

Draft Law No. () For The Year 1999
A Law Amending The Copyright Protection Law

ARTICLE (1)

This Law shall be referred to as " The Law Amending The Copyright Protection Law For The Year 1999", and shall be read in conjunction with the Law No. (22) For The Year 1992 and its amendments, referred to hereinafter as the Original Law as one law. This Law shall come into force thirty days after its publication in the Official Gazette.

ARTICLE (2)

Subparagraph (8) of paragraph (B) of Article (3) of the Original Law shall be cancelled and replaced with the following text: -

8) Computer software, whether in source or object code.

ARTICLE (3)

Article (11) of the Original Law shall be cancelled and replaced with the following text:

Article (11):

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

A) Any Jordanian Citizen, has the right to obtain a non-exclusive and non-transferable license from the Minister, or any deputy thereof, to translate any foreign work, published in a printed form or any other form, to the Arabic language and to publish this translation in a printed form or any other similar form, provided that 3 years have elapsed since the first publication of this work and that owner of the right of translation did not publish in Jordan any translation of the work in Arabic or with his authorization, or if all the Arabic editions of the translated work are out of print.

B) Any Jordanian Citizen has the right to obtain from the Minister, or any deputy thereof, a non-exclusive, non-transferable license to reproduce and publish any of the following published works, according to the following conditions :

1) The lapse of three years from the date of the first publication of any printed work relating to technology, natural or physical sciences or mathematics, or the lapse of seven years from the date of the first publication of any work of poetry, drama, music, art books and novels, or the lapse of five years from the date of the first publication of other printed works.

2) No copies of such works have been distributed in the Kingdom by the holder of the copyright or upon authorization thereof; to meet the general public demand or in connection with school or university education, at a price reasonably related to that normally charged in the Kingdom for comparable works.

- 3) The copy published according to this Article is sold at a price equal to or less than the price provided for in subparagraph (2) of this Article.
- C) The license for translation provided for in paragraph (A) of this Article shall be granted only for educational purposes of schools or universities or for research purposes. As for the license for reproduction provided for in Paragraph (B) of this Article, it shall be granted only for educational purposes of schools and universities.
- D) Where licenses for translation or reproduction are issued, the author of the original work which had been translated or reproduced shall be entitled to receive a just compensation that is consistent with the standard royalties normally applicable to voluntary license agreements between persons in the Kingdom and persons in the author's country.
- E) Conditions and procedures for granting licenses provided for in this Article shall be determined in a Regulation issued for this purpose.

ARTICLE (4)

Paragraph (A) and (B) of Article (17) of the Original Law shall be cancelled and replaced with the following:

- A. **Presenting, displaying, reciting, acting or putting the work of art into rhythm, if it occurs in a private family gathering or at an educational, cultural or social institution for illustration for educational purposes, and playing musical works by musical bands of the government, provided that all this does not yield any financial returns and that the source and name of the author is cited if attached to the work.**
- B. Making use of the work for private personal use, through making one copy of the work by reproducing, recording, photocopying, translating or musical re-arranging, on the condition that this does not conflict with the normal use of the work, and does not cause unjustified damage to the legitimate interests of the right holder.

ARTICLE (5)

Article (20) of the Original Law shall be amended by adding the following phrase to the end of it:

"and that this does not conflict with the normal use of the work ".

ARTICLE (6)

Article (23) of the Original Law shall be amended as follows:

First: By canceling Subparagraph (2) of paragraph (A) and replacing it with the following text:

The Radio and Television Broadcasting Corporation or the right holder have the right to prevent other parties from fixing unfixed broadcast programs or reproducing any fixation of such programs, or transmitting such a fixation wirelessly or broadcasting the same to the public by television broadcast without obtaining the approval from such Corporation or the right holder.

Second: Paragraph (B) of the same Article shall be cancelled and replaced with the following text:

The producers of phonograms or their successors in title, or anyone who has any legal right in phonograms, shall have the right to authorize or to prevent the direct or indirect reproduction of their phonograms, the rental of originals or copies of the same to others for commercial purposes.

ARTICLE (7)

Article (27) of the Original Law shall be amended by adding the following phrase to the end of it:

Provided that the publishing or republishing is in the public interest.

ARTICLE (8)

Article (29) of the Original Law shall be amended by canceling the following phrase (The original musical manuscripts) and replacing it with: (the original musical or literary manuscripts or his heirs).

ARTICLE (9)

Article (30) of the Original Law shall be amended by adding the following phrase at the end of it:

And for the purposes of calculating the period of protection the date of death shall be deemed to occur on the first day of January of the Calendar Gregorian Year following the actual date of death of the author.

