



Executive Regulation of the Copyright Protection Act 1443H/ 2022G



Article 1: Definitions:

The following words and phrases, wherever they appear in the articles of the Regulation, shall indicate the meanings stated by before each of them:

Copyright: A collection of moral and material interests which are vested in a person's work.

Author: Every artist who innovates with his or her efforts in any literary, artistic or scientific work, such as writer, poet, painter, musician or other artist, according to the template in which expression is empty. 666

Innovation: The personal character that the author displays in his work and gives the work distinction. The work stands out through the essentials of the thought he displayed or the way he presented it.

Copyright infringement: Any unauthorized use of a classifier by the rightful holder that violates the instructions for use specified by the right holder, or the Authority of one or more of the infractions provided for in the Act and this regulation.

Work: An innovative literary, scientific or artistic production of any kind, significance, expression and purpose.

Literature: Works and products expressed in words, whatever their content, that is, written or oral.

Art Publications: Works and products that appeal to the general public's aesthetic such as drawing, painting, movement, sound, image, viewing or music.

Performance artists: Actors, musicians, singers, dancers, choirs and others who perform works and products of art in one form or another of literary or artistic works and products.

Deployment: Communicating or communicating directly or indirectly the work to the public or extracting copies or images from it or from any part of the work that can be read, seen, heard or performed.

Product: A natural or juridical person who, for the purpose of presenting the audiovisual work to the public, places the audiovisual work on a physical prop under his/her financial responsibility.

Audio: The fixing of sounds for performance or other sounds, or the fixing of sound representation in a form other than an installation included in another audiovisual work. Audio Recording Product: A natural or juridical person initiated and responsible for installing for the first time the sounds constituting the performance or other sounds, or for installing any representation of the sounds.

Compulsory license: Authorizing others to exploit the work without the consent of the author or the copyright holders, in accordance with the provisions stipulated in the Act and the regulation.

Act: copyright protection Act.

Regulation: implementing regulation of the Act.

Competent Department: competent Department of the Authority.

Authority: Saudi Intellectual Property Authority.

Council: Council of Directors of the Authority.



Chapter 1

Protected works and products, products and public performance rights

Article 2: Protected Works and products and products

The following works and products – for example without limitation shall be protected:

- 1- Theatrical works and products or musical plays.
- 2- Works and products performed by artistic movements or steps, and gestures.
- 3- Cinematographic works or products or those expressed in cinematographic style.
- 4- Works and products related to carving, drilling and printing.
- 5- Photographic works and products or those expressed in photographic style.
- 6- News reports which shall not include daily news events.

Article 3: Folklore:

- 1- Folklore (Saudi folklore) is considered to be a public property of the State and no one shall be entitled to any development or modification thereof except with the prior approval of the Authority.
- 2- Every expression reflecting the traditional folklore that originated or continued in the Kingdom of Saudi Arabia, shall be considered as a folklore, in particular:
 - A. **Folk expressions** such stories, puzzles, poetry and similar traditions.
 - B. **Musical expressions** such as songs, anthems and popular songs, whether they are delivered to the public in words or accompanied by music.
 - C. **Kinetic expression** such folk dances, art forms and what was performed at ceremonial events.
 - D. **Tangible expressions** such as calligraphy, color painting, engraving, ceramics, wood and iron made products, etc., or any other fine-graffiti, inscription, drawing, hand woven bags, needlework, carpets, clothing, etc.

Article 4: Rules for publishing and circulation of documents:

Authors must observe the provisions pertaining to the publishing and circulation of official documents issued in the Kingdom and obtain official approvals and consents to be published, circulated or translated, including the texts of Acts, regulations, judicial rulings and decisions of administrative bodies.

Article 5: Rights of public representation and performance:

The authors of theatrical works, musical plays, musical works or their representatives shall have the right to get an approval or a consent for the following: -

- 1- Representing or performing their products publicly, including by publicly representing and performing in all ways or means.
- 2- Establishing the performance of their works or transmitting the same to the public by all means, manners and ways.
- 3- Translating their works and products.

Article 6: Right to trace:

The authors of the original fine art works and products and those of the original musical manuscripts - even if they have given up ownership of the original version of their products – shall have the right to participate in a percentage of the proceeds of each sale of these works and products, and this shall not apply to the works and products of architecture and the works and products of applied art.



