copyright of photographic work shall not prohibit others from taking one or more photograph of the subject of the work even if the new photograph, or photographs was taken from the same place and under the same circumstances of the original photographic work.

Article (17) ♦: Use of Published Works

Published works may be used without the author's permission subject to the following conditions and in the following cases:

- a) Presenting, exhibiting, announcing, performing or musically playing the work provided that same occurs in a private family meeting or in an educational, cultural or social institute by way of illustration for educational purposes. The State musical bands may play musical works provided that no financial gain is achieved and that the source and author's name is mentioned if available.
- b) Employing the work for private personal use through making one copy thereof by reproduction, recording, photographing, translation or musical distribution provided that the foregone does not conflict with normal exploitation of the work and does not cause unjustified injury to the legitimate interests of the author.
- c) ♦♦ Relying on the work for illustration in education through publications, programs and sound, audio and visual recordings for educational, cultural, religious or vocational purposes within the parameters necessary for achieving these purposes provided that this does not conflict with the regular exploitation of the work and that relying on this work in this case does not aim to achieve any financial gain and that the name of the work and author are mentioned.

♦ Amended by the Amending Law No. (14) for the year 1998

♦♦ Amended by the Amending Law no. (8) for 2005.

- d) Quoting paragraphs from the work in another work for the purpose of illustration, discussion, criticism, culturing or examination within the limits which justify this purpose provided that the name of the work and author is mentioned.

Article (18): Serial Novels, Short Stories and Other Works Published in Newspapers or Periodical Publications

Newspapers and periodical publications are prohibited from carrying serial novels and short stories and other works published in newspapers and other periodical publications without the permission of their author. Newspapers may carry political, economic and religious news articles occupying public opinion, which are published in other newspapers unless the newspaper, which published same explicitly, prohibited carrying them. In all cases reference to the source from which the articles were carried shall be made.

Article (19): Sermons, Conversations and Similar Works Copyrights

Newspapers and other media means may publish without the prior consent of the author sermons, lectures, conversations and other similar works which are publicly delivered or addressed to the public. In all cases the work and its author should be mentioned. The author of any of these works may publish same in one publication or by any method or form he chooses.

Article (20): ♦ Copy of Work without Author's Consent

Public libraries, non-commercial documentation centers, educational academies and scientific and cultural institutions may copy any work by photography or by other means, without the author's consent provided that the photocopying and the number of copies is limited by the need of these institutes and that same does not harm the copyrights of the author and does not conflict with the normal exploitation of the work.

Article (21): Rights of the Author's Heirs

The heirs of the author have the exclusive right of determining the publication of his work which was not published during his

♦ Amended by the Amending Law No. (14) for the year 1998

lifetime unless the author prohibited the publication of his work in his will or specified the time of its publication in which case the will should be adhered to.

Article (22): Restrictions on the Rights of the Author's Heirs

The heirs of the author of any work shall have the exclusive right of exercising the monetary exploitation rights of that work stipulated in this Law. However, if the author was party to a written contract with others during his lifetime to exploit his work, then this contract shall be carried out in accordance with its conditions. If more than one author contributed in the creation of the work and one of them died without leaving an heir, then his share in the work shall pass to the rest of the contributors in the creation equally provided that no written agreement states otherwise.

Article (23):[♦] Protection of the Rights of Performers, Sound Recordings and Broadcast Programs

Notwithstanding the provisions of Article (17) of this Law:

- a) A performer shall have exclusivity of the following rights:
 1. Live broadcast and transfer of his performance and consolidating his unconsolidated performance.
 2. Reproduce his consolidated performance in an audio recording in any manner or form whether direct or indirect and whether temporarily or permanently, including digital electronic recording.
 3. Distribute a performance consolidated in an audio recording through sale or any other title transferring disposal.
 4. Commercial leasing of his performance that is consolidated in an audio recording.
 5. Import in commercial quantities of his performance that is consolidated in an audio recording whether this recording was prepared with the approval of the artist or not.

[♦] Amended by the Amending Law no. (9) for 2005..

