

UNESCO
WORLD ANTI PIRACY OBSERVATORY

SAUDI ARABIA

I. LEGISLATION.....	3
1. Copyright laws	3
2. Other laws.....	3
3. Latest developments and perspectives.....	3
4. Summary of legislation	3
5. International treaties.....	7
II. MEASURES AND REMEDIES	7
1. Copyright infringement	7
2. Remedies to protect copyright holders.....	8
3. Provisional measures.....	10
4. Penalties for copyright infringement	10
5. Requirements for foreign persons.....	11
III. ENFORCEMENT	11
1. Enforcement authorities.....	11
2. Enforcement at the border	13
IV. PUBLIC AWARENESS.....	15
1. Awareness campaigns and actions	15
2. Promotion of legal exploitation	15
3. Associations and organizations with awareness-raising purpose	15
4. Best practices	15
V. CAPACITY-BUILDING	15
1. Training.....	15
2. Establishment of specialized units and intersectoral groups.....	16

3.	Best practices	16
VI.	OTHER.....	16
1.	TPM/DRM	16
2.	Licensing Schemes	17
3.	Optical Discs	17
4.	Hotlines.....	17
5.	Relevant contacts and links	17

I. Legislation

1. Copyright Laws

Copyright is protected in Saudi Arabia through international Agreements, [Royal Decree No. M/41 of 2003 on the protection of Copyright](#), and other legislation related to enforcement of copyright or affecting copyright protection.

The Copyright Law No. M/41 of 2003 was promulgated on August 30, 2003 (2 Rajab 1424), published in the official gazette No. 3959 on September 19, 2003, and entered into force on March 14, 2004.

[The implementing regulation for the Copyright Law No. M/41 of 2003 was issued on May 29, 2004 \(10/04/1425H\) by virtue of the Minister of Culture and Information's decision No. 1688/1 and amended by decision No. 1640 dated June 22, 2005 \(15/05/1426H\).](#)

The Copyright Law No. M/41 of 2003 abolished all previous legislation contrary to its provisions including Royal decree No. M/11, dated 19/05/1410 H relating to copyright.

2. Other laws

The other laws and regulations pertaining anti-piracy measures and copyright enforcement are:

- The Law on Criminal Procedures No. M/39 of 16 OCT 2001 (28 Rajab 1422) published in Umm al-Qura Journal No. 3867 of 3 NOV 2001 (17 sha'ban 1422).
- The [Ministerial Decision No. \(1277\) concerning "Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights" of 3 July 2004 \(15 Jumada I 1425H\)](#) as amended by Ministerial decision No. (1640) dated 22 June 2005 (15/05/1426H).
- The GCC Unified Customs Law No. 10 of 2003.
- The Customs Law Implementing Regulation No. 200 of 2003.
- The Customs Instructions No. 50 of 2003.

3. Latest developments and perspectives

No amendments are foreseen for the time being.

4. Summary of legislation

- *Works protected by copyright*

Copyright applies to any original (created) literary, artistic or scientific work, irrespective of its value, quality, purpose or mode of expression. This includes books, pamphlets and other writings; lectures, speeches, and any other oral work; dramatic works, plays, shows and similar presentations which involve motion, sound or both; works prepared especially for broadcasting or presented through broadcasting; works of applied art; works of drawing and painting; musical and audiovisual works; designs, plans, sketches and sculptured works related to geography, topography, architecture and science; three-dimensional geographic or topographic, architectural or scientific works; computer programs; dramatic works or musicals; choreographic and mime works; musical compositions with or without words; cinematographic works or works expressed by a process analogous to cinematography; sculpture, engraving and lithography;

photographic works or works expressed by a process analogous to photography; and titles of the works provided they are original (Article 2 of the Copyright Law and its implementing regulation). 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 and Articles 10 and 16 of its implementing regulation):

- Derivative works such as translations and adaptations.
- Encyclopedias and anthologies provided that the selection and arrangement of their contents constitute intellectual creations.
- Compilations of folkloric works and expressions and selections there from, if such compilations are creative as to the selection or arrangement of their contents.
- Databases, whether in machine readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations. The protection shall not extend to the data or the materials themselves.