Article 7: Protection of performers, producers of audio recordings and organizations of broadcasting.

First: Producers of audio recordings and performers:

Performers and producers of audio recordings shall have an exclusive right to get an approval or a consent to do the following:

- 1- Public performance of their products, including public recitation by all means or methods.
- 2- Transfer and performance of their works and products to the public by all means.
- 3- Fix their performance on a physical pillar.
- 4- Authorize the transfer all or some of their own works and products through information networks.
- 5- To issue a license for recording audios and circulating the same in specified States. Any copy imported from exclusively licensed States or made without the authorization of the author and subject to confiscation shall be deemed to be incompatible with rights.
- 6- Authorize the distribution and leasing of their original works and products.
- 7- Producers of sound recordings shall have the right to authorize or prevent direct or indirect copying of their audio recordings.

Second: Broadcasting corporations:

Broadcasting corporations may prohibit any of the following acts whenever they are performed without a license:

1. Recording radio programs and copying any thereof.
2. Retransmission via radio means, and public transmission of such materials.
3. Determination of the methods of direct broadcast or reception, by the means of capture devices or by cable.
4. Transmission of radio broadcasting to the public in public places or via indoor radio stations for closed societies

Article 8: Claiming Rights:

- 1- Any author who is a partner in any work shall be entitled to apply individually for provisional action in the event of an infringement or violation on the copyright, and shall have the sole right to claim his own share of compensation for the damage he suffered
- 2- The co-author shall not be entitled to object to any development or modification that the majority of the partners in the work wish to make.

Article 9: Rights to lease:

The owners of the rights of the works and products shall have the right to rent them in the Kingdom, taking into account the adoption of the necessary precautions.

- 1- To ensure the absence that may hinder the rental or leasing of them.
- 2- To identify and determine potential problems and infringements of leasing to check the ability to avoid the same.
- 3- That the beneficiary provides awareness-raising to the target audience on the leasing mechanism.
- 4- To publicize the necessary guidance to the target audience.
- 5- To set a time date for the leasing exercise to take effect.
- 6- To regulate the contractual relationship of leasing in accordance with the provisions of the Act and the Regulation.



Article 9: Database protection:

Original databases shall be protected thanks to the selection and collation of their content as intellectual creations while such protection shall not extend to the data or materials themselves

Chapter 2 Violation and Control Procedures thereof Section 1

The responsibility for infringements and Violations of the right of the author

Article 11: Responsibility for Infringement:

First: Any person who commits any of the violations set forth in the Act shall be considered an infringer of the copyright.

Second: Establishments are liable for any violations committed by their employees on any intellectual property if their knowledge or omission is established, such as maintaining fraudulent, copied computer programs or audio, video tapes, performing maintenance on an electronic device loaded with forged, decrypted software or other works and products as such.

Third: Any act of a person who reproduces, sells, imports, exports, transports, publishes or rents protected works and products shall be considered an infringement of copyright and contrary to the provisions of the Act and this Regulation.

Article 12: Infringement:

First: Within the scope of personal use, any use of the intellectual work for the sole purpose of personal use, such as copying the work for the purpose of retaining the original, writing the copy, translating paragraphs thereof or writing comments expressing personal opinion, is considered to be beyond the limits of personal use.

Second: Any usage of the work that exceeds the concept of personal use is considered to be an encroachment, such as:

- 1- Use, copy or use the work and use it for functional tasks.
- 2- Use of the Author for commercial or profit-making purposes
- 3- The use of the Author on the contrary to the legitimate uses provided for by Act.
- 4- Renting, copying or allowing others to copy or modify the work on the grounds of possession of an original.
- 5- Any conduct that hinders the author from exercising his moral or financial right.

Third: As understood from clause 2 of article 9 of the Act, financial rights shall include the right to reproduce by any intention or form, including digital reproduction.

Fourth: Reproducing the work with the intention of making copies available for commercial exploitation or for sale to students of science or educational institutions, etc. shall be considered as an infringement of the right of the author.

Fifth: The employer owning an original copy of the work shall not entitle or grant him/ her the right to reproduce and distribute such copy to the employees of his establishment under the pretext that it is personal use.

