

## **Unofficial translation**

### **Draft Law No ( ) of ... On the Protection of Copyrights and Related Rights**

#### **Chapter One Definitions**

- Article (1) This law shall be called (Law of Protection of Copyrights and Related Rights)
- Article (2) For the purposes of applying this law, the following terms and phrases shall have their corresponding meanings unless context suggests otherwise.
- Republic: The Republic of Yemen
- Ministry: The Ministry of Culture
- Minister: The Minister of Culture
- Regulation: The regulation of this law
- Competent Department: The General Department of Works & IPRs
- Court: The competent commercial court
- Author: The person who invented with his/her own efforts any of literary, artistic or scientific works and the person who publishes the work attributed to himself/herself shall be considered an author whether by mentioning his/her name on the work or through any other means.
- Work: Any innovated literary, artistic or scientific work whatever its type is, way of expression, importance, or purpose.
- Publication: publishing copies of the work and make available to the public with the permission of the author, the owner of related rights or whom the rights are assigned in quantities sufficient to meet of the public.
- Computer Software: a group of phrases or instructions expressed by words, signs, or any other forms which enables the computer to carry out a task or give a certain result.

Related Rights:	The rights related to copyrights which are enjoyed by performers, producers of phonogram and broadcasting organization.
Audiovisual Work:	the work that consists of a number of linked pictures that give an impression through motion whether accompanied by sound or not.
Producer of an audio or an audiovisual work:	the natural or artificial person who takes the initiative and carries the responsibility of producing the work.
Collective Work:	The work which is made by a group of authors with the initiation and direction of a natural or artificial person who takes the responsibility of publication under his name and management and with the work of authors integrated in the general goal aimed by this person in such a way that it becomes impossible to separate the work of each author and distinguish it on its own.
Joint Work:	The work which is co-authored by more than an author whether the work of each is separable in the work or not. This work is not included among collective works.
Derived Work:	The work whose origin is derived from a previously work existing work.
Fixation:	fixing the work in a permanent material form.
Phonogram:	fixation of performance or sound on a permanent material form. It does not include the phonograms, which accompany audiovisual work.
Producer of Phonograms	The natural or artificial person who takes the initiative and carries the responsibility of first fixation of performance or sound.
Performers:	actors, singers, musicians, dancers, others from the people who participate through their performance in a literary, scientific, artistic, or folkloric expressions.
Public Performance:	carrying out of the work or phonogram through presentation, playing, delivering, narrating, acting, dancing, or any other way either directly or through a device or through any other means. Performance shall be public when performed publicly or in public places.

Broadcast:	direct broadcast of audio or audiovisual work or performance or recording of work or performance or phonogram to the public through wireless or industrial means.
Broadcast Authorities:	The entities or authorities responsible for audio or audiovisual broadcast.
Transfer to audience:	making the work, performance, phonogram available to the audience through any means other than broadcast so that the audience can hear it, see it, or watch it at the time and place of their choosing.
Copying:	making a copy or more of a work, phonogram, performance, or broadcast program through any means or form whether temporarily or permanently especially through print, photocopying, cinematographic copying, or recording through mediums like tapes, CDs, digital recording or the like.

## **Chapter Two Protected Works**

- Article (3)
- A. The following shall be granted the protection of this law: innovative works in the areas of literature, arts and science regardless to their type, form, value, and way of expressing them, the purpose of authoring them once the work is innovated without the need for a formal procedure.
- B. Legal protection covers Yemenis and foreigners who are nationals of member countries to international agreements and treaties on intellectual Property Rights to which Yemen is a party, in particular, in the following works:
1. Written or printed works such as books, booklets, magazines, bulletins, and other written materials.
  2. Works delivered orally such as lectures, sermons, and preachments.
  3. Musical works whether accompanied by words or not.
  4. Photographic works and the like.
  5. Series, plays, musical and song plays, silent acting works, dance designs.
  6. Audio and audiovisual works.
  7. Works of lines or colors drawing, digging, graving, adornment, stone sculptures, metal or wood epigraphy, carpets, and any other works.
  8. Works of maps and Rocco schemes.
  9. Solid works concerning geography, topography, science or architecture.
  10. Computer software.
  11. Databases if innovated in terms of selection or sequence of content.

