

UNITED ARAB EMIRATES
MINISTRY OF JUSTICE



الإمارات العربية المتحدة
وزارة العدل

Official Gazette



Issue Seven Hundred and Twelve (Supplement) - Year Fifty-One - Safar 19 1443 AH - September 26, 2021 AD

- Federal Decree-Law No. (36) of 2021, on Trademarks	395
- Federal Decree-Law No. (37) of 2021, on the Commercial Registry	417
- Federal Decree-Law No. (38) of 2021 on Copyright and Related Rights	427
- Federal Decree-Law No. (43) of 2021, on Goods subject to the ban on proliferation	449

Federal Decree Law No. (38) of 2021
on Copyright and Related Rights

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- After reviewing the constitution;

- The Federal Law No. (1) of 1972 pertaining to mandates of ministries and powers of Ministers; and the amendments thereto.
- Federal Law No. (18) of 1981 pertaining to commercial agencies, and the amendments thereto.
- Federal Law No. (5) of 1985 promulgating the Civil Transactions Law, and the amendments thereto;
- Federal Law No. (11) of 1992 promulgating the Civil Procedures Law, and the amendments thereto;
- Federal Law No. (35) of 1992 promulgating the Code of Criminal Procedure, and the amendments thereto;
- Federal Law No. (18) of 1993 promulgating the Commercial Transactions Law;
- Federal Law No. (7) of 2002 regarding copyright and related rights, and the amendments thereto;
- Federal Law No. (1) of 2006 regarding electronic transactions and commerce, and the amendments thereto;
- Federal Law No. (19) of 2016 regarding combating commercial fraud;
- Federal Decree No. (233) of 2016 on the State's accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

- Federal Decree No. (20) of 2017 on the State's accession to the Beijing Treaty on Audiovisual Performances;
- Federal Decree-Law No. (31) of 2021 promulgating the Crimes and Penalties Law,
- Federal Decree-Law No. (32) of 2021 on Commercial Companies;
- Federal Decree-Law No. (36) of 2021 on Trademarks;
- Federal Decree-Law No. (37) of 2021 on the Commercial Registry;
- And based on what was presented by the Minister of Economy and after the approval of the Cabinet of Ministers;

issued the following Decree-Law:

Article (1)

Definitions

In the application of the provisions of this Decree-Law, the following words and expressions shall have the meanings corresponding thereto, unless the context otherwise requires:

State: United Arab Emirates.

Ministry: Ministry of Economy.

Minister: Minister of Economy.

Competent Court: The Federal Court of Appeal.

Civil Court: The Federal or Local Court of First Instance, as the case may be.

Grievances Committee: The committee stipulated in Article (37) of this Decree-Law.

Broadcasting Corporation: Any entity that transmits audio, video, or audio wireless broadcasting.

Broadcasting: A means of transmitting sounds, or images and sounds or representing them by wireless means to be received by the public. This includes every similar transmission that takes place via satellite or the transmission of encrypted signals if the broadcasting corporation provides the means to decrypt or makes it available with its approval.

Approved Establishment: An establishment that provides education and training services, adequate reading or access to information, for the benefit of beneficiary persons, and is non-profit, and includes government agencies and non-profit institutions that provide the same services to beneficiary persons within their basic activities or institutional obligations.

Work: Every innovative production in the field of literature, arts, or science, of whatever type, method of expression, importance or purpose.

Author: The person who creates the work, or the person whose name is mentioned thereon, or whom the work is attributed thereto when published as its author, unless evidence to the contrary is established. Moreover, it shall be deemed an author of a work whoever publishes it without a name

or under a pseudonym or in any other means, provided that no doubt arises about knowing the true identity of the author. If doubt arises, the publisher or producer of the work, whether a natural or legal person, shall be deemed a representative of the author in exercising his rights until the true identity of the author is known.

Innovation: The creative nature that bestows originality and distinction on the work.

Owners of Related Rights: Performers, producers of phonograms, and broadcasters, in accordance with the provisions of this Decree-Law.

Performers: Actors, singers, musicians, dancers and other persons who recite, sing, play or perform in any form of literary or artistic works or any of the expressions of folklore whenever protected in accordance with the provisions of this Decree-Law or are in the public domain.

Person: A natural or legal person.

Producer of phonograms: The person who, on his own initiative, fixes the sounds that make up the performance or other sounds or fixes the representation of sounds for the first time on his responsibility.

Publishing: Making the work, audio or visual recording, radio program, or any performance available to the public, by any means.

