

**REVIEW OF LEGISLATION**

Responses from Oman to the questions posed by the United States

Addendum

By means of a communication from the Permanent Mission of Oman, dated 31 August 2001, the Secretariat has received the following responses to the questions posed by the United States, as circulated in document IP/C/W/268/Add.1.

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A. GENERAL

1. *Please describe, in relation to each form of intellectual property covered by the TRIPS Agreement, including plant variety protection, the manner in which national treatment and most favoured nation treatment are provided to nationals of other WTO Members.*

The Royal Decree 92/2000 promulgated the Law on the Protection of New Plant Varieties. Article 7 of this law provides that the breeder's right, in accordance with this law, is enjoyed by Omani nationals, Omani juridical persons, resident expatriates and foreign juridical persons located in Oman and the subjects of countries that provide in their legislation protection for Omani national protection not less than the protection stipulated in this law provided that they have legal resident agents.

B. COPYRIGHT AND RELATED RIGHTS

2. *Please explain whether and how the copyright law of Oman complies with Article 9 of the TRIPS Agreement requiring that Members comply with all Articles 1 through 21 of the Berne Convention (1971), except Article 6<sup>bis</sup>, since Members do not have rights or obligations relating to the latter Article under the TRIPS Agreement.*

Article 9 of the TRIPS Agreement obligates member States to comply with the provisions of Articles 1 to 21 of Berne Convention (1971) and its Appendix. According to Article 9.2 of the TRIPS Agreement, copyright protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such. There is nothing conflicting with this meaning in the Law on the Protection of Copyright and Related Rights promulgated by the Royal Decree No. 37/2000.

3. *Please explain how the copyright law of Oman protects computer programs as literary works and compilations of data as required by Article 10 of the TRIPS Agreement.*

Article 13 of the Law on the Protection of Copyright and Related Rights provides that author's rights may not be seized pursuant to a court decision. However copies of a published work may be seized; works whose owners die before their publication may not be seized unless it is proven beyond any doubt that such owners intended to publish such works before their death.

Article 14 provides that upon request from the author, the owner of the author's rights or their successors in title, the competent court may order the following provisional measures:

- Put an end to the infringement of any right protected under this law.
- Seize the infringing copies of the work and the material used in making such copies.
- Designate an official receiver for the work under conflict, who shall be responsible for republication, presentation, manufacturing or the making of copies of the work. The resulting proceeds shall be deposited with the Court Treasury. Such receivership shall cease by agreement between the concerned parties or by a court decision.
- Designate an expert to assess the proceeds of such republication or presentation if necessary, and seize the income in all cases.

4. *Article 11 of the TRIPS Agreement requires that rental rights for computer programs and cinematographic works be available. Please cite to the corresponding provision of the copyright law of Oman.*

Article 10 of the Law on the Protection of Copyright and Related Rights provides that the author or the holder of author's right may transfer the economic rights in the work in whole or in part, for free or against compensation- Such act must be made by a written contract specifying explicitly and in details each right subject to the act with an indication of the scope, objective, period and place of exploitation and the compensation, if any.

5. *Please state the length and terms of protection the copyright law of Oman provides for a work other than a photographic work or a work of applied art and cite to the relevant provision of law.*

Article 8 of the Copyright Law provides that the term of protection of author's financial rights shall continue for fifty years from the date of the first publication as to the following works: cinematographic works, works of applied arts and photographs.

6. *Please describe the protection the copyright law of Oman provides for performers, and the term of the protection.*

Performers enjoy the same protection mentioned in the answer to question 3. As for the protection period, Article 19 provides that:

"The term of protection of the rights of performers and producers of sound recordings shall be fifty years, under the Gregorian Calendar, from the beginning of the first year after the starting date of the recording, fixation or performance, as the case may be."

7. *Article 14.2 of the TRIPS Agreement provides that producers of phonograms are to enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms. Article 14.2 requires that producers of phonograms are to have the right to authorize or prohibit the commercial rental to the public of originals or copies of their phonograms. Please describe how the copyright law of Oman implements these obligations and indicate the term of protection.*

Article 18 of the Copyright Law provides that producers of sound recordings shall enjoy the following rights:

- Direct or indirect reproduction of their recordings.
- Commercial rental of their recordings.