Article 13: Infringement of audio & video products and radio broadcasting:

Exceeding the methods of use specified by the person entitled to them shall be considered as an infringement of the right of an author to audiovisual and radio works, examples to the same shall include the following – without limitation: 666

- 1- Broadcasting by the Author to the public without prior authorization from the rights holders, such as the use of radio, music, video or satellite broadcasting in shops, restaurants, hotels, clubs, hospitals and other places where human beings exist or assemble.



- 2- Surpassing or breaking the precautionary barriers for the purpose of illegally presenting of radio materials.
- 3- Reproduction of broadcast material for the purpose of presentation, lease or sale of the same.
- 4- Adding or removing electronic slides of projectors in order that the device or system overcomes the possibilities of the limits under which such device or system was made in order to infringe on the rights of others.

Article 14: Infringement of performance rights:

1. If the performance of the work is performed at school events or so, unless the addressee receives prior approval from the rights holders, shall be considered an infringement of the performance rights of the work and while the performance of the work made in the applied classroom for the purpose of education shall be considered as a legal use in accordance with article 15, clause 8, of the Act.
2. Any reproduction of a work during its copying, filming, registration or recording, for the purpose of exploiting or transmitting it to the public without the consent of the copyright holders, shall be considered as an infringement of the copyright.

Article 15: Decoding the Electronic Devices:

Any act leads to removal of the original precautionary information from the electronic devices produced by the manufacturer shall considered an infringement of the right of author, and any one facilitates any of the following shall be considered as a violating body:

- 1- Removing or adding electronic or non-electronic slices to the display and receiver devices in order to exceed the limits set by the manufacturer.
- 2- Cancellation of the original operating program for the display and receiving equipment and its loading with forged software with a view to exceeding the limits and possibilities for which the device was designed.

Article 16: Software Infringement:

First: Computer programs, software and games, whether in source or machine language, shall be protected as literary works.

Second: Any use of the software to the contrary of the uses specified by the copyright holder shall be deemed as an infringement of the right of the author:

- 1- Software and game software reproduction.
- 2- Leasing or licensing programs, game programs or licenses by a collective use without documents authorizing the lessor to exercise the right for the same.
- 3- Loading internal networks or devices by reproduced software.

Article 17: Maintenance shops' Responsibility:

Facilities that specialize in providing maintenance services for electronic projectors and receivers shall be considered to be responsible and violating the copyright if it's caught to have devices which codes were decrypted , loaded using counterfeit software, or fake software.



Chapter II

Procedures for the Control and Investigation of Violations

Article 18: Seizing Violations:

Any violations of the provisions of the Act and the regulation shall be seized in any of the following cases: -

- 1- Upon a complaint by the rights-holders or their representatives.
- 2- Upon reports received, according to the forms prepared for this purpose.
- 3- Field visits of seizure officers to the public establishments and shops used in an activity of any intellectual property.

Article 19: Procedures of Seizure and Inspection:

In the exercise of their inspection and seizure duties, seizure officers may undertake the following procedures: -

- 1- Access and inspecting premises of establishments producing, offering, distributing, selling, using or providing maintenance services for any protected items, including accessories and attachments of such premises.
- 2- Seizure of copies of works, products and devices found - at the time of the initial examination or inspection - to be reasonably the object of a violation or infringement and, where appropriate, on the relevant documents.
- 3- To make a prompt accountability of the alleged offender or any of the personnel of the establishment and the statement of the owner or, if appropriate, his representative

In all cases, the alleged offender shall be allowed to submit his defenses in writing or to record them and to attach the same with a record prepared for this purpose, in addition to the documents he submits.

Article 20: Missions of Seizure:

First: The competent department shall be responsible for the seizing of violations and collecting evidence indicating that there is an infringement or violation on the right of the author of devices, works and products or goods.

Second: The seized or obtained item shall be recorded in the report of seizure and signed by the officer and the owner of the facility or his own representative. The personnel of the facility shall be included in the report. The record shall include the following information regarding refraining from signing or escaping from site:

- 1- Name, address and basic evidentiary information of the enterprise.
- 2- Date and location of the seizure
- 3- The names of the personnel at the site.
- 4- Name and nature of the work or product subject to infringement and the quantity and specifications of the seized copies
- 5- Type, facts, causes and circumstances of the violation.

Article 21: Showing the identities of the seizure officers

Upon carrying out inspection and seizure duties, the seizure and inspection officers shall be required to produce a proof of identity.