12. The title of the work if it is distinctive and innovated, and not a current utterance to signify the subject of the work.

C- Works, tools, phonographs, radio programs and rights attached to them which are available at the time this law was passed provided prior to that had not become prior to that a public property. The Regulation illustrates the rules and procedures related to the protection of these works and related rights and the date they come into force.

- Article (4) Without prejudice to the protection of original works, protection shall include the following derived works:
1. Translation works, adaptations, summarizations, amendments, explanations, investigations, and works derived from folkloric expressions.
  2. Groups of works and folkloric expressions of traditional popular heritage provided they are invented in terms of selection and sequence of their contents.

- Article (5) Protection shall not include the following:
1. Ideas procedures, work methods, operations modes, concepts, principles and data if expressed or described or clarified or inserted in a work.
  2. Official documents such as texts of government decisions and decrees and texts of laws, regulations, judicial verdicts, international agreements, all official documents and their official translations.
  3. The news and incidents which are merely media news.
  4. The works that have fallen into the public domain.

### **Chapter Three**

#### **Copy Rights**

##### **Section I**

##### **Literal Rights**

- Article (6) A. the author of a work shall enjoy the following literal rights.
1. The right to authorize the first publication of the right and define the method of publication.
  2. The right to attribute the work to his real or pseudonymous or without a name.
  3. The right to prevent any deletion, alteration, addition, perversion, adaptation or modification to the work.
  4. The right to make modification to the work through revision, refining, deletion or addition.
  5. The right to withdraw the work from circulation if the court finds serious and legitimate reasons do so. In this case, the author shall be obliged to pay equitable compensation to whom the rights have been assigned.

- Article (7) The literal rights stated in this preceding article of this law shall be regarded permanent rights and not liable to assignment, outdated, or liable to be disposed of. These rights shall be transferred after the death of the author to his legitimate inheritors. If the author has no inheritor, the ministry shall directly own them.

## Section 2

### Financial Rights and their Transfer

- Article (8) A. An author shall enjoy an exclusive right in licensing or preventing any utilization of his work especially the following actions:
6. Copying the work.
  7. Translating, summarizing, explaining, adapting, amending, or re-composing of musical work.
  8. Distributing copies of the work through sales or any other means that transfer ownership.
  9. Renting computer software, established works in audio or audiovisual recording.
  10. Public performance or transfer to the audience.
- B. The right of renting referred to in item (4) of paragraph (A) of this article shall not apply to computer software if they are not basically the subject of rent.
- Article (9) The author of original artistic works, original musical and literary scripts or his/her heritors shall enjoy the right of sharing a percentage specified by the regulation for the proceeds of each sales of such works following the first assignment of the utilization right granted by the author.
- Article (10) A-The rights provided in Article (8) of this law shall be transferred through inheritance or legal disposal.  
B- The author may transfer any of the financial right stated in Article (8) of this law provided that the transfer or disposition is in writing. The right of utilization shall be stated therein with its purpose, duration and place.  
C- the person to whom the right has been transferred, may in accordance with paragraph (B) of this Article exercise in person all the rights assigned to him/her including the transfer of the rights to others.
- Article (11) The author shall be the compete owner of all his financial rights if he has not explicitly disposed of them in whole or part. The disposition by the author of part of his financial right shall not be considered a license from the same to utilize any other financial right according to the provisions of this law.
- Article (12) The author shall receive financial returns in cash or kind or both in return for transferring one or more right of financial utilization to others on the bases of obtaining a percentage of the resulting revenues or a lump sum. If it is found that the agreement is grossly unfair to the rights of the author or becomes so for circumstances that occur after contracting, the court may reconsider the financial return agreed on.
- Article (13) The author's disposition of the original copy shall not be considered an assignment of his/her financial rights of the work.

Article (14) Every disposition by the author of any of his/her future intellectual production shall be considered null.

Article (15) The Ministry shall assume the financial right of a deceased author, if he does not have a legitimate inheritor and has not, during his lifetime transferred his financial rights to others during the protection period stated in chapter Six of this law.

#### Chapter Four

##### **Financial Rights on Joint & Collective Works**

Article (16) A. If more than a person co-author a joint work, all shall be considered equal owners of the rights unless agreed otherwise in writing.

