

**Federal Decree-Law No. 38 of 2021
on Copyright and Neighboring Rights**

We, Khalifa bin Zayed Al Nahyan,

UAE President,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972, on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (18) of 1981, Regulating Commercial Agencies, as amended;
- Federal Law No. (5) of 1985, Promulgating the Civil Code, as amended;
- Federal Law No. (11) of 1992, Promulgating the Civil Procedure Law, as amended;
- Federal Law No. (35) of 1992, Promulgating the Code of Criminal Procedure, as amended;
- Federal Law No. (18) of 1993, Promulgating the Commercial Code;
- Federal Law No. (7) of 2002, on Copyright and Neighboring Rights, as amended;
- Federal Law No. (1) of 2006, on Electronic Transactions and Commerce, as amended;
- Federal Law No. (19) of 2016, on Combating Commercial Fraud;
- Federal Decree No. (233) of 2015, on the UAE Accession to Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;
- Federal Decree No. (20) of 2017, on the UAE Accession to Beijing Treaty on Audiovisual Performances;
- Federal Decree-Law No. (31) of 2021, Promulgating the Code of Offences and Penalties;
- Federal Decree-Law No. (32) of 2021, on Commercial Companies;
- Federal Decree-Law No. (36) of 2021, on Trademarks;
- Federal Decree-Law No. (37) of 2021, on Commercial Register; and
- Based on the Proposal of the Minister of Economy, and the Cabinet approval thereof,

Hereby enact the following Decree-Law:

Article (1)

Definitions

For the purpose of applying the provisions of the present Decree-Law, the following words and expressions shall denote the meanings assigned thereto respectively, unless the context requires otherwise:

State	: The United Arab Emirates.
Ministry	: The Ministry of Economy.
Minister	: The Minister of Economy.
Competent Court	: The Federal Court of Appeal.
Civil Court	: The federal or local court