

Copyright Law

**Law Decree No. 10 for the year 1993
in respect of the Protection of Copyrights**

**Supplement to No. 2063
Wednesday 19, Thu Al-Hijjah, 1413 AH
Corresponding to June 9, 1993**

We, Essa Bin Salman Al-Khalifah, Amir of the State of Bahrain,

After perusal of the Constitution,
Amiri Decree No. 4 for 1975,
Law Decree No. 12 for 1971, issuing the code of Civil & Commercial Procedure & the amending laws thereto,

Law Decree No. 20 for 1975 in respect of the legal depositing of works,
Decree No. 5 for 1986 in respect of establishing and organizing the National Council for Culture, Arts & Letters,

The approval of the National Council for Culture, Arts and Letters,

At the presentation of the Minister of Information, and on the approval of the Council of Ministers,

Issue the following law:

Article 1

An author is the person who prepares or creates a work in the field of literature, science or art, or any written or innovative work related to any branch of knowledge, and the work is attributed to him by having his name expressly mentioned on it, by using a pseudonym or by any other means whatsoever, unless there is evidence to the contrary.

Article 2

1. This law shall protect the authors of innovative literary, scientific, artistic and cultural works in general, whatever the value, type, method of expression used in them or the purpose of their creation is.

2. The said protection shall include the authors of the following works:

- a) Books, booklets, research and all written works.
- b) Speeches, seminars and literary, scientific and artistic lectures.
- c) All dramatic works and musical plays.
- d) Words of songs, musical compositions and song music.
- e) Paintings, sculpture, decoration, engraving and photography.
- f) Pictures, maps, geographical plans and engineering and architectural designs.
- g) Plastic arts, works related to topography, architecture and sciences.

- h) Dance designs and pantomime.
- i) Cinematic works and works for radio broadcasting or television.
- j) Personally created computer software including database. The said software means the set of terms and instructions expressed in any language, code or sign and prepared to be used directly or indirectly for the purpose of reaching certain results.
- k) Compiled and classified folklore works.

Protection also includes the work title if it is distinguished by innovation and is not a common term indicating the work's theme.

Article 3

1. The protection provided by this Law shall be enjoyed by anyone who, on the approval of the authors of the works mentioned in Article 2, translates, summarizes, explains or simplifies the said works as to render them in a new form. The same protection shall be enjoyed by compilers of encyclopedias, dictionaries, and intellectual and innovative anthologies. However, the rights to photographic works shall not result in prohibiting others from taking photographs of the photographed matter, even if the new photos were taken from the same place, and in general, in the same circumstances in which the first photographs were taken.

2. The protection provided in the previous paragraph shall not prejudice the protection enjoyed by the authors of the original works.

Article 4

1. The protection provided in Articles 2 & 3 of this Law shall not include the following:

- a) Legal judgments issued by courts of various degrees & the translations thereof.
- b) Official documents such as texts of laws, Amiri decrees, administrative resolutions, international conventions, their translations, and various official documents.
- c) Publicly published or broadcast news.
- d) Works which are public property.

2. However, if the works provided for in the previous paragraph were published in distinctive sets due to innovation, arrangement or other personal effort, they shall be considered as works protected by law.

Article 5

- 1. Copyright shall be attributed and established solely to the author, unless otherwise is agreed in writing.
- 2. The author shall have the exclusive right to decide on the publication of his work and determine the method of such publication.
- 3. The author shall have the exclusive right to use his work financially and in the method he deems appropriate. Nobody may enjoy such right except with his written approval or that of his heir.
- 4. However, it shall not be considered an infringement of the author's rights if the work is incidentally mentioned during a radio or television transmission of the current events.

Article 6

For the purpose of directly using his work, or on his written approval, the author shall have the right to the following:

1. Copy the work in all available methods, including photography, filming or audio / visual recording.
2. Translate the work into another language, make a quotation therefrom, modify, adapt, summarize, explain, or distribute it musically.
3. Transmit the work to the public by public performance, television, cinema, stage acting, radio broadcasting or any other method, in particular publication.
4. Object to any addition, deletion or introducing any modification to his work without his permission.
5. Use any other method, as the author deems appropriate, which is not in conflict with the public interest or public order.

Article 7

An exception to the provisions of the previous article shall be the following: if there is a deletion or a change in the translation of a work, or if it is adapted or developed into another form, the author or his successor shall have no right to object thereto, unless if this results in affecting the author's reputation, honor, scientific or artistic prestige, or in a violation of the work's content.