The protection is also extended to the author's collections of his published speeches, articles, judicial proceedings or any other similar works (Article 15).

- *Exclusive rights of the authors and of the owners of neighbouring rights*

Copyright holders or their representatives have the right to exploit the work commercially (including permissible commercial rental) and to exercise any or all of the following acts:

- Printing and publishing the work in a reading format; recording it on audio or visual tapes, compact disks or electronic memory or any other means of publication.
- Translating, adapting or transforming the work and redistributing the audio or video.
- Communicating the work to the public by any possible means, through exhibition, acting, broadcast or data networks.

Copyright holders of dramatic, dramatico-musical and musical works or their representatives have the right to authorize or prohibit the acting or public performance of the work by any means; the fixation or transmission to the public of the performance of the work by any means; and the translation of the work (Article 5 of the Copyright Law's implementing regulation).

In addition to the aforementioned economic rights, the author enjoys imprescriptible and perpetual moral rights which include the right to claim authorship, to use a pseudonym or not to have his name indicated on his work; to object to any violation, distortion, deformation or any other modification of his work; to introduce any modification to his work or make any deletion in it; and to withdraw his work from circulation provided third parties are compensated for the damages resulting thereof (Articles 8 to 10 of the Copyright Law and Article 34 of its implementing regulation).

Neighboring rights are protected under Article 9 of the Copyright Law and Article 7 of its implementing regulation. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; radio and television broadcasting organizations in their radio and television programs.

Performers and producers of sound recordings have the exclusive right to authorize the public performance of their work by any means; communication and performance to

the public of their work; fixation of their performance in a tangible medium; transmission of all or part of their work through the Internet; licensing the sound recording of their musical work and its circulation in specific countries; and distribution and rental of their original works. Producers of sound recordings have the exclusive right to authorize or prohibit the direct or indirect reproduction of their work.

Radio and television broadcasting organizations have the exclusive right to authorize or prohibit the fixation and reproduction of their broadcast, rebroadcast and communication to the public of their broadcasts by wireless means; determining the means of broadcast and reception whether direct, through receivers or by cable, and communication to the public of their broadcasts in public places or through internal wire broadcasts of closed compounds.

- *Limitations and exceptions to copyright*

Excluded from copyright protection are official documents such as laws, court decisions, decisions of administrative bodies, international conventions and any official translation thereof; news on current events that are mere media news; and mere ideas, work methods and procedures, mathematical concepts, principles, abstract and mere facts (Article 4 of the Copyright Law).

Limitations to exclusive rights are provided in Article 15 of the Copyright Law. These limitations include copying the work for personal use (excluding computer software, audio and audio-visual works); quoting passages from the work in another work; using the work by way of clarification for educational purposes; making one or two copies of a work, in limited cases, through non-profit making educational establishments, public libraries or archiving centers; reproducing or making available to the public articles published in newspapers or periodicals on political or current subjects news or a broadcast work of the same nature; copying broadcast works that may be viewed or listened to during presentation of current events; copying by the media of public speeches, lectures, judicial proceedings or any other similar works made in public; making an ephemeral reproduction of a work by broadcasting organizations; perform a work in governmental troupes, public corporate entities or non-profit making educational establishments; copying works for educational purposes; taking new photographs of any previously photographed object or work and publishing them; citing parts of scientific articles and works for research purposes; and making a single copy or an adaptation of a computer program for replacing a lost or destroyed original copy. In many cases, the use should be to the extent justified by the purpose and provided that the source and the name of the author are indicated (See also Article 12 of the Implementing Regulation of the Copyright Law).

Compulsory licenses are allowed in limited cases in Saudi Arabia for purposes of public interest or educational needs. The Minister of Culture and Information may grant a compulsory license following a request 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 comparable to the price of similar works in Saudi Arabia (Article 16 of the Copyright Law and Article 30 of its implementing regulation).

