

Unofficial translation

Law No. 15 of 2012

on the Protection of Copyrights and Related Rights

In the Name of the People;

The President of the Republic;

After Perusal of the Constitution of the Republic of Yemen;

and Subsequent to the Approval of the House of Representatives;

We Issued the Following Law

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 the 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 made 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 the needs 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.

Producer of Phonograms	The natural or artificial person who is responsible for the fixation and bears the responsibility and burden of doing so.
Performers:	actors, singers, musicians, dancers and others 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 in front of an audience in public places either directly or through a device or through any other means.
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 public 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.
Works of art	all branches of art

Chapter Two **Protected Works**

Article (3) A. The following shall be granted the protection of this law: creative 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 countries that are members to the international intellectual property agreements and treaties to which Yemen is a party, in particular, the following works:

1. Written or printed works such as books, booklets, magazines, newspapers, websites, 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, choreography.
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 creative in terms of selection or sequence of content.
12. The title of the work if it is distinctive and creative, and not a widely used utterance to signify the subject of the work.

C- Works and rights related to them which were in effect at the time this law was passed may benefit from them provided that these works had not fallen into the public domain. The Regulation shall define the rules and procedures of the protection of these works and related rights and the date they come into effect.

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 creative 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 even if expressed or described or clarified or

- inserted in a work.
2. Official documents such as laws, regulations, government decisions texts of laws, government decisions, regulations, judicial verdicts, international agreements, all official documents and their official translations.
 3. The news about incidents or events which are merely media descriptive material.
 4. Works that have fallen into the public domain.

Chapter Three
Copyright
Section (1) 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 or any other action that may be prejudice to his honor or reputation.
 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 such a case, the author shall be obliged to pay equitable compensation to whom the rights to exploit it financially have been assigned.
- Article (7) The literal rights stated in the 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 assume them,

Section 2
Financial Rights and their Transfer

- Article (8) A. An author shall enjoy an exclusive right in licensing or preventing any exploitation of his work especially the following actions:
1. Copying the work.

2. Translating, summarizing, explaining, adapting, amending, or re-composing of musical work.
3. Distributing copies of the work through sales or any other means that transfer ownership.
4. rental of computer software, fixation of works in audio or audiovisual recording.
5. Public performance or transfer to the audience.

B. The right to rental referred to in item (4) of paragraph (A) of this article shall not apply to computer programs itself if it is not essentially the object of the rental.

Article (9) The author of original artistic works, original musical and literary scripts or his/her inheritors shall enjoy the right of sharing a percentage of the net proceeds specified by the Regulation of each sale of such works following the first assignment of the exploitation 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 made in writing. The right to exploitation its purpose, duration and place shall be stated herein.

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 complete 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 author to exploit 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 exploitation 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, a settlement shall be reached amicably or through the court.

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

Article (17) If one of the co-authors in a joint work dies without having a legitimate inheritors, his share shall be assigned to the rest of co-authors or their inheritors unless agreed otherwise and provided that no public interests that might prompt the court to intervene exist.

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 separately exploit 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 of 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 performances for the total work, permit its performance or publication, or make copies of the same.

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

- Article (21) A. The choreographer (designer of movements) in works performed through movements or spectacles accompanied by music and other similar works shall alone 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 in a joint 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 a 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 on behalf of the co-authors of the work or their inheritors, make contracts with others to display the work or exploit 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 from him for any reason, any of the other co-authors may, in such a case complete the work and shall be considered an author for whatever 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 literal rights stated in paragraph (A) of this article shall be considered eternal rights and not subject to assignment, outdating, or disposition and the rights shall be transferred after the death of the performer to his legitimate inheritors. If the performer does not have inheritors, the Ministry shall directly assume these rights.

Article (26) The performer shall have the exclusive right to enter into agreement to carry out, or prevent any of the following acts:

1. Broadcasting or live transmission of the performance to the audience.
2. Fixation or recording of live performance in phonogram.
3. Copying the fixed performance in a phonogram.
4. First distribution of the original copies or copies thereof fixed in a phonogram to the public 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 that transfer ownership.

Article (27) The producer of phonograms shall have the exclusive right of agreeing to, or preventing the following acts:

1. Making copies of a phonogram.
2. Distributing the original phonogram or copies of the same to the public through sales or any other means.
3. Importation of copies of the phonogram.
4. Rental of phonogram.
5. Making phonogram available to the public through wired or wireless means that transfer ownership.

Article (28) Radio and television 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 exploited for commercial purposes through broadcast or transmission to the public, the person exploiting 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

Terms of Protection of Author's Rights

- Article (31) The author's financial rights shall be protected throughout his/her life and for fifty-years following his/her death
- Article (32) The financial rights of a 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 a 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 a work which is published without mentioning the author's name or was published under 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 of 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 the first publication of the work regardless of re-publication unless the author, when re-publishing, introduces substantial amendment to the extent that it may be considered a new work with a new protection term.