#### C. TRADEMARKS

8. *Please describe the subject matter that can comprise a trademark under the trademark law of Oman.*

Article 1 of the Law on Trademarks, Indications and Secrets and Protection against Unfair Competition provides that a trademark means any visible form capable of being distinguished and consists of words, signatures, personal names, letters, numbers, logos, symbols, addresses, seals, engravings, combinations of colours, figurative elements or any other sign or combination of such elements, if it is used or intended to be used to distinguish goods, products or services as those of the owner of the mark by reason of their manufacture, choice, sale or offering for sale.

9. *Please describe the procedure that must be followed to register a trademark in Oman, citing the relevant provisions of the law, and describe the rights that the owner of a registered mark can exercise.*

Application for the registration of the trademark is made on the form designated therefore, signed by the applicant or his duly authorized agent and accompanied with the fees for the registration of the application.

- Application must be limited to the registration of one trademark.
- In case the applicant is a company non-existing in Oman, the application must be accompanied with a power of attorney.
- The Department shall examine the application and if accepted, it shall be published in one daily newspaper and the Official Gazette. Then a registration certificate shall be issued if the mark is not objected to within the legal period and a period of two months from the date of publication.
- The owner of the mark shall have the right to license the use of the mark, transfer its ownership and to prevent its imitation.

10. *Please provide the length and terms of protection that the trademark law of Oman provides for a trademark.*

Article 16 of the Law on Trademarks provides that:

"The term of protection resulting from the registration of the mark shall be ten years. The right holder may secure the continuity of such protection for similar periods by making a request for renewal, within the last year and under the conditions prescribed by the regulations. Within the month following the expiration of the term of protection, the registrar shall send at the address of the owner of the mark a written notification of the expiration of the mark. If, within the six months following the expiration date, the owner of the mark fails

to make a request for renewal, the Registrar shall remove the mark from the Register *ex officio*."

D. GEOGRAPHICAL INDICATIONS

11. *Please describe in detail how the laws of Oman provide for the recognition and protection of geographical indications required by Article 22.2 of the TRIPS Agreement, citing to the relevant provisions of law or regulation, and provide examples of geographical indications so protected.*

Article 5 of the Law on the Protection and Geographical Indications provides that a good may not be designated or presented to the public in a manner which suggests that it originates in a geographical area other than the true place of origin, misleads the public or constitutes an act of unfair competition, including the use of the false geographical indication with a mention of the true place of origin of the good and the use of a geographical indication in translation or accompanied by expressions such as kind, style or imitation.

We have no examples so far as these laws are new to us and the implementing regulations have not been issued yet. However geographical indications in the Sultanate enjoy protection whether they are registered or not.

12. *Please describe in detail the manner in which the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is implemented, citing to the relevant provisions of law or regulation, and provide examples of geographical indications for such products.*

The law provides adequate protection for all geographical indications including wines and spirits. (Refer to the previous answer)

E. INDUSTRIAL DESIGNS

13. *Please describe the procedure that must be followed to obtain protection for industrial designs, citing to the provisions of the law of Oman, and describe the nature of the protection provided.*

Registration of industrial designs is a must in order to obtain protection therefore as such registration is considered a proof of ownership unless it is established otherwise. Article 12 of the Law on the Protection of Industrial Designs provides that

"Any person who carries out any of the following acts shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand Rials Omani or both:

- (a) imitates an industrial design registered under this law.
- (b) knowingly sells, offers for sale, imports or processes with the intention to sell products embodying an industrial design registered in Oman.
- (c) illicitly affixes; on products, advertisements, trademarks, containers or other object indications that may lead to believe that the object is a registered industrial design."

14. *Please describe the procedure that must be followed to obtain protection for textile designs and cite to the relevant provisions of law or regulation.*

There is no special protection or treatment for textile designs as they are considered industrial designs.