- *Protection of the foreign works*

In addition to the works of Saudi Authors which are first published, produced, performed or displayed in or outside the Kingdom, the protection of the copyright law covers works of non-Saudi authors which are first published, produced, performed or displayed in Saudi Arabia; works of broadcasting organizations, producers of sound recordings and performers; works, performances, sound recordings and broadcasts copyrighted pursuant to international agreements or treaties for protection of copyright to which the Kingdom is a party; all intellectual works which are permitted for circulation in the Kingdom; and foreign intellectual works in accordance with the principles of international agreements relating to copyright to which the Kingdom is a party, on the basis of the principle of national treatment (Article 18 of the Copyright Law and Article 32 of its implementing regulation).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years following the author's death; 50 years following the date of the death of the last surviving author in the event of co-authored work; 50 years from the date of the first publication of the work for anonymous or pseudonymous works and for works where the author is a corporate entity - or 50 years 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; 50 years from the date of first show or publication for sound works, audio-visual works, films, collective works and computer programs; and 25 years from the date of first publication for applied art (handcrafted or manufactured) and photographs. Moral rights are protected in perpetuity (Articles 8 and 19 of the Copyright Law and Article 33 of its implementing regulation).

Musical and cinematographic works enjoy protection for 50 years effective from the first production of the work, and the period is calculated from the end of the Gregorian year in which it was produced. Computer programs enjoy protection as literary works for a period not less than 50 years from the date of first production if the author is a corporate person or is anonymous.

Rights of broadcasting organizations last for 20 years from the date of first transmission of programs or broadcast materials. Rights of performing artists and producers of sound recording last for 50 years from the date of performance or its first recording.

The Law provides for a retroactive protection for all works, performances, phonograms and broadcasts created or fixed before the entry into force of the Copyright Law provided that the protection period had not lapsed under a previous legislation or the legislation in the country of origin which are parties with the Kingdom to international agreements or treaties for the protection of copyright (Article 20 the Copyright Law and Article 31 of its implementing regulation).

- *Registration*

Copyright protection does not depend on formalities. Failure to deposit the work or any act of disposal relating to it does not prejudice the author's rights provided for under the Copyright Law and related legislation.

Copyright holders or their universal successors who wish to make a deposit must submit an application to the General Department of Copyright at the Ministry of culture and

Information which is the competent department in the Ministry that exercises the powers granted to the Ministry by the provisions of the Copyright Law and its Implementing Regulations, including the technical and administrative tasks necessary for implementing their provisions.

5. International treaties

Saudi Arabia is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Convention de Berne pour la protection des œuvres littéraires et artistiques](#)
- [Convention universelle sur le droit d'auteur](#)
- Arab Agreement for the Protection of Authors' Rights

Saudi Arabia signed the following Convention but did not ratify it yet:

- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

II. Measures and remedies

1. Copyright infringement

“Copyright infringement” is defined as “any unauthorized use of the work, any use of the work in contradiction with the instructions of usage determined by the copyright holder, and committing one or more of the copyright violations provided for in the Copyright Law and its Implementing Regulations” (Article 1 of the Implementing Regulation of the Copyright Law).

The Copyright Law and implementing regulations list a number of acts which constitute infringements of the rights protected by copyright. These acts are as follows (Article 21 of the Copyright Law and Articles 11 to 16 of its Implementing Regulations):

- Publishing a work by a person who does not own it without a certified written authorization of the right holder or his heirs or representatives; or publishing the work by a person who does not own it while claiming authorship.
- Modifying the content, nature, subject or title of a work by the publisher, the producer or the distributor or any other person without the right holder's knowledge and its prior written consent.
- Reprinting the work by the producer, the publisher or the imprint without a prior written consent of the copyright holder, or any documentation authorizing the reprint.
- Removing any written or electronic information that may cause the loss of the rights of the copyright holder.
- Removing and cracking any protective electronic data that ensures the use of the original copies of the work, such as encryption or data written by laser or any other means.
- Commercial use of intellectual works in ways that circumvent those not authorized by the copyright holder, such as using copied software or receiving coded broadcasting programs through illegal means.