6. Make available the performance consolidated in an audio recording to the public through wire or wireless means in a manner that enables any person to have access to it at any time and place same chooses.
- b) The performing artist shall have the right to attribute to him/herself his/her live audio performance or the performance consolidated in an audio recording even if the financial rights related to this right have been transferred to others, unless the refusal to refer the work to him/herself was necessitated by the manner of making use of the performance. Same may object to any infringement to this right and to prohibit every distortion or perversion or any other amendment of his/her performance that may harm his/her reputation.
- c) Producers of audio recordings shall have exclusivity of the following right:
1. Direct or indirect reproduction of audio reproductions in any manner or form whether temporarily or permanently, including digital electronic recording reproduction.
 2. Distribute audio recordings through sale or any other title transferring disposal.
 3. Commercial leasing of audio recordings.
 4. Importing in commercial quantities of sound recordings whether these recordings were prepared with the approval of the producer or not.
 5. Make available audio recordings to the public whether through wire or wireless means in a manner that enables any person to have access to same at any time and place the person chooses.
- d) Any broadcasting entity shall have exclusivity of the following rights in regard to its programs:
1. Consolidate its programs or record or reproduce these recordings. This shall apply to direct and indirect reproduction.
 2. Re-broadcast its programs and transfer it to the public.

- e) 1- The protection period for the rights of performers shall be fifty years as of the beginning of the first calendar year following the date of the first audio consolidation of the performance.
2. The protection period for the rights of producers of audio recordings shall be fifty years as of the beginning of the first calendar year following the date of publishing the recording and in the event that publication does not occur the period shall be calculated as of the date of the first consolidation of the recording.
3. The protection period for right of broadcasting entities shall be twenty years as of the beginning of the first calendar year following the year during which the broadcast occurred.

Article (24): ♦ Producers of audio recordings and performers shall have the exclusivity of broadcasting and transferring their audio recordings or consolidated performance to the public by wire or wireless means provided that the broadcasting is digital and is not for free.

Article (25) ♦ Temporary Recordings of the works of Official Radio and Television Entities

Radio and television establishments may prepare for their programs and by their own special means a temporary recording of any work for which it obtained a license allowing same to broadcast or display it, provided that all the copies of the work are destroyed within a period that does not exceed one year of the date of preparing that copy unless the author agrees to extend that period. Copies of works of a documentary nature, which has no more than one kept copy, are excluded from the foregoing.

Article (26) ♦ Restrictions on Exploiting Photographic Works

A person who produced a photograph is prohibited from displaying the original photograph, publishing or distributing same or displaying, publishing or distributing reproductions

♦ Amended by the Amending Law no. (8) for 2005..

thereof without the consent of the person it represents. This provision shall not apply if publishing a photograph occurred on the occasion of public events or if the photograph concerns official persons or persons of public fame or if the public authorities allowed its publication for public interest, provided that in all cases no photograph shall be displayed, published, distributed or circulated if same would damage the honor of the person it represents or his dignity, reputation, reverence or social standing. The person represented in the photograph may allow its publication in newspapers and magazines and other media means even if the person who took the photograph prohibited same, unless there is an agreement to the contrary. These provisions shall apply to any photographs whatever method taken with whether by painting, engraving, sculpting or any other method.

Article (27) ♦ Minister's Right in Exercising Work's Monetary Rights

Shall the heirs of the author of any work or the person considered his successor, as the case may be, not exercise their rights in monetarily exploiting the work then the Minister may exercise these rights by publishing the work or republishing it unless the heirs or the successor do so within six months as of the date of their notification in writing by the Minister without prejudice to the right of the heirs or successor, as the case may be, to a just compensation for publishing the work or republishing same, provided that the publication or republication is realized for public interest.

Article (28): Disposal of any Right of the Work by its Author

The author may dispose of any of his work's rights on the basis of participating with others regarding the income or profit resulting from the monetary exploitation of the work by others, provided that the author hold the right to receive an additional part of that income or revenue, shall it become apparent that the agreement to exploit his work was not to his interest, or became so as a result of conditions or reasons that were not apparent at the time of contracting or occurred afterwards.