B. None of the coauthors in a joint work may individually exercise copyright on the work except after the approval of all coauthors. If a dispute arises, settlement shall be through the court.

C. Any co-author in a joint work may file a claim whenever there is a violation of copyright.

Article (17) If one of the co-authors in a joint work dies without having a legitimate heritors, his share shall be assigned to the rest of coauthors or their heritors unless agreed otherwise.

Article (18) If more than an author participates in a joint work and each coauthor's work can be separated and distinguished on its own, each coauthor may utilize the work authored by himself.

Article (19) Financial rights on collective work shall be for the person (natural or artificial) who initiated and carried the responsibility in achieving and publishing the work under his/her name and management.

Article (20) A. If more than a person author a musical singing work, the author of the musical work alone shall have the right to license public performance of the total work, permit its performance or publication, or make copies of the same.

B. The author of a literary work shall have the right to publish the literary work only. He may not dispose of the work to be a basis for another musical work unless agreed otherwise.

Article (21) A. The designer of moves alone in works performed through moves or spectacles accompanied by music and other similar works shall have the right to license public performance of the total work, permit its implementation or publication, or make copies of the same.

B. The author of musical work shall have the right to dispose of the musical work only. He shall not have the right to dispose of the music itself to be a basis for another work unless agreed otherwise.

Article (22) A coauthor in an audio or audiovisual work is the person who participates in innovating the work and a coauthor in particular shall be:

1. The scenarist or the author of the written idea of the work.
2. The adaptor of the literary work to make it suitable for audiovisual work.
3. The dialogue author.

4. Author of the musical work if authored especially for the work.
  5. Director of the work.
  6. Author of the former work from which the audiovisual work was derived.
- Article (23) The producer of the audiovisual work shall do, on behalf of the coauthors of the work or their heirs, make contracts with others to show the work or utilize it by any other means without prejudice to the literal or financial rights of the coauthors unless agreed otherwise.
- Article (24) If one of the co-authors of an audiovisual work fails to complete the work required by him for any reason, any of the other co-authors may, complete the work and shall be considered an author for what he has accomplished and shall be granted the ensuing rights.

**Chapter Five**  
**Owners of Related Rights**  
**(Performers, Producers of Phonograms and Broadcast Organizations)**

- Article (25) A. A performer shall enjoy literal rights and these rights include the following:
1. The right to attribute his/her performance to oneself.
  2. The right to prevent any distortion, deformation or amendment of his/her performance.
- B. The moral rights stated in paragraph (A) of this article shall be considered eternal rights and not subject to assignment, outdated, or disposition and the same shall be transferred after the death of the performer to his legitimate heirs. If the performer does not have heirs, the Ministry shall directly assume these rights.
- Article (26) The performer shall have the exclusive right of agreeing to carrying out, or preventing any of the following acts:
1. Broadcasting or live transmission of the performance to the audience.
  2. Fixation or recording live performance in phonogram.
  3. Copying the fixed performance in a phonogram.
  4. Distributing the original copies or copying from the same in phonogram to audience whether through sales or any other means.
  5. Importing copies of the fixed performance in a phonogram.
  6. Rental of the fixed performance in a phonogram.
  7. Making the fixed performance in a phonogram available to the public through wired or wireless means.
- Article (27) The producer of phonograms shall have the exclusive right of agreeing to, or preventing the following acts:
1. Recording the phonogram.
  2. Distributing the original phonogram or copies of the same to the audience through sales or any other means.
  3. Importation of copies of the phonogram.
  4. Rental of phonogram.

5. Making phonogram available to the audience through wired or wireless means.

Article (28) The broadcasting organizations shall have the exclusive right of agreeing to, or preventing the implementation of any of the following acts:

1. Fixation, recording or copying programs.
2. Re-broadcasting programs through wired or wireless means and communicating such works to the public.

Article (29) The provisions of Articles (10,11,12) of this law shall apply to the acts on financial rights of owners of related rights.

Article (30) In case a phonogram is utilized for commercial purposes through broadcast or transmission to the public, the person utilizing the same must pay an equitable remuneration that shall be divided equally between the performers and producers of the phonogram, unless otherwise agreed.