- Manufacturing or importing tools –for the purpose of sale or rental- of any means which facilitate receiving or exploiting works through means other than those determined by the copyright holder.
- Copying or photographing parts of a book or a collection of books or parts of any work, with or without compensation, without a prior written consent of the copyright holder or the competent authorities at the Ministry of Culture and Information, with the exception of copying cases permitted by the Copyright Law.
- Importing of counterfeit, imitated or copied works.
- Keeping non-original works at the commercial establishment, its warehouse or any other facility owned by it, whether directly or indirectly and under any pretext.
- Infringing any of the protected rights specified in the copyright Law or violating any of its provisions.
- Using the work beyond the scope of personal use as defined by the Copyright Law and its implementing regulations, such as using and reproducing the work or exploiting it to perform job duties; using the work for commercial or profit making purposes; using the work in ways not authorized by the author; renting, reproducing or authorizing others to reproduce or adapt the work under the pretext of owning an original copy; and any act that impedes the author from exercising his moral or economic rights.
- Reproducing the work to make copies available for commercial exploitation or for selling them to students, educational institutions or others.
- Using the audio, visual and broadcasting works beyond that specified by the holder of copyright or neighboring rights, such as communicating the work to the public without a prior license from the copyright holder; breaking protective barriers for showing broadcasting materials through illegal means.
- Reproducing broadcast materials for presentation, rental or sale purposes.
- Adding or removing electronic chips of display equipment so that it exceeds potential limits for purposes of infringing the rights of others.
- Reproducing the work during its performance without the prior consent of the copyright holder, such as photographing or recording the work for exploitation or presentation to the public.
- Removing (or facilitating the removal of) original protective data from the electronic equipment produced by the manufacturer, such as removing or adding electronic or non-electronic display and receiving equipment for the purpose of exceeding the limits designed by the manufacturer; or deleting the original program that operates the equipment and loading them with pirated programs for the purpose of exceeding the potential limits and capabilities of the equipment.
- Using computer programs in a way contradictory to that specified by the copyright holder, such as copying computer programs and computer games; renting computer programs and games or licensing their collective use without a prior consent of the right holder and the competent authorities; or loading internal networks or devices with pirated software.
- Performing the work in school theaters or the like without the prior consent of the right holder.

2. Remedies to protect copyright holders

The Copyright law, the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights, the Law on Criminal Procedures and the GCC Unified Customs Law provide for a number of remedies that may apply for

protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to prevent infringement of any copyright, and to prevent the entry into the channels of commerce of imported goods that involve the infringement of copyright. In such a case, the violation review committee (the Committee) may, *ex-officio* or upon a request made by the right holder or his successors, order the necessary provisional measures in particular, preventing an imminent or continuation of infringement of copyright and seizing infringing copies of the copyrighted work as well as equipment and material used in the act of violation (Article 22 of the Copyright Law, Articles 8 and 27 of the Implementing Regulation of the Copyright Law, Article 5 of the Regulations of border procedures for protection of intellectual property rights of trademarks and copyrights and Article 135 of the GCC Unified Customs Law).
- Legal action may be instituted at the request of the copyright holder, the neighboring rights holders, their heirs or successors including fair and equitable civil judicial procedures (Article 22 of the Copyright Law, Article 23, 25, 26, and 28 of its Implementing Regulation, Article 10 of the Regulations of border procedures for protection of intellectual property rights of trademarks and copyrights and Articles 16 and 18 of the Law on Criminal Procedures).
- Punishment of defamation against the person who committed the infringement and publication of such at his expense.
- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense may be ordered by the violation review committee, the Board of grievances or the Customs Authorities at the request of right holders or *ex-officio* by the officers of the General Department of Copyright at the Ministry of Culture and Information nominated to this effect (Article 22 of the Copyright Law, Articles 19, 24, 28 and 29 of its Implementing Regulation, Articles 7 to 10 of the Regulations of border procedures for protection of intellectual property rights of trademarks and copyrights and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law).
- Confiscation of all copies of the work and all implements used or intended for use in the copyright violation (Article 22 of the Copyright Law).
- Fair and adequate damages may be imposed to compensate for the injury the right holder has suffered as a result of the infringement. Compensation shall be consistent with the size of infringement and the damage incurred (Article 22 of the Copyright Law, Articles 8, 24, 25 and 28 of its Implementing Regulation and Article 68 of the Law on Criminal Procedures).
- Criminal sanctions may be imposed, in particular imprisonment for a period not exceeding six months and/ or a fine not exceeding two hundred and fifty thousand Riyals and/ or the closure of the premises where the crime was committed or the premises which contributed to the copyright infringement for a period not exceeding two months. In case of recidivism, the maximum limit of penalty, fine and closure shall be doubled (Article 22 of the Copyright Law).
- Suspension of the participation of the infringing establishment in the activities, occasions or exhibitions, if the infringement was seized during a commercial event, provided that the period of suspension does not exceed two years (Article 22 of the Copyright Law).
- Publication of the judgment at the expense of the violator in a distinct place in one or two daily newspapers of wide circulation, one of which is published in the area where the head office of the violator is located, according to the gravity of the violation (Article 22 of the Copyright Law and Article 26 of its Implementing Regulation).