♦ Amended by the Amending Law No. (29) for the year 1999

Article (29):[♦] Auction of Original Plastic Arts and Original Musical and Literary Manuscripts

The author of works of original plastic arts and original musical and literary manuscripts, or his heirs shall have the right to share in the proceeds of every auction of same following the first assignment thereof by the author. A regulation shall determine the conditions of exercising this right and the percentage of sharing in the proceeds of the sale and the method of collecting same. Any agreement or arrangement realized in a manner contrary to the provisions of this Article shall be considered null and void provided that this provision not apply to architecture and applied arts works.

Article (30)^{♦♦} Protection Period of Author's Financial Copyrights

The protection period of the author's financial copyrights provided for in this Law shall remain in force for the duration of the author's lifetime and for fifty years following his death, or after the death of the last person of those who participated in the creation of the work if they were more than one author. For the purposes of calculating the protection period the date of death shall be considered to have occurred in the first of January of the calendar year following the actual death of the author.

Article (31):^{♦♦♦} Works Included in the Fifty-Year Protection Period

The protection period for the following works shall apply for fifty years as of the date of their publication, provided that the calculation of this period starts as of the first of January of the calendar year following the actual publication date thereof:

- a) Cinematic and television production works. However, if same are not published with the consent of the right's holder within fifty years as of the date of completing this work then the protection period shall commence as of the date of its completion, which is considered the first of

[♦] Amended by the Amending Law No. (29) for the year 1999

^{♦♦} Amended by the Amending Law No. (14) for the year 1998

^{♦♦♦} Amended by the Amending Law No. (29) for the year 1999

January of the calendar year during which the actual completion of the work was realized.

- b) Any work whose author or the holder of the right thereof is a corporate person.
- c) The work published for the first time after the death of its author.
- d) The work, which does not carry the name of its author or carries a pseudonym. However, if the author reveals his identity within the protection period then this period shall start as of the death of the author.

Article (32): ♦ Works Included in the Twenty-Five-Year Protection Period

The protection period of applied arts applications shall be twenty-five year period beginning as of the date of their completion and shall be calculated as of the first day of January of the year during which the actual completion of the work was realized.

Article (33): Date of Publication

- a) The work shall be considered published as of the date of it being made available to the public for the first time. Republication shall not be taken into account unless the author introduces major amendments thereof upon which the work can be considered new.
- b) If the work constitutes several parts or volumes published separately at different times, then each part or volume shall be considered independent in regard to the publication date.

Article (34): Lapse of Protection Period

- a) After the lapse of the protection period stipulated in this Law of any work, or when there are no heirs of the author or any successor to same before the lapse of the protection period, the work shall revert to public domain

♦ Amended by the Amending Law no. (9) for 2005.

so that any person may print, publish or translate same if it were printed, published or translated before that.

- b) If the work stipulated in paragraph (a) of this Article was not printed, published or translated before reverting to the public domain then no right thereof shall be exploited including its printing, publication or translation without a license from the Minister. This license shall be valid for fifteen years and shall be considered cancelled if the holder of the right did not exercise it within one year or if same started then stopped for a whole year.

Article (35): Creation of Work by a Number of People

- a) If more than one person participated in the creation of one work in a manner that makes it impossible to separate the share of each of them in the creation then they all shall be considered the owners of the work with each having an equal share unless they agree otherwise. In such a case none of them shall exercise the copyrights of the work without the consent of all of them. Each of them shall have the right to file a case upon any violation of the copyright of the work.
- b) However, shall it be possible to separate the share of all the contributors to the creation of the work from the shares of the remaining partners then each shall have the right to exploit the copyright of the part he contributed in its creation provided that same does not harm the exploitation of the work itself or prejudice the rights of the remaining partners in the work unless agreed otherwise.
- c) If a group participated in the creation of a work under the direction of a natural or corporate person (called a collective work) and if that person committed himself to publishing same under his name and management in a manner were the work of the participants is merged into the general goal that this person intended for the work or idea which he innovated for same in a manner that the work of each of the participants in creating the work can

not be separated and distinguished apart, then the person who directed and organized the innovation of the work shall be considered its author and shall have the exclusive right of exercising the copyrights thereof.