Article 22: Analysis of evidences:

Upon receipt of seizures resulting from field visits and the evidences denoting the same, the competent Department shall do the following procedures:

- 1- An external inspection and examination of the devices, works and products that have been seized in terms of their apparent state descriptions and number.
- 2- The competent department shall inspect the seizures, analyze their contents to ensure that they involve an infringement of the copyright and prepare a technical report, including the following information:
 - A- A Detailed description of the works and products.
 - B- The number of seized copies, and value of selling them to the public at the moment of the adjustment.
 - C- Violations and infringements included in the work.
 - D- The method and way to find out and identify the infringement of violation.
 - E- The method and way of displaying the violating works and products to the public.
 - F- Any other information or technical facts about the product and the method of related infringement or violation.
 - G- To provide an evidence to whether the violation has been proven or not.

Article 23: Technical Check of Documents:

- 1- A preliminary examination of a complaint submitted to the Authority shall be conducted, and documents and evidence shall be examined and verified as to whether it meets the requirements for filing a complaint in accordance with the forms prepared for that purpose.
- 2- The competent department shall analyze the content of the documents submitted on complaints and their evidence to ensure that they may be infringed upon the right of the author or not, prepare a technical report, which shall be proportionate to the type of the product and shall include, the following information - at least:
 - A. Main information of the complaint.
 - B. A detailed description of the original work and the forfeited one.
 - C. Determination of the number of originals and copies subject to infringement or violation.
 - D. Violations and infringement in the work or the evidence submitted.
 - E. Any other technical information or facts about the work and the method of infringement or violation.
 - F. Providing an evidence to whether the violation has been proven or not, according to the available evidence, documents, and legal texts supporting the existence of the violation.
 - G. The analyst submits a report to the Department on the complaint, indicating the extent to which the violation has been proven.

Article 24: Investigating the violations and infringements:

Seizure Officers shall hear the statements of persons accused of violating any provision of the Act and the regulation or their representatives when there are indications and indications of an infringement or violation, they may:

- 1- Issue a preliminary summons requiring the competent Department of the Authority to be reviewed within a period not exceeding three days from the summons date.
- 2- Issue a final summons requiring the competent Department of the Authority to be reviewed within a period not exceeding five days from the summons day.
- 3- The record of the investigation shall contain the following data: -



- A. Hour, day, date and place of the statements heard.
- B. Name and position of the employee who heard the statement.
- C. Name, identity number and contact address of the person charged with the Violation.
- D. Results of facing the person accused of the violation with the violations attributed to him.
- E. The full answers of the alleged offender to questions addressed to him, including his defenses.
- 4- The alleged offender shall be held accountable for the period of time during which he committed infringement or violations on the author and the extent of his financial returns.
- 5- If necessary, the Seizure Officer may summon any person who deems it necessary to hear his statements regarding the violation and record them in the record.
- 6- The competent Department of the Authority may use the expertise to detect violations in accordance with the administrative procedures governing this work.
- 7- The competent Department shall submit all cases and violations to the Committee for its consideration.
- 8- In the event that the alleged offender or his representative does not appear within the period specified for the summons, the case papers shall be referred to the Committee for decision.

Chapter 3

Procedures to seize violations and infringements made via websites

Article 25: Violating the electronic works and products

First: Any person who proves a resurrection through websites on the World Wide Web shall be considered an infringer of the right of the author for any of the violations mentioned in Article (21) of the Act.

Second: Websites on the World Wide Web shall be responsible for any violation committed to the author's copyright according to the internal content of the site, items broadcasted through it, or through which it is linked to the site by an external link of another subordinate site in the case of proven violation stipulated in Article (21) of the Act.

Article 26: Regulating electronic publications

Any violation of the provisions of the Act and regulation shall be seized on websites on the World Wide Web according to the following: -

- 1- A complaint filed by the rights-holders or their representatives, provided that it conforms to the conditions of its registration with the Authority in accordance with the forms established for that purpose.
- 2- On the basis of the communications received by the Authority in accordance with the forms prepared for this purpose.
- 3- Monitoring by the competent Department of websites on the World Wide Web that are likely to infringe on copyright, according to preliminary evidence.

Article 27: Electronic Product Violations Control Procedures

The competent department shall initiate procedures to regulate websites on the World Wide Web when there is an infringement on the copyright in accordance with the following procedures: -

- 1- The procedure for controlling a violation shall be carried out by editing a record containing the following:
 - A. The reason for the seizure process.
 - B. Domain name or IP address for the website.
 - C. Determining the location of the Violation within the website
 - D. Type, facts, causes, and circumstances of the violation.



