

**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

OMAN

The present document reproduces the text¹ of Royal Decree No. 37/2000 promulgating the Law on the Protection of Copyright and Neighbouring Rights, as notified by Oman under Article 63.2 of the Agreement (see document IP/N/1/OMN/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

OMAN

Le présent document contient le texte¹ du Décret royal n° 37/2000 promulguant la Loi sur la protection du droit d'auteur et des droits voisins, notifiée par l'Oman au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/OMN/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

OMÁN

En el presente documento se reproduce el texto¹ del Real Decreto N° 37/2000 de promulgación de la Ley de Protección del Derecho de Autor y Derechos Conexos, que Omán ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/OMN/1).

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

Royal Decree No. 37/2000
Promulgating the Law on the Protection of Copyrights and Neighbouring Rights

We, Qaboos Bin Said, Sultan of Oman

After perusal of the Basic Law of the State promulgated by the Royal Decree No. 10I/96.

And the Copyrights Law promulgated by the Royal Decree No. 47/96.

And in pursuance of the public interest.

Have decreed as follows:

- Article 1: The provisions of the attached Law on the Protection of Copyright and Neighbouring Rights shall apply.
- Article 2: The Minister of Commerce & Industry shall issue the regulations and decisions necessary for the implementation of the provisions of the present Law.
- Article 3: The Royal Decree No. 47/96 mentioned above shall be cancelled.
- Article 4: This Decree shall be published in the Official Gazette and shall come into force as from the date of its publication.

Qaboos Bin Said
Sultan of Oman

Issued on: 17 Safar 1421 H.
21 May 2000

Official Gazette No. 672

SULTANATE OF OMAN

LAW ON COPYRIGHT AND RELATED RIGHTS

CHAPTER I

DEFINITIONS

Article 1:

For the purposes of this Law, the following words and expressions shall have the meanings given below, unless otherwise required by the context:

Author: the natural person who created the work.

Work: any created literary, scientific or artistic work.

Audiovisual work: any work made to be listened to and watched simultaneously, which consists of a series of related images with accompanying sounds recorded on an appropriate medium, to be displayed through appropriate devices.

Collective work: a work created by a group under the direction of a natural person or legal entity in such a way that the individual contributions to the work are indistinguishable from each other. The natural person who or legal entity which directed and organized the creation of this work shall alone have the right to exercise the author's rights in such a work.

Joint work: a work created by more than one person. Where it is impossible to distinguish the contribution of each one in the joint work from that of the others, all shall be equally considered owners of the work, unless otherwise agreed. Where the individual contributions

to the work are distinguishable, each shall have the right, unless otherwise agreed, to exploit alone his contribution without prejudice to the exploitation of the joint work.

Translation: the expression of a work in a language other than that of the original text.

Publication: making copies of a work or a sound recording available to the public with the consent of the author or the producer of the sound recording, in a quantity that reasonably satisfies the public needs, through sale, rental or otherwise transfer of ownership, possession of a work, sound recording or right to use such work or sound recording. Publication also means making a copy of a work or a sound recording available to the public by any electronic medium.

Computer programs: a set of expressions and instructions expressed in any language, code or scheme, for direct or indirect use in computers with the aim to achieve specific results.

Folklore: literary, artistic or scientific works created in Oman by popular groups expressing their cultural identity, which are transferred from generation to generation and represent a fundamental element in the national popular traditional heritage. The competent authority shall exercise the author's rights in works of folklore to object to any mutilation, modification or unlawful commercial exploitation.

CHAPTER II

SCOPE OF PROTECTION

Article 2:

Protection under this Law shall be enjoyed by authors of created literary, scientific, artistic and cultural works in general, regardless of the value, type, method of expression or objective of such works. Such protection shall extend in particular to authors of

- (a) books, computer programs and other written material.
- (b) oral works such as lectures, speeches and sermons.
- (c) dramatic and dramatico-musical works.
- (d) musical works, with or without accompanying words.
- (e) choreographic works and pantomimes.
- (f) aural and audiovisual works.
- (g) drawings, paintings, works of architecture, sculpture, engraving, and ornamental works.
- (h) works of applied arts, whether handicraft or industrial.
- (i) illustrations, maps, plans, sketches, three-dimensional works relative to geography or topography, architecture and science.
- (j) folklore.
- (k) title of the work, where such title is creative and is not a common term identifying the subject of the work.

Article 3:

Protection under this Law shall be enjoyed by

- (a) anyone who translates into another language, summarizes, modifies, adapts or transforms the work in such a manner as to appear in a new form.
- (b) collections of works, expressions of folklore from popular traditional heritage, anthologies and data bases, provided that such collections are creative by reason of their arrangement or selection of their contents.

Protection provided for in the foregoing paragraphs shall be without prejudice to protection enjoyed by authors of the original works and their successors in title.

Article 4:

Without prejudice to the provisions of Articles 2 and 3, protection shall not extend to

- (a) international treaties, court decisions, official documents as well as official translations thereof.
- (b) published, broadcast or publicly reported news.
- (c) works which have fallen in the public domain.

CHAPTER III

AUTHOR'S RIGHTS

Article 5:

Author's rights include

- (a) Moral rights
 - (i) to claim authorship of the work or publish it under a pseudonym or anonymously.
 - (ii) to object to any deletion, change, addition or any other modification of the work without the author's consent.

The rights set out in the foregoing items may not be assigned, disposed of or subject to prescription.

(b) Economic rights:

- (i) reproduction of the work by any means.
- (ii) translation into another language, summary, adaptation or other transformation of the work.
- (iii) public performance or communication to the public of the work by any means.
- (iv) any commercial exploitation of the work, including rental of the original or copies of the work.