Article (36): ♦ Copyrights Protection Office

- a) Employees of the Copyrights Protection Office in the National Library Department who are delegated by the Minister shall be considered members of the Judicial Police during their implementation of the provisions of this Law.
- b) ♦♦ Shall there be any suspicion of a violation of the provisions of this Law being committed then the employees of the Copyrights Protection Office shall have the right to search any business that undertakes the printing of works or their reproduction or production or distribution including transport means and shall seize the copies and all materials used in committing those violations and refer it along with its violators to Court. The Minister has the right to request the Court to close the business.

Article (37): Rights related to Cinematic, Radio and Television Works

- a) The following shall be considered a partner in creating cinematic, broadcasting, and television works:
 - 1. The author of the scenario or the owner of the written idea of the program.
 - 2. The person who modified the literary work to make it suitable for implementation.
 - 3. The author of the dialogue of cinematic, radio or television work.
 - 4. The composer of the music of the work if he composed it especially for the work.
 - 5. The director of the work if he exercised direct supervision on its implementation and performed positive work from an intellectual aspect to realize the work.

♦ Amended by the Amending Law No. (29) for the year 1999

♦♦ Amended by the Amending Law no. (9) for 2005.

- b) If the work is the simplified version of another previous work or if the work is extracted from another previous work then the author of the previous work shall be considered a partner in the new work.
- c) The author of the scenario of a literary work, the person who modified same, the author of the dialogue and its producer are all entitled to the right of displaying the new work. The author of the original literary work and the composer of the music shall have no right to object to same, without prejudice to their rights in creating or composing the work. The author of the literary part and the composer of the musical part of the work shall have the right to publish their part through means other than cinema, radio or television unless agreed otherwise.
- d) Should one of the participants in the creation of the work abstain from carrying out what is supposed to be carried out or from completing the work requested of him then this shall not prohibit any of the other participants in the creation of the work from using the part that was completed, provided that the aforementioned does not prejudice the rights of any of them resulting from their participation in the creation of the work.
- e) The producer of a cinematic, broadcasting, or televised work, shall be the person responsible for the attainment of this work, or undertakes the responsibility of this attainment, and places in the hands of the authors the material and financial means which shall enable its production and directing.
- f) ♦ The producer shall be considered, during the duration agreed upon to exploit the work, a delegate of the authors of the work and their successors in contracting with others regarding the display and exploitation of the work without prejudice to the rights of the authors of the other adapted literary and musical works unless agreed otherwise to the provisions of this paragraph.

♦ Amended by the Amending Law no. (9) for 2005

Article (38):[♦] Works Subject to Depositing Provisions Stipulated in this Law

Notwithstanding the provisions of Article (45) of this Law, each work of a Jordanian or non-Jordanian author published or printed in the Kingdom shall be subject to the provisions of deposition stipulated in this Law. Each work of a Jordanian author published or printed outside the Kingdom and distributed inside it shall also be subject to these provisions, provided that the deposition is realized in the Center free of charge before the display of the work for sale or distribution in the Kingdom and that the deposited copy is identical to the work in all aspects and is of the highest quality among the work's copies. The work shall also be subject upon its reprinting to the deposition provisions in pursuance to this Law.

Article (39): Persons Responsible for Depositing Works

Each author of the work, its publisher, the owner of the printing establishment in which it was printed, the producer and the distributor shall be responsible for its deposition. The importer of any work and anyone considered an importer shall also be responsible for depositing the work of a Jordanian author, which was printed, published or produced outside the Kingdom.

Article (40): Depository Number

Each work shall be given a special depository number. The Center shall undertake deriving the technical data for indexing purposes and categorizing published works in accordance to the rules and standards followed in this field. Such data shall be delivered to the concerned party for the purpose of depositing the work.

Article(41): Placing Index's Data, Category, Number and Date of Deposition on the Work

Each author of work, if it is a book, its publisher, and the owner of the printing establishment where it was printed, shall be responsible for placing index's data, category, number and date of the deposition on the back of the work's title page. Works

[♦] Amended by the Amending Law No. (14) for the year 1998.

other than books shall have their depository number fixed on any visible place on the work.

Article (42): Responsibility of Press or Entity which Prints, Publishes or Distributes Works to Present Lists of Same

Each press or entity which undertakes printing, publishing, producing or distributing the work in the Kingdom shall present a list of the works which it printed, published, produced or distributed every six months in accordance with the form prepared by the Center for this purpose.