- 3- The competent Department shall prepare a technical report on the record of seizure, which shall contain, at a minimum, the following information: -
 - A- Background information for making a seizure.
 - B- A detailed description of the website, including its activities and services.
 - C- Violations of the website abuses thereof.
 - D- Determining the method and way of infringement or violation.
 - E- Any other technical information or facts about the work and the method of infringement or violation.

Article 28: Temporary block and referral

The competent Department of the Authority shall initiate summonses and temporary blocking of websites on the World Wide Web, in accordance with the legal procedures followed, that are found to have violated the provisions of the Act and the regulation. In such regard, the competent Department of the Authority may do the following, for example:

- 1- Summon the owner of the website shall be alleged to be in violation of the Act shall be summoned for review by the competent Department within one working day of the date of summons.
- 2- In the event of non-compliance with the summons or the absence of local channels of communication with the owner of the website, the website shall be temporarily blocked until the competent Department has reviewed and found out absence of the violation in question, as per the act.
- 3- The authority may coordinate with service providers, host sites and their equivalents; to provide the competent Department with the necessary data for websites suspected of violating the copyright in accordance with the available preliminary evidence.
- 4- In the event that the website owner's statements are available and the summons are not responded to after eight (8) working days from the beginning of the temporary blocking, the case papers shall be referred to the Committee for decision.
- 5- Make a temporary blocking of offending websites immediately, provided that the website found to be in violation contains any of the following elements:
 - A. Live streaming.
 - B. Enable work loading.
 - C. Availability of payment methods indicating a profit motive.
 - D. The emergence of propaganda.
 - E. Comments for users.

Article 29: right to claim compensation:

The copyright holder or his representative shall have the right to claim compensation for damages suffered as a result of an infringement or violation on any of his rights protected by Act before the competent court.

Article 30: Rules of procedure of the Committee for Consideration of Violations

- 1- The Secretariat of the Committees for the Adjudication of Intellectual Property Disputes shall supervise the Committee's art works and management procedures and scheduling of the cases before it in coordination with members.
- 2- The Committee may meet if at least two thirds of the members are present, including the legal advisers.
- 3- The Committee may, when necessary, seek the assistance of experts to seek their views on certain Violations brought before it.



- 4- The Committee may summon any party found to be in breach to hear his or her statement, the seizure officer who seized the violation, the data analyst, the investigator or any other person whose statement it deems necessary to hear.
- 5- The Committee may return the violation papers to the competent Department in the event that the Department does not complete any of the procedures stipulated in the regulation.
- 6- The Committee shall issue its decisions by majority and submit them to the Council by the Chairman of the Committee. Its decisions shall not enter into force until they have been ratified by the Council.
- 7- If the Committee considers that the Violation found to have been committed is serious and requires a prison sentence or a fine of more than SR 100,000, or the closing of the shop once and for all, and the revocation of the license, the Committee shall submit a request to the Council for approval to refer the violation to the Public Prosecutor's Office for referral to the competent court for consideration and determination of the appropriate penalty against the offender.
- 8- The Secretariat of the Committees for the Adjudication of Intellectual Property Disputes shall notify the competent Department of the approved decisions to enforce the prescribed penalties.

Article 31: Sanctions and penalties' enforcement controls:

- 1- In the event of a complaint against the Committee's decision before the competent court, the penalties set forth in the decision shall be suspended until a final judgment is rendered.
- 2- Penalties falling within the jurisdiction of the competent court shall be executed after a final judgment has been rendered by the competent court.
- 3- Upon the enforcement of penalties, the following shall be taken into account:
 - A. The competent department shall notify the person against whom the decision has been issued or his representative by means of an official letter in which it shall indicate the number of the decision issued against him, the date of the decision, the penalties included in the decision, and shall be delivered to him or his representative. The competent Department may use electronic means of communication, which shall entail the same consequences of other communication.
 - B. The offender shall pay the financial fine as stipulated by the relevant Acts, regulations, and resolutions.
 - C. If a ruling is issued by the court competent to revoke the license, the State Authority which issued the license to revoke it shall notify the Authority and follow up the enforcement of the ruling.
 - D. The Authority shall prepare the content of the declaration of a verdict issued against the offender if the decision includes the penalty of defamation in accordance with Article (22) - Section (5) of the Act.