3. Provisional measures

The Copyright Law gives the violation review committee (the Committee), the authority to take immediate provisional measures in order to prevent infringement of any copyright, and to prevent the entry into the channels of commerce of imported goods that involve the infringement of copyright (Article 27 of the Implementing Regulation of the Copyright Law).

The Committee may adopt the provisional measures without notifying the defendant 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 Committee may order the plaintiff to provide any evidence in his possession affirming that he is the owner of the right in addition to any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the plaintiff's right is being infringed or that such infringement is imminent and to order the plaintiff to provide a reasonable security or equivalent assurance set at a level sufficient to protect the defendant and to prevent abuse. The committee may also order the plaintiff to submit any evidence necessary in order to determine the extent of the legitimacy of the lawsuit.

In such a case, the prejudiced parties shall then be notified as soon as the provisional measures have been carried out to submit their point of view and defense within a provisional period not exceeding thirty one (31) days from the date of initiating the protective measures in order to consider whether to amend, cancel or confirm such measures.

The committee may cancel the aforementioned provisional measures pursuant to a request by the defendant, or suspend the said measures if the plaintiff does not submit documents required from him within a time period determined by the committee, and not exceeding thirty one (31) days.

Upon cancellation of the provisional measures or expiry of their effectiveness period as a result of the plaintiff's negligence, or upon becoming evident later that there was no infringement upon the works or goods, the committee may, upon a request of the defendant, order the plaintiff to pay appropriate compensation for any damage incurred by the defendant as a result of such measures.

Precautionary measures may be requested individually by a co-author of any work whenever there is an infringement of copyright and may individually claim its share of the compensation for harm incurred by him (Article 8 of the Implementing Regulation of the Copyright Law).

See also Article 135 of the GCC Unified Customs Law.

4. Penalties for copyright infringement

The Copyright law and the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights provide for penalties in case of copyright or neighboring rights infringement. These penalties include the following:

- Warning

- Fair and adequate damages may be imposed to compensate for the injury the right holder has suffered as a result of the infringement. Compensation shall be consistent with the size of infringement and the damage incurred (Article 22 of the Copyright Law, Articles 8, 24, 25 and 28 of its Implementing Regulation and Article 68 of the Law on Criminal Procedures).
- Punishment of defamation against the person who committed the infringement and publication of such at his expense.
- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense may be ordered by the violation review committee, the Board of grievances or the Customs Authorities at the request of right holders or ex-officio by the officers of the General Department of Copyright at the Ministry of Culture and Information nominated to this effect (Article 22 of the Copyright Law, Articles 19, 24, 28 and 29 of its Implementing Regulation, Articles 7 to 10 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights, Articles 78 to 85 of the Law on Criminal Procedures and 135 to 137 of the GCC Unified Customs Law).
- Confiscation of all copies of the work and all implements used or intended for use in the copyright violation (Article 22 of the Copyright Law and Article 152 of the GCC Unified Customs Law).
- Criminal sanctions may be imposed, in particular imprisonment for a period not exceeding six months and/ or a fine not exceeding two hundred and fifty thousand Riyals and/ or the closure of the premises where the crime was committed or the premises which contributed to the copyright infringement for a period not exceeding two months. In case of recidivism, the maximum limit of penalty, fine and closure shall be doubled (Article 22 of the Copyright Law).
- Suspension of the participation of the infringing establishment in the activities, occasions or exhibitions, if the infringement was seized during a commercial event, provided that the period of suspension does not exceed two years (Article 22 of the Copyright Law).
- Publication of the judgment at the expense of the violator in a distinct place in one or two daily newspapers of wide circulation, one of which is published in the area where the head office of the violator is located, according to the gravity of the violation (Article 22 of the Copyright Law and Article 26 of its Implementing Regulation).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Saudi courts.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The police, public prosecutors, the judiciary, customs officers, and officers of the General Department of Copyright at the Ministry of Culture and Information designated

to this effect are the competent authorities responsible for enforcing the copyright law and combating piracy in Saudi Arabia (Article 24 of the Copyright Law, Articles 18 to 23 and 26 of the Implementing Regulation of the Copyright Law, Articles 2, 5, 7, 11 and 13 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights, Articles 24 to 28 of the Law on Criminal Procedures and Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

The designated officers at the Ministry of Culture and Information have police powers with regard to the implementation of the provisions of the Copyright Law. For that purpose, they have the power to identify crimes related to copyright infringement; in particular, they have the right to inspect places that use intellectual works in their activities in particular media and commercial facilities, warehouses, public institutions and private establishments.

A violation review committee has been formed by a decision of the Minister of Culture and Information to review the violations resulting from the implementation of the provisions of the Copyright Law. The Committee is formed with a minimum of three members; one of them is a legal advisor and the other a Shari'ah advisor. Decisions of the Committee are made by majority and endorsed by the Minister Culture and Information (Article 25 of the Copyright Law).

The Customs is the Authority responsible for combating piracy at the borders. Any right holder, who has reasonable grounds to believe that goods infringing his copyright are being imported or exported may submit a complaint to the violation review committee (the Committee) at the Ministry of Culture and Information to suspend the clearance procedures and the release into free circulation of the suspected pirated goods (Article 28 of the Implementing Regulation of the Copyright Law and Article 5 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

The Ministry of Culture and Information's office at the point of entry at the border may stop the procedure for release of goods upon having *prima facie* evidence proving existence of copyright infringement, after coordination with the Customs Authority. The office shall immediately notify the General Department of Copyright to take the necessary measures, in coordination with the Committee (Article 29 of the Implementing Regulation of the Copyright Law).

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

Customs officers and designated officers at the Ministry of Culture and Information have police powers with regard to the implementation of the provisions of the Copyright Law. They may act *ex-officio* in cases of infringement of copyright and neighboring rights without the need for a formal complaint by a private party or right holder (Article 24 of the Copyright Law, Articles 18 and 29 of its Implementing Regulation and Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

For that purpose, they have the power to identify crimes related to copyright infringement; in particular, they have the right to inspect places that produce, display, distribute, sell, use or provide maintenance services to any of copyrighted works in their activities, in particular media and commercial facilities, warehouses, public institutions

and private establishments. They may seize any suspected pirated good as well as all equipment used in the infringement act (Articles 19 to 23 of the Implementing Regulation of the Copyright Law).

The Ministry of Culture and Information's office at the point of entry at the border may stop the procedure for release of goods upon having *prima facie* evidence proving existence of copyright infringement, after coordination with the Customs Authority. The office shall immediately notify the General Department of Copyright to take the necessary measures, in coordination with the Committee (Article 29 of the Implementing Regulation of the Copyright Law).