Public Performance: Communicating the work to the public by any means, whether by direct contact or otherwise, such as acting and presenting audio or visual works, artistic theatrical performances, presenting and playing musical works and reading literary works, whether live or recorded.

Transmission to the Public: Transmitting literary and artistic works, including audio, visual or audio-visual works, to the public by any wire or wireless method, including making them available to the public so that they can be viewed by each of them at the time and place of his choosing .

Reproduction: Making one or more copies of a work, audio recording, broadcast program, or any performance, in any form or image, including downloading or permanent or temporary electronic storage, whatever the method or tool used for copying.

Audio-Visual Fixation: The embodiment of moving pictures, whether accompanied by sound or not, or a representation thereof, so that it can be perceived, copied, or transmitted with an instrument.

Sound Recording: Fixing the sounds that make up the performance or other sounds, or fixing the representation of sounds without affecting the rights arising therefrom by including it in a cinematic work or an audiovisual work.

Producer of the Audio-visual Work: The person who provides the necessary capabilities for the completion of the audio-visual work, and assumes the responsibility for that.

Collective Work: The work created by a group of authors under the direction and control of a person, and who undertakes to publish it under his name, so that the work of the authors is integrated into it. It is impossible to separate the work of each author and distinguish it separately.

Joint Work: A work that has been contributed by several people, whether it is possible or not to separate the work of each of them therein, and it is not listed as part of collective works.

Derived Work: A work that derives its origin from a pre-existing work, such as translations, collections of literary and artistic works, and collections of folklore expressions as long as they are innovative in terms of the arrangement or selection of the contents thereof.

National Folklore: Every expression of oral, musical, dancing or tangible folk traditions in distinct elements that reflect the traditional artistic heritage that originated or persisted in the State and which cannot be attributed to a known author.

The beneficiary person(s): A person with a disability who is blind or has a visual impairment to an extent that cannot be improved to become a visual function equivalent to the sight of a person without a disability, or who is unable to read, hold a book or use it for reading due to a physical disability, without considering any other disability cases.

Accessible Version in Accessible Format: A copy of a work in an alternative style or form that allows the beneficiary person access the original work

smoothly as a natural person without visual impairment or any other disability, without prejudice to the literary rights of the original work.

Works that Became in Public Domain or Are in Public Domain: All works that are initially excluded from protection, or whose financial rights protection period has expired.

Protected Works

Article (2)

Authors of works and owners of related rights shall enjoy the protection provided for in this Decree-Law, if their rights are violated at the State, in particular the following works:

1. Books, brochures, articles and other written works.
2. Smart applications, software and applications, databases, and similar works determined by a decision of the Minister.
3. Lectures, speeches, oral and written sermons, and other works of a similar nature.
4. Dramatic works, musical representations and mimes.
5. Musical works whether accompanied and unaccompanied with words.
6. Audio, visual or audio-visual works.
7. Architectural works, drawings and engineering plans.
8. Works of drawing with lines or colors, sculpture, engraving, printing on stone, fabric, wood or metal, and any similar works in the field of fine arts.
9. Photographic and similar works.
10. Works of applied and plastic art.
11. Pictograms, geographical maps, diagrams, and 3D works related to geography, topography, or architectural designs, and others.
12. Derivative works, without prejudice to the protection prescribed for the works from which they were derived.

Protection includes the title of the work, if it is innovative, and the innovative idea written for the radio programme.

Article (3)

Protection shall not include the following:

1. Ideas, procedures, working methods, mathematical concepts, principles, and abstract facts but apply to innovative expression for any of them.
2. Official documents, whatever be their original language, or the language to which they are translated, such as texts of laws, regulations, decisions, international agreements and judicial rulings; judgments of arbitrators and decisions issued by administrative committees with judicial jurisdiction.
3. News of accidents and current events, which are merely media news.
4. Works that have become in the public domain.

Nevertheless, items of what is mentioned in clauses (2), (3), (4) of this Article shall enjoy protection if their collection, arrangement, or any effort put to them is distinguished by innovation.

Article (4)

Copyright Registration

1. The Executive Regulations of this Decree-Law shall regulate the registration of rights to works and the actions that may occur thereto. The records of the Ministry shall be deemed a reference for the data of the work and the ownership thereof.

2. Non-registration of the work or the actions thereto shall not prejudice any aspect of the protection or rights established by this Decree-Law.

Article (5)

Literary Copyright

1. The author and his general successor shall enjoy literary rights over the work that are not subject to prescription or assignment.