## **Chapter Six Term of Protection Section I**

### **Term of Author's Financial Rights Protection**

Article (31) The author's financial rights shall be protected throughout his/her life and for fifty-years thereafter starting from the beginning of the Gregorian year following his/her death

Article (32) The financial rights of joint work shall be protected throughout the lives of all co-authors of the work and fifty-years thereafter starting from the beginning of the Gregorian year following the death of the last existing author of the work.

Article (33) The duration for protecting financial rights of collective work and audiovisual work shall be fifty years starting from the year following the first publication of the work. If the work is not published within fifty years from the date of achievement, the protection duration shall end after fifty years from the beginning of the Gregorian year following the achievement of the work.

Article (34) The duration for protecting financial rights of the work which is published without mentioning the author's name or was published by a pseudonym shall last for fifty years starting from the beginning of the Gregorian year following the first publication of the work. If the author reveals his identity, the duration of protection shall be in accordance with the provisions of article (31) of the law.

Article (35) The financial rights for applied arts and photography shall be protected for twenty five years starting from the beginning of the Gregorian year following the achievement of the work.

Article (36) A. The term of protection shall start from the date of first publication of

the work regardless of re-publication unless the author, when re-publishing, introduces substantial amendment to the extent that it shall be considered a new work with a new protection period.

B. If the work consists of several parts or volumes published separately, each part or volume shall be considered as an independent work for the purpose of calculating the term of protection.

## **Section II**

### **Term of Financial Rights Protection for Owners of Related Rights**

Article (37) The term of protecting financial rights of performers shall be fifty years starting from the beginning of the Gregorian year following the occurrence of the live performance or following the first fixation of the work in a phonogram.

Article (38) The term of the protecting financial rights of producers of phonograms shall be fifty years starting from the beginning of the Gregorian year following the first publication of the phonogram. In case of non-publication during fifty years from the date of first fixation of the phonogram, the protection shall start from the beginning of the Gregorian year following first fixation.

Article (39) The term of protecting financial rights of broadcast organizations shall be twenty years starting from the Gregorian year following the first broadcast of the program.

## **Chapter Seven**

### **Exceptions & Restrictions of Financial Rights**

Article (40) The following actions may take place without the permission of the author or to whom the right has been assigned.

1. Personal use of the work through copying, translating, quotation, or TV watching provided this use does not violate or harm the legitimate interests of the author.
2. Using the work for educational or training purposes whether the work is published or included in a TV or radio program, a phonogram, or audiovisual recording to the extent that it achieves the purpose with due reference be made to the source and name of the author, and provided this use shall not be performed to achieve financial profit.
3. Quoting items or excerpts from another work with the objective of clarification, explanation or criticism to the extent that it achieves the purpose and with due reference made to the source and name of the author. This exception shall apply to the items taken from articles and journalist periodicals.
4. Taking photographs of people, sites or natural scenery that have been previously photographed.

- Article (41) A. Without permission from the author or the owner of the right, copying from a newspaper; an article in an economic, political or religious periodical; a broadcast program of the same nature; or transferring this article or program to the audience may take place with reference to the source and name of the author if it exists. In the cases where the right to copy or transfer to audience is not explicitly reserved for the author or the owner of the right.
- B. Any audio or audiovisual work may be copied through broadcasting of news of the current events or filming the event and then broadcasting the same through any media channel to the extent that it achieves the purpose, with due reference be made to the source and name of the author, if he/she exists.
- Article (42) Public libraries, cultural authorities, institutions, and educational institutes may, without the permission from the author or owner of the right, copy a work protected according to the provisions of this law through photocopying or similar methods provided that the extent of copying and the number of copies meet the needs of their activities and do not violate or harm the legitimate interests of the author. Copying is particularly permitted in the following cases:
1. Copying a published article, short work, or excerpt from a work if the objective of copying is the need of the natural person to conduct a study or do research provided that copying is made only once or takes place between long intervals.
  2. Copying with the objective of preserving the original copy or to replace a lost or damaged cop that has become unusable and impossible to obtain an alternative one under acceptable conditions, or if publication has ran out.
- Article (43) Travelers may carry a limited number of copies for personal use without permission form the author.
- Article (44) Media outlets may, without permission from the author or to whom the right is assigned, publish sermons, lectures, speeches, judicial proceeding during the consideration of a dispute and exhibited works to the public provided that reference is made to the source and the author.
- Article (45) The Author or owner of the right, after publishing the work, may not prevent others from showing, performing, acting or delivering the work in a family gathering, a charity, official occasions, educational facility as long as the use does not achieve direct or indirect financial income.
- Article (46) Copying of a protected work is permissible without permission from the author or right holder for the use in judicial or administrative procedures with due reference to be made to the source and author's name.
- Article (47) A spare copy of a computer software may be made with the knowledge of the legitimate owner of the software in replacement of a lost or damage copy.
- Article (48) Exceptions stated in articles (40 and 47) of this law shall apply to owners of related rights provided this legitimate use of the work or