In all cases, the amendment contained in the derived work as compared to the original work should be indicated.

Article 8

1. The Ministries and the State's official institutions shall have the right to make use of any work already published for educational, informational, cultural or religious purposes for the public interest, provided the title of the work or its author's name shall be mentioned, without prejudice to the author's financial rights.
2. The mass media and official newspapers and magazines may transmit, publish or broadcast parts or quotations from any work without the permission of its author if this contributes to promoting public awareness and shaping public opinion, provided the source of this work and the name of its author will be mentioned, without prejudice to the author's financial rights.

Article 9

The author or his public or private heir may object to the actions mentioned in Article 8 if they affect the author's image or his literary or artistic reputation, or if they are detrimental to his financial rights.

Article 10

1. Institutes, universities, scientific and cultural institutions, official documentation and research centers, and public libraries may make copies of literary, scientific and artistic works or photocopy them within the number required to meet the requirements and activities of these institutions and

realize their objectives. This may be done without the prior approval of the author, provided it will not affect his legitimate financial interest.

2. The military music band may play musical works without being obligated to pay any amount to the composer, as long as playing such musical works does not realize any financial return.

Article 11

After the publication of his work, the author may not prevent any person from copying, translating, summarizing, photocopying his work or making quotations therefrom, provided this will be for private personal use, and no financial returns will be realized, and also provided that the source of the work and its author's name will be mentioned. However, such works may not be published except with the permission of their original author.

Article 12

Creators of the original plastic art works and original music manuscripts, even though they have assigned the ownership of their works to others against no consideration, may claim compensation which shall not exceed half the value of these works of art if they are sold in a public auction or realized financial profits as a result of being sold or disposed of. This provision shall not apply to works of architecture and applied arts.

Article 13

If the public interest dictates publishing a work not published, or not republished by the author's heirs even though they may have been officially requested to do so by the National Council for Culture, Arts & Letters the Minister of Information may, through resolutions, entrust the National Council for Culture, Arts & Letters with publishing this work one year after the date of the official request to the heirs, and offer them a fair compensation, without prejudice to their right to complain against the said resolution of the Minister of Information to the Superior Civil Court within thirty days as from the date of notifying them of the decision.

The Ministry of Information may obtain a judgment from the Superior Civil Court obligating the heirs to surrender the work to the National Council for Culture, Arts & Letters, if necessary.

Article 14

The author may take any legal action to transfer all or part of the rights provided for in this law.

Article 15

1. All legal actions that transfer copyrights shall be made in written and authenticated contracts concluded between the work's author, or the party to which copyrights were transferred, and the beneficiary. Such contracts shall be in triplicate or in a number of copies exceeding the number of the contracting parties by one copy. The contracts shall include the first name, the father's name, the surname of the contracting parties, their nationalities, the type of the work, the action taken and the resulting legal effects.

2. One copy of each legal action transferring copyrights shall be deposited at the Copyrights Protection Office at the Ministry of Information.

3. The Minister of Information shall issue a resolution establishing and regulating an office to be attached to the Ministry of Information for the protection of the copyrights, the method of depositing the legal actions and determining such deposit after the fees are approved by the Council of Ministers.

Article 16

The author's disposal of his future overall intellectual production shall be considered null and void.

Article 17

The disposal of the ownership of the only original copy of a work or of many copies thereof shall not result in transferring the copyrights in this work.

Article 18

If more than one person share in the authorship of a work, so that the share of any of them in the joint work cannot be separated from the other's share, all of them shall be considered as authors equally among themselves, unless otherwise agreed.

In this case, the rights resulting from copyrights may not be exercised except with the agreement of the sharing authors. If a dispute arises among them, it shall be resolved by the Superior Civil Court.

Each one of the sharing authors shall have the right to take expedited measures when there is infringement upon the copyrights, and the right to file a lawsuit to claim his share in the compensation for the harm he sustained.

Article 19

If more than one person participates in making a work, so that the share of each of them can be separated, each participant shall have the right to separately use the part he contributed, provided this will not harm the use of the joint work, unless otherwise is agreed.

Article 20

Without prejudice to the copyrights of the author of the literary part in lyrical music, the composer of the musical part shall solely have the right to obtain a license for the public performance of all the joint work, for its execution, publication or making copies thereof.