2. The rights of the author and his general successor referred to in Clause (1) of this Article shall be as follows:

a. Publishing the work for the first time.

b. Attribution of the work to its author.

c. Objecting to any modification of the work if it distorts or changes the work or damages the reputation of the author.

d. Filing a request with the Civil Court to withdraw the work from circulation, based on reasons that justify this, with the exception of smart applications, software and the applications thereof.

Article (6)

Amendment in the Field of Translation

Amendment in the field of translation is not deemed an infringement unless the translator neglects to point out the areas of omission or change, or if his work offends the reputation of the author.

Article (7)

License to exploitation of the work

Only the author and his successor, or the copyright holder, may license the exploitation of the work, in any way, and in particular reproduction, including downloading, electronic storage, representation by any means,

broadcasting, rebroadcasting, performance, transfer to the public, translation, modification, amendment, renting, lending, or publishing in any way, including making it available through computers, information networks, communication networks and other means.

Article (8)

Rental of Computer Software and Audio-visual Works

The rental right shall not apply to computer software and smart applications if the program itself is not the main place for the rental, nor does it apply to audio-visual works if it does not prejudice the normal exploitation thereof.

Article (9)

Transfer and Licensing of the Author's Financial Rights

1. The author or his successor may transfer or license to third parties, whether a natural or a legal person, all or some of his financial rights set forth in this Decree-Law. For the disposal to be valid, it shall be in writing and shall specify the right subject of the disposal, with a statement of the purpose, the duration and place of the exploitation thereof.
2. The author shall be the owner of all rights unless he expressly waives such.
3. Without prejudice to the author's literary rights stipulated in this Decree-Law, the author may not perform any action that would obstruct the exploitation of the right under disposal.

Article (10)

Consideration of Transfer of Financial Exploitation Rights

The author or his successor may receive monetary or in-kind consideration for transferring one or more of the financial exploitation rights of the work to third parties on the basis of a proportional participation in the revenue

resulting from exploitation, or on the basis of a lump sum, or a combination of both.

Article (11)

Reconsidering Value of the Agreed Consideration

If the agreement referred to in Article 10 of this Decree-Law appears to be unfair to the copyright owner or to any of the holders of related rights, or has become so due to circumstances arising after the contract, the author, his successor or their successors may resort to the civil court with a request to reconsider the value of the agreed consideration.

Article (12)

Licensing of Financial Rights to Works of Smart Applications, Computers, and Others

Without prejudice to the provisions of Article (9) of this Decree-Law, the licensing of financial rights to works of smart applications, computer software and applications, or databases shall be subject to the provisions of the relevant contract or these affixed to the software, whether they appear on the support bearing the software or when downloading or storing the software on a computer screen, smartphones, or any other technical device on which the software is downloaded or stored. The purchaser or user of the software shall be bound by the terms contained in the said contracting provisions.

Article (13)

The Author Disposal of the Original Copy of the Work

The author disposal in any way of the original copy of his work shall not result in the transfer of any of his financial rights thereto, unless agreed otherwise.

However, the person to whom the ownership of this copy has been transferred may not - without prior agreement - be obligated to enable the author to copy, transmit or display such.

Article (14)

Seizure of the Financial Rights of the Author

Financial rights of the author over his published works may be seized. Works whose owner dies before their publication may not be seized unless it is proven conclusively that he intended to publish them before his death.

Article (15)

Future Production

1. Any disposal of the author of his entire future intellectual production shall be null and void.
2. Notwithstanding Clause (1) of this Article, the author may contract on a number of his future works as specified by the Executive Regulations of this Decree-Law.

Article (16)

Literary Rights for Performers

Performers and their general successors enjoy a literary right that is not subject to assignment or prescription, which entitles them to the following:

1. The right to attribute the performance thereto, whether the performance was live or recorded.
2. The right to prevent any change, modification, distortion or amendment in their performance that would harm their reputation.

Article (17)

Performers' Financial Exclusive Rights

Performers shall enjoy the following financial exclusive rights:

1. Broadcasting their non-fixed performance and communicate it to the public.
2. Fixing their performance on a sound recording or on audiovisual means.
3. Reproduction of their performance recorded in a sound recording or fixed on audiovisual means.
4. Renting the original copy of their phonograms to the public or other copies that prove their performance for commercial purposes.
5. Distributing the original copy of their phonograms or other copies that prove their performance through sale or any other transfer of ownership.
6. Making their phonograms proving their performance available to the public by wired or wireless means so that the public can view or access them in any way they wish.

Third parties may not record live performance on a support or rent it with the aim of obtaining direct or indirect commercial return, or broadcast the performance or make it available by any means without the consent of the right holder.