Article (43): Lists or Indexes of Periodical Bibliographical Data

The Center shall issue periodical bibliographical data in the form of lists or indexes, which shall include the works deposited at the Center. The Center shall also assume the tasks of bibliographical notification in this field.

Article (44): The Unified Index

The Center shall undertake the organization of a unified index to identify the works available in libraries and information and documentation centers in the Kingdom, indicating the place in which each work can be found. Libraries and information and documentation centers included in the unified index, and the responsibilities and duties of each shall be specified by a decision issued by the Minister.

Article (45) ♦ Failure to Deposit Work

Failing to deposit the work shall not prejudice the rights of the author stipulated by this Law.

Article (46): Litigation Procedures

♦♦a) The Court may upon the request of the owner of the right or any of his heirs or successors realize any of the following procedures regarding any violation of the rights stipulated in Articles (8), (9) and (23) of this Law, provided that the request include a detailed and inclusive

♦ Amended by the Amending Law No. (14) for the year 1998.

♦♦ Amended by the Amending Law no. (9) for 2005.

description of the work, performance, audio recoding or program that has been violated:

1. Order the halt of the violation.
 2. Confiscate the illegal copies and any material or tools used in the reproduction.
 3. Confiscate the revenues resulting from the illegal exploitation.
- b) The request may be presented before, during or after filing the lawsuit.
- c) Upon ascertaining that the petitioner is the owner of the right and that his rights have been violated or that a violation has become imminent, the Court may realize any procedures stipulated in paragraph (a) of this Article in a preventative manner to prohibit the violation from occurring or preserve the evidence related to the violation.
- d) In the cases in which the delay may lead to damage occurring to the owner of the right and which is difficult to compensate or in the cases in which there is a proven risk of losing the evidence related to the violation, the Court may adopt any of the procedures stipulated in paragraph (a) of this Article in a preventative manner without notifying the defendant and in his absence. The parties, which sustained the damage, shall be notified of the procedures realized by the Court as soon as the procedure is implemented. The defendant may request holding a hearing to present his statements within a reasonable period after his notification of the procedure. The Court shall decide during the same hearing whether the same preventative procedure should be confirmed, amended or cancelled.
- e) The request for the preventive procedure in accordance with the provisions of paragraphs (c) and (d) of this Article shall be accompanied by an adequate monetary guarantee to prevent abuse and to guarantee any damages

which may occur to the defendant if the plaintiff was not justified in his claim.

- f) Based upon the request of the defendant the realized preventive measures shall be cancelled before the filing of the case in accordance to paragraphs (c) and (d) of this Article if the case is not filed within eight days as of the date of the Court issuing the decision to realize the procedure.
- g) In the cases in which the preventive measure is cancelled in accordance with the provisions of paragraphs (c) and (d) of this Article upon the lapse of the period of filing the case or as a result of the plaintiff's negligence, or should it become apparent that there is no violation, then the Court may, upon the request of the defendant, order a suitable compensation for the damages resulting from these procedures.
- h) The Court may order the petitioner whose request of any of the procedures stipulated in this Article was abusive to adequately compensate the party against whom the procedures were taken and which incurred damages as a result this abuse.

Article (47): Work Reproductions Published in an Illegitimate Manner

- a) ♦ The Court may, upon the request of the author or any of his heirs or successors, order the destruction of the work's reproductions or the reproductions thereof, which was published in an illegitimate manner and the materials used in its publication. It may also instead of destroying same order the change of the features of the reproductions, photographs and materials so as to make same unusable. However shall it become apparent to the Court that the author's copyright shall cease after two years of the decision becoming final then it may order instead the confirming of the seizure for the settlement of the compensations ruled in the favor of the author.

♦ Amended by the Amending Law No. (29) for the year 1999.