B. If the work consists of several parts or volumes published which were 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 protecting the 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 the first fixation of the phonogram, the protection shall start from the beginning of the Gregorian year following the 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 viewing 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 critique 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 any entity that has been previously photographed.

Article (41) A. It is permissible, without permission from the author or the owner of the right, to make copies from a newspaper, an article in an economic, political or religious periodical, a broadcast program of a similar nature, or transferring this article or program to the public may take place in cases where the right to copy or transfer to public is not explicitly reserved for the author or the owner of the right. Due reference to the source and name of the author shall be made.

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 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 and in accordance with the Regulation.
2. Copying with the objective of preserving the original copy or to replace a lost or damaged copy that has become unusable and impossible to obtain a replacement under acceptable conditions, or if publication has ran out.

Article (43) 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 (44) 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 (45) Making copies of a protected work in accordance with this Law is permissible without the permission of the author or right holder for the use in judicial or administrative procedures provided that due reference is made to the source and author's name.
- Article (46) A spare copy of a computer software to replace a lost or a damaged copy may be made with the knowledge of the legitimate owner of the software in replacement of a lost or damage copy.
- Article (47) Exceptions stated in articles (40 and 46) 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 (48) A. Any Yemeni citizen may request from the ministry a non-exclusive and non-assignable license to copy or translate or both 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 (49) 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 exempt from this are 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. Provision of 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.
6. Payment of depositing fees specified by the Regulation which should not exceed a similar government fee.

Article (50) Not depositing the work shall not undermine copyright and related rights protection in accordance with the provisions of this law.

Article (51) 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 (52) A-The ministry shall grant only one depositing certificate free of charge.

B-The applicant shall pay a fee to obtain an additional Depositing Certificate.

Article (53) The Depositing Certificate shall be considered evidence to the validity of the documents attached to the depositing application and a reference for copyright and related rights data.

Article (54) The Ministry shall issue the national Biography 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 and Popular Heritage

Article (55) Folklore or folkloric expressions 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 carols.
- 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 in 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 (56) A. Folklore or folkloric expressions are public property of the state and the Ministry shall protect, exploit, develop and support them through all legal means possible.

Article (57) 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 exploit a folklore or folkloric expressions should make appropriate reference to the source and as specified by the Regulation.

Article (58) 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 exploitation to make financial gains

Article (59) 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 creating a new work.

Article (60) The exceptions provided in Chapter Seven of this Law shall apply to folklore or folkloric expressions.

Article (61) Importation, distribution of copies of folkloric work or translation of national folklore are prohibited except through prior permission from the Ministry.

Chapter Ten

Management and Financial Rights of Copyrights and Related Rights

Article (62) A General Department called the Collective Management of Copyright and Related Rights shall be created in accordance with the provisions of the law. The implementation regulation shall define its tasks and duties.

Article (63) All those who exploit or benefit from the works and performances of members who have joined the General Department of Copyright and Related Rights shall pay a financial sum for such exploitation, including the copy installed in devices and multimedia tools used for copying and storage whether imported or made locally.

Chapter Eleven

Precautionary Measures, Border Measures & Countervailing Penalties

Section I

Precautionary Measures

Article (64) The court, based upon a request from the author or whoever possesses the author's right or their inheritors in cases where violations specified in this Law , 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 copies of infringing works and the materials used in making such copies.
3. Prove public performance with respect to performing, acting, delivering a work before the public and preventing the continuity of an ongoing show or prohibiting its occurrence in 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. The receivership shall terminate with the settlement whether amicably or through the Court.

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 (65) A. The court, before issuing an order to enforce precautionary measures in accordance with the preceding article of this 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 (66) A. The court, based on a request by the person against whom precautionary measures were taken in accordance with Article (64) 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 (64) of this Law due to the elapse of the period for filing a claim provided for 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 that one might take place, 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 (67) The court may take any of the measures provided in Article (64) 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 (68) 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. The appeal shall follow the normal procedures that include lodging a claim and a court verdict on the appeal, either upholding it or partial or total annulment.

Article (69) Without prejudice to other rights reserved by the right owner to lodge a lawsuit and the right of the defendant to request a review by the Court, The Court may order the destruction of counterfeited and pirated works and their disposal with due consideration to Article (75) of this Law.