Chapter Two Precautionary Seizure

Article 32: Temporary precautions:

1. The Committee shall have the powers and authorities to order immediate interim measures to prevent infringement of any copyright and to prevent imported works involving infringement of the copyright from accessing commercial channels.
2. The Committee shall have the powers and authorities to take interim measures without the knowledge of the other party, if any delay is likely to result in damage to it or when there is a possibility of destruction of evidence.
3. The Committee may require the plaintiff:
 - A- To present any evidence proving that he had the right to act as done.
 - B- Preliminary evidence that his right is or about to be infringed.
 - C- Provision of a financial guarantee equivalent enough to protect the defendant and to prevent abuse or enforcement of rights.
 - D- The Authority may request from the applicant any other evidence to determine the permissibility of the case.
4. The Committee may, after the adoption of provisional arrest measures, notify the affected Parties of their views and submissions within a temporary period not exceeding (31) thirty-one days from the adoption of temporary measures for consideration of the modification, cancelation or confirmation of such measures.
5. The Committee may revoke or suspend measures taken pursuant to items (1) and (2) of this article at the request of the respondent if the applicant fails to respond to a request for documentation within a time limit set by the Committee and not exceeding (31) days.
6. Where the temporary measures have been canceled or have expired as a result of negligence on the part of the claimant or it has subsequently become apparent that no infringement has occurred on the items or goods, the Authority may require the plaintiff, upon request of the defendant, to pay appropriate compensations to the latter for any damage suffered as a result of such measures.

Article 33: Border measures:

1. In the event that the copyright holder has legitimate grounds for suspecting articles that violate his rights that are to be imported or exported, the Committee may submit a written request to stop and seize these articles that are to be imported or exported as soon as they reach the borders.
2. The Committee may require the plaintiff to provide sufficient financial security to protect the defendant and prevent abuse of rights.
3. The applicant shall provide the Committee with the complaint and the evidence establishing the infringement or violations against him - within a period not exceeding ten (10) working days - provided that the period of detention shall not exceed thirty-one (31) days, after which the amendment, repeal or confirmation of these measures shall be considered.
4. The Committee may decide that the plaintiff shall pay the importer or the exporter appropriate compensation for damages caused to them by the wrongful seizure of the items.
5. The Committee may grant the right-holder (plaintiff) sufficient opportunity to examine the works and products in order to substantiate his claims.
6. The importer shall be entitled to an equivalent opportunity to examine any of these goods.



7. In the event that the subject of the infringement or violation proves - The Committee may that it is competent to inform the person concerned of the names and addresses of the consignee and consignee of the items and their quantities.

Article 34: Preventive Precautionary Seizure:

The Authority's office at the border crossing shall have the right to suspend the procedure for releasing the works when it has prima facie evidence of copyright infringement, after coordination with the customs Department at the border crossing. The office shall immediately notify the competent Department to take the necessary measures in coordination with the Committee.

Chapter 3 Compulsory licenses

Article 35: Eligibility for License

Everyone shall be entitled to apply to the Authority for a compulsory license to reproduce a work or translate a work into Arabic, if the person:

1. Is a Saudi citizen.
2. Is has a Legal personality based in the Kingdom.

Article 36: General provisions for compulsory licensing

The Council may grant a compulsory license for a classifier protected under the provisions of the Act upon request to the Authority, as follows:

- 1- Compulsory authorization shall not be limited to the person to whom it is granted
- 2- Each Compulsory license application shall be limited to one work.
- 3- Each application for a compulsory license shall be decided separately.
- 4- The right holder shall be fairly compensated, and the Council shall determine the financial equivalent, provided that the licensee undertakes to fulfill it.

Article 37: Requirements for obtaining compulsory license

The applicant for the compulsory license shall:

First: When applying for compulsory license to the Authority:

- A. Comply with the regulations governing the compulsory license, the type of license granted to it, and the specified time period.
- B. Provide an evidence proving that he:
 1. made all efforts to obtain a contractual license from the right holder whose name appears on the work and whose application has been rejected ; or
 2. The right-holder whose name appears on the work was requested a contractual license and his application was not answered at least three months before the application was submitted to the Authority.
 3. Efforts were made to reach the right holder without finding him.
- C. Provide evidence that he informed the competent authority of the State believed to be the State of publication of the product to be translated or reproduced of his wish to avail himself of the right of translation or reproduction at least three months before the application for compulsory authorization was submitted to the Authority.
- D. Furnish a proof of his ability to ensure the quality and accuracy of the translation or copy of the work.
- E. Undertake to be able to pay the financial reward of the person entitled to it.



