

Copyright Law

Law No./12/2001

**According to the provisions of the Constitution
and the approval of the People's Assembly in its session of 26/11/1421 Islamic Calendar
concurrent with 19/2/2001 A.D, the following is herein issued**

Chapter I Definitions

Article 1

In enforcement of the law herein, the following expressions shall hold the meanings corresponding thereof:

The Ministry: Ministry of Culture

The Minister: The Minister of Culture

The Author: Whomever the work is published related to, whether by mentioning his name on the work or by any other means (to include assumed names) unless otherwise is proved.

The Work: The cognitive means that includes a literary, scientific or artistic creative production no matter what its quality or importance is, and whatever means of expression are used, or the reason for its classification might be.

Performers: Actors, musicians, singers, dancers, recitals and others who perform an artistic work whether literary, artistic in a way or another.

Distribution: Transmitting or communicating the work to the public either by direct or indirect means; reproducing or transcribing such work in whole or in part that could be read, heard, seen or performed.

Copyright: The group of moral and material rights entitled to a person for his work.

Chapter II Scope of protection

Article 2

Works entitled for protection according to the stipulation of the law herein are:

- a) Works produced and distributed by citizens of the Arab Republic of Syria and similar stance, in the Syrian territory and abroad.
- b) Works produced and published in the Arab Republic of Syria by authors who select the Arab Republic of Syria as their selected domicile.
- c) Works protected through the provisions of cultural agreements and other agreements to which the Arab Republic of Syria is committed.

Article 3

All works are protectable according to the stipulations of the law herein, such protection shall cover the following:

- a) Written works "books, booklets, brochures, pamphlets, manuscripts, lectures and similar written material".
- b) Artistic works (theatrical and musical "whether in a digital encrypted form or not "and whether accompanied by words or not in addition to cinematography, broadcast, televised, lyrical, eurythmic, pantomime and music composing works.)
- c) Works of plastic and applied arts and photography.
- d) Works of drawings, geographic maps and designs related to topography, architecture or science.
- e) Works of computer software to include design documents and data thereof.

Protection shall include the title of the work unless such title is a common term indicating the subject matter of the work.

Article 4

The protection prescribed by the law herein shall not include the following:

- a) Groups of official documents such as laws, decrees, regulations, international agreements, judicial judgements, decisions of the administrative authorities and all other official documents and the official translation thereof.
- b) Daily news whether published, broadcast or publicly announced.

Chapter III: Copyright

Article 5

The author of the protected work alone is entitled to publish such work and to select the means of publishing. The author alone, and whoever he assigns in writing, may financially exploit the work by any means or in any form; no third parties are entitled for the same without the written authorization of the author or his successors.

Article 6

The author alone is entitled to introduce whatever amendment or change to his work. The author may see to the translation of the work, third parties are not entitled to such rights without the written authorization of the author or his successors.

Article 7

The work shall be related to its author by mentioning the name of the author on any works stipulated in Articles 5 and 6 herein except in cases where the work is introduced within broadcast or televised current events.

Article 8

The author or his representative may refute any violation to his work and to prevent any distortion, misrepresentation, alteration or any damage that may cause harm to the author morally or materially. The author may claim compensation for such; such right shall also be entitled to the

heirs.

Article 9

Short quotation or analysis of the published work shall not be deemed an infringement to the author's rights if intended for criticism, discussion, education or information as long as the work is referred to together with the author's name (if known).

Article 10

The creditor holding a written document against the author (i.e agreement, contract or debt debenture) may provisionary seize the published copies of the author's work published on the author's expense. Such seizure may not be applied to the authors right to publish the work or disclaim the work to the author or deny the author's right to defend his work against any infringement or draw back his work form circulation.

Article 11

Buildings constructed according to illegal adaptation of an architectural design and drawings may not in any manner be subject to seizure, confiscation or destruction in protection of the architect's creativity rights.

Article 12

The author of a scientific or literary work is entitled to draw back his work from circulation or ban such circulation provided that the author indemnifies the damaged party by an appropriate compensation.

Article13

Television and broadcasting organizations are entitled to ban any exploitation of their programs without prior written authorization. Retransmitting such programs, transcription, rental or sale to the public shall be deemed illegal exploitation of the work.

Article 14

The author may assign to third parties the rights of exploitation as expressed in the provisions of Articles 5 and 6 of the law herein. Such assignment shall be in writing with specific definition of each right separately.