Section Two

Border Measures

Article (70) The owner of the right to a work, if he has legitimate ground to suspect that pirated work that violate his rights are being imported, may submit a written request to the Court to stop the release of such works by the customs provided that he presents sufficient evidence that demonstrate that the violation to his right has been committed and provide a detailed description of the pirated work. The Court should notify the applicant within Ten days in cases where the application has been accepted.

Article (71) (A) The Court may request from the applicant to provide sufficient financial security or an equivalent alternative sufficient to protect the defendant and the competent authorities from abusive use of rights. This security or its equivalent should not become an unreasonable deterrent against using it.

(B) The importer and the applicant of the customs release suspension should be notified immediately about the suspension of the release of pirated works with due consideration to Article (68) of this Law.

Article (72) If the customs authorities are not notified within a period not exceeding Ten working days from the date the applicant of the customs release suspension of pirated works was informed of the suspension of the release that he has filed a judicial case for a decision to be taken on the subject, the works shall be released provided that all other conditions related to imports and exports have been fulfilled.

Article (73) The Court is authorized to order the applicant of the release suspension of the pirated works to pay suitable compensation for damages incurred by the importer, consignee and right owner that resulted from the suspension of the release of the works.

Article (74) Without prejudice with protection of secret information, the Court is authorized to afford the right owner and the importer the sufficient

opportunity to inspect any works suspended by the customs authority as a means to verify their claims.

Article (75) The Court, when it has sufficient evidence of violation one of the copyrights has the authority to act spontaneously to stop the release of pirated works, and may in order to achieve that exercise the following:

- (A) Requires at any time from the right owner any information that might help it in exercising its discretion.
- (B) Notify the importer and applicant of the right immediately of a decision to suspend the release of the works.
- (C) Public authorities and officials are exempt from criminal procedures when taking or intending to take procedures in good faith.

Article (76) Small quantities of non-commercial nature found in traveler's luggage or sent in small boxes shall be exempt from the provisions of this section.

Section III

Penalties

Article (77) Without prejudice to more severer penalties stated in any other law, whoever commits any of the following violations shall be punished by a fine not exceeding (five-hundred thousand Rials) or imprisonment for a period not exceeding One months and in accordance to the severity of the violation.

1. Violating any literal 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 this 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 with knowledge of the counterfeiting and selling it or offering to sell it or circulating it or renting it or exporting it outside the Republic.
5. Violation of the provisions of Articles (57 and 58) of this law and distortion and deformation of folkloric expression.

Article (78) The court may decide to double the imprisonment and fine in cases where violations provided in Article (77) 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 infringements the closure will be permanent. In all cases the Court shall order the destruction of the counterfeited copies.
4. Publication of the conviction verdict in a daily newspaper at the expense of the convict.

Section IV

Compensation

Article (79) 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 (80) Anyone who violates any other provision of this Law shall be punished with a fine of not less than Fifty thousand Yemeni Rials.

Chapter Eleven

General & Final Provisions

Article (81) Without prejudice to the protection accorded to copyright and related rights in this law, the Ministry may cease the circulation of any work whose circulation might contravene the provisions of Islamic Sharia, public order or public taste unless a final court verdict has been issued to the contrary.

Article (82) 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 inheritors

whether the work originates from Yemen or abroad. The Regulation defines the requisite data in the case of work originating abroad.

Article (83) 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 is 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 from 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 (84) 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 specify detailed provisions for the implementation of this article.

Article (85) A-The title of Law Enforcement Officers shall be granted to the employees who are named following the issuance of an order by the Office of the Attorney General based on a request by the Minister.

B. the Law Enforcement Officers in their capacity as specified in Paragraph (A) of this Article, may, enter and inspect shops and stores that sell, distribute, rent, show, copy, produce phonograms, performances or radio programmes and substantiate the incidence of violations to this law, seize, impound and administratively hold on to materials, copies and implements used in any of the violations provided for in this Law by virtue of a permission from the Office of the Attorney General to delegate the authority of carrying out the investigation according to the conditions and situations specified by the Law of Criminal Procedures. In all circumstances the Law Enforcement Officers may not proceed in any of the law enforcement procedures or investigation procedures by virtue of the delegated authority unless a crime has actually been committed and its existence has been substantiated.

Article (86) Counterfeited work shall be prohibited from entering the territory of the Republic.

Article (87) the commercial court shall be the competent entity authorized to look into and decide disputes arising from the enforcement of this law.

Article (88) 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 or provision in conflict with this law.

Article (89) 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 (90) The Regulation shall be issued by a decree from the Prime Minister based on a submission by the Minister followed by the approval of the Council of Ministers during a period not exceeding Six months.

Article (91) This law shall go into effect from the date of its issuance and shall be published in the Official Gazette.

Issued at the Presidency

On July 22, 2012

Abdurabo Mansour Hadi

President of the Republic