F. Determine the retail price of the authorized work according to the number of editions.

Second: After applying to the Authority for a compulsory license:

He shall

- A. Provide any proof that he has notified the right holder or the competent authority of the State believed to be the State of publication of the work of a copy of the compulsory license application submitted to the Authority.
- B. Provide an evidence proving that he has notified the right holder or competent authority in the country believed to be the country of publication of a copy of the acceptance of the compulsory license application.

Article 38: Granting the Compulsory License

The Council shall grant the applicant a compulsory license six months after all the requirements of the compulsory license have been met.

Article 39: Cases of non-granting a Compulsory License

- 1- The Council shall not grant compulsory License before the expiration of a period of not less than six months after the attempts made by the license applicant with the right holder.
- 2- The Council shall not grant the compulsory license in the event that the holder of the right translates the required license into Arabic, or provides translated copies of the product in the Kingdom or the holder of the right makes copies available for circulation in the Kingdom at a price close to the normal price, before deciding on the compulsory license application.
- 3- The Council shall not grant any compulsory license to a work if the author has withdrawn from circulation all copies of the edition in question.

Article 40: Compulsory license controls

The licensee shall abide by the following regulations:

- 1- Compulsory licensing of reproduction shall be limited to works in printed form or any similar form of reproduction
- 2- The name of the author and the title of the work shall be mentioned
- 3- The original title of the work - in its original language - should be mentioned on the translated work in the case of translation on all copies.
- 4- Each copy issued under the license shall bear a text stating that the copy is only for circulation in the Kingdom.
- 5- Any other controls approved by the Council

Article 41: Cases of compulsory licensing

First: Compulsory licensing of a translation of a work shall be applied for and granted when there is a need in the Kingdom for translation of the product to meet educational or research needs as follows:

- 1- If the publication is not translated into Arabic in the Kingdom by the author of the translation right or with his permission, three years after the date of the first publication of the publication of the product.
- 2- If the author, the rightful holder or his heirs refuse to translate the work into Arabic or refused to authorize the same.
- 3- If all copies of the translation of the work in Saudi Arabia are made into Arabic without the right holder providing translated copies of the work upon request from the applicant for the license.
- 4- Compulsory licensing shall not be granted for profit or commercial purposes



Second: The cases of granting compulsory license for the reproduction of a work shall be for educational needs, according to the following:

- 1- If copies of the Product have not been submitted for circulation in the Kingdom by the holder of the right or with his permission to meet the needs of the general public or to provide education at a price comparable to the usual price for similar products in the Kingdom.
- 2- If the holder of the right ceases for six months to offer copies in the Kingdom for the sale of the author to meet the needs of the general public or for education at a price close to the normal price in the Kingdom for similar works, after the expiration of the following periods from the date of the first publication of the product:
 - A- Three years if the compulsory license relates to copies of a work relating to mathematical sciences, physics and technological sciences.
 - B- Five years if the compulsory license is for the copying of a general product or work.
 - C- Seven years if the compulsory license relates to the reproduction of a work belonging to the world of fiction, such as novels, poetic, theatrical and musical works, and art books.

Third: The cases of compulsory licensing for the translation of a product for the benefit of the Broadcasting corporations shall be as follows:

- A- If the Author has published in hard copy or in any other similar form.
- B- That the headquarters of the Broadcasting corporations are based in the Kingdom.
- C- If the purpose of the license is limited to the service of educational needs and the broadcasting of information of a scientific nature addressed to specialists in a particular profession
- D- If the Broadcasting corporations are directed to the Kingdom.
- E- The work shall be translated from a copy obtained in accordance with the Acts in force in the Kingdom.
- F- The compulsory license is not granted for profit or commercial interest.

Fourth: Subject to the provisions of item III, the Council may authorize the Broadcasting corporations to translate any text contained in an audiovisual installation prepared and published for use in educational purposes.