Article (18)

Financial Exclusive Rights for Producers of Phonograms

Producers of phonograms shall enjoy the following financial exclusive rights over their recordings:

1. Copying in any way.
2. Distributing the original or other copies of the phonograms to the public by way of sale or any other act of transfer of ownership.
3. Renting the original or other copies of the phonograms to the public for commercial purposes.
4. Making the phonograms available to the public in any way whatsoever.
5. Broadcasting and transmitting phonograms to the public in any way whatsoever.

6. The right to prevent any exploitation of their recordings in any way without their permission.

Third parties shall not copy, rent, broadcast, return to or make available of such recordings through computers or other means.

Article (19)

Financial Exclusive Rights of the Broadcasting Corporation

The broadcasting corporation shall enjoy the following financial exclusive rights:

1. Granting a license to exploit its recordings and radio programmes.
2. Preventing any communication of its programs or recordings to the public without a license therefrom, in particular recording, copying, reproducing, renting, rebroadcasting, or transmitting programs to the public in any way.

Article (20)

Duration of Protection

1. The author's financial rights stipulated in this Decree -Law shall be protected for the duration of his life, and (50) fifty years starting from the beginning of the calendar year following the year of his death.
2. The financial rights of the authors of joint works shall be protected for the life of all of them, and (50) fifty years starting from the beginning of the calendar year following the year of the death of the last surviving thereof.
3. The financial rights of authors of collective works - with the exception of authors of works of applied art – shall be protected for a period of (50) fifty

years starting from the beginning of the calendar year following the year in which they are first published, if the author is a legal person, but if the author is a natural person, the calculation of the period shall be according to what is stipulated in Clauses (1) and (2) of this Article.

4. Financial rights to works published for the first time after the death of their author are protected for a period of (50) fifty years starting from the beginning of the calendar year following the year in which they are first published.

5. Financial rights to works published without the name of their author or under a pseudonym shall be protected for a period of (50) fifty years starting from the beginning of the calendar year following the year in which they are first published. If the author is known and identified, or if the author discloses his identity, the period of protection shall be calculated in accordance with what is stipulated in Clause (1) of this Article.

6. The financial rights of authors of applied art works shall expire at the end of (25) twenty-five years starting from the beginning of the calendar year following the year in which they are first published.

7. In cases where the duration of protection is calculated from the date of the first publication, the date of the first publication shall be taken as a basis for calculating the period, regardless of the re-publication, unless the author made fundamental modifications to his work upon re-publishing it so that it is deemed a new work. If the work consists of several parts or volumes published separately and at intervals, each part or volume shall be deemed an independent work when calculating the duration of protection.

8. The financial rights of the performers shall be protected for a period of (50) fifty years, calculated from the beginning of the calendar year following the year in which the performance was made. If the performance was fixed

on a sound recording or an audiovisual means, the period shall be calculated as of the end of the year in which the fixation was made.

9. The financial rights of producers of phonograms shall be protected for a period of fifty (50) calendar years computed as of the beginning of the calendar year following the year in which the phonogram was published, or the year in which the phonogram was fixed if it was not published.

10. The rights of the broadcasting corporation shall be protected for a period of twenty (20) years, calculated from the beginning of the calendar year following the year in which these programs were first broadcast.

Article (21)

Compulsory License for Copying or Translation

Any person may request from the Ministry to grant him a compulsory license without the author's consent to reproduce or translate or both for any work protected in accordance with the provisions of this Decree-Law, after (3) three years as of the date of publication of the work in the event of a translation license. The issuance of the license shall be through a reasoned decision, provided that the temporal and spatial scope of its exploitation, the fair consideration due to the author, and a guarantee that no harm is caused to the author or his successors shall be determined and there is a guarantee that the normal exploitation of the work shall not be prejudiced, and provided that the purpose of granting licenses shall be limited to meet the needs of education of all kinds and levels or the needs of public libraries and memorizing halls, in accordance with the conditions, controls and procedures specified in the Executive Regulations of this Decree-Law.

Article (22)

Limitations and Exclusions

Without prejudice to the author's literary rights stipulated in this Decree-Law, and in a manner that does not conflict with the normal exploitation of the work and does not cause unjustified damage to the legitimate interests, the author may not, after publishing his work, prevent others from performing any of the following acts:

1. Make a single copy of the work for the personal, non-profit or professional use of the copier, with the exception of the following:
 - a. Works of fine or applied arts, unless they are placed in a public place, and with the consent of the right holder or his successor.
 - b. Architecture works if they are permanently located in public places.
 - c. Computer software, applications and databases, except in accordance with Clause (2) of this Article.