performance does not violate the literal rights of the author or performance artist in accordance with this law.

- Article (49) A. Any Yemeni citizen may request from the ministry a non-exclusive and non-assignable license to copy or translate a protected work according to the law without the permission of the author or owner of the right for the purposes of meeting the general needs of the public and for educational, research and study purposes. The license shall be issued by the Minister with a reasoned statement and a fair financial remuneration for the author or the owner of the right shall be defined. The Regulation shall define the cases and conditions that a license may be issued under the provisions of this article and conditions that regulate it.
- B. The license referred to in paragraph (A) of this Article shall not be granted unless the applicant proves that he/she requested the license from the owner of the right to copy or translate and his/her request was rejected or he could not find the owner of the right after making the necessary efforts.

## **Chapter Eight Depositing Procedures**

- Article (50) any of the authors or owners of related rights may, in accordance with the regulation, deposit a work, phonogram, radio or TV program by submitting to the competent department a signed application by him or his attorney and shall enclose the following documents and information:
1. Name and type of the work, phonogram, performance, broadcasting or TV program.
  2. Name and address and capacity of the applicant.
  3. A copy of the work, phonogram, performance or radio and TV program. In the case of portraits, oil or water based paintings, statues, designs and works that have one original form, a photograph of the same showing the three dimensions and illustrating the form and look of the work shall suffice. The regulation shall specify any other exceptions in this regard.
  4. Providing a written commitment from the applicant on his rightfulness to the ownership of the work in accordance with the provisions of this law.
  5. A copy of a power of attorney from the author or owner of the related rights duly certified in cases where depositing shall be performed by proxy.
- Article (51) Not depositing the work shall not undermine copyright and related rights protection in accordance with the provisions of this law.
- Article (52) The competent department shall examine the data and documents enclosed with the depositing application and register the application in the Registry

specified for such purposes.

- Article (53) A-The ministry shall grant one only free of charge depositing certificate.  
B-The applicant shall pay a fee to obtain an additional Depositing Certificate.
- Article (54) The Depositing Certificate shall be considered evidence to the validity of the events and documents attached to the depositing application and a reference for copyright and related rights data.
- Article (55) The Ministry shall issue the national bibliography of artistic works each year so as to include complete indexation of the works that were published or deposited during the year.

#### Chapter Nine

#### **Protection of Folklore**

- Article (56) Folklore or folkloric comprise every expression bearing distinctive elements that reflect traditional folkloric heritage that has evolved in the Republic in particular:
- Verbal expressions such as anecdotes, riddles, popular poetry, anthems and religious anthems.
  - Musical expressions such as popular songs accompanied by music or short pieces of music.
  - Movement expressions such as folkloric dances, plays artistic forms and rituals whether embodied into a material form or not.
  - Tangible expressions such as:
    - a- Products of popular art in particular, drawings with lines or colors on wood or mosaic, shells metals, jewelry, hand bags, needle works, embroidery, textiles, carpets and clothing.
    - b- Musical instruments
    - c- Architectural forms.
- Article (57) A. Folklore or folkloric expressions are public property of the state and the Ministry shall protect them through all legal means possible.
- Article (58) A- The Ministry shall exercise its literal rights over folkloric or folkloric expressions and shall protect them from any distortion or adaptation in coordination with other relevant authorities.  
B- whoever uses or utilizes of folklore or folkloric expressions should make appropriate reference to the source and as specified by the Regulation.

