

UNESCO
WORLD ANTI PIRACY OBSERVATORY

JORDAN

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I. Legislation

1. Copyright laws

Copyright is protected in Jordan through international Agreements, the [Copyright Law No. 22 of 1992](#) and its amendments ([In Arabic](#)); Regulation on the Department of the National Library of 1994, [Regulation on the Work Depository of 1994](#) (in Arabic), Border Procedures Instructions for the [Protection of Intellectual Property Rights of 2000](#), as well as other legislation related to enforcement of copyright or affecting copyright protection.

As part of its commitments under Free Trade Agreements, Jordan ratified several treaties and amended the copyright law to include the provisions of those treaties. Accordingly, to date, the law has been amended six times through Law No. 14 of 1998; Law No. 29 of 1999; Law No. 52 of 2001; Law No. 88 of 2003; Law No. 8 of 2005; and Law No. 9 of 2005.

In addition to the [Copyright Law of 1992](#) and its amendments, the following regulations constitute an integral part of the copyright legislation:

- Regulation on the Department of the National Library No. 5 of 1994 and its amendments as provided for in regulation NO. 59 of 1996;
- [Regulation on the Work Depository No. 4 of 1994](#) (in Arabic);
- [Border Procedures Instructions for the Protection of Intellectual Property Rights No.7, 2000](#).

2. Other laws

- [Law on Customs No. 20 of 1998](#) (In Arabic)
- [Law on Civil Procedures No. 24 of 1988 and amendments](#) (In Arabic)
- [The Civil Law No. 43 of 1976](#) (In Arabic)
- [Criminal Law No. 16 of 1960](#) (In Arabic)
- [Law on Criminal Procedures No. 9 of 1961](#) (In Arabic)
- [Law on Evidence No. 30 of 1952](#) (In Arabic)
- Law on Marks of Goods No. 19 of 1953

3. Latest developments and perspectives

The copyright law is being revised in order to comply with Jordan's commitments to International Treaties. Accordingly, provisions of Articles 2, 4, 17, 51 and 55 will be amended.

4. Summary of legislation

- *Works protected by copyright*

Copyright applies to all original literary, dramatic, musical and artistic works regardless of their type, merit or purpose (Article 3 of the Copyright Law). This includes works which are expressed in writing, sound, drawing, photography or movement such as books,

booklets and other printed material; lectures, oral works; audiovisual works and photographs; musical compositions; dramatic works; choreographic works and pantomimes; drawings, sculpture, engraving, illustrations and drawings related to architecture; computer programs whether in the source language or machine language; maps, plans, sketches and three-dimensional works relative to geography and topography etc.

Copyright also applies to the following works provided they do not prejudice to the rights in the original work (Article 3 of the Copyright Law):

- Titles of the works unless the title it is a common term used to indicate the subject matter of the work.
 - Collection of literary or artistic works and compilation of data provided that the selection and arrangement of their contents constitute intellectual creations.
 - Collection of selected excerpts from poetry or prose, music or others provided that the sources and authors of the excerpts are mentioned in these collections.
- *Exclusive rights of the authors and of the owners of neighbouring rights*

Copyright holders have the exclusive right to exploit the work in any way they choose, i.e. they have the exclusive right to authorize and prevent the temporary or permanent reproduction of the work through all physical means such as photography, cinematography or electronic digital recording; the translation, adaptation, and alteration of the work, the commercial rental to the public of the original or copies of the work; the distribution of the original and copies of the work through sale or other transfer of ownership; the importation of commercial quantities of copies of the work manufactured abroad; the communication of the work to the public through recital, display, acting, radio, television or cinema broadcasting, or through any other means (Article 9 of the Copyright Law).

In addition to the economic rights listed above, authors enjoy moral rights which remain with them even after they have assigned their economic rights, i.e. the right to claim authorship of the work; to disclose the work; to make any modification, alteration or deletion in the work; to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the work which would be prejudicial to their honor or reputation; and to withdraw the work from the market in case serious and legitimate reasons existed for this withdrawal, provided third parties are compensated for the damages resulting thereof (Article 8 of the Copyright Law).

The author has the exclusive right to publish his letters. If the publication of the letters may cause damage to the addressee, then this right may not be exercised by the authors or others without the prior authorization of the addressee or his heirs (Article 10 of the Copyright Law).

Rights related to Copyright or Neighboring rights are provided protection under Articles 23, 24 and 25 of the Copyright Law. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; and rights of radio and television broadcasting organizations in their radio and television programs.