- b) It shall not be permissible to order the destruction of any reproductions of any work, or the copy taken thereof or to change its features if the dispute is related to the translation of the work to the Arabic language. The Court's ruling shall be limited, in this case, to confirming the seizure of the work or its reproduction or copy taken thereof, as the case may be.
- c) The Court may order the confiscation of the work's reproductions or copies taken thereof and the materials used in producing and selling same to the extent necessary to compensate the author for the damage incurred by him instead of destroying these reproductions or copies, changing their features or destroying these materials.
- d) It shall not be permissible in any case that buildings and what is shown in or upon them of engravings, illustrations, decorations and geometrical shapes be subject to seizures. It shall also not be permissible to rule their destruction or change of their features or confiscation with the aim of safeguarding the copyrights of the architect whose designs were used for the building and the drawings thereof in an illegal manner, provided that the aforementioned does not prejudice the author's rights in a just compensation for the foregone.

Article (48): Restoration of Works whose Copyrights have been Violated

Notwithstanding the provisions of Article (47), it shall be permissible to order the restoration of the work whose copyrights have been violated to its previous state including affecting any amendment or cancellation thereof to accomplish that objective.

Article(49):♦ Compensation of Author whose Work's Copyrights have been Violated

The author who any of the rights entitled to his work have been violated may, in pursuance to the provisions of this Law, receive a just compensation provided that the author's cultural standing,

♦ Amended by the Amending Law no. (8) for 2005.

the value of the literary or scientific or artistic work and the value of the original work in the market and the extent to which the violator benefited from exploiting the work are taken into account. The compensation ruled for the author in this case shall be considered a privileged debt on the net sum resulting from the sale of the items used in the violation of his right and the sums seized in the course of the lawsuit.

Article (50): Publication of Court Decision

The Court may, upon the request of the person whom it ruled in his favor, decide to publish the decision issued thereof in pursuance to this Law in a daily newspaper or one or more national weeklies at the expense of the person ruled against.

Article (51): ♦ Penalties

- a) A penalty of imprisonment for a period not less than three months and not more than three years and a fine not less than one-thousand Dinars and not more than six-thousand Dinars, or one of those two penalties shall be applied to:
1. Each person who carried out without a legal basis any of the rights stipulated in Articles (8), (9), (10) and (23) of this Law.
 2. Any person who offered for sale, circulation or rental counterfeited work or reproductions thereof, announced it to the public in any manner or used it to realize any material benefit or entered it into the Kingdom or took it out of the Kingdom while knowing same was counterfeited or if same had adequate reason or evidence to know same was counterfeited.
- b) In the event of the repetition of any of the crimes stipulated in paragraph (a) of this Article, the person who committed same shall be sentenced with the maximum term of imprisonment and the maximum fine. The Court may, in this case, rule on the closure of the institute which committed the crime for a period that does not exceed one year or suspend its license for a specific period or permanently.

♦ Amended by the Amending Law no. (9) for 2005.

Article (52): Fines

Any person who violates the provisions of Articles (38), (39), (41), or (42) of this Law, shall be punished with a fine of not less than five-hundred Dinars and not more than one-thousand Dinars. The ruling of such a penalty shall not exempt same from the implementation of the provisions stipulated in those Articles.

Article (53): ♦ Application of the Law to Existent Works

The provisions of Articles (47), (48), (49), (50) and (51) of this Law shall be applied if a violation of any of the rights stipulated in Article (23) herein occurs and as the case may be.

Article (54): ♦♦ Application of the Law

a) A person shall be considered in violation of the provisions of this Law if same commits any of the following actions:

1. Deletes or changes any information set in an electronic form without the permission of the holder of the right to guarantee the administration of the rights.
2. Distributes or imports for the purpose of distribution or announcement to the public with permission copies of the works or consolidated performances or audio recordings while knowing or if same has an adequate reason or evidence to know.

b) For the purposes of this Article the term (information that guarantee the administration of rights) shall mean any information provided by the holder of the rights that are defined with the following:

1. The work, audio recording or performance.
2. The author or performer or producer of an audio recording.
3. The holder of the right in the work or performance or audio recording.

♦ Amended by the Amending Law no. (9) for 2005.

♦♦ Amended by the Amending Law no. (9) for 2005.

4. The conditions that must be present to make use of and benefit from a work or performance or audio recording.
5. Any numbers or encoding that purport to show this information.

