

UNESCO
WORLD ANTI PIRACY OBSERVATORY

TUNISIA

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I. Legislation

1. Copyright laws

Copyright is protected in Tunisia through international Agreements, [Law No. 94-36 of 1994 on Literary and Artistic Property](#), Decree No. 96-2230_of 1996 and other legislation related to enforcement of copyright or affecting copyright protection.

The Copyright Law No. 94-36 of 1994 was issued on February, 24 1994, and published in the Official Gazette No. 17 of 01/03/1994.

The [Decree No. 96-2230 establishing the Administrative and Financial Functioning of the Tunisian Copyright Agency](#) (in French) was issued on November 11, 1996 and published in the Official Gazette No. 94 of November 22, 1996.

The Copyright Law No. 64/1999 abolished all previous legislation contrary to its provisions in particular Law No. 66-12 of February 14, 1966, on Literary and Artistic Property.

2. Other laws

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

- The Penal Code promulgated by Decree of July 9, 1913 (published in the Official Gazette No. 79 of October 1, 1913) as last amended by Law No. 2005-46 of June 6, 2005 published in the Official Gazette No. 48 of June 17, 2005.
- The Code of Civil and Commercial Procedures promulgated by Law No. 59-130 of October 5, 1959 as amended, published in the Official Gazette No. 56 of 3, 6, 10 and 13 November 1959..
- The Code of Penal Procedures No. 68-23 of July 24, 1968 as amended, published in the Official Gazette No. 31 and 32 of July and August 1968.
- The Code of Obligations and Contracts promulgated by Decree of December 15, 1906 (published in the Official Gazette No. 100 of December 1906) as last amended by Law No. 2005-87 of August 15, 2005 published in the Official Gazette No. 68 of August 26, 2005.
- The Code of Private International Law promulgated by Law No. 98-97 of November 27, 1998 published in the Official Gazette No. 96 of December 1, 1998.
- The Code of Customs promulgated by Law No. 2008-34 of June 2, 2008

3. Latest developments and perspectives

A new draft Law on Copyright and Related Rights is currently before the Parliament, following adoption of the text by the Council of Ministers and the Constitutional Council. The main objective of the new legislation is to include provisions on the protection of related rights and to bring the provisions of Law No. 64/1999 into conformity with international standards, in particular the TRIPS Agreement, the WIPO internet Treaties (WCT and WPPT), and the Rome Convention.

4. Summary of legislation

- *Works protected by copyright*

Copyright applies to any created literary, artistic or scientific work, irrespective of its value, quality, purpose or mode of expression. This includes written or printed works; works created for the theater or for broadcasting (sound or visual), whether dramatic, dramatico-musical, choreographic or of dumb show; musical compositions with or without words; photographic works and works expressed by a process analogous to photography; cinematographic works and works expressed by a process producing visual effects analogous to those of cinematography; works executed by painting, drawing, lithography, etching or woodcutting and other works of like nature; sculpture of all kinds; works of architecture; tapestries and articles of artistic handwork including both the drawings or models and the work itself; drawings, graphic and three-dimensional reproductions of a scientific or artistic nature; lectures; works inspired by folklore; software; translations and arrangements or adaptations of the aforementioned works and derivative works (Articles 1 of the Law on Literary and Artistic Property).

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

Copyright holders have the exclusive right to carry out or authorize the reproduction of a work in any material form, including phonograms, audiovisual recordings and the like; communication of the work to the public by any means, in particular by public performance such as performance in hotels, restaurants, land, sea or air means of transport, as in festivals and entertainment halls, by means of a medium for the diffusion of recorded works, broadcasting means, modes of transmission by cable or by telecommunication satellite or other similar means; communication of a broadcast to the public by wire, loudspeaker or any other device that transmits signs, sounds or images; and any translation or adaptation of a work. In addition to the aforementioned economic rights, the author enjoys moral rights which include the right to claim authorship and to have his name given on each copy of his work, to use a pseudonym or not to have his name indicated on his work; to object to any distortion, deformation or any other modification of his work; to make the work available to the public by any means or process; and to withdraw his work from circulation or to seize it (Articles 2 and 9 of the Law on Literary and Artistic Property).