Performers have the exclusive right to authorize the broadcasting and communication to the public of their live performance; the fixation of their unfixed performance; the reproduction of their performance fixed in sound recordings, in any manner or form

whether directly or indirectly, temporarily or permanently including in digital form; the distribution of their performance fixed in sound recordings through sale or other transfer of ownership; the commercial rental to the public of their performance fixed in sound recordings; the import in commercial quantities of their performance fixed in sound recordings whether they were recorded with or without their consent; the making available to the public of their performance fixed in sound recordings, by wire or wireless means, in such a way that members of the public may access it from a place and at a time individually chosen by them; and the direct or indirect broadcast and communication to the public, by wire or wireless means, of their fixed performance provided that the broadcast is in digital form and subject to remuneration (Articles 23 and 24). Performers enjoy also moral rights regarding their live performance or performance recorded in sound recordings which include their right to claim authorship of their performance except where omission is dictated by the manner of the use of the performance, and the right to object to any distortion, mutilation or other modification of their performance that would be prejudicial to their reputation (Article 23). Performers enjoy also copyright protection according to Article 5 of the Copyright law which stipulates that it shall be deemed an author the performer who presents to the public an artistic work set by others whether this performance was through singing, playing, putting into rhythm, orating, photographing, drawing, pantomiming, chorea-acting, or any other method.

Producers of sound recordings (phonograms) have the exclusive right to authorize the direct or indirect reproduction of their sound recordings in any manner or form whether temporarily or permanently including in digital form; the distribution of their sound recordings through sale or other transfer of ownership; the commercial rental to the public of their sound recordings; the import in commercial quantities of their sound recordings whether they were recorded with or without their consent; the making available to the public of their sound recordings, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them; and the direct or indirect broadcast and communication to the public, by wire or wireless means, of their sound recordings provided that the broadcast is in digital form and subject to remuneration (Articles 23 and 24).

Broadcasting organizations have the exclusive right to authorize the fixation, recording and the direct or indirect reproduction of their programs; the re-broadcasting of their programs and their communication to the public (Article 23). Official radio and television organizations may make ephemeral recordings, using their own facilities, for use in their own broadcasts of a work in respect of which they have the right of broadcasting; provided that the broadcasting organization destroys all copies of the recording within a period not exceeding one year from the date of making the said copies, unless the author agrees to extend this period. This excludes works of documentary nature provided that no more than one copy of the work is kept (Article 25).

- *Limitations and exceptions to copyright*

Limitations to exclusive rights are provided in Articles 17 to 20 of the Copyright Law and include copying for personal use; use in a private family gathering; use in educational institutions for educational purposes; use for illustration in teaching; use of musical works by the bands of the State; use for purposes such as research, criticism, review, advertisement or news reporting; and copying of a limited number of a work by Public libraries, non-commercial documentation centers, educational, scientific and cultural

institutions. The aforementioned acts shall not be for commercial purposes or prejudicial to the legitimate interests of the copyright holder.

Excluded from copyright protection are laws, regulations, judicial rulings, decisions of administrative panels, international agreements, all official documents and the official translation of these works or any part thereof, published, broadcast or publicly communicated news, works which have fallen into the public domain and folklore which is considered to be in the public domain with the minister of culture exercising the copyright of these works against distortion, misrepresentation or damage to cultural interests. However, collections of these works may be protected by copyright provided that they are distinguished by a personal effort involving originality or arrangement of their contents (Article 7 of the Copyright Law).

Compulsory licenses are allowed in limited cases in Jordan for educational and/or research purposes. The Minister of Culture (or whomever the minister deputized) may grant a non-exclusive and non-assignable license following the request of any Jordanian national to translate a foreign work into Arabic or to reproduce and publish a work that meets specific conditions; provided that fair compensation is paid to the author of the original work and the licensed copies are sold at a price equal or lesser than the price of similar works in Jordan (Article 11 of the Copyright Law).

- *Ownership of copyright*

The person who publishes the work attributed to himself is considered to be the author of the work unless there is a proof to the contrary (Article 4 of the Copyright Law).

In the case of a joint work in which each contribution consists an integral part of the work as a whole, all the contributors shall be considered co-authors and co-owners of the copyright with each having an equal share in the work. In the case of a joint work in which a number of contributions constitute separate and independent works in themselves, each of the joint authors shall be considered the author of his own contribution. In a joint work, none of the co-authors may, in the absence of any written agreement to the contrary, exercise copyright without the consent of the other authors (Article 35 of the Copyright Law).

In the case of a collective work, the copyright holder is the natural or legal person that committed himself to publish the work under his name and supervision and whereas the work of the participants in it was integrated in the general objective intended by that person for the work or the idea he created it for, so that the work carried out by each of the participants cannot be separated or distinguished (Article 35 of the Copyright Law).

In the case of anonymous and pseudonymous works, the publisher is considered to be the representative of the author and hence shall exercise the author's economic and moral rights. However should the identity of the author be revealed, the author himself shall exercise these rights (Article 4 of the Copyright Law).

In the case of an audio-visual work or a sound-recording, the producer is the person whose name appears on the work in the usual manner unless there is a proof to the contrary (Article 4 of the Copyright Law).

In the case of a performance, the performer is the person whose name appears on the work in the usual manner unless there is a proof to the contrary (Article 4 of the Copyright Law).