2. Make a single copy of the computer software, applications or databases thereof with the knowledge of its legitimate holder and he alone may quote therefrom, provided that this is done within the limits of the authorized purpose, or for the purpose of preservation, or replacement when the original copy is lost, damaged, or not valid for use, provided that the backup or quoted copy, even if it was loaded or stored in the computer, is destroyed as soon as proof of possession of the original copy ceases to exist.

3. Reproduction of protected works for use in judicial procedures, or the like, within the limits required by these procedures, with mention of the source and the name of the author.

4. Photocopying a single copy of the work with the knowledge of a the National Archives, libraries or archiving centers, none of which is profitable, whether directly or indirectly, in one of the following two cases:

a. That the copies are for the purpose of preserving the original copy, or replacing this copy with a copy that has been lost, damaged, or has become unusable and impossible to obtain a replacement thereof on reasonable terms.

b. That the purpose of the copies is to fulfill a request of a natural person to be used in a study or research, provided that this is done once or on different intervals, if it is not possible to obtain a license to reproduce in accordance with the provisions of this Decree-Law.

5. Citing short paragraphs, quotations, or analyzes within the limits of the work's familiarity, with the intent of criticism, discussion, or information, with mentioning the source and the name of the author.

6. Performing the work in meetings within the family framework or by students within the educational establishment, provided that this is not done for direct or indirect consideration.

7. Displaying works of fine, applied, plastic or architectural arts in radio programs if these works are permanently located in public places.

8. Reproduction of short parts of a work in a written or audio or audio-visual form for educational or religious purposes, or professional training, provided that the reproduction is within reasonable limits and does not exceed its purpose, and that the name of the author and the title of the work is mentioned whenever possible, and that the copying entity does not aim for profit, whether directly or indirectly, and provided that it is not possible to obtain a reproduction license in accordance with the provisions of this Decree-Law.

9. Reproduction is an incidental and integral part of the process of transmitting a work through a medium or network between other parties, or within a process that makes a legitimate copy of the work digitally stored and accessible.

10. Reproduction is made by a person authorized by the right holder or under the law to carry out the broadcast or the action referred to in Clause (9) of this Article.

11. Copying is done within accidental and inevitable technical steps, in order to perform a legitimate action, ensuring that the copy is automatically deleted without the possibility of retrieving it for any other purposes except for the purposes mentioned in Clauses (9) and (10) of this Article.

Article (23)

Accessible Version in Accessible Format

1. The beneficiary person or his representative may make copies of any accessible copy in an accessible format for his personal use.
2. The authorized body may prepare accessible copies in an accessible format without making any unnecessary changes, or obtain it from another authorized body without the permission of the author to make it available to beneficiary persons inside or outside the State whenever it has legal access to the work or a copy thereof and when the activity is not for profit .
3. For the purposes of preparing accessible copies in an accessible format, the Executive Regulations of this Decree-Law shall specify the conditions and controls that shall be met by the authorized bodies.

Article (24)

Publication of Some Works

1. Without prejudice to the literary rights of the author in accordance with the provisions of this Decree-Law, the author shall not prevent reproduction by newspapers, periodicals, or broadcasting corporations, within the limits justified by the intended purpose of publishing any of the following with reference to the source from which they were quoted and the name of author:

a. Excerpts from his works that have been legally made available to the public, and this applies to the transfer, broadcast or transmission by any means to the public of excerpts from his works seen or heard during current events.

b. Published articles related to discussions on topics that concern the public opinion at a particular time, as long as there is no evidence of prohibiting this being published at the time of publication.

c. Speeches, lectures and conversations delivered in public sessions of parliament and judicial councils, and public meetings, provided that they are copied in the context of reporting current news.

2. Subject to Clause (1) of this Article, the author solely, or his successor, shall have the right to collect any of these works in collections attributed to him.

Article (25)

Limitations on Holders of Related Rights

Limitations set forth on the financial rights of the author stipulated in this Decree-Law shall apply to holders of related rights.

Special Provisions for Some Works

Article (26)

If several persons participated in composing a work so that the share of any of them cannot be separated from the other, all partners shall be equally deemed authors of the work, unless otherwise agreed in writing.

If the participation of each of the authors falls under a different type of art within the same work, each of them shall have the right to separately exploit the part he contributed, provided that this does not harm the exploitation of the work for the others, unless otherwise agreed in writing.

Each of them has the right to file lawsuits when a violation of any of the copyright rights protected by this Decree-Law occurs, and if one of the co-authors dies without a general successor, his share shall pass to the remaining partners or their successors, unless otherwise agreed in writing.