The author of the literary part shall have the right to publish the part pertaining to him. However, he may not dispose of this part to be a basis for another musical work, unless otherwise agreed.

Article 21

In all joint works executed in movements accompanied by music, and in all similar works, the designer of the movements shall have the right to obtain a license for the public performance of all the joint work, its execution or copying.

The composer of the musical part shall have the exclusive right to dispose of this part, provided it will not be used in a work similar to the joint work, unless otherwise agreed.

Article 22

The following shall be considered a partner in the composition of a cinematic work or the work prepared for radio or television broadcasting.

1. The scriptwriter or the creator of the work's written theme.
2. The person who adapted the literary work in such a manner as to make it fit for such art.
3. The dialogist.
4. The music composer if the music is especially composed for such works.
5. The direction if he has actual control and has taken positive action, with regard to the intellectual aspect, to realize any of these works.

If the cinematic work or the work prepared for radio or television broadcasting or is extracted from a previous work, the author of the previous work shall be considered as a participant in the new work.

Article 23

The scriptwriter, the person who adapted the literary work, the dialogist and the director shall jointly have the right to show the cinematic work or the work prepared for radio or television broadcasting or in spite of the objections of the original author of the literary work or the music composer, without prejudice to the rights of the opposing parties resulting from their participation in creating the work.

The writer of the literary part or the composer of the musical part shall have the right to publish his work in another method, unless otherwise is agreed.

Article 24

If one of the participants in writing / composing a cinematic work or a work prepared for radio or television broadcasting refrains from completing the part of work pertaining to him, or if he could not complete such part due to circumstances beyond his control, he may not prohibit the remaining participants from using the part he has already completed, and he shall be considered a writer / composer of what he has completed and shall enjoy the rights resulting therefrom.

Article 25

A person shall be considered a producer of a cinematic work or a work prepared for radio or television broadcasting if that person is the natural or legal person who completes. The producer

takes responsibility for such completion or provides the work writers / composers with the necessary material and financial means for its production.

In all cases, the producer shall be considered a publisher of the work, and shall have all the publication rights.

During the agreed period of use, the producer shall be a deputy for the work writers / composers and their heirs in the agreement to show and use it, without prejudice to the rights of the writers of the literary works and the composers of the musical works, unless otherwise is agreed.

Article 26

The collective work is the work in which a group participates in its creation at the instruction of a natural or legal person, so that the work of each participant can be separated and distinguished.

The natural or legal person who instructed the creation of this work and organized it, shall have exclusive copyrights in such work.

Article 27

If the work is created for the account of a natural or legal person, private or public, the copyrights shall be established for the creator, unless otherwise is agreed.

Article 28

In the works which carry a pseudonym or which are anonymous, the publisher, whose name appears on the work, shall be considered authorized by the author to exercise the rights provided to him in this law, unless the contrary is proved.

Article 29

A person who takes a photograph may not show, publish or distribute its original or copies thereof without the permission of the persons whom he photographed, unless otherwise is agreed.

This provision shall not apply if the publication of the photograph was made on the occasion of incidents which occurred publicly, or if it were related to officials or public figures, or if the photograph's publication was allowed by the public authorities in the public interest.

However, showing the photograph or its circulation may not be made if this results in affecting the honor of the person whom it represents, his reputation or dignity. The person, whom the photograph represents, may allow its publication in the newspapers, magazines and other similar publications, even if the photographer does not allow it, unless otherwise is agreed.

These provisions shall apply to pictures, whatever the method used for making them is, whether it is painting, engraving or any other method.

Article 30

1. The individual or joint copyrights of authors shall devolve to their legitimate heirs after their death, unless they indicate otherwise in their will.
2. The author's share in the joint copyrights shall devolve to his partners in the work if he does not have an heir or a legatee, unless otherwise is agreed.

Article 31

1. The work's protection period shall expire after the elapse of fifty years according to the Gregorian Calendar. Such period for jointly created works shall be calculated as from the date of the death of the last living co-author.
2. The work's protection period shall expire after the elapse of fifty years according to the Gregorian Calendar, from the date of publication with respect to the following works:
 - a) Cinematographic films, works of applied arts and photographs.
 - b) Works published under pseudonyms or anonymously, unless the author's identity is revealed during this period.
 - c) Works pertaining to public or private legal persons.
 - d) Works published for the first time after the author's death.
3. The protection period for computer software shall expire after fifty years have elapsed from the date of the completion of the work, or after forty years have elapsed from the date of publication, whichever is nearer.
4. In all cases, if the work is composed of many parts published separately and in different periods, each part shall be considered an independent work for calculating the protection period.