## F. PATENTS

15. *Please describe in detail the way in which the patent law of Oman implements Article 27 of the TRIPS Agreement, indicating any exceptions provided for, and including details regarding the protection for micro-organisms and non-biological and microbiological processes and plant varieties. Please cite to the relevant provisions of the law.*

Article 4 of the Patent Law provides that:

"The following are not regarded as inventions according to the regulations of this law:

- (a) Scientific theories, mathematical methods, computer programs, pure mental activities and playing game.
- (b) Plant and animal research, or biological methods for the production of plants, animals or types of plant and animal. Exempted from this Article is minute biology and its produce.
- (c) Methods of surgical or medical treatment of human and animal body, and methods for diagnosis of illnesses applied to humans or animals."

16. *Please describe in detail the rights provided patent holders under the patent law of Oman and cite to the relevant provisions of law.*

Article 9 of the Patent Law provides that the patent entitles its owner to exploit the invention by manufacturing, using such invention and importing what is manufactured thereof, selling and offering it for sale whether the subject of the patent is a product or a process. Third parties shall not exploit the patent without having the owner's consent.

17. *Please describe in detail any provisions in the laws of Oman permitting unauthorized use of a patent, citing to the relevant provisions of law, and describe in detail the conditions under which such use can occur.*

Article 15 of the Patent Law provides that:

"Three years after awarding the patent, whomever is concerned may request a compulsory licence to utilize the invention for any of the following reasons:

- (a) Not utilizing the patent actively and seriously within three years from being awarded.
- (b) Suspension of the utilization of the invention protected by the patent, by the patent utilizer, for two consecutive years.
- (c) The patent holder's refusal to grant license contact to utilize it, which may impact the establishment, or development of industrial or commercial activities within the Sultanate of Oman."

18. *What term of protection does the patent law of Oman provide for patents? Please describe any provisions for extension of the term of protection and cite to the relevant provisions of the law.*

Article 11 of the Patent Law provides that patent protection period shall be twenty years, from the date of obtaining the patent and the invention during the term from the date of applying for the patent until the patent is obtained shall enjoy the same protection as determined for the patent.

G. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

19. *Please describe in detail the protection for layout-designs of integrated circuits provided under the laws of Oman, including the term of protection, and cite to the relevant provisions of law.*

Article 11 of the Law on the Protection of Layout-Designs (Topographies) of Integrated Circuits provides that, whoever:

- reproduces a layout-design protected under this law without authorization of the right holder; or
- imports, sells or distributes a registered layout-design or a product incorporating an integrated circuit without authorization of the right holder, shall be punished by a term of imprisonment not to exceed two years or/and a fine of not more than two thousand Rials Omani.

The protection period is ten years from the date of the filing of the registration application.

H. PROTECTION OF UNDISCLOSED INFORMATION

20. *Please describe in detail how the laws of Oman provide for the protection of undisclosed information as required by Article 39.2 of the TRIPS Agreement and provide citations to the relevant provisions of law.*

Article 34 of the Trade Marks, Data Secrets and Protection from Unfair Competition provides that natural and legal persons shall not disclose information lawfully within their control in a manner contrary to honest commercial practices so long as such information is secret in the sense that it is unknown, has commercial value because it is secret or has been subject to reasonable steps to keep it secret or not easily accessible to an ordinary person within the circles that normally deal with the kind of information in question.

21. *Please describe in detail the manner in which protection is provided test data regarding pharmaceutical and agricultural chemical products submitted to the government in order to obtain marketing approval in Oman and cite to the relevant provisions of law.*

Article 34 also provides that disclosure includes use of the data, tests or other undisclosed information submitted to competent authorities in order to obtain the marketing licenses necessary for pharmaceuticals or of agricultural chemical products which utilize new chemical entities the originating of which resolves a considerable effort.

22. *Are other applicants for marketing approval for their own versions of a previously approved pharmaceutical or agricultural chemical products permitted to rely on data submitted by the earlier applicant? If so, how long a period of exclusivity is given the earlier applicant before such reliance becomes possible.*

See the answers to questions 20 and 21. Measures shall be detailed in the regulations to be prepared.