Article (27)

Natural or legal person who directed the creation of the collective work may solely exercise the literary and financial rights of the author over such, unless otherwise agreed upon.

Article (28)

Author Financial Rights Regarding Third Parties

Unless otherwise agreed in writing, the author's financial rights in relation to third parties shall be as follows:

1. If the author makes his creation for the benefit of another person, the copyright belongs to the person in whose favor it was made.

2. If the employee or worker, during his work, creates a work related to the activities or works of the employer and which is commissioned directly or indirectly by him, or uses to reach the creation of this work the experiences, information, tools, machines or materials of the employer placed at his disposal, the author's financial rights shall belong to the employer taking into account the intellectual effort of the worker.

3. If the employee or worker creates a work that is not related to the business of the employer and does not use the employer's expertise, information, tools or raw materials in reaching this innovation, the author's financial rights shall belong to the employee or worker.

Article (29)

Co-author

1. Each of the following shall be deemed a co-author in an audio, visual or audio-visual work:

- a. The author of script or written idea.
- b. Whoever alters an existing literary work in a way that makes it suitable for the audiovisual style.
- c. Dialogue author.
- d. The composer of music if specifically designated for the work.
- e. The director if he exercises actual control over the work's completion.

2. If the work was derived or extracted from another work that preceded it, the author of the previous work shall be deemed a partner in the new work.

3. The author of the literary part or the musical part shall have the right to publish what belongs to him in a way other than the way in which the co-work was published, unless otherwise agreed in writing.

4. If one of the partners in authoring an audio, visual or audio-visual work refuses to complete its part, this does not result in preventing the rest of the partners from exploiting the part that he has completed, without prejudice to the rights of the refusing party arising from his participation in the authorship.

5. The producer, for the duration of the agreed upon audio, visual or audio-visual work, shall be acting on behalf of the authors of the work, and their successors in agreeing to exploit such without prejudice to the rights of the authors of quoted or modified literary or musical works, unless otherwise agreed in writing. The producer shall be a publisher of this work, and shall have the rights of the publisher thereupon and to copy it within the limits of the purposes of financial exploitation.

6. If the performer agrees to fix his performance on an audiovisual means, the exclusive financial rights for licensing the exploitation of the performance fixed on the audiovisual means and which are provided for in this Decree-Law shall be transferred to the producer of the audiovisual fixation or whoever is authorized to practice it, unless otherwise agreed in writing between the performer and the audiovisual fixation producer.

Article (30)

The publisher of the work shall be authorized to exercise the rights stipulated in this Decree-Law in the event that the work does not bear the author's name or bears a pseudonym, unless the author appoints another agent or declares his identity and proves his capacity or there is no doubt as to his identity.

Article (31)

Architectural Copyright

1. Copyright in architectural designs shall be deemed the property of the property owner or the like, unless otherwise expressly agreed upon.

2 The property owner or the like may make any improvements or changes to the existing building subject of the engineering drawings, designs and plans in accordance with the legislation in force.

3. Buildings may not be seized or destroyed, their features may not be changed or confiscated with the aim of preserving the rights of the architectural author whose designs, drawings or engineering plans were unlawfully used, provided that this does not prejudice his right to fair compensation.

Rules of Work of Associations or Bodies Managing Copyright (collective management)

Article (32)

Owners of copyright and related rights may assign their financial rights to specialized professional associations to manage them, or assign other parties to exercise these rights.

Contracts concluded in this regard through these associations or bodies shall be deemed civil contracts.

Article (33)

Associations or bodies stipulated in Article (32) of this Decree-Law shall be liable not to make any distinction between applicants for contracting with them to exploit the works under their management. It shall not be deemed

discriminatory for the association or the body to grant exploitation licenses in return for a reduced financial consideration in the following two cases, provided that its decision be reasoned:

1. Exploitation of works in public concerts by means of live performances of performers.
2. Exploitation of works in the context of educational or cultural activities that do not generate direct or indirect revenue.

Article (34)

1. Associations or bodies stipulated in Article 32 of this Decree-Law may not practice the activities of managing copyright and related rights without obtaining a permit from the Ministry.
2. The Executive Regulation of this Decree-Law defines the conditions, controls, and procedures of the permit, the obligations of the authorized person, and the administrative penalties that are imposed on the authorized person's violation of the provisions of this Decree-Law and the Executive Regulations thereto.