The person, who translates the work, transforms it, summarizes it, converts it, amends it, explains it, comments on it, indexes it or other ways that display it in a new form; the performer that presents to the public an artistic work set by others; and the author of encyclopedias, selections and compilations of data are considered to be authors provided that there is no prejudice to the rights of the author of the original work (Article 5 of the Copyright Law).

In the case of a work created for the account of a natural or legal person, the copyright holder is the author of the work unless there is a written agreement to the contrary (Article 6 of the Copyright Law).

If an employee created during his employment a work related to the activities or business of the employer, or uses the experience, information, devices, instruments or items of the employer that were put at the employee's disposal, the copyright holder is the employer, unless there is a written agreement to the contrary. However, if the work created by the employee did not relate to the activities or business of the employer, and did not use the experience, information, devices, instruments or items of the employer, the copyright holder is the employee unless there is a written agreement to the contrary (Article 6 of the Copyright Law).

In case of transfer of authorship, the copyright holder is the person to whom the work was transferred.

- *Protection of the foreign works*

In addition to works of Jordanian authors, wherever they reside and wherever their works are created, the protection of the copyright law covers the following: (Article 56 of the Copyright Law):

- Works of foreign authors created in Jordan whether published or not.
- Works of foreign authors created outside Jordan whether published or not, subject to the provisions of international agreements pertaining to copyright or the principle of reciprocity in case of their non-applicability.
- Performances of foreign performers who are nationals of a member state of a bilateral or international agreement relating to this field and to which Jordan is party.
- Performances incorporated in a sound recording protected under the copyright law.
- Live performances broadcasted in a radio program protected under the copyright law.
- Sound recordings of producers who are nationals of a member state of a bilateral or international agreement relating to this field and to which Jordan is party.
- Sound recordings first published in Jordan or in a member state of a bilateral or international agreement relating to this field and to which Jordan is party.
- Programs of broadcasting organizations which have their headquarters in Jordan or in a member state of a bilateral or international agreement relating to this field, and to which Jordan is party.

- Programs of broadcasting organizations broadcasted through a transmitter located in Jordan or in a member state of a bilateral or international agreement relating to this field and to which Jordan is party.

Authors and holders of neighboring rights who are nationals of or residents in a member state of an international agreement pertaining to copyright and to which Jordan is party shall be treated as Jordanian nationals.

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years from the 1st of January of the year following the author's death; 50 years from the 1st of January of the year following the death of the last surviving author in the event of co-authored works; 50 years from the 1st of January of the year following the first authorized publication for audiovisual works - or 50 years from the 1st of January of the year following the making of the work should the work not have been published; 50 years from the 1st of January of the year following the calendar year of publication for works published under the name of a legal entity; 50 years from the 1st of January of the year following the first authorized publication of works published for the first time after the death of the author; 50 years from the 1st of January of the year following the calendar year of the authorized publication for anonymous or pseudonymous works - or 50 years from the 1st of January of the year following the author's death when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; and 25 years from the 1st of January of the year following the actual completion of the work for works of applied arts (Articles 30 to 32 of the Copyright Law).

Rights of performing artists last for 50 years from the 1st of January of the calendar year following the year of first performance; rights of producers of sound recordings last for 50 years from the 1st of January of the calendar year following the year of the publication of the sound recording - or 50 years from the 1st of January of the year following the first fixation of the sound recording should the sound recording not have been published; and rights of broadcasting organizations last for 20 years from the 1st of January of the calendar year following the year of broadcast (Article 23 of the Copyright Law).

The Copyright Law provides for a retroactive protection for works created before its entry into force provided that they fall under events and agreements which take effect or are concluded after the copyright law takes effect. However, when calculating the protection period for these works, the time period lying between the validity of the protection period and the date this law takes effect shall be taken into consideration (Article 58 of the Copyright Law).

- *Registration*

Copyright protection does not depend on formalities. Protection is acquired as soon as any original literary, dramatic, musical or artistic work is created and expressed in writing, sound, drawing, photography or movement (Article 3 of the Copyright Law).

Nevertheless, the Copyright Law requires the author of the work, its publisher, distributor, importer (in the case of works of Jordanian authors printed, published or produced outside Jordan but distributed in Jordan) and the owner of the printing

establishment where the work was printed to deposit (register) the work before the depositary center at the Department of the National Library at the Ministry of Culture. Failing to register the work does not prejudice the author's rights in the work however; it subjects the aforementioned persons to a fine varying between 500 and 1000 Dinars in addition to the obligation of depositing the work (Articles 2, 38, 39, 45 and 52 of the Copyright Law).

The deposit of a copyrighted work is free of charge. It should take place before displaying the work for sale or distribution in Jordan. The depositary center gives each work a special deposit number which should be submitted to the concerned party along with the technical data relating to indexing and classification of printed works in order to be affixed on any apparent place of the work or on the back of the title page of the work if the work is a book (Articles 38, 40, and 41 of the Copyright Law).