Article 15

If property of an original work is assigned to other parties, such assignment shall not include copyright, yet the assignee may offer such work to the public without having the right to re - assign or copy such work unless otherwise agreed.

Article 16

Producers of a picture are not entitled to display, publish or distribute the original or copies of such picture without the consent of the individuals displayed in the picture. Such stipulation shall not be enforceable if the display of the picture was in the event of public occurrence, was of public figures or was approved by the Ministry for the interest of public welfare. The figure

personified may allow publication of the picture in books, newspapers, magazines and similar means even without the consent of the picture producer unless otherwise agreed. Such stipulations shall be enforceable on all types of pictures whether produced by means of photography, drawing, painting, engraving, sculpture or any other means.

Article 17

The protection of copyright shall not be in violation to the right of the State to prohibit circulation of any work, the circulation of which forms violation to the public order or ethics.

Article 18

The author whose rights as stipulated in the law herein are violated, is entitled for an appropriate material compensation.

Article 19

The copyrights are assigned in whole to the author's heirs after his death. Such assignment shall include publishing of the work if not previously published. If the author has no heirs such rights are assigned to the Ministry.

Article 20

If the work is a result of a combined effort of several persons, and one of such persons dies without successors, the share of the deceased in the financial exploitation of the work is vested to the State while other rights are reverted to the rest of the authors unless otherwise agreed.

The right of the deceased to have his name ascribed to the work remains unchanged.

Article 21

If the heirs or successors of the author neglect practicing the rights stipulated in the provisions of Articles 19, 20 in the law herein and the Ministry deems to publish the work in the public interest, the Ministry may request, via registered mail, from the heirs the publication of the work within a period of six months, if such period lapses without publication; the State may practice the rights as stipulated, provided that the heirs are properly compensated. In case the author had no heirs such rights are assigned to the State as represented by the Ministry.

Article 22

The author shall be entitled to his copyrights for his lifetime and fifty years thereafter. If the work is a combined effort of more than one author, then the copyrights are entitled for the lifetime and fifty years after the death of the last author party of the work.

Article 23

The work published without mention of the author or with the mention of a pseudonym shall be entitled to the copyrights for fifty years as of the date of the first legitimate publication. If the identity of the author is revealed or doubts are no longer valid as for specifying the same before such period lapses, the copyrights shall be applied as per the provisions of Article 22 of the law herein.

Article 24

Protection of audio - visual, broadcast, televised or cinematography work shall be enforceable for fifty years as of the date of producing the work. If the work is offered to the public with the author's consent during such period, protection shall be enforced for fifty years as of such later date.

Article 25

Copyrights of photographic, fine arts or plastic arts shall be enforceable for ten years as of the date of producing such work.

Article 26 All unprotected works or works with expired protection periods according to the stipulations of the law herein shall fall in the public domain.

Chapter IV Performance Rights

Article 27

Performers and their successors are entitled to moral rights that could neither be assigned or outdated, such rights entitle the performers and their successors to a performance compensation ratio and protection against violating such performance.

Article 28

Performers are entitled to exclusive financial rights that authorizes such performers to prevent any exploitation of their performance without prior written authorization. Broadcasting and televising such performance is deemed illegal and shall be prohibited. Recording on any medium, making reproduction, selling or renting such medium shall also be prohibited. Such right shall extend for fifty years as of the date of first public performance.

Chapter V Copyrights of Joint Works

Article 29

If more than one person jointly create the work so as each person's share of the work cannot be identified, all the persons contributing to the work shall be deemed owners on equal footing unless otherwise agreed in writing. In case a dispute arises leading to non publication of the work, the Ministry may apply the stipulations of Article 21 of the law herein, if the Ministry deems that such publication is in the public interest; provided that the Ministry fairly compensates the owners of such jointly created work.

Article 30

If the contribution of several persons in the creation of a joint work is due to a different scope of the subject of the work, each person shall be entitled individually to exploit his part of the work provided that such exploitation does not harm the exploitation of the joint work unless otherwise agreed in writing.

Article 31

The work created by one or more individual upon the instructions or guidance of a natural or a

juridical person, and the performance of the participants in such work is merged in the general idea in a manner that denies separation and identification of the performance of the individual participants of such work, then the natural or juridical person who instructed or guided the creativity of such work shall be considered the author of such work and shall solely be entitled to the protection of the copyrights.