- Article (59) Folklore or folkloric expression may not be used except through a license from the Ministry and the following acts are subject to licensing:
- 1- copying
  - 2- Public performance or transfer to the public
  - 3- Distribution of copies for the purpose of utilization of financial gains

- Article (60) The following acts shall not be considered a violation of folklore or folkloric expressions.
1. The use of traditional or customary means, which do not aim at making profit.
  2. Quoting or using excerpts for the purpose of innovating a new work.
- Article (61) The exceptions provided in Chapter Seven of this law shall apply to folklore or folkloric expressions.
- Article (62) Importation, distribution of copies of folkloric work or translation of national folklore are prohibited except through prior permission from the Ministry.

**Chapter Ten**  
**Precautionary Measures & Penalties**  
**Section I**

**Precautionary Measures**

- Article (63) The court, based upon a request from the author or whoever possesses the author's right or their heritors, may order the implementation of the following precautionary measures.
1. Cease violation of protected rights in accordance with the provisions of this law.
  2. Seizure of infringing works and the materials used in making such copies.
  3. Prove public performance with respect of performing, acting, delivering a work before an audience and preventing the continuity of an on going show and prohibiting its occurrence the future.
  4. Appointment of an official receiver of a disputed work who shall republish, reshow, remake or reproduce copies of the work provided that the proceeds are deposited at the court's safe.
  5. a balance of the revenues generated from publications or shows shall be drawn up with the knowledge of an expert if necessary, and the revenues shall then be subject to seizure.
- Article (64) A. The court, before issuing an order to enforce precautionary measures in accordance with Article (63) of the law, shall order the applicant of the measure to deposit at the court's safe a sufficient financial security, to be estimated by the court, in order to prevent abusive demands and to compensate any damages that might be inflicted on the person against whom the measure are taken if the applicant of the measure was not right in his request.
- Article (65) A. The court, based on a request by the person against whom precautionary measures were taken in accordance with Article (63) of this law, shall cancel the precautionary measures if the applicant of the precautionary measures does not file a claim on the subject of the dispute to the court within the Eight-days that follow the issue of a precautionary order.
- B. When the court cancels the precautionary measure enforced under

Article (63) of this law due to the elapse of the period for filing a claim provide in the preceding Paragraph, or due to an abuse of a right by the applicant or no infringement act was committed or the non-existence of an imminent risk of one, The court, upon a request from the person against whom precautionary measures were taken, may within Thirty-days from the expiration of the date the period, order an equitable compensation to be paid against damages caused due to the enforcement of the measures.

Article (66) The court may take any of the measures provided in Article (63) of this law as a precautionary step, without notifying the defendant, and in his absence in cases where delay may result in the loss of evidence proving the violation, and notifying the parties against whom such measures are taken immediately upon their implementation. The person against whom such measures were taken may request a hearing session to hear his say. The court shall uphold, modify or cancel the precautionary measure.

Article (67) An applicant whose application has been rejected, or against whom an order has been issued, may appeal before the court that issued the order within Twenty-days from the date the order was issued

Article (68) The court may dispose of the tools and copies which have been confiscated through selling them in a public auction, provided that the author, right owner, or legitimate heritors do not object. In such case, the revenues of the sales of the confiscated item in accordance with Article (69) of this law shall be deposited in the court's safe until the dispute is settled with a final and absolute verdict. During the enforcement procedures compensation required from the convict, as well as judicial or administrative costs and expenses, shall be deducted from the sale proceeds.

## **Section II Penalties**

Article (69) Without prejudice to more severer penalties stated in any other law, whoever commits any of the following violations shall be punished by imprisonment for a period not exceeding six months or a fine not exceeding (five hundred thousand Rials) or both penalties:

1. Violating any moral or financial right of the author or owner of related rights stated in the law.
2. Selling, renting, showing, importing, exporting, or circulating a protected work, audio record or radio program, according to the provisions of law without prior written permission from the author or owner of the related rights.
3. Submitting false data or information with the objective of depositing.
4. Counterfeiting work or phonogram, radio program published in the Republic or abroad.
5. Violation of the provisions of Articles (58 and 59) of this law and distortion and deformation of folkloric expression.