The depositary center issues periodical bibliographic data regarding the deposited works and holds a unified index regarding works available in libraries and documentation and information centers in Jordan (Articles 43 and 44 of the Copyright Law).

5. International Treaties

Jordan is a member of the following International Convention and Treaties on Copyright and Related Rights

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#)
- [WIPO Copyright Treaty \(WCT\)](#)
- [WIPO Performances and Phonograms Treaty \(WPPT\)](#)
- Arab Convention for the Protection of Copyright
- [Arab Copyright & Neighboring Rights Convention](#)

Jordan is also a party to a number of bilateral Free Trade Agreements (FTA) which includes commitments on copyright:

- Jordan-US Free Trade Agreement known as JUSFTA (FTA with the United States in force since December 17, 2001. It requires Jordan to abide by high standard of copyright protection.).
- Jordan-EU Association Agreement (FTA with the European Union in force since May 1, 2002).
- Jordan-EFTA Free Trade Agreement (FTA with the European Free Trade Association _ Iceland, Liechtenstein, Norway and Switzerland_ in force since September 1, 2002).

The EU and EFTA require Jordan to adhere to the [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#) (Rome, 1961).

II. Measures and Remedies

1. Copyright infringement

There is no clear definition of copyright infringement under the Jordanian laws. However, definition can be deduced from several provisions of the Copyright Law (Articles 36, 51, 53, 54 and 55) which identify acts that constitute copyright infringements, in particular the following:

- Violating the provisions of the copyright law in particular the exclusive rights (moral and economic) of copyright holders and holders of neighboring rights (performers, producers of sound recordings and broadcasting organizations).
- Knowingly offering for sale, circulation or rental a pirated or a plagiarized work, or reproductions thereof, making it available to the public in any way, bringing it to Jordan or taking it outside Jordan.
- Removing or altering any electronic rights management information without the consent of the right holder.
- Distributing, importing for distribution, broadcasting, communicating or making available to the public, without the consent of the right holder, performances, copies of fixed performances or phonograms knowing, or if there is sufficient evidence and reasons to know, that electronic rights management information has been removed or altered without the right holder's consent.
- Circumventing, restricting or impeding effective technological measures.
- Manufacturing, importing, selling, offering for sale or rental or any commercial reason, distributing, or advertising for sale or rental any item or device or service or means which was created or produced or used for circumventing, restricting or impeding effective technological measures.

2. Remedies to protect copyright holders

The Copyright law, the Law on Civil Procedures, the Civil Law, the Criminal Law, the Law on Criminal procedures, the Customs Law, the Law on Marks of Goods, and the Law on Evidence provide for a number of remedies that may apply for protecting copyright and neighbouring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to prevent an imminent or continuation of infringement of copyright and related rights, to preserve relevant evidence, in cases where the delay may cause irreparable damage to the right holder or in cases where there is a proven risk that delay may lead to the loss of relevant evidence, and where the employees of the Copyright Office suspect a violation of the copyright law (Articles 36 and 46 of the Copyright Law, Articles 32 and 115 of the [Law on Civil Procedures](#), Article 41 of the [Customs Law](#) and the [Border Procedures Instructions for the Protection of Intellectual Property Rights No. 7, 2000](#)).
- Legal action may be instituted at the request of the right holder, his heirs or successors including fair and equitable civil judicial procedures (Articles 46 and 47 of the Copyright Law, Articles 56, 57, 100 and 107 of the [Law on Civil Procedures](#), Articles 266, 267 and 313 of the [Civil Law](#), and Articles 20 and 23 of the Law on Evidence).
- Seizure of suspect articles and infringing goods may be ordered by the court or the employees of the copyright office or the customs ex-officio or at the request

of right holders (Articles 36 and 46 of the Copyright Law and Article 41 of the [Customs Law](#)).

- Destruction or making unusable the reproductions of the violated work, the published pirated copies as well as the equipment and material used; or returning the pirated goods into their initial state (Articles 47 and 48 of the Copyright Law and Article 4 of the Law on Marks of Goods).
- Confiscation of the violated work, the published pirated copies as well as the equipment and material used to the extent necessary to compensate the author for the damage incurred by him instead of destroying the reproductions or copies, changing their features or destroying the materials (Articles 47 and 48 of the copyright Law and Article 4 of the Law on Marks of Goods).
- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the cultural standing of the author, the literary, scientific or artistic value of the work and the extent the infringer benefited by exploiting the work (Articles 46, 48 and 49 of the Copyright Law, Article 166 of the Law on Civil Procedures and Articles 62, 256, 266, 267, 287 and 313 of the Civil Law).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum of three months and a maximum term of three years, and/or a fine varying from 1000 to 3000 Dinars. In case of recidivism, the person who committed the crime should be sentenced to the maximum term of imprisonment and the maximum fine. A ruling by the court may be issued for the closure of the establishment where the crime was committed for a period not exceeding one year or the suspension of its license for a certain period of time or permanently (Articles 51, 53 to 55 of the Copyright Law).
- Publication of the court decision in one or more daily or weekly local newspapers at the expense of the convicted person as well as posting of the summary of the court decision on the door of the place of residence of the convicted person, on the square of his town and on the door of the court (Article 50 of the Copyright Law and [Article 250 of the Law on Criminal Procedures](#)).