Authors of dramatic, dramatico-musical and musical works have the exclusive right to authorize the public performance and execution of their works by all means and processes and the public transmission by all means of the performance or execution of their works. The same applies to the translation of their works during the whole term of their rights in the original work (Article 20 of the Law on Literary and Artistic Property).

Authors of literary works have the exclusive right to authorize the public recitation of their works by all means or processes and public transmission by all means of the recitation of their works. The same applies to the translation of their works (Article 21 of the Law on Literary and Artistic Property).

The Law on Literary and Artistic Property does not cover related/ neighboring rights. The protection of neighboring rights is governed in Tunisia by the implementation of related provisions of the TRIPS Agreement to which Tunisia is Party since 1995. The new Copyright Law amending the existing law will include a chapter on the protection of neighboring rights in accordance with the TRIPS Agreement.

- *Limitations and exceptions to copyright*

Limitations to exclusive rights are provided in Articles 10 to 16, 45 and 46 of the Law on Literary and Artistic Property). These limitations include making a work available to the public free of charge for private, educational, teaching or cultural purposes; reproducing, translating and adapting works for strictly personal and private use, provided the copyright holder is informed if the user is an organizer of theatrical performances; using the work for quotations or citations provided that the source and the name of the author are indicated and such use is compatible with fair practice and justified by a scientific, educational or informational purpose; recording or reproducing literary, scientific or artistic broadcasts for educational or cultural purposes; reproducing in the press or broadcasting articles on political, social or economic news provided it is not expressly stated in the source that the right of reproduction is reserved; recording, reproducing and broadcasting literary, scientific or artistic works for reporting news purposes and within the limits justified by the intended purpose of the information; reproducing works of figurative or architectural art permanently shown in a public place for the cinematography or television purposes provided their use is of an incidental or secondary nature in relation to the main subject of the film or broadcast; reproducing works by public libraries, non-commercial documentation centers, scientific institutes, teaching establishments, youth and culture centers based on an authorization of the Ministry of Culture and provided a remuneration is paid to the copyright holder; making an adaptation of a computer program within the limits of the rights assigned by the right holder; making a backup copy of the computer program by its user; and reproducing a lawfully obtained copy of a computer program by scientific and cultural institutions, teaching and research establishments and non-commercial documentation centers provided the reproduction is limited to the needs of their activities.

- *Protection of the foreign works*

In addition to the works of Tunisian nationals, the protection of the copyright law covers works of authors domiciled in Tunisia, works of stateless persons or refugees having their habitual residence in Tunisia, works which are first published in Tunisia; works which are first published in another country and then published in Tunisia within 30 days from their publication in the other country; and architectural works constructed in Tunisia, or any other artistic work incorporated in a building or any other construction situated in Tunisia; provided the concerned country affords equivalent protection to works of Tunisian nationals (Articles 56 and 57 of the Law on Literary and Artistic Property).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 Gregorian years from the 1st of January of the year following the author's death or from the date determined in a finding of presumed death in the event of absence or disappearance; 50 Gregorian years from the 1st of January of the year following the last surviving author - or from the date determined in a finding of presumed death in the event of absence or disappearance - in the case of works of joint authorship; 50 Gregorian years from the 1st of January of the year when the work was lawfully made available to the public for anonymous or pseudonymous works - or 50 Gregorian 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; 25 Gregorian years from the year during which the work was made for photographic works and 25 Gregorian years from the year during which the work was created for computer programs (Articles 18, 19 and 47 of the Law on Literary and Artistic Property).

The Law provides for a retroactive protection for all works created before its entry into force provided that the protection period had not fallen into the public at the time of the entry into force of the Law on Literary and Artistic Property (Article 56 of the Law on Literary and Artistic Property).

- *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 who wish to make a deposit must submit their request to the Tunisian Copyright Protection Agency (Articles 48 and 49 of the Law on Literary and Artistic Property and Articles 17 and 28 of the Decree establishing the Administrative and Financial Functioning of the Tunisian Copyright Agency).