I. ENFORCEMENT

23. *Please describe in detail the manner in which the laws of Oman provide for effective action against infringement of intellectual property rights as required by Article 41.1 of the TRIPS Agreement.*

Answers to questions 23 to 26 are included in the attached appendix that contains all related matters to enforcement and criminal procedures as provided in the different Omani laws as there is no separate enforcement law so far.

24. *Article 43.1 of the TRIPS Agreement requires that judges be authorized to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party. Please describe how the laws or regulations of Oman provide this authorization, citing to the relevant provisions of law or regulation.*

Please see the reply to question 23.

25. *Please describe in detail the all of the civil remedies that are available to right holders under the laws of Oman, citing to the relevant provisions of law or regulation.*

Please see the reply to question 23.

26. *Please describe in detail the provisional procedures and remedies available to right holders under the laws of Oman, citing to the relevant provisions of law and regulation, and indicate any condition under which a right holder may avail itself of those procedures and remedies.*

Please see the reply to question 23.

#### J. SPECIAL REQUIREMENTS RELATED TO BORDER MEASURES

27. *Please describe in detail the procedures under the laws of Oman that provide for border enforcement at least for trademark counterfeiting and copyright piracy, identifying the competent authority and citing to the relevant provisions of law or regulation.*

See the appendix.

28. *Please indicate if border enforcement is available to owners of other forms of intellectual property and, if so, please describe the procedures and remedies available in relation to each form of intellectual property, citing the relevant provisions of law.*

In the appendix there are references to some border measures related to imports. We may resort to reference laws such as the unified customs law. As for the competent authorities, they are the Commercial Court, Customs and the Department of Intellectual Property, especially in relation to trademarks.

29. *Article 58 of the TRIPS Agreement specifies procedures to be followed where the competent authorities can act ex officio. Please explain whether the competent authorities in Oman are empowered to act ex officio and, if so, please identify the intellectual property areas subject to ex officio action.*

In the event that the competent authorities receive information regarding infringement of intellectual property rights, the infringing goods may be suspended or prevented from entering the Sultanate. In case of counterfeit goods the authorities shall suspend them. The authorities have recently conducted inspection campaigns on visual and audio tapes shops and confiscated all limited works.

#### K. CRIMINAL PROCEDURES

30. *Please describe in detail how the laws of Oman implement Article 61 of the TRIPS Agreement that requires Members to have criminal procedures and penalties, including imprisonment and/or*

*monetary fines sufficient to act as a deterrent, at least for cases of wilful trademark counterfeiting and copyright infringement on a commercial scale. Please cite to the relevant provisions of law and regulation.*

See the appendix.

31. *Article 61 also requires that remedies in appropriate cases include the seizure, forfeiture and destruction of infringing goods and any materials and implements the predominant use of which has been the commission of the offence. Please describe the provisions in the laws of Oman that provide for such remedies, and describe the circumstances in which those remedies would be imposed, citing to the relevant provisions of law or regulation.*

See the appendix.

32. *Article 61 also indicates that Members may provide for criminal procedures and penalties in cases of wilful infringement of other forms of intellectual property. Please describe any provisions of the laws of Oman that provide for such procedures and remedies, citing to the relevant provisions of law or regulation.*

See the appendix.

#### L. STATISTICAL QUESTIONS

33. *Please provide statistical information related to civil copyright, trademark, geographical indication, industrial design, patent, integrated-circuit layout design, and trade secret enforcement for 2000, including the number of cases filed; injunctions issued; infringing products seized; infringing equipment seized; cases resolved (including settlement); and the amount of damages awarded.*

No statistics can be available as to geographical indications, industrial designs, patents, integrated circuits and trade secrets for the year 2000 as the executive regulations have not been issued yet. The statistics for trademark are as follows:

2822	applications for the registration of trademarks.
1183	trademarks registered
1018	applications for the examination of marks.
1416	entries of trademark data.
86	assignments.
244	transfer and property.
4249	file studies.
1044	renewals of trademarks.