Article (70) The court may decide to double the imprisonment and fine in cases where

violations provided in Article (69) of this law are repeated. In all cases, the court, when issuing the conviction verdict, may order the enforcement of the following measures as complimentary penalties.

1. Confiscation of infringing copies.
2. Confiscation of tools and implements used in committing the infringement.
3. Closure the publication house, store, institution or company which were used by the convict in committing the infringement for a period not exceeding six months. In case of repeated infringement the closure will be permanent.
4. Publication of the conviction verdict in a daily newspaper at the expense of the convict.

### **Section III Compensation**

- Article (71) The court may, upon a request by the author or owner of related rights, order an equitable compensation to be paid by the infringer against material and moral damages inflicted on the owner of these rights. The court may also order the infringer to pay judicial expenses and attorney's fees.
- Article (72) Any one who violates any other provision of this law shall be punished by a fine of no more than one hundred thousand Yemeni Rials.

### **Chapter Eleven General & Final Provisions**

- Article (73) Without prejudice to the protection of rights conferred upon the author and related rights in accordance with this law. The Ministry may, prohibit the circulation of any work, whose circulation might contravene the provisions of Islamic Sharia, public order or public taste.
- Article (74) All publication houses, phonogram production enterprises and other institutions licensed by the Ministry to publish, copy, distribute, sale or buy works or phonograms or tools, radio programs must keep all the documents that entitle them to do so from the right owner or legitimate heritors whether the work originates from Yemen or abroad. The Regulation defines the requisite data in the case of work originating abroad.
- Article (75) No work of any type shall be published, shown and circulated, unless the following conditions are met:
- 1- Certificate of Origin bearing the name of the author or the person to whom the right has been assigned duly attached to the work.
  - 2- The work is accompanied by a license from the provider or

right owner permitting the display or circulation of the work and defining the geographical region and sites where exhibition and circulation can take place.

3- A certificate form the provider attesting that the publication rights have been paid whether related to public performance, or through making specimens of the work or copying it for distribution.

Article (76) Protection of copyright cover publication of manuscripts preserved by Dar Al-makhtootat (manuscript house), public and private libraries. Researchers of heritage texts may not object to other researchers doing new research to the same text. The Regulation shall provide detailed provisions for the implementation of this article.

Article (77) A-the Minister shall form a committee comprising three members known to have experience and competence and who, with the consent of the conflicting parties, shall assume the task of resolving or settling any dispute that might arise from the implementation or enforcement of this law.

B- The committee shall, when performing its task, apply the rules and provisions of national legislations with regard to arbitration presented to it as well as well as when enforcing its decisions.

Article (78) A-The title of Law Enforcement Officers shall be granted to the employees who are named in a decree by the Minister of Justice based on a request by the Minister.

B- the Law Enforcement Officers shall assume the task of entering into shops and stores that sell, distribute, rent, show, copy, produce broadcast programs and substantiate the incidence of violations of this law, seize, impound and hold on to materials, copies and implements used in any of the violations provided in this law. They may, when necessary, seek the help of the police.

Article (79) Counterfeited work shall be prohibited from entering the territory of the Republic.

Article (80) A Republican Decree based on an approval by the Council of Ministers and a submission by the Minister shall be issued with regard to Fees collected for the benefit of the Ministry in accordance with the provisions of this law.

Article (81) the commercial court shall be the competent entity authorized to look into and decide disputes arising from the enforcement of this law.

Article (82) the provisions related to copyright provided in Republican Decree by Law No. (19) of 1994 on Intellectual Property Rights shall be cancelled as well as any text of provision in conflict with this law.

Article (83) The enforcement of this law shall not cancel the right of the Republic to benefit from the transition period granted in accordance with international treaties and agreements on Intellectual Property to Least Developed Countries or, an additional transition periods to enable it to implement the

law more effectively.

Article (84) The Regulation shall be issued by the Prime Minister based on a submission by the Minister and following the approval by the Council of Ministers. The Minister shall issue the decisions and instructions necessary to implement the provisions of this law.

Article (85) This law shall go into effect from the date of its issuance and shall be published in the Official Gazette.