The General Prosecutor have jurisdiction to initiate and follow-up criminal action before the competent courts (Articles 16 and 18 of the Law on Criminal Procedures).

c) Courts dealing with copyright cases

There are no specialized courts for copyright or intellectual property rights (IPR) in Saudi Arabia. However, a violation review committee has been formed by a decision of the Minister of Culture and Information to review the violations resulting from the implementation of the provisions of the Copyright Law. The Committee is formed with a minimum of three members; one of them is a legal advisor and the other a Shari'ah advisor. Decisions of the Committee are made by majority and endorsed by the Minister Culture and Information (Article 25 of the Copyright Law).

If the Committee finds that the violation entails imprisonment or a fine exceeding one hundred thousand Riyals or cancellation of the license, or the closure of the business permanently the case shall be submitted to the Minister of Culture and Information for referral to the Board of Grievances (Articles 22 and 23 of the Copyright Law and Article 25 of its Implementing Regulation).

2. Enforcement at the border

The Customs is the Authority responsible for combating piracy at the borders. Any right holder, who has reasonable grounds to believe that goods infringing his copyright are being imported or exported may submit a complaint to the violation review committee (the Committee) at the Ministry of Culture and Information to suspend the clearance procedures and the release into free circulation of the suspected pirated goods (Article 28 of the Implementing Regulation of the Copyright Law and Article 5 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

The application should be submitted to the Committee, within a period not exceeding ten working days. It should include adequate evidence that determine the infringements the right holder has incurred, provided that the period of seizure does not exceed thirty one days, after which amendment, cancellation or confirmation of such measures shall be considered. The Committee may request the plaintiff to provide a financial guarantee sufficient to protect the defendant and to prevent abuse. The Committee may grant the right holder sufficient opportunity to inspect the goods in order to prove his allegations. The importer is entitled to an equal opportunity to inspect any of these goods.

The seizure order issued by the Board of Grievances or the preventive seizure decision issued by the Ministry of Culture and Information shall be deemed null and void unless

the right holder follows it by filing a civil or criminal lawsuit against whom such an order has been issued, within ten days from the date of its issuance. If the right holder does not submit to the Customs Authorities, within ten days from his notification of the preventive seizure order or decision, proof of his filing a civil or criminal lawsuit with the Board of Grievances or with the Committee, the Customs Authorities shall clear the goods subject of seizure, if other conditions of import and export have been complied with (Article 28 of the Implementing Regulation of the Copyright Law and Articles 9 and 10 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights)

The Customs shall, pursuant to a preventive seizure order by the Board of Grievances or a decision by the Ministry of Culture and Information, suspend the clearance of infringing goods (Article 7 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

Without prejudice to the execution of the seizure, the party against whom the preventive seizure has been issued may, within ten days from the date of notification of the seizure, file a request either with the circuit handling the case at the Board of Grievances or the competent department at the Ministry of Culture and Information to reconsider it by revoking the same or staying its execution (Article 8 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

The Committee, in case the infringement is proved, is authorized to notify the right holder of the names and addresses of the consignor, the importer, and the consignee, and of the quantity of the goods in question.

The Customs Authorities shall be entrusted with the execution of judgments and decisions issued by the competent bodies for the confiscation or destruction of infringing goods, and they shall have the power to dispose of the same through non-commercial channels, unless otherwise adjudicated by the judicial authority or as directed by the competent administrative authority (Article 11 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

The Committee may decide that the plaintiff pay to the importer or exporter an appropriate compensation for damages incurred by them as a result of wrongful seizure of goods.

The parties concerned may challenge the decisions issued by the Customs Authority, in respect of the application of these Regulations, before the Board of Grievances within sixty days of notification in writing or through publication, if notification is not possible (Article 13 of the Regulations of Border Procedures for Protection of Intellectual Property Rights of Trademarks and Copyrights).