5. International treaties

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

- [Berne Convention on the Protection of Literary and Artistic Works](#)
- [Universal Copyright Convention](#) (UCT)
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS)
- Arab Agreement for the Protection of Authors' Rights

Tunisia signed the following Convention but did not ratify it yet:

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

Tunisia signed Free Trade Agreements (FTA) with the European Union (EU Association Agreement) and the European Free Trade Association - Iceland, Liechtenstein, Norway and Switzerland - (EFTA Agreement). The EU Association Agreement entered into force on March 1, 1998. It stipulates that Tunisia should provide suitable and effective protection of intellectual, industrial and commercial property rights, in line with the highest international standard, including effective means of enforcing such rights. The EU Association Agreement also requires Tunisia to adhere to the [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#) by the end of the fourth year after the entry into force of the Agreement. This obligation is also found under the EFTA Agreement (in force since 2005/2006). In addition, the EFTA Agreement requires Tunisia to adhere to the [WIPO Copyright Treaty \(WCT\)](#) and the [WIPO Performances and Phonograms Treaty \(WPPT\)](#) before five years after the entry into force of the Agreement.

II. Measures and remedies

1. Copyright infringement

There is no clear definition of copyright infringement under the Tunisian legislation. However, Article 51 of the Law on Literary and Artistic Property provides that “there is a presumption of infringement where the user of a work fails to produce the requisite authorization”. In addition, a definition of copyright infringement may also be deduced from several other provisions of the Law on Literary and Artistic Property, in particular Articles 50, 52 and 53. Accordingly, the following shall constitute copyright infringements:

- Infringing the provisions of the copyright Law and international treaties relating to copyright.
- Importing pirated copies of a work.
- Knowingly exposing to the public, selling or renting pirated copies of a protected work.

2. Remedies to protect copyright holders

The Law on Literary and Artistic Property, the Code of Civil and Commercial Procedures, the Penal Code, the Code of Obligations and Contracts, the Customs Code and the Code of Penal Procedures provide 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 ordered by the presiding judge of the court of first instance or the district judge, based on a request submitted by the right holder, in order to ensure that rights and interests of right holders are protected. Those measures are enforceable 24 hours after being ordered, except in cases where the court has granted an extension. The court may order the right holder to provide a reasonable security or equivalent assurance (Articles 201 to 223 of the Code of Civil and Commercial Procedures).
- Legal action may be instituted at the request of the right holder including fair and equitable civil judicial procedures (Articles 51 and 55 of the Law on Literary and Artistic Property, Articles 1, 19, 68, 70, 101, 126, 213 to 223, 225 and 286 of the Code of Civil and Commercial Procedures, Article 253 of the Penal Code and Articles 1 to 8, 47 to 111, 134 to 183 of the Code of Penal Procedures).
- Seizure of the original and copies of pirated goods, any related materials and implements used in the commission of the offense and any documentary evidence relevant to the offense may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property, Articles 97 to 100 of the Code of Penal Procedures and Articles 56, 301 and 302 of the Customs Code).
- Confiscation of the original and copies of pirated works may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property and Article 386 of the Customs Code).
- Destruction of the original and copies of pirated works may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property).
- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the

infringement plus any profits attributable to the prohibited activity; court costs or fees and reasonable attorney's fees to be paid by the losing party (Article 51 of the Law on Literary and Artistic Property, Articles 82, 83, 90 to 92, 107 to 109 and 114 of the Code of Obligations and Contracts and Articles 191 and 192 of the Code of Penal Procedures).

- Criminal sanctions may be imposed, in particular a fine varying from 500 to 5,000 Dinars. In case of recidivism, the fine may be increased to 10,000 Dinars and/or a term of imprisonment varying between one and six month may be imposed. Sanctions are also imposed against co-conspirators (Article 52 of the Law on Literary and Artistic Property, Articles 291 and 304 of the Penal Code and Article 115 of the Code of Obligations and Contracts).
- The temporary or definitive closure of the establishment where the infringing act has been committed (Article 55 of the Law on Literary and Artistic Property).