Court Actions against Infringing Works

Article (35)

Taking into account the provisions of Federal Law No. (11) of 1992, the Urgent Matters Judge of the Competent Civil Court, at the request of the author or his successor, and pursuant to an order issued on a petition, may order the following procedures for each work that has been published or displayed without written permission from the author or from his successor:

1. Ceasing the publication, display or manufacture of the work.

2. Seizure of the original work or its copies and the materials used in its re-publication or extraction of copies thereof, provided that those materials are only valid for re-publishing the work.
3. Proving of public performance in relation to the rhythm, acting, or recitation of a work among the public, and preventing the continuation of the existing show or prohibition of such in the future.
4. Seizure of the revenue generated from publication or display.
5. Proving the fact of the violation of any of the rights protected in accordance with the provisions of this Decree-Law.

The judge of summary matters may order the applicant to deposit an appropriate guarantee, and the applicant shall file the original dispute to the civil court within (20) twenty days following the issuance of the order. If not filed in this duration, it shall have no effect.

Article (36)

The person against whom the order referred to in Article (35) of this Decree-Law was issued may file a grievance before the president of the court in which the order was issued within (15) fifteen days following the date of its issuance. In this case, the president of the court may underpin, or wholly or partly cancel the order, or may appoint a custodian whose task is to republish, exploit, display, manufacture or extract copies of the work in dispute. The resulting revenue shall be deposited in the court's treasury until a decision is made on the dispute.

Article (37)

Grievances Committee

1. A committee called "The Grievances Committee for Copyright and Related Rights" shall be established in the Ministry under the chairmanship of a specialized judge nominated by the Minister of Justice, and the membership of two specialists chosen by the Minister. It shall be competent to adjudicate grievances filed by those concerned with regard to the decisions issued by the Ministry.

2. The Minister shall issue a decision naming the members of the Grievances Committee, its work system, and the grievance procedures before such.
3. Any interested party may appeal the decision of the Grievances Committee before the competent court within (30) thirty days as of the date of being notified thereof.
4. In all cases, a lawsuit before the competent court to request the cancellation of the decisions issued by the Ministry in implementation of the provisions of this Decree-Law shall not be accepted prior to filing the grievances against them before the Grievances Committee.

Article (38)

Customs Clearance

1. Subject to the legislation in force at the State, the customs authorities may, on their own or at the request of the author, the right holder, their successors or their representatives, order a reasoned decision not to make clearance - for a maximum period of (20) twenty days - of any materials in violation of the provisions of this Decree-Law.
2. The customs authorities may not prevent the author, the right holder, their successors or their representatives from inspecting the items ordered not to be cleared by customs.
3. The Executive Regulations of this Decree-Law shall specify the conditions, controls, and procedures related to inspection and the submission of a request to halt the customs clearance and decide thereon.

Penalties

Article (39)

1. Without prejudice to any more severe penalty stipulated in any other law, a penalty of imprisonment for a period of no less than (2) two months and a fine of no less than (10,000) ten thousand dirhams and no more than (100,000) one hundred thousand dirhams, or either of these two penalties, shall be imposed on whoever, without the written permission of the author, the holder of the related right, or their successors, performs any of the following acts:

a. Infringement of one of the literary or financial rights of the author or the holder of the related right stipulated in this Decree-Law, including placing any work, performance, audio recording, or broadcast program that is covered by the protection provided for in this Decree-Law at the public's reach, whether through computers, internet networks, information networks, telecommunications networks, or any other methods or means.

b. Sale, lease or offer for trading in any form a protected work, audio recording, or broadcast program in accordance with the provisions of this Decree-Law. The penalty shall be multiplied based on how many times the the work, performance, program or recording subject of the crime was infringed.

2. The penalty shall be imprisonment for a period of no less than six months and a fine of no less than (100,000) one hundred thousand dirhams, and no more than (500,000) five hundred thousand dirhams in case of recurrence.

Article (40)

1. Without prejudice to any more severe penalty stipulated by any other law, a penalty of imprisonment for a period of no less than (6) six months and a fine of no less than (100,000) one hundred thousand dirhams and no

more than (700,000) seven hundred thousand dirhams, or with one of these two penalties, shall be imposed on whoever commits any of the following acts:

a. The unlawful manufacture or import for the purpose of selling, renting or circulating any work, imitation copies, devices, means or tools specially designed or prepared to circumvent the protection or technology used by the author or the holder of a related right to transmit or offer for circulation or to organize or manage these rights or maintain a certain purity quality of copies.

b. Unlawful disruption or finding faults with any technical protection or electronic information aiming at regulating and managing the rights stipulated in this Decree-Law.

c. Uploading or storing in a computer any copy of computer software, applications or databases without a license from the author or the right holder or their successors.