The number of applications for filing intellectual works in 2000 amounted to 96 filing applications for which 96 certificates were issued.

34. *Please provide statistical information related to criminal enforcement in the area of copyright piracy and trademark infringement for 2000, including the number of raids, prosecutions, convictions, and the amount of fines and/or jail terms (including whether the fines were paid and whether the jail term was actually served or was suspended) and any other information establishing that the criminal system operates effectively to deter copyright piracy and trademark counterfeiting.*

In the year 2000, 55 000 audio-visual works including computer programs were confiscated. As for deterrent laws, we have addressed them within the answers related to enforcement and criminal procedures.



**APPENDIX COMPRISING ALL THE LAWS ON  
ENFORCEMENT AND CRIMINAL PROCEDURES  
IN THE SULTANATE OF OMAN**

Patent Law 82/2000

Article (9): The Patent entitles its holder the right to utilize the invention by manufacturing, usage, import whatever is being manufactured and offer it for sale, whether the subject of the invention was material produce, industrial operation or manufacturing process. Others may not utilize the patent without the patent holder's permission.

Article (21): In the event of any illegal act, or violation of this law or the licence awarded in accordance with its provisions, the patent holder, or whomever some or all the patent's rights have been assigned to, in accordance with this law., may request the competent court to issue a provisional seizure on the invention and the installation used or utilized for the invention , or part therefrom.

Article (23): Anyone requesting a provisional seizure should deposit a bond, to be specified by the court, prior to the seizure order. The confiscator should raise the subjective case within eight days from the court's order, otherwise it shall be considered as null and void.

Article (24): Without prejudice to any greater penalty stipulated by another law, anyone submitting false or incorrect documents or information to obtain a patent, or anyone forging an invention or manufacturing process, or encroached intentionally upon any right protected by this law, shall be punished by imprisonment for not more than two years and/or a fine not exceeding Rials Omani two thousand.

The Court may order the seizure of confiscated items, or its destruction, together with the machinery and equipment used in the forgery.

Penal Code No 7/74:

Article (307): Shall be punished by imprisonment for a term of three months to two years and a fine of Rial Omani ten to three hundred, whoever imitates an invention or an industrial design registered in the territory of the Sultanate or abroad to make profit or to cause damage to the owner of such invention or industrial design,

Law of Trademarks 38/2000

Article (35): A punishment by imprisonment for a period not exceeding two years and /or a fine not exceeding two thousand Rials Omani. shall be applicable to any person who:

- (i) counterfeits a mark registered under this Law, imitates such mark in a manner that is likely to mislead the public or uses in bad faith a counterfeited or imitated mark;
- (ii) knowingly sells, offers for sale or circulation, possesses with the intention to sell, products bearing a counterfeited, imitated or illicitly placed mark;
- (iii) uses in bad faith a mark identical with or similar to a well-known marks, whether registered or not registered, in a manner that is likely to mislead the public, provided that, in the case of a well-known mark that is not registered, goods or services are identical or similar;
- (iv) contravenes in bad faith provisions on trade indications;

- (v) intentionally contravenes provisions on unfair competition or protection of trade secrets.

Article (36): The owner of a mark may, at any time even before filing a commercial or criminal action, request, by a petition accompanied by an official certificate of the registration of the mark, that the chief judge of the Commerce Court issues an order to take the necessary conservative measures, particularly the seizure of equipment and implements likely to be used or effectively used in committing the offence. The same shall apply to product, goods, titles, packages, papers or whatever bears the infringing mark or indications. Such seizure may be executed upon importation of the goods. The order may include the designation of an expert or more to assist in the seizure and require that the person making the request makes a deposit.

Article (38): In any commercial or criminal action, the competent court may decide to confiscate the material seized or to be seized to deduct its value from damages or fines or dispose thereof in any other manner considered convenient by the court.

In addition, the court may decide the destruction of illegal marks and, when necessary, products, packages, wrapping material titles, catalogues and other material bearing such marks or illegal indications. It may also order the destruction of equipment and implements particularly used in counterfeiting. Such orders may be issued even in the case where a judgement of non guilty is rendered.