The Ministry of Culture and Information's office at the point of entry at the border may stop the procedure for release of goods upon having *prima facie* evidence proving existence of copyright infringement, after coordination with the Customs Authority. The office shall immediately notify the General Department of Copyright to take the necessary measures, in coordination with the Committee (Article 29 of the Implementing Regulation of the Copyright Law).

Imports for personal use of a non-commercial quantity and new items and things acquired for personal use will not be detained by Customs (Article 103 of the GCC

Unified Customs Law, Articles 19 and 20 of the Customs Law Implementing Regulation No. 200 of 2003 and Article 31 of Customs Instructions No. 50 of 2003).

See also Articles 2, 24, 53 to 56, 58, 59, 80, 81, 116, 121 to 128, 129 to 137, 143, 145, 150, 152 and 161 to 165 of the GCC Unified Customs Law.

IV. Public Awareness

- 1. Awareness campaigns and actions**
- 2. Promotion of legal exploitation**
- 3. Associations and organizations with awareness-raising purpose**

Private bodies have been created to promote intellectual property in Saudi Arabia and to, in particular the following:

- **Arabian Anti-Piracy Alliance (AAA)**

The Dubai-based Arabian Anti-Piracy Alliance is dedicated to curbing piracy in the Middle East through a comprehensive anti-piracy program involving public awareness campaigns, aggressive lobbying, and legal action against IPR offenders. The Alliance, which evolved from the anti-piracy program established by the Motion Picture Association in 1996, currently has full time operations in the UAE, Saudi Arabia, and Kuwait, where its Operations Managers closely coordinate with governments to safeguard against copyright and trademark infringements.

http://www.aaa.co.ae/main_aboutus.htm

- **ICC-Saudi Arabia 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. <http://www.iccwbo.org/policy/ip/id2465/index.html>

- 4. Best practices**

V. Capacity-building

- 1. Training**

2. Establishment of specialized units and intersectoral groups

Private bodies have been created to promote intellectual property in Saudi Arabia and to fight against piracy, in particular the following:

- **Saba & Co. Intellectual Property**

Saba is one of the longest-established and most renowned intellectual property firm 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>

- **Brand Owners Protection Group**

The Brand Owners Protection Group (BPG) is a non-profit organization which seeks the enforcement of intellectual property laws, copyright, patent, and trademark protection, and licensing laws in order to protect consumers from counterfeits and all other forms of illicit trade. <http://www.gulfbpg.com/index.php>

3. Best practices

VI. Other

1. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) through prohibiting and punishing the following acts (Article 21 of the Copyright Law and Articles 11 to 16 of its Implementing Regulations):

- Adding or removing electronic chips of display equipment so that it exceeds potential limits for purposes of infringing the rights of others.
- Removing (or facilitating the removal of) original protective data from the electronic equipment produced by the manufacturer, such as removing or adding electronic or non-electronic display and receiving equipment for the purpose of exceeding the limits designed by the manufacturer; or deleting the original program that operates the equipment and loading them with pirated programs for the purpose of exceeding the potential limits and capabilities of the equipment.

The infringer shall be subject to imprisonment for a period not exceeding six months and/ or a fine not exceeding two hundred and fifty thousand Riyals and/ or the closure of the premises where the crime was committed or the premises which contributed to the copyright infringement for a period not exceeding two months. In case of recidivism, the maximum limit of penalty, fine and closure shall be doubled (Article 22 of the Copyright Law).

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Relevant contacts and links

Mr. Obaidalah M. Al Obaidallah
Director General
General Administration of Copyright
Ministry of Information
Tel: 966 1) 442 5655
Fax: (966 1) 403 2780 / 435 7595
Address: P.O. Box 1767
Riyadh 11441
Kingdom of Saudi Arabia

Web links :

<http://www.info.gov.sa/copyrights>
<http://www.moj.gov.sa/>
http://www.moj.gov.sa/mojcontents.aspx?CMS_ID=75
<http://www.gcc-legal.org/MojPortalPublic/>

Arab IP Center of the League of Arab States:

<http://www.arabipcenter.org>