C. The provisions of Articles (46), (47), (49), (50) and (51) of this Law shall be applied if a violation of any of the rights stipulated in this Article occurs and as the case may be

Article (55)♦ a) A person shall be considered a violator of the provisions of this Law if same commits any of the following actions:

1. Circumvent effective technological measures or counteracted them or disabled any part thereof.
2. Produced or imported or sold or displayed for the purpose of selling or leasing or possessed for another commercial purpose or distributed or carried out marketing actions for selling and leasing any piece or appliance or service or method that was designed or produced or used for the purposes of circumventing any effective technological measures or counteracting them or disabling any part thereof..

b) For the purposes of this Article the term (effective technological measures) shall mean any technology or measure or method used such as encoding or controlling the extraction of copies that are used to prohibit or limit carrying out any work unlicensed by the holders of the rights.

c) The provisions of Articles (46), (47), (49), (50) and (51) of this Law shall be applied if a violation of any of the rights stipulated in this Article occurs.

Article (56):♦ a) The provisions of this Law shall be applied to the published and unpublished works of Jordanian and foreign authors that are expressed through any of the methods stipulated in paragraph (b) of Article (3) inside the Kingdom and to the published and unpublished works of Jordanian authors that are

♦ Amended by the Amending Law no. (9) for 2005.

♦ Amended by the Amending Law no. (8) for 2005..

expresses through any of the methods stipulated in paragraph (b) of Article (3) outside the Kingdom.

b) Taking into consideration the provisions of international agreements related to the protection of copyrights and in the event that they are inapplicable then the reciprocity principle shall be taken into account. The provisions of this Law shall be applied to the published and unpublished works of foreign authors that are expresses through any of the methods stipulated in paragraph (b) of Article (3) of this Law outside the Kingdom.

c) For the purposes of applying the provisions of this Article the authors residing regularly in any of the countries that are members in international agreements regarding protection of copyrights that Jordan is party to even if same are not nationals shall be treated as nationals of the Kingdom. This Article shall also be applied to holders of rights stipulated in Article (23) of this Law.

d) The provisions of this Law shall apply to the performance of performers in any of the following cases:

- 1- If the performer is a Jordanian or if the performance is done by an artist whose country has a bilateral or international agreement with the Kingdom in this field.
- 2- If the performance was consolidated in an audio recording protected by virtue of this Law.
- 3- If the live performance was broadcast within a program protected by virtue of this Law.

e) The provisions of this Law shall apply to audio recordings in any of the following cases:

1. If the producer s Jordanian or is a foreigner whose country has a bilateral or international agreement with the Kingdom in this field.
2. If the initial recording occurred in the Kingdom or any country that has a bilateral or international agreement with it in this field.

f) The provisions of this Law shall apply to broadcast programs in any of the following cases:

1. If the headquarters for the broadcast and television entity is located in the Kingdom or any country that has a bilateral or international agreement with it in this field.
2. If the program is broadcast through a broadcasting device located in the Kingdom or any country that has a bilateral or international agreement with it in this field.

Article (57): ♦ The provisions of this Law shall apply to works that exist when it comes into force with the exception of Articles (41), (42), (51) and (52) whose provisions shall not be applied except to events and actions that occur after the provisions of this Law come into force.

Article (58): ♦ Application of the Law to Events and Agreements Concluded after its Enforcement

The provisions of this Law shall apply to events and agreements that occur or are concluded after its enforcement even if same are related to works that were published or enforced for the first time before that, provided that the period falling between the application of the protection period and the date of enforcing this Law shall be taken into account upon the calculation of the protection period of these works.

Article (59): ♦ Calculation of Periods Stipulated in the Law

The periods stipulated in this Law shall be calculated according to calendar years.

Article (60): ♦ Implementation of the Law

The Council of Ministers shall issue the necessary regulations for implementing this Law.

Article (61) ♦: Cancellations

The Ottoman Copyrights Law and any other law or legislation whose provisions conflict with the provisions of this Law shall be cancelled.

♦ Amended by the Amending Law no. (9) for 2005.

Article (62): ♦ Persons Responsible for Applying this Law

The Prime Minister and the Ministers are responsible for the implementation of the provisions of this Law.

Translated By : Nabeel Law Office

♦ Amended by the Amending Law no. (9) for 2005.