The court may order the publication of the decision in the Official Gazette at the expense of the person against whom the decision was pronounced.

#### Oman Penal Code 7/74

Article (305): Shall be punished by imprisonment for a term of three months to three years and a fine between Rials Omani 20 and 500 whoever imitates a distinguishing registered mark belonging to a third party, whatever its shape may be, or places such mark on any product or a commercial commodity. Also, the same punishment shall apply to whoever, knowingly, offers for sale or sells a product or a commodity bearing such imitated mark.

Article (306): Shall be punished by imprisonment for a term between two month and two years and a fine of not less than Rials Omani 20 (twenty) and not more than Rials Omani 300 (three hundred) whoever make a mark similar to a registered mark with the intention of swindling without imitating such mark, and whoever uses such similar mark or sell or offer for sale a product bearing such mark if his act may mislead the buyer.

Article (307): Shall be punished by imprisonment for a term between three months and two years and a fine of ten Rials Omani to Rials Omani three hundred whoever:

illegally uses, in any way, the trade name of a third party even if the illegally used name is a little bit distorted or associated with an epithet other than that of the owner of such trade name or with any expression that keeps the distinguishing letters of the name and leads to confusion.

#### Commercial Law No 55/90

Article (47): Where a tradename is used by a person other than its owner or if used by its owner in a manner inconsistent with the law, the parties concerned may apply for ban on its use. They may also apply for the deletion thereof if it is recorded in the Commercial Register and may also have recourse to compensation where there is cause.

Article (48): The merchant may not resort to deception and fraud in disposing of his goods and shall not publish false information in respect thereof which is damaging to the interests of another competing merchant, otherwise he shall be liable for compensation.

Article (49): The merchant may not disseminate any particulars which are inconsistent with fact as regards the origin or description of his goods or the importance of his trade. Neither may he declare contrary to fact that he holds a degree or certificate or award nor resort to any other method which misleads with intent to entice clients from another competing merchant, otherwise he shall be liable to pay compensation.

Article (50): A merchant may not induce the workers or employees of another merchant to assist him in enticing clients from such merchant or to leave the service of the latter to enter into his service and disclose to him the secrets of his competitor. Such activities shall be deemed unlawful competition which requires compensation.

Article (51): A person whose profession it is to provide commercial entities with information on the situation of merchants and who in return for a fee deliberately or by way of gross negligence supplies false information about the conduct or financial position of a merchant shall be liable to compensate for the damage caused by this error.

#### Law on the Protection of Industrial Designs No. 39/2000

Article (12): Any person who carries out any of the following acts shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand Rials Omani or both:

- (a) imitates an industrial design registered under this law.
- (b) knowingly sells, offers for sale, import or processes with the intention to sell products embodying an industrial design registered in Oman.
- (c) illicitly affixes on products, advertisements, trademarks, containers or other object indications that may lead to believe that the object is a registered industrial design.

Article (13): The rights holder in an industrial design may request from the chief judge of the Competent Court or any judge designated by him from that Court to issue an order to take the necessary conservative measures, such as preventing third parties from manufacturing, selling or importing for commercial purposes goods which embody, wholly or partly, a protected industrial design, and seizing used equipment or implements. The same shall apply to products, goods, packages, papers or others.

An action on the merits shall be filed with the Competent Court within fifteen days from the date of which the order was issued, failure of which shall cause the measures to cease to have effect.

#### Law on the Protection of Geographical Indications No 40/2000

Article (5): A good may not be designated or presented to the public in a manner which suggests that it originates in a geographical area other than the true place of origin, misleads the public or constitutes an act of unfair competition, including the use of a false geographical indication with a mention of the true place of origin of the good and the use of a geographical indication in translation or accompanied by expressions such as kind, style and imitation.

Article (6): Any interested person may, pursuant to Article (2), request that an order be issued by the chief judge of the Commerce Court or a judge designate by him from the Court to take the necessary

conservative measures, including in particular, seizure of goods, products, packages, papers or the same.

An action on the merits shall be filed with the competent department of the Commerce Court within fifteen days from the date at which the order was issued, failure of which shall cause the measures to cease to have effect.