2. The penalty shall be imprisonment for a period of no less than (9) nine months and a fine of no less than (500,000) five hundred thousand dirhams and no more than (1,000,000) one million dirhams in case of recurrence.

Article (41)

Every person who uses a computer software, applications, smart applications, or databases thereof without prior permission from the author or his successor, shall be punished with a fine of no less than (30,000) thirty thousand dirhams and not more than (100,000) one hundred thousand dirhams, for each software, application, or database.

The penalty shall be a fine of no less than (100,000) one hundred thousand dirhams, and no more than (1,000,000) one million dirhams in case of recurrence.

If the crime is committed in the name or for the account of a legal person or a commercial or professional establishment, the court may order the closure for a period not exceeding (3) three months.

Article (42)

Without prejudice to the penalties prescribed in Articles (39), (40) and (41) of this Decree-Law, the court shall order the confiscation and destruction of the counterfeit copies of the crime or obtained therefrom. It shall also order the confiscation of the equipment and tools used in the commission of the crime, which are only suitable for this purpose. It may also order the closure the facility in which the counterfeiting crime was committed, for a period not exceeding six months, and publishing a summary of the conviction judgment in one or more daily newspapers at the expense of the convict.

Article (43)

Compensation in Case of Rights Infringement

The author or the right holder has the right to request compensation in case of infringement of his literary and financial rights in accordance with the general rules.

Article (44)

Excercising Copyright in Absence of Heirs

The literary and financial rights of the author and the performer over any work shall be transferred to the Ministry in the absence of an heir or bequeather. The Ministry shall continue to exercise the literary rights stipulated in this Decree-Law with the aim of preserving the work, after the expiry of the period of protection of the financial rights prescribed for the work.

Article (45)

Photos, Audio or Video Recordings of Third Parties

Subject to Clause (9) of Article (2) of this Decree-Law, it is not permissible for anyone with whom it has been agreed to take a photo or audio or video recording, in any way, to keep, display, publish or distribute its original or copies without permission from that person, unless otherwise agreed.

An exception is made for publishing a photo in the following cases:

1. On the occasion of public incidents, unless publication is prohibited by the competent authorities.
2. If it is related to coverage and photography of the events and activities of government agencies held for the public in a public place.
3. If the competent authorities allow such to serve the public interest.

All of this, taking into account that the publication or circulation of the photo does not affect the honor or the reputation of the person.

In all cases, the person represented by the photo, his successor, or the entity he represents and if the photo is aimed at performing his work, may authorize the publication, exploitation, use of such in the various means of publication, even if the photographer did not allow it, unless otherwise agreed upon.

Article (46)

Commitment of National Carriers

Without prejudice to any provision stated in this Decree-Law, national carriers, including planes, ships and trains, shall abide by the provisions thereof.

Article (47)

Supervision and Control

The Ministry shall supervise and control the implementation of the provisions of this Decree-Law, and the control of crimes and violations of the provisions thereof. A decision by the Council of Ministers - based on a proposal by the Minister - may delegate any of the competent local authorities with these tasks.

Article (48)

Judicial Police

The employees of the Ministry or the employees of the local authorities who are determined by a decision of the Minister of Justice in agreement with the Minister or the head of the local judicial authority shall have the capacity of judicial control officers in proving any violation of the provisions of this Decree-Law, the Executive Regulations thereto or the decisions issued in implementation thereof, within the jurisdiction of each.

Article (49)

Fees

The Council of Ministers shall issue a decision determining the fees necessary to implement the provisions of this Decree-Law.

Article (50)

Executive Regulations

The Council of Ministers, based on a proposal by the Minister, shall issue the implementing regulations for this Decree-Law.

Article (51)

Executive Decisions

The Minister shall issue the decisions needed to implement the provisions of this Decree-Law.

Article (52)

Cancellations

1. Federal Law No. (7) of 2002 regarding copyright and related rights and the amendments thereto shall be repealed.
2. Any provision that contradicts or contravenes with the provisions of this Decree-Law shall be repealed.
3. The decisions and regulations in force prior to the entry into force of the provisions of this Decree-Law shall remain in force and in a manner that does not conflict with its provisions, until issuing a replacement in accordance with the provisions of this Decree-Law.

Article (53)

Publication of the Decree-Law and the Implementation thereof

This Decree-Law shall be published in the Official Gazette, and shall come into force as of 02 January, 2022 AD.

Khalifa bin Zayed Al Nahyan

President of the UAE

Issued by us at the Presidential Palace in Abu Dhabi:

On: 13 Safar, 1443 AH

Corresponding to: 20 September, 2021 AD