Fifth: Subject to clause (First), if the product to be translated consists mainly of illustrations and illustrations, the reproduction cases in clause (Second) shall apply to it.

Article 42: Compulsory license restrictions

- 1- A licensee may not export copies of the work licensed under compulsory license outside the Kingdom, and such copies must be used only within the Kingdom.
- 2- Any government agency in the Kingdom may export copies of translated copies licensed under compulsory license to other States under the following conditions:
 - A- That the transmittes are nationals of the Kingdom.
 - B- That the same is not made for profit or business form.
 - C- An agreement must be reached with the State to which the export is to be made and the mechanism of receipt and distribution clarified.



Article 43: Compulsory license cancelations

The Council shall revoke the compulsory license in the following cases:

- 1- If the licensee fails to make adequate use of the compulsory license to meet the needs of the Kingdom within the period specified in the decision to grant.
- 2- If it is established that the licensee has unduly obtained the compulsory license.
- 3- If the licensee contravenes the provisions of article 21 of the Act when preparing the licensed version.
- 4- If the licensee violates any provision of the compulsory license.

Article 44: Compulsory license terminations

- 1- The Council shall terminate the power of compulsory licensing upon notification from the right holder if the work is translated into Arabic or made available for circulation in the Kingdom by the right holder, or with his/ her authorization, and is of the same content as the translation published or at a price close to the normal price in the Kingdom. The right holder shall notify the licensee of the translation or copies of the work and provide a proof thereof.
- 2- The termination of the license shall take effect three months after the date of a notification to the licensee.
- 3- Copies issued under the compulsory license may continue to circulate in the Kingdom until their entry into force.

Article 45: Payment of financial remuneration for a compulsory license

After being informed of the decision to accept the license application, the applicant shall be obliged to pay the Council's financial remuneration to the holder of the right to issue the license under a 30 days of the day on which it was notified. The applicant shall provide an evidence thereof and, in the event of non-payment within that time period, the application for the compulsory license shall be considered void, with excluding the case in which the applicant is unable to find or access the person entitled, as determined by the decision for granting the permit.

Article 46: Duration of compulsory license

- 1- The duration of the compulsory license shall be determined by the Council in the award decision and by the means or intermediary that the licensee will use to transmit the work to the public.
- 2- The Council may extend the duration of the compulsory license if the licensee proves that there is a legitimate reason.

Article 47: Publication of the compulsory license decisions

Decisions to grant, terminate and revoke compulsory licenses shall be registered in the records of the Authority and published, indicating the name of the author, the contact information, the type of license, the name of the licensee and the duration of the license, and notifies the licensee.



Chapter 4 General provisions

Article 48: Public Property:

First: All unprotected works and products that belong to Saudi authors or that have expired in accordance with the provisions of the Act and as per this regulation shall be transferred to the Public Property . The Authority shall exercise the right of the author to pursue them.

Second: The protection provided by the Act and this Regulation shall apply upon the act's entry into force to all foreign works and products which have not fallen to the public property of the State of origin by the expiration of the period of protection.

Article 49: Nature of protection:

- 1- All intellectual works, whether literary, scientific or artistic, of any kind, shall enjoy the protection provided by Act and this Regulation, as long as they are allowed to be circulated in the Kingdom.
- 2- Foreign intellectual works are protected in accordance with the principles of the relevant international conventions on copyright, of which the Kingdom is a member, in accordance with the principle of national treatment.
- 3- The scope of protection in article 18 of the Act on International Copyright Conventions and Treaties shall extends to the neighboring rights provided for in article 7 of hereof.

Article 50: Calculating the protection period:

1. Musical and cinematic works and products shall enjoy 50 years of protection from the date of the first production of the related work. Such period shall be counted and calculated from the end of the Gregorian year in which they were produced.
2. Computer programs and software shall be protected as literary works and products for - at least - fifty years from the date of their first production if the author is a legal, unknown or anonymous person.
3. If the author is a natural person, the protection of computer programs and software shall be equivalent to the protection accorded to other literary works,

Article 51: Expiration of protection period:

An author shall have the right to object to the reproduction or sale of his works or to perform work derived from his original work after the expiration of the financial rights at the end of the protection period, in the event of damage to his honor and reputation, or of distortion of the work.

Article 52: The Regulation's entry into force:

This regulation shall be published in the Official Gazette and shall enter into force from the date of the said publication.