3. Provisional measures

The Code of Civil and Commercial Procedures provides that interim orders and orders on *ex parte* applications may be made for the adoption of appropriate provisional measures to stop or prevent an infringement of copyright and related rights (Articles 201 to 223 of the Code of Civil and Commercial Procedures).

In this case, provisional measures may be ordered by the presiding judge of the court of first instance or the district judge, based on a request submitted by the right holder, in order to ensure that rights and interests of right holders are protected. Those measures are enforceable 24 hours after being ordered, except in cases where the court has granted an extension. The court may order the right holder to provide a reasonable security or equivalent assurance.

In cases of extreme urgency, judges may rule in their private homes on questions submitted to them. Enforcement of rulings issued in this manner is not subject to the appending of the seal of the court or "ad hoc" registration. These formalities are completed later.

Orders on *ex parte* applications are exempted from the registration procedure and are enforced without delay by bailiffs. A request for the withdrawal of such an order does not suspend enforcement.

The judge may in all cases, and after hearing the parties, withdraw the injunctions he had made.

The court may, if deemed necessary, ask the reporting judge to carry out any investigative measures, such as an inquiry, on-site inspection, expert's report, taking of pleas of forgery and any other appropriate measure to preserve relevant evidence and ascertain the truth (Article 86 of the Code of Civil and Commercial Procedures).

The judicial authorities may adopt provisional measures *inaudita altera parte* if need be. Accordingly, in cases of extreme urgency the court may order immediate enforcement before registration. It may also order enforcement without prior service (Article 207 of the Code of Civil and Commercial Procedures).

The judicial authorities may require the plaintiff to provide any reasonably available evidence (Article 12 of the Code of Civil and Commercial Procedures).

4. Penalties for copyright infringement

The Law on Literary and Artistic Property, the Code of Civil and Commercial Procedures, the Penal Code, the Code of Obligations and Contracts, the Customs Code and the Code of Penal Procedures provide for penalties in case of copyright or neighboring rights infringement. These penalties include the following:

- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity; court costs or fees and reasonable attorney's fees to be paid by the losing party (Article 51 of the Law on Literary and Artistic Property, Articles 82, 83, 90 to 92, 107 to 109 and 114 of the Code of Obligations and Contracts and Articles 191 and 192 of the Code of Penal Procedures).
- Seizure of the original and copies of pirated goods, any related materials and implements used in the commission of the offense and any documentary evidence relevant to the offense may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property, Articles 97 to 100 of the Code of Penal Procedures and Articles 56, 301 and 302 of the Customs Code).
- Confiscation of the original and copies of pirated works may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property and Article 386 of the Customs Code).
- Destruction of the original and copies of pirated works may be ordered by the court ex officio or at the request of the right holder or the Tunisian Copyright Protection Agency (Article 55 of the Law on Literary and Artistic Property).
- Criminal sanctions may be imposed, in particular a fine varying from 500 to 5,000 Dinars. In case of recidivism, the fine may be increased to 10,000 Dinars and/or a term of imprisonment varying between one and six month may be imposed. Sanctions are also imposed against co-conspirators (Article 52 of the Law on Literary and Artistic Property, Articles 291 and 304 of the Penal Code and Article 115 of the Code of Obligations and Contracts).
- The temporary or definitive closure of the establishment where the infringing act has been committed (Article 55 of the Law on Literary and Artistic Property).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Tunisian courts. Tunisian courts have jurisdiction over cases related to intellectual property rights, including copyright infringement cases, if the protection of such rights is raised in Tunisia (Article 5 of the Code of Private International Law).

In general, Tunisian courts have jurisdiction over any civil or commercial case brought by any person irrespective of his nationality, when the defendant has a domicile or a residence in Tunisia with the exception of real estate rights cases where the real estate is located outside Tunisia (Articles 3 and 4 of the Code of Private International Law).