3. Provisional measures

The Copyright Law (Article 46) permits the court, based on a request submitted by the copyright holder, the neighboring rights holders, their heirs or successors, to take provisional measures to prevent an imminent or continuation of infringement of copyright and neighboring rights, to preserve relevant evidence, in cases where the delay may cause irreparable damage to the right holder or in cases where there is a proven risk that delay may lead to the loss of relevant evidence. The request for provisional measures may be submitted before, during or after the filing of a legal action.

In such cases the court may order the cessation of the infringement; the seizure of infringing copies and any material or equipment used in copying; and/or the confiscation of the revenues of exploiting the published work through public performance provided that the request submitted by right holders includes a full and detailed description of the work, the performance, the sound recording or the radio or TV program subject to violation; and upon verification by the court that the request was submitted by the right holder and that his rights have been violated or that their violation is eminent.

The court may adopt the provisional measures without notifying the defendant and in his absence in cases where the delay may cause irreparable damage to the right holder or where there is a proven risk that delay may lead to the loss of relevant evidence. The

prejudiced parties shall then be notified as soon as the provisional measures have been carried out. The defendant may request, within a reasonable time after the notification, that a session be held so that he can be heard by the court. During this session, the court shall decide if the provisional measures are to be confirmed, amended or cancelled.

The plaintiff shall deposit with the court, along with the request for provisional measures, an adequate financial guarantee to prevent abuse and to guarantee any damages that the defendant may incur if the plaintiff's claim was not grounded (Articles 36 and 46 of the Copyright Law).

A legal action shall be filed with the competent court within 8 days from the date of the issuance of the court order to carry out the provisional measures; otherwise the defendant may request the court to cancel the said measures. In this case and in cases where the provisional measures are cancelled due to the default of the plaintiff or upon becoming evident that there is no infringement or threat of infringement, the court may, based on the request of the defendant order adequate compensation for the damages resulting from such measures.

The court may also order the plaintiff who acted abusively in requesting the provisional measures to adequately compensate the defendant.

The employees of the copyright office may also take provisional measures and act ex-officio where there is any suspicion of violation of the Copyright Law. In such cases, they have the right to inspect any place that is in charge of printing, copying, producing or distributing copyrighted works, including means of transportation, and to seize the copies and materials used and refer them with their perpetrators to the competent court. The Minister of Culture may petition the court to close down the place where the violation occurred (Article 36 of the Copyright Law).

In the case of threat of infringement of copyright or neighboring rights at the borders, Customs officers may act ex-officio or following a request by the right holders, to seize the suspect goods. The right holder should then file a legal action with the competent court and inform the Customs Authorities about it within 8 days from the date he was notified about the seizure of the goods, otherwise the goods will be released provided they meet all importation requirements. In this case and in cases where the goods are released upon becoming evident that there is no infringement or threat of infringement of copyright or neighboring rights, the court may order the right holder, who acted abusively, to pay adequate compensation for all the damages and losses resulting from such procedures (Article 41 of the Customs Law and the [Border Procedures Instructions for the Protection of Intellectual Property Rights No. 7, 2000](#)).

The Judge of expedited matters may take all necessary provisional measures to protect the right or the work that is likely to be infringed. Moreover, the plaintiff may request a temporary provisional measure (Articles 32 and 115 of the Law on Civil Procedures).

4. Penalties for copyright infringement

The Copyright law, the Law on Civil Procedures, the Civil Law, the Criminal Law, the Law on Criminal procedures, the Customs Law, the Law on Marks of Goods, provide for penalties to be applied in case of copyright or related rights infringements. These penalties are the following:

- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the cultural standing of the author, the literary, scientific or artistic value of the work and the extent the infringer benefited by exploiting the work (Articles. 46,48 and 49 of the Copyright Law, Article 166 of the [Law on Civil Procedures and Articles 62, 256, 266, 267, 287 and 313 of the Civil Law](#)).
- Trial expenses including judicial fees, witnesses' compensations, fees charged by experts, fees of trial proceedings, and attorney's fees may be imposed (Article 166 of the [Law on Civil Procedures](#)).
- Seizure of suspect articles by the court or the employees of the copyright office or the customs ex-officio or at the request of right holders (Articles 36 and 46 of the Copyright Law, Articles 30 and 31 of the Criminal Law and Article 41 of the Customs Law).
- Destruction or making unusable the reproductions of the violated work, the published pirated copies as well as the equipment and material used; or returning the pirated goods into their initial state (Articles 47 and 48 of the copyright Law and Article 4 of the Law on Marks of Goods).
- Confiscation of the violated work, the published pirated copies as well as the equipment and material used to the extent necessary to compensate the author for the damage incurred by him instead of destroying the reproductions or copies, changing their features or destroying the materials (Articles 47 and 48 of the copyright Law and Article 4 of the Law on Marks of Goods).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum of three months and a maximum term of three years, and/or a fine varying from 1000 to 3000 Dinars. In case of recidivism, the person who committed the crime should be sentenced to the maximum term of imprisonment and the maximum fine. A ruling by the court may be issued for the closure of the establishment where the crime was committed for a period not exceeding one year or the suspension of its license for a certain period of time or permanently. Penalties may also be imposed against co-conspirators and criminal groups engaged in intellectual property rights criminal offences (Articles 51, 53 to 55 of the Copyright Law and Articles 81 to 83 of the Criminal Law).
- The closure of the premises where the crime was committed for a period of not less than one month and not exceeding one year (Article 35 of the Criminal Law).
- Publication of the court decision in one or more daily or weekly local newspapers at the expense of the convicted person as well as posting of the summary of the court decision on the door of the place of residence of the convicted person, on the square of his town and on the door of the court (Article 50 of the Copyright Law and Article 250 of the Law on Criminal Procedures).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Jordanian courts. In civil matters, the regular courts in Jordan have jurisdiction over any person, except matters that are under the jurisdiction of other courts as specified by the law (Article 27 of the [Law on Civil Procedures](#)).

Jordanian courts have jurisdiction over cases brought against a foreigner who has no domicile or residence in Jordan provided he has a chosen place of residence in Jordan; the case relates to a good existing in Jordan; the case relates to an obligation that was initiated or executed or was to be executed in Jordan; the case relates to a bankruptcy declared in Jordan; or if any of the defendants has a domicile or a residence place in Jordan (Article 28 of the [Law on Civil Procedures](#)).

The law does not permit litigants (who are not lawyers themselves) to stand before the courts if they are not represented by a lawyer with a proxy (Article 63 of [the Law on Civil Procedures](#)).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The judiciary, customs officials, and employees of the Copyright Office at the Department of the National Library who are delegated by the Minister are the competent authorities responsible for enforcing the copyright law and combating piracy in Jordan (Article 36 of the Copyright Law and Article 41 of the Customs Law).

Employees of the Copyright Office have police powers with regard to the implementation of the provisions of the Copyright Law (Article 36 of the Copyright Law).

While the judiciary acts under the authority of the Ministry of Justice, employees of the Copyright Office act under the umbrella of the Ministry of Culture.

b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases

Employees of the Copyright Office at the Department of the National Library who are delegated by the Minister have police powers with regard to the implementation of the provisions of the Copyright Law. They may act *ex-officio* in cases where there is any suspicion of violation of the Copyright Law. In such cases, they have the right to inspect any place that is in charge of printing, copying, producing or distributing copyrighted works, including means of transportation, and to seize the copies and materials used and refer them with their perpetrators to the competent court. The Minister of Culture may petition the court to close down the place where the violation occurred (Article 36 of the Copyright Law).

The Director of Customs, or whomever he deputized, may suspend the clearance procedures and the release of the goods if he is persuaded, based on clear evidences, that the said goods violate any copyright or neighboring rights. In this case, the Customs authorities should notify the importer and the right holder, if his address is known to the Customs, about the suspension of the clearance procedures and the release into free circulation of the goods. Legal action shall be filed with the competent court and notified to the Customs Authorities within 8 days from the notification of the right holder, otherwise the goods will be released provided they meet all importation requirements. The importer of the goods may appeal the Customs' decision for the suspension of the goods before the competent court within 8 days from the date the decision was notified to him (Article 41 of the Customs Law).

c) Courts dealing with copyright cases

There are no specialized courts for copyright or intellectual property rights (IPR) in Jordan. However, the Judicial Council has recently assigned a specialized judge in IP field in each court. The court of First Instance has both civil and criminal jurisdiction. The court having jurisdiction over civil remedies is the competent court of first instance in charge of civil cases. The court having jurisdiction over criminal offence is the competent

court of first instance in charge of criminal cases. Courts of First Instance and are found in all 12 governorates of Jordan (Article 2 of the Copyright Law).

In principle, in personal and movable rights cases (such as copyright cases), the competent court is that of the place where the defendant is resident. If the defendant is a natural person, it is the court of the place where he is domiciled or resident. If the defendant has no domicile in Jordan, then the jurisdiction is given to the court where he/she has a temporary residence place. If the defendant has no domicile or residence in Jordan, and it was not possible to locate the court that has jurisdiction over the case, then the court with jurisdiction over the case is the court where the plaintiff resides or works. If the plaintiff has no domicile or residence in Jordan then Amman court would have jurisdiction over the case (Articles 36 and 47 of the Law on Civil Procedures).