Article 32

In case of participating in composing musical lyricism, then the music composer and distributor shall together be entitled to license for public performance the joint work, publishing or reproducing such work without prejudice to the rights of the author of the literary part, the author of such part may solely publish the literary part provided that such part may not be the ground work for another musical work unless otherwise agreed.

Article 33

In case of participating in the creation of works performed in motion accompanied by music, shows, sketches and similar works collectively achieved; the author of the non musical part of the work is entitled to license for public performance the entire joint work, performing such or reproducing such. The composer of the musical part may authorize the exploitation of the musical part alone, provided that such part is not exploited in a work similar to the joint work unless otherwise agreed.

Article 34

The following shall be deemed partners in the cinematography, theatrical, broadcast or televised work:

- a) The scenarist if the scenario is novel
- b) The adapter of the work in order to suit the theatrical, televised or cinematography arts.
- c) The dialogist.
- d) The music composer if particularly composed for the work or selected from the composer's music.
- e) The director, who has actually supervised the work and positively contributed in the creation and the artistic realization of such. If the work was adapted from another work protected as per the stipulations of the law herein, the creator of such other work shall be deemed a partner in the creation of the new work.

Article 35

The creator of the artistic work (theatrical, televised, broadcast or cinematography ... etc.), its adapter, its script writer, and its director are entitled collectively to present their work on show without the owner of the literal, intellectual, scientific or music composer having the right to object to such, provided that the music composer and adapter are not subject to any prejudice related to their work or harm their reputation. The creators of the literal, intellectual, scientific and musical parts of the work are each entitled to publish their part of the work in a means other than Cinema, Television, Theater and Broadcasting Services unless otherwise agreed.

Article 36

If one of the participants of the artistic work (cinematography, theatrical, broadcast or televised ... etc) refrains to complete his part of the work, such action shall not prevent any of the other participants to exploit such part without prejudice to the rights of the creator of the intellectual,

literal or scientific work related to such part of the work.

Chapter VI Free Utilization of The Protected Work

Article 37

The following exploitation of the protected work in its source language or its translation shall be deemed legitimate without need of the author's or creator's approval:

First: Legitimately published works

- a) Translation of the work, its excerpts, its (musical) composing or its adaptation in any form or reproducing of such work with the intention of making only one copy for personal use.
- b) Quotation of excerpts of the work provided that such quotation complies with the prevailing customs and is justified. Mention of the work title and the creator or author of such in conjunction with the quotation is mandatory, to include mention even on texts transcribed from press articles and periodicals in the form of press extracts.
- c) Utilization of the work for educational purposes in the form of publications, broadcast or televised programs, audiovisual recordings or for pedagogical, or vocational training purposes provided that such utilization complies with customary practice and that the title of the work and its creator are mentioned in all the means of utilization mentioned herein.

Second: Reproduction of an article which is broadcast or published in newspapers or circulars to the public provided that the source is mentioned. Such reproduction shall be deemed unlawful if it was explicitly mentioned in such article, upon its previous broadcast or publication, that the reproduction of which is prohibited

Third: Reproduction of a work that may be seen or heard on the occasion of presenting current incidents through photography, cinematography or other means of the media or making such work available to the public within the framework of the desired information goal.

Fourth: Reproduction of artistic, plastic or architectural work to show such to the public through cinema or television, if such works are permanently displayed to the public or if their role in the program is secondary or extrinsic compared to the main topic.

Fifth: Reproduction of a literary, artistic or scientific work through photography or similar means, if such work was previously legitimately available to the public; provided that such reproduction was achieved by a public library, a non commercial documentary center, a scientific organization or an educational institute and provided that such reproduced copies are in compliance with the activities of the reproducers and also provided that such reproduction shall not adversely affect the financial exploitation of the work or prejudice the legitimate interests of the creator or author.

Sixth: Reproduction made by newspapers or other media to the public for any political speech, speech delivered in a court hearing, lecture or religious or non religious occasion or any similar occasion in public provided that the reason for such utilization is to communicate news from the current incidents.

Article 38

The General Corporation for Broadcast and Television is entitled to broadcast or display works that are presented on theatrical stages or on any other means of public performance, the managers of such locations shall allow the previously mentioned Corporation to utilize all

technical means required for such broadcast or display. The previously mentioned Corporation shall fairly compensate the creator or author or his heirs and show the title of the work and the name of its creator or author. Such broadcast or display shall not be deemed legitimate before passing of five years from the date of recording by the General Corporation or otherwise agreed.