If the defendant has no known residence in Tunisia, the court of jurisdiction is the court of the domicile of the applicant. Where the jurisdiction belongs to the Tunisian courts even though neither the plaintiff nor the defendant are residents in Tunisia, the action is brought before the court of Tunis (Article 9 of the Code of Private International Law).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The judiciary, public prosecutors, sheikhs, officers and heads of posts at the National Guard, customs officials, and officers among the category “A” agents of the Ministry of Culture appointed by the Minister to this effect are the competent authorities responsible for enforcing the Law on Literary and Artistic Property and combating piracy in Tunisia (Article 54 of the Law on Literary and Artistic Property and Articles 10 to 19 of the Code of Penal Procedures).

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

The competent court may order *ex officio* or at the request of an author or of the Tunisian Copyright Protection Agency, the confiscation or destruction of copies or the temporary or definitive closure of the establishment in which the infringement has been ascertained (Article 55 of the Law on Literary and Artistic Property).

Customs officers, forest guards, the judicial police, police officers, agents of the National Guard and militaries in charge of territorial, maritime and aerial border defense may draw up contraventions and customs offenses. The aforementioned officers may, at the finding of a customs violation or misdemeanor, seize, *ex officio*, any item subject to forfeiture and retain the shipping and all other documents relating to seized items. They have also the right to preventive restraint of objects assigned to penalties' security. Officers cannot arrest the suspect unless in case of flagrant offense (Article 301 of the Customs Code).

c) Courts dealing with copyright cases

There are no specialized courts for copyright or intellectual property rights (IPR) in Tunisia. The competent courts are the regular courts (civil, criminal and administrative). The jurisdiction of the courts depends on the nature and amount of the claim. Where the value of the subject-matter of the proceedings cannot be determined, the court of first instance alone may hear the case and rule at first instance. The court of first instance may hear all cases at first instance, unless expressly provided otherwise by law (Articles 21 to 29, and 38 bis to 42 of the Code on Civil Procedures and Articles 122 to 126 and 129 to 132 bis of the Code of Penal Procedures).

At the base of the Tunisian judicial structure are the 51 District Courts, in which a single judge hears each case. The jurisdiction of the District Courts extends to civil cases of lesser value, as well as cases related to issues of labor and nationality, civil affairs, personal estate actions, actions in recovery and injunctions to pay. The Courts of First Instance serve as the appellate courts for the District Courts. The Courts of First Instance are empowered to hear all commercial and civil cases, irrespective of the monetary value of the claim. The Appeals Courts serve as the appellate courts for decisions made in the Courts of First Instance. Cases that were originally heard in the District Courts and appealed to the Courts of First Instance may be further appealed to the Supreme Court which serves as the final court of appeals.

The organization of the criminal court system is similar to that of the civil court system. The District Courts have jurisdiction to hear all misdemeanor cases. The Courts of First Instance hear all other criminal cases except felonies. A grand jury hears at first felony crimes. Once a judge

issues an indictment based on the grand jury proceedings, the case is submitted to the criminal court division of the Appeals Court. The criminal division of the Court of Cassation serves as the final appellate court for criminal matters.

As regards territorial jurisdiction, whether the defendant is a natural or a legal person, proceedings against him must be brought before the court of his effective or chosen domicile (Article 30 of the Code on Civil and Commercial Procedures).

2. Enforcement at the border

The Customs is the Authority responsible for combating piracy at the borders.

Apart from the obligations under the Customs Code, importers and exporters must comply with the legislation in force relating to import and export, including regulations on foreign trade and trade-related aspects of intellectual property rights. Prohibited goods are any goods whose importation or exportation is prohibited on any grounds whatsoever, or subject to restrictions, regulations on quality or packaging or specific formalities. Accordingly, infringing or attempting to infringe intellectual property rights, including copyright, is dealt with under the Customs Law as importing or attempting to import prohibited goods and should be subject to penalties (Articles 39, 42, and of the Customs Code and Article 50 of the Law on Literary and Artistic Property).

In addition to Customs officers, forest guards, the judicial police, police officers, agents of the National Guard and militaries in charge of territorial, maritime and aerial border defense may draw up contraventions and customs offenses. The aforementioned officers may, at the finding of a customs violation or misdemeanor, seize, ex officio, any item subject to forfeiture and retain the shipping and all other documents relating to seized items. They have also the right to preventive restraint of objects assigned to penalties' security. Officers cannot arrest the suspect unless in case of flagrant offense. In this case, seized goods are taken to the customs office or the office of the finance revenue, the closest to the place of seizure. The officer who seized the goods shall draft the minutes of seizure in the aforementioned office. Items that cannot be seized immediately may be left in the custody of the suspect or a third party on the place of seizure or in places nearby (Articles 56, 301 and 302 of the Customs Code).