In cases related to legal persons (companies, institutions, and associations), the court that has jurisdiction over the case is the court where the headquarter is located whether the company or the association is a plaintiff or a defendant or the case was brought by the company against one of the members or partners or was brought by one of the members or partners against another. If the case is related to one of the legal person branches then the court where such branch is located will have jurisdiction over the case (Article 38 of the Law on Civil Procedures).

In cases that include a provisional or speedy measures request, the court with jurisdiction is the court where the defendant domicile is or the court where such measures are requested to be executed (Article 45 of the Law on Civil Procedures).

The court having jurisdiction over copyright and neighboring right infringement cases at the borders is the competent regular court in accordance with the relevant legislation that is the competent court of first instance (Article 41 of the [Customs Law](#) and Article 2 of the [Copyright Law](#)).

2. Enforcement at the border

It is prohibited to import goods that violate copyright and neighboring rights in Jordan (Article 41 of the Customs Law and the [Border Procedures Instructions for the Protection of Intellectual Property Rights No. 7, 2000](#)).

The Customs is the Authority responsible for combating piracy at the borders. Customs officers may act ex officio at the borders in copyright and neighboring rights infringement cases. They are entitled to seize pirated goods, ex-officio or at the request of right holders. Accordingly, the Director of Customs, or whomever he deputized, may suspend the clearance procedures and the release of the goods if he is persuaded, based on clear evidences, that the said goods violate any copyright or neighboring rights. In this case, the Customs authorities should notify the importer and the right holder, if his address is known to the Customs, about the suspension of the clearance procedures and the release into free circulation of the goods. Legal action shall be filed with the competent court and notified to the Customs Authorities within 8 days from the notification of the right holder, otherwise the goods will be released provided they meet all importation requirements. The importer of the goods may appeal the Customs' decision for the suspension of the goods before the competent court within 8 days from the date the decision was notified to him (Article 41 of the Customs Law and the Border Procedures Instructions for the Protection of Intellectual Property Rights No. 7, 2000).

The right holder may submit a request to the competent court to stop the clearance procedures and the release of the goods into free circulation provided that the request includes sufficient evidence on the violation act as well as a full and detailed description of the goods. The right holder is allowed, under the Customs supervision, to inspect the detained goods in order to substantiate his claims. He shall deposit with the court, along with the seizure request, an adequate financial or bank guarantee. In this case, the competent court shall issue its decision within three days from the date of submission of the request. The right holder shall be notified by the court during a reasonable period of time. The defendant may appeal the court decision before the court of appeal within eight days from the date of notification. The decision of the Court of Appeal is irrevocable. In the mean time, the right holder should file a legal action with the competent court and inform the Customs Authorities about it within 8 days from the date he was notified about the suspension of the release of the goods, otherwise the goods will be released provided they meet all importation requirements. In this case and in cases where the goods are released upon becoming evident that there is no infringement or threat of infringement of copyright or neighboring rights, the court may order the right holder, who acted abusively, to pay adequate compensation for all the damages and losses resulting from such procedures (Article 41 of the [Customs Law](#) and the [Border Procedures Instructions for the Protection of Intellectual Property Rights No. 7, 2000](#)).

Imports for personal use of a non-commercial quantity, new items and things acquired for personal use, goods in transit and goods which were put in the market of the exporting country with the consent of the right holder shall not be subject to the provisions of Article 41 of the Customs Law, and hence will not be detained by the Customs Authorities.

The Customs Authorities shall not be liable for compensatory damages in the implementation of Article 41 of the Customs Law.

The court having jurisdiction over copyright and neighboring right infringement cases at the borders is the competent regular court in accordance with the relevant legislation_ that is_ the competent court of first instance (Article 41 of the [Customs Law](#) and Article 2 of the Copyright Law).

IV. Public Awareness

1. Awareness campaigns and actions

At the end of 2005, the Department of the National Library, in cooperation with King Abdullah Center for Intellectual Property, the Jordan Intellectual Property Association (JIPA) and AMIR Program / USAID has launched a public awareness campaign which was concluded at the end of August 2006.

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

- ICC-Jordan Commission on Intellectual Property

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual Roadmap on Current and Emerging IP Issues for Business and other publications. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where [ICC](#) has observer status.

- Brand Protection Group

Brand Protection Group – BPG Lebanon is an association of leading local, regional, and international manufacturers and distributors that joined efforts in March 2003 to fight counterfeit products in Lebanon and the Levant region. With offices in Lebanon, Jordan, Syria, Egypt and Yemen, BPG has launched media campaigns and cooperated closely with local governments to stop the spread of the counterfeit industry and protect the consumer's rights in society.