Article 32

The copyright protection period for a work in a foreign language, and the right of those who translate it into another foreign language in the translation of that work into Arabic, shall expire after the elapse of fifty years from the date of the first publication of the original or the translated work.

However, the National Council for Culture, Arts & Letters may, according to a resolution by the Minister of Information, license the translation of foreign works into Arabic if the author or translator does not exercise the right within three years from the date of the first publication of the original or translated work. Such license shall be according to the conditions determined by the Council, provided that the rights of the author or his heir for equitable compensation shall be observed.

Article 33

1. The author's will shall be executed as regards prohibiting the publication of his work or abiding by the conditions of such publication, and the date fixed for it.

2. The contracts concluded before the death of the authors which are related to their rights to use their works shall be executed.

Article 34

Any person whose rights as provided for in this law are infringed upon, shall have the right to compensation.

Article 35

Without prejudice to the provisions of Law Decree No. 20 for 1975 in respect of the legal depositing of works, the publishers of literary, artistic and scientific works published through making copies thereof in Bahrain, shall deposit at their expense before their distribution three copies of these works at the Office for the Protection of Copyrights at the Ministry of Information. The work shall be announced in the Official Gazette.

A resolution by the Minister of Information shall be issued indicating the depositing system and the fees due for such depositing after being approved by the Council of Ministers.

Without prejudice to the necessity of depositing, non-depositing shall be punishable with a fine of BD 100. These provisions shall not apply to the works published in newspapers and periodicals unless such works were separately published.

Article 36

Copyrights may not be attached in order to abide by a court decision. However, copies of the published work may be attached. Works whose authors die before their publication may not be attached unless it is conclusively proven that the author intended to publish them before his death.

Article 37

A person who commits any of the following shall be punished by imprisonment for a period not exceeding one year and with a fine not exceeding BD 1000 or by either of these penalties:

- a) Anyone who infringes the copyrights provided for in Articles 5 & 6 of this Law.
- b) Anyone who enters into the country for the purpose of sale, or sells, circulates for the purpose of trading or promoting to the public in any way whatsoever an imitated or counterfeit work.
- c) Anyone who discloses or facilitates the disclosure of computer programs before their publication.

If any of the offenses provided for in this Article are re-committed within three years as from the date of the punishment judgment, the court may impose the highest penalty.

Article 38

In addition to the conviction provided for in the previous article, the court may order the confiscation and destruction of all imitated works and the instruments seized in the lawsuit which were used for committing the offense.

Article 39

The judge of summary matters may, upon a lawsuit filed by the author or his successor, and according to the procedures provided for in the Code of Civil & Commercial Procedure, order that the following action be taken in respect of any work published or shown in violation of the provisions of this law:

1. Make a detailed description of the work.
2. Stop the publication, showing or manufacture of the work.
3. Impose provisional attachment on the original work or its copies, as well as on the materials used for the republication of this work.
4. Prove the public performance of a musical piece, acting or delivering a work to the public, and halt the present showing or prohibit it in future.
5. Appoint a receiver for the disputed work whose assignment will be the republication, showing, manufacturing or making copies of the work, provided the resulting proceeds will be deposited in the court's safe. The reciprocity shall end upon the agreement of all the concerned parties or according to a court judgment
6. Determine the proceeds of publication or show by an expert to be appointed for this purpose, if necessary, and impose provisional attachment on the proceeds in all cases.

The judge of summary matters may order the appointment of an expert to assist in execution, and obligate the plaintiff to deposit an appropriate guarantee. The defendant shall bring the dispute to the competent court within the fifteen days which follow the issuing of the judgment. If he does not file the lawsuit within this period, every effect of the judgment shall be null and void.

Article 40

The court to which the dispute is presented, may at the request of the author, or anyone who acts on his behalf, decide to destroy the originals or copies of a work which is illegally published and the materials used for its publication, provided it is not fit for another work and change the features of the originals, copies and materials, or to make them unfit for use. All of this shall be done at the expense of the responsible party.

However, if the copyrights expire within a period of less than two years from the date on which the judgment is issued, and without prejudice to the copyrights provided for in Article 5 & 6 of this Law, the court may replace the judgment to destroy or change the features of the originals, copies and materials with imposing provisional attachment to meet the compensations awarded to the author.