Article (11): Any person who intentionally commits any of the acts mentioned in Article (5) of this law shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand Rials Omani or both.

#### Law on the Protection of Topographies Rights of Integrated Circuits No 41/2000

Article (4): The holder of the layout-design shall have alone the right to exploit commercially the layout-design. No other person shall have the right to import, reproduce, sell or distribute any protected layout-design, unless having obtained a written authorization from the holder of the right to explore the layout-design commercially or the successors in title.

Article (9): The right holder may request from the chief judge of the Court of Commerce or a judge designated by him from that Court to issue an order have the necessary conservative measures, particularly the seizure of implements used. The same shall apply to product, goods or others.

An action on the merits shall be filed with the competent department within fifteen days from the date at which the order was issued, failure of which shall cause the measures to cease to have effect.

Article (11): Any person who carries out any of the following acts shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand Rials Omani or both:

- (a) reproduces a layout-design protected under this law without the authorization of the right holder.
- (b) imports, sells, or distributes a registered layout-design or product incorporating an integrated circuit without the authorization of the right holder.

#### Law on the Protection of Copyright and Related Rights No. 37/2000

Article (14): Upon request from the author, owner of the author's rights or their successors in title, the competent court may decide to order the following conservative measures be taken:

- (a) put an end to the infringement of any right protected under this law.
- (b) seize infringing copies of the work and material used to make these copies.
- (c) prove the existence of a public performance in case of execution, representation or public recitation of a work, and discontinue or prevent the display of the show.
- (d) designate an official receiver for the work under conflict, who shall be responsible for the publication, presentation, manufacturing or making of copies of the work ; the resulting proceeds shall be deposited with the Court Treasury. Such receivership shall cease by agreement between the concerned parties or by a court decision.
- (e) designate an expert to assess the proceeds of such publication, or presentation, where necessary, and seize the income in all cases.

The plaintiff shall file an action on the merits of the case with the Court within the following fifteen days, for a decision on the merits and appropriate damages to be granted. Otherwise, the measures shall cease to have effect.

Article (23): Infringement of any moral or economic right of authors or holders of related rights under this Law shall be punished by imprisonment for a maximum period of two years, by a maximum fine of two thousand Omani Rials or both. In particular, any of the following acts shall be considered infringements:

- (a) selling or making available, by any means, a work protected under the provisions of this law.
- (b) imitating in Oman a work published abroad, or knowingly making available, exporting or shipping abroad such imitation.
- (c) communicating or making available to the public, a performance, broadcast or sound recording through a computer network for commercial purposes.
- (d) illicit removal or alteration of any technical protection intended to regulate or limit public access to the work, performance, broadcast or recording, or distribution, import for distribution purposes, broadcasting or making available to the public of the above, provided that the person who commits the act knows or has grounds to know the committed infringement.

Law on Control of Artistic Works No. 609/97

Article (5): Non original artistic works shall not be circulated, sold or displayed except by authorization of the producer or the authorized agent in Oman.

Article (25): Whoever contravenes the provisions of paragraph first, second and third or Article (3) this Law shall be punished by imprisonment for a term of not more than two years and for a fine of not less than Rials Omani one thousand and not more than Rials Omani two thousand. Such punishment shall be doubled in case of recurrence.

Article (3): None of the following acts shall be performed without authorization from the Ministry in connection with artistic works:

- (a) their phonography, recording, reproduction or alteration with the aim of exploiting them.
- (b) their import or export.
- (c) their distribution, rental, circulation or sale.

Article (30): The provisions of this Law shall not apply to artistic works imported for personal use, and shall be punished whoever imports them and agrees to their reproduction for commercial purposes or circulation by the penalty set forth in Article (25) of this Law.

Gulf Cooperation Council (GCC) Unified Customs Law

Article (24): Customs authorities shall prevent the entry, transit or exit of prohibited or impinging goods according to the provisions of this Law or any other Law or decision. Restricted goods shall not be accorded entry, transit or exit except by approval of the state competent authority.

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