Chapter VII Protective Measures

Article 39

The Ministry shall establish a special Department to register copyrights, and follow up the protection of such rights.
The Minister shall issue the decrees defining the responsibilities of the Department, its performance and registration policies and documents without prejudice to the stipulations of the legal filing of applications.

Chapter VIII Penalties

Article 40

The following shall be sentenced to imprisonment for a period from three months up to two years and a fine not less than one hundred thousand Syrian Liras or either of the abovementioned penalties:

First: Any person or entity who infringes any of the protectable rights as stipulated in Articles 5, 6 or 7 of the subject law.

Second: Any person who claims to himself a work that is created or authored by others.

Third: Any person or entity who adapts, possesses, offers for sale or makes public by any means or enters into the territories of the Arab Republic of Syria any work in violation to the stipulations of the law herein for the purpose of commercial exploitation.

Fourth: Any person or entity who reproduces in the Arab Republic of Syria works that are protected in violation to the stipulations of the law herein and any person or entity who issues, sells, communicates, publishes or rents such works while being aware of such violation.

Penalties shall be multifarious according to the number of works being infringed.

Article 41

The penalty shall be multiplied in case of recurrence of the infringement.

Article 42

The court may order permanent or temporary foreclosure of the locations utilized by the violators or their accomplices for such infringement. The court may also order the confiscation of all the tools and equipment solely used for the unlawful publication in violation to the stipulations of the law herein. The court may order the publication of its ruling in one or more gazettes on the expenses of the sentenced violators.

Article 43

The Ministry may confiscate or request the confiscation of all the copies of the reproduced work that are reproduced in violation to the stipulations of the law herein.

Article 44

The court may, upon the request of the creator or author or his successors or the request of the Ministry, rule the following measures in relation to any work published or offered without the written approval of the creator or author or his successors:

- a) Make a detailed description of the work.
- b) Order the discontinuation of the publication of the work, displaying or producing such.
- c) Order the impoundment of the original work and the copies thereof (books, pictures, tapes or compact discs ... etc) and the materials used in republishing or reproducing such work provided that such materials are solely used for the republishing or reproducing of such work.
- d) Corroboration of evidence of public performance of the works that are displayed or performed before the audience and prohibit continuation of the show in the present or in the future.
- e) Order the inventory of the outcomes resulting from the publication or display, by an expert to be appointed for that reason, if needed, and impoundment of the outcomes in all cases.

Article 45

The court to which the dispute is brought before may, upon the creator or author or his successor's request, order the destruction of the copies or reproductions of the work that was illegitimately published and the materials used in such publication provided it could not be otherwise utilized. The court may order to change the characteristics of such copies or reproductions or render such inoperable at the cost of the relevant party.

The court may, in case the copyright matures within a period less than two years as of the date of the ruling, substitute its previous order to provisional seizure of such copies, reproductions or materials in compensation for the damages to the creator or author or the destruction or change the characteristics of such, without prejudice to the copyrights as stipulated in the relevant Articles.

Chapter IX General Provisions

Article 46

All the firms licensed to publish, reproduce, distribute or sell works in the Arab Republic of Syria shall hold in their files the written documents from the owner of the copyright or the relevant authorities authorizing the firm for such activities whether such work is from within the country or abroad provided that for works from abroad, the written documents should be accompanied by the statement indicating the source of such work and the relevant permission or agreement entitling the reproduction, distribution or sale of such.

Article 47

The Minister shall issue a decision to nominate the civil servants who shall have the judicial authority in enforcing the stipulations of the law herein after administering the judicial oath before the First Instance Civil Court. Such employees are authorized to inspect the firms publishing, distributing, reproducing and issuing the works in the country. They shall also have the power to apprehend any violation to the stipulations of the law herein and may accordingly seize the materials, copies and means utilized in such violations as stipulated in the law herein with the support of the security and police forces whenever such support is required.

Article 48

The Minister shall issue the decisions, regulations and executive bylaws as of the date of

promulgation of the law herein.

Article 49

All provisions contrary to the law herein shall be considered null and void.

Article 50

This law shall be published in the official Gazette and shall come into force as of the date of issuance.

Damascus 4/12/1421 Islamic Calendar, concurrent with 27/2/2001 A.D.

Bashar El-Asad
President
Arab Republic of Syria

NEW DRAFT LAW HAS BEEN RECENTLY DRAFTED, BUT HAS NOT BEEN PASSED YET.