It may, however, not decide to destroy, or change the features if the dispute is related to a translation of a work into Arabic in violation of the provision of article 30 Paragraph 2. The judgment shall be limited to imposing provisional attachment on the translated work, to meet the compensation awarded by the court.

In all cases, the author shall have in respect of the debt due to him which resulted from his right to compensation, a lien on the net sale value of items and on the funds attached to pay the debt. No other lien shall have priority except the lien for legal fees and for the funds to be expended to protect and maintain such items and to collect these amounts.

Article 41

The author shall have the exclusive right to ask the Superior Civil Court, if serious reasons arise as determined by the Court, to withdraw his work from circulation or make amendments thereto, in spite of any legal action taken in respect of the right of utilization, and the author shall be prepared to pay to the party to which the financial right of utilization devolved a fair compensation within a period to be determined by the Court, otherwise the judgment's effect shall be null and void.

Article 42

An exception to Articles 26, 37 and 38 of this Law shall be the following:
It shall not be allowed to impose attachment, change features, confiscate or destroy architectural constructions and buildings upon the plea of protecting the architect's rights, even if infringement of the drawing and designing rights is proven. The architect shall reserve the right to claim compensation.

Article 43

The provisions of this Law shall apply to the following:

1. Works of Bahraini authors which are published for the first time in Bahrain or abroad.
2. Works of foreign authors which are published for the first time in Bahrain.
3. Works of Arab authors who are citizens of the countries which ratified the Arab Agreement for the Protection of Copyrights in 1958, if these works are published for the first time in one of the countries which ratified the Agreement.

Article 44

Without prejudice to the provisions of the previous article , the provisions of this law shall apply to the works existing at the time of its application. However, with respect to calculating the protection period for these works, it should include the period which has elapsed since the date of the event fixed for the starting of the period's validity up to the date of implementing this law.

The provisions of this law shall apply to all the events and agreements which followed the date of its implementation, even if they were related to works published, shown or acted earlier.

With respect to the agreements made before the implementation of this law, its provisions shall not apply thereto, and such agreements shall remain subject to the provisions which were effective at the time of their conclusion.

Article 45

The Minister of Information shall issue the necessary resolutions for the implementation of this Law, and any provision in conflict therewith shall be repealed.

Article 46

The Ministers, each as far as he is concerned, shall implement this law, and it shall be effective as from the date of its publication in the Official Gazette.

**Amir of
The State of Bahrain
Essa Bin Salman Al-Khalifah**

Issued in Al-Refa' Palace

**17 Thu Al-Hijjah, 1413 AH
Corresponding to 7 June, 1993**

Resolution No. 4 for 1993 Establishing an Office for the Protection of Copyrights at the Ministry of Information

Minister of Information

After perusal of Law Decree No. 10 for 1993 in respect of the protection of copyrights.
And at the presentation of the Assistant under Secretary for Cultural and National Heritage.

Resolved,

Article 1

An office called "Office for the Protection of Copyrights" shall be established at the Ministry of Information.

Article 2

The Office for the Protection of Copyrights shall be concerned with the following:

1. To provide protection to copyrights within the scope of the provisions of Law Decree No. 10 for 1992, and execute international conventions for the protection of literary, artistic and scientific works to which the State of Bahrain is a party.
2. To study the various concluded agreements or those which shall be concluded in respect of protecting literary, artistic and scientific works, and make proposals in respect of the State of Bahrain joining these agreements.
3. To nominate the representatives of the State of Bahrain in the conferences held in relation to copyrights.
4. To consider the applications received in relation to the protection of copyrights.
5. To record the legal actions transferring copyrights in the record prepared for this purpose after charging the prescribed fees.
6. To accept after paying the prescribed fees the copies of literary, artistic and scientific works deposited in the Office which are provided for in Article 35 of Law Decree No. 10 for 1993 in respect of the protection of copyrights.

Article 3

The record of legal actions that transfer copyrights shall contain a statement of the names of the authors of the various works and their types, the names of the contracting parties, their nationalities, the action taken, and the resulting legal effects.

Article 4

The Assistant Undersecretary for Culture and National Heritage shall implement this Resolution, and it shall become effective as from the date of its publication in the Official Gazette.

Minister of Information**Tareq Abdul-Rahman Al-Mo'yad****Issued on 30 Jumada I, 1414, AH**

Abdul-Aziz Bu Taflika