<http://www.brandprotectiongroup.org/>

- Jordan Intellectual Property Association

The Jordan Intellectual Property Association (JIPA), a not-for-profit voluntary membership association, was established in 1998 by a group of business people who took an unprecedented initiative in the Middle East, as a response to the growth of the intellectual property sector in Jordan. JIPA aims to contribute to positive economic growth in Jordan through increased levels of IP awareness in the Jordanian business community,

enhanced infrastructure for intellectual property rights (IPR) protection, and an internationally recognized IP industry in Jordan. <http://www.jipa.jo/>

- **King Abdullah II Centre for Intellectual Property Rights**
King Abdullah II Center for Intellectual Property Rights a non-profit organization established in 2003, is considered the first of its kind IP training center. Its board includes well-reputed Jordanian figures with long experience in IP representing both the public and private sectors. The Center is dedicated to educating and training all public sectors working in the intellectual property field as well as to the creation of social awareness of the importance of protecting intellectual property rights.

- **Saba & Co. Intellectual Property**
Saba is one of the longest-established and most renowned intellectual property firms in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- **Arab Society for Intellectual Property**
The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies.

<http://www.aspip.org/Default.aspx?&lang=en>

- Collective Management Societies for Copyright and Neighboring Rights

The following entities collectively administer copyright and neighboring rights:

- Jordan Artist Association
- Jordanian Artist Union
- Jordanian Authors Association
- Jordan Writers Union
- Jordan Musicians Association
- Collective management societies in Jordan operate under the supervision of the Ministry of Culture.

4. Best practices

Information not available

V. Capacity-building

1. Training

Most training programs concerning Copyright are conducted by the Department of the National Library in cooperation with International Organizations such as the World Intellectual Property Organization (WIPO) and the US Patents and Trademarks Office (USPTO).

2. Establishment of specialized units and intersectoral groups

- IP Section at the Department of Public Security

In February 2008, an Intellectual Property (IP) Section has been established within the General Security Department to fight IP crimes. The new section falls under the supervision of the Criminal Investigation Department. The aim of the IP Section is to bring down activities related to counterfeiting and piracy in Jordan, including software and music piracy.

- IP Section at the Department of Customs

In 2007, an IP Section was established at the Department of Customs for enforcing Intellectual Property Rights at the borders.

- Special Committee for enforcing the Copyright Law

In 2006, a Special Committee was formed with the purpose of following up and activating the enforcement of the Copyright Law. The Committee includes representatives of the National Library, Department of Customs, Audio-Visual Commission, Ministry of Justice, Ministry of Industry & Trade, Anti-Fraud Department, Public Security Department and Amman Greater Municipality. The Committee was reformed in January 2009 with new responsibilities.

3. Best practices

- Jordan has reduced Software Piracy rates from 87% in 1994 to 61% in 2006 which is considered an achievement for the National Library efforts in combating piracy.

- One of the best practices of Copyright office in the Department of the National Library which has an effect on reducing piracy was in November 2008, when a joint team from the Library and IP Unit in Criminal Investigations confiscated 32.000 pirated materials from one shop as well as several printing machines and burners.

VI. Other

1. TPM/DRM

The Copyright Law was amended in 2005 to incorporate new provisions, among other provisions, concerning Technological Protection Measures (TPM) in order for the law to be in line with the related requirements of the Free Trade Agreement signed with the United States (JUSFTA).

This has resulted in the incorporation in the Law of Article 55 which provides a definition of “effective technological measures”, identifies the acts which violate the Copyright Law with regard to TPM and states the sanctions to be applied in case of violation of the provisions of the said Article.

As used in Article 55 of the Copyright Law, “effective technological measures” means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorized by right holders of any copyright or neighboring right.

The following acts shall constitute a violation of the copyright law:

- Circumventing, restricting or impeding effective technological measures.
- Manufacturing, importing, selling, offering for sale or rental or any commercial reason, distributing, or advertising for sale or rental any item or device or service or means which was created or produced or used for circumventing, restricting or impeding effective technological measures.

Sanctions listed in Articles 47, 48, 49, 50 and 51 of the copyright law shall apply in case of violation of the provisions of Article 55.

2. Licensing Schemes

Information not available

3. Optical Discs

Information not available

4. Hotlines

Information not available

5. Relevant contacts and links

Copyright Office

Department of the National Library

P.O. Box 6070

Amman 11118 Jordan

Tel: (962.6) 461.03.11 – (962.6) 461.74.83

Fax: (962.6) 461.68.32

Director General

Tel: (962.6) 4617 483
Fax: (962.6) 4616 832
E-Mail: nl@nic.net.jo
Director.G@nl.gov.jo
Website: www. nl.gov.jo

Contact Point for information on trade in infringing goods (TRIPS, Article 69)

Ministry of Industry and Trade
Mr. Khaled Arabyyat
Directorate for the Protection of Industrial Property
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For Customs complaints

Direct phone No. 962-06-4613287
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Free Call: 80022999
Fax: +962-06-4619214
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To inform Customs about smugglers

Risk Management Directorate
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Arab IP Center of the League of Arab States:

<http://www.arabipcenter.org>