ARTICLE (10)

Article (31) of the Original Law shall be amended by canceling its introduction and paragraph (A), and replacing it with the following:

The protection period for the following works shall be valid for fifty years as of the date of publication, provided that the period of protection shall be deemed to begin on the first of January of the Gregorian Calendar Year following the actual date of publication:

- (A) Cinematographic and television works. However, where such works are not published with the authorization of the right holder within fifty years of their completion, the period of protection shall run from the date of the completion of the work, which shall be deemed to begin on the first of January of the Gregorian Calendar Year following the actual date of completion.

ARTICLE (11)

Article (32) of the Original Law shall be cancelled and replaced with the following text:

The protection period for the following works shall be valid for twenty-five years as of the date of the completion that shall be deemed to begin on the first day of January of the Gregorian Calendar Year following the actual completion of such:

- A) **Photographic works**
- B) Works of applied arts.

ARTICLE (12)

Article (46) of the Original Law shall be canceled and replaced with the following text: -

- A) **The court may, upon a petition filed by a right holder, or any heirs thereof, or successors in title, take any of the following measures, with respect to any work in which the copyright or any of the rights stated in Article (23) of this Law which have been infringed, provided that the petition contains a detailed and comprehensive description of the work :**
- 1. An injunction ordering a party to refrain from infringement upon a work or any part thereof.**
 - 2. Seizure of the work, its copies and photocopies, as well as the materials used in copying, provided that they are not useful otherwise.**
 - 3. Impoundment of revenues derived from exploiting a work that has been published through public performance.**
- B) The petition may be filed before, upon or after the initiation of the lawsuit.
- C) **Upon proving that the petitioner is the right holder and that his rights are being infringed upon or that such infringement is imminent, the Court may order any of the measures provided for in Paragraph (A) of this Article on a provisional basis to prevent an infringement from occurring, or to preserve evidence relevant to the claimed act of infringement.**
- D) In cases where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed, the Court may order any of the measures provided for in Paragraph (A) of this Article on a provisional basis without notifying the defendant, and in his absence thereof. The injured parties shall be notified of the measures ordered by the Court immediately after the execution of the order. The defendant shall have the right to request a hearing within a reasonable period of time after the notification. At the hearing, the Court shall decide whether the provisional measure shall be confirmed, modified or revoked.
- E) **A request for provisional measures under Paragraphs C or D of this Article shall be filed together with a cash deposit sufficient to prevent abuse and to guarantee any damages sustained by the defendant if it is established that the petitioner is not justified in his claim.**
- F) If the Court orders provisional measures on the basis of paragraphs C or D of this Articles before the initiation of the lawsuit, the petitioner must file his lawsuit within eight days of the date of the Court's decision. If the lawsuit was not filed during this period, the measures taken by the Court may be revoked upon the defendant's request.
- G) Where the provisional measures under Paragraph C or D of this Article are revoked due to the passing of the period of filing a law suit or due to any act of omission by the plaintiff, or where it is subsequently found that there has been no infringement or threat of infringement, the Court may order the plaintiff, upon request of the defendant, to provide the defendant with appropriate compensation for any injury caused by these measures.

- H) The Court may order the petitioner who abused any measures under this Article to pay a compensation for the damages to any party subject to such abuse.

ARTICLE (13)

Paragraph (A) of Article (47) of the Original Law shall be amended by canceling the phrase:

" provided that they are not useful for anything else".

ARTICLE (14)

Article (53) of the Original Law shall be canceled and replaced with the following text:

- A. The provisions of this Law shall apply to the works of Jordanian, and non-Jordanian authors whether published or unpublished, which exist within the Kingdom in any of the objective forms provided for in Article (3) Paragraph (b) (of the Original Law), and to the works of Jordanian authors outside the Kingdom, whether published or unpublished, which exist in any of the objectives forms provided for in Article (3) Paragraph (B).**
- B. Subject to the provisions of the International Agreements regarding Copyright and in the case where such provisions are not applicable, reciprocal treatment shall be taken into account. The provisions of this Law shall apply to the works of foreign authors published or unpublished outside the Kingdom, which exist in any of the objective forms provided for in Article (3) Paragraph (B).**
- C. For the purposes of applying this Article, authors who are habitual residents of any of the Countries which are members of the International Agreements on Copyrights, to which Jordan is also a member, shall be accorded the treatment of the Kingdom's nationals, even if they are not nationals. The provisions of this Article shall also apply to the holders of the rights provided for in Article (23) of this Law.**