CHAPTER IV

FREE USE OF PROTECTED WORKS

Article 6:

The following uses of works shall be lawful even without the consent of the author provided that the source and the name of the author are clearly indicated:

- (a) quoting paragraphs from the work in another work for clarification, explanation or criticism purposes, provided that such quotations comply with common practice and are justified by the goal to be achieved.
- (b) exploitation of the work for teaching purposes by way of illustration, in publications, radio or television broadcast, cinematographic work, for

educational or teaching purposes, within the limits required by the goal to be achieved.

- (c) reproduction of protected works by public libraries, non-commercial documentation centers, educational establishments and scientific and cultural institutions, provided that such reproduction and the number of copies are limited to the needs of their activities and serve their purposes and that such reproduction does not cause prejudice to the legitimate interests of the author.
- (d) reproduction or publication by a newspaper or periodical of articles on current political, economic or religious topics, or broadcast of similar nature.
- (e) publication of addresses, lectures and speeches delivered in legal proceedings or any other work of the same nature, delivered in public. The author shall have alone the right to publish such works in one publication or by the means he chooses.
- (f) use of the work exclusively for personal and private purposes through reproduction, translation, quotation, musical arrangement, performance, radio listening or television watching or transformation in any other form.
- (g) mention of the work in the course of a radio or television broadcast on current events.

CHAPTER V

TERM OF COPYRIGHT PROTECTION

Article 7:

The author's economic rights shall last throughout the lifetime of the author and for fifty years, under the Gregorian calendar, from the beginning of the first year after his death.

In the case of a joint work, the term shall be fifty years, under the Gregorian calendar, from the first year after the death of the last surviving author.

Article 8:

The term of protection of the author's economic rights in the following works shall be fifty years, under the Gregorian calendar, from the date on which such works were first published:

- (a) cinematographic works, works of applied arts and photographic works.
- (b) works published under a pseudonym or anonymously, unless the author's identity is revealed during that period.
- (c) works published for the first time posthumously.

Article 9:

If a work consists of several parts published separately and at intervals, each part shall be considered an independent work for computing the term of protection.

CHAPTER VI

TRANSFER OF AUTHOR'S RIGHTS

Article 10:

The author or holder of the author's rights may transfer the economic rights in the work, in whole or in part, for free or against compensation. Such act shall be made by a written contract specifying explicitly and in detail each right subject to the act with an indication of the scope, objective, period and place of exploitation and, if any, the compensation.

Article 11:

Unless otherwise bequeathed, the individual or collective rights of authors shall devolve, after their death, onto their legitimate heirs.

CHAPTER VII

DEPOSIT OF WORKS

Article 12:

The right holder in a literary, artistic or scientific work may deposit at his own expenses a single copy of the work with the Ministry of Commerce and Industry. Such deposit shall be considered a presumption of ownership and shall be published in the manner prescribed by the Regulations.

The Ministry of Commerce and Industry shall issue a decision determining the deposit system and due fees.

These provisions shall not apply to works published in newspapers or periodicals unless such works are published separately.

CHAPTER VIII

MEANS FOR THE PROTECTION OF AUTHOR'S RIGHTS

Article 13:

Author's rights may not be seized pursuant to a court decision. However, copies of a published work may be seized. Works the owners of which die before publication may not be seized unless it is proven beyond any doubt that those owners intended to publish those works before their death.

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 that 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 those 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 republication, 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.
- (f) 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.

CHAPTER IX

PROTECTION OF PERFORMERS, PRODUCERS OF SOUND RECORDINGS AND BROADCASTING ORGANIZATIONS

Article 15:

"Performers" mean actors, singers, musicians, dancers and other persons who deliver, declaim or play music in literary or artistic works, whether such works are protected or have fallen in the public domain.

Article 16:

Performers shall enjoy the following rights:

(a) Moral rights:

- (i) to be identified as such with respect to their performances.
- (ii) to object to any distortion, mutilation or any modification of their performances.

(b) Economic rights:

- (i) to broadcast or communicate to the public their unfixed performance.
- (ii) to fix or record their unfixed performance.
- (iii) to reproduce sound recordings containing an unauthorized fixation of their performances.
- (iv) to rent sound recordings containing their performances.

Article 17:

(a) A producer of a sound recording is the natural person who or legal entity that undertakes the making of the recording under his or its name and responsibility.

(b) A sound recording is any materially fixed recording that consists of sounds, whether or not such sounds result from an artist's performance excluding, however, the sound track that accompany an audiovisual work.

Article 18:

Producers of sound recordings shall enjoy the following rights:

- (a) direct or indirect reproduction of their recordings.
- (b) rental of recordings.

Article 19:

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.

Article 20:

Broadcasting organizations shall enjoy the following rights in their broadcast:

- (a) fixation or recording of their broadcast and reproduction of such recordings.
- (b) rebroadcasting of the broadcast by wireless means and communication of such broadcast to the public.

Article 21:

The term of protection of the rights of broadcasting organizations shall be twenty years, under the Gregorian Calendar, from the beginning of the first year following the year when the recording or fixation was made.

Article 22:

The provisions of Articles 6, 13, 14 and 15 shall apply to the rights of performers, producers of sound recordings and broadcasting organizations, without prejudice to the nature of those rights.

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.

CHAPTER X

FINAL CLAUSES

Article 24:

The provisions of this Law shall apply to

- (a) works of Omanis or foreigners whose works, performances or sound recordings are published for the first time in Oman or a foreign country.
 - (b) works, performances, sound recordings and related rights existing when this Law becomes effective; the calculation of the term of protection of such works shall include the elapsed period from the date of the specific event when the term of protection started to the effective date of this Law.
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