Courts of First Instance acting in civil matters have exclusive jurisdiction to hear disputes concerning the refusal of payment and all other customs cases of civil nature whose competence has not been assigned to other tribunals by virtue of a special text. Courts of First Instance acting in criminal matters have jurisdiction to hear all customs crimes and contraventions (Articles 330 and 331 of the Customs Code).

Any person who imports or exports prohibited goods, including pirated goods, without the submission of manifest or through smuggling should be liable to imprisonment for a term of sixteen days to one month, forfeiture of goods by fraud, the confiscation of means of transport, the confiscation of objects used to conceal the fraud and a fine the amount of which varies between one and two times the value of goods (Article 386 of the Customs Code).

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 Tunisia, in particular the following:

ICC-Tunisia 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 Tunisia and to fight against piracy, in particular the following:

- **Saba & Co. Intellectual Property**

Saba is 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>

- **Tunisian Body for the Protection of Copyright**

The Tunisian Body for the Protection of Copyright is a multi-disciplinary collective management body. It is a non-administrative public office placed under the wardship of the Ministry of Culture and Heritage. It has the monopoly on representation, collection and distribution of royalties. It manages the interests of various foreign collective management bodies on the Tunisian territory. The administrative and financial organization and the functioning of the Organism are organized by Decree n° 96-2230 of November, 11 1996. The OTPDA has the right to institute legal proceedings for the defense of the interests which are entrusted to him by its members and its representatives. www.culture.tn/culture/HTML/institutions/droitdauteurs.htm

3. Best practices

VI. Other

1. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) through prohibiting and punishing the following act (Article 42 of the Law on Copyright and Neighboring Rights):

- Removing or facilitating the removal of a protective measure that regulates or limits the public access to a work, its performance, broadcasting, or recording.
- The person who commits the violation should be sentenced for a period not exceeding one year of imprisonment and/ or a fine of five hundred Dinars (Article 42 of the Law on Copyright and Neighboring Rights).

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Relevant contacts and links

Protection of Literary, Artistic and Intellectual Property Rights

Ministry of Culture and Heritage

M. Moncef Chatti - Directeur de la coopération et des relations internationales

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Tel.: (216.71) 56.27.59

Fax: (216.71) 56.38.16

M. Kheireddine Abdel Ali

Directeur général de l'Organisme tunisien de protection des droits d'auteur

Adresse : Rue Mikhael Nouaima 37, 1005 El Omrane Tunis

Tel.: (216.71) 84.06. 08

Fax: (216.71) 84 71 25

Tunisian Copyright Protection Organization (OTPDA)

Adresse: Rue Mikhaíl Nouaima 37, 1005 El Omrane, Tunis

Tel.: (216.71) 84.06.68; 28.69.33; 28.57.18

Fax: (216.71) 84.71.25

E-mail: OTPDA@email.ati.tn

Site Web: www.culture.tn/culture/HTML/institutions/droitdauteurs.htm

Centre des Musiques arabes et méditerranéennes

Palais de Baron d'Erlanger

Adresse : 8, rue du 2 mars 1934

2026 Sidi Bou Said – Tunis

Tel.: (216.71) 74.60.51/01.02

Fax: (216.71) 74.64.90

Copyright Protection of Audiovisual Works

Établissement de la Radiodiffusion Télévision Tunisienne (ERTT)

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Liens Internet:

Database of Tunisian Laws:

<http://www.jurisetunisie.com/textes/index.html>

<http://www.iort.gov.tn/>

Tunisian Official Gazette:

http://www.cnudst.rnrt.tn/index26e1.html?jort_fr

<http://www.iort.gov.tn/>

Arab IP Center of the League of Arab States:

<http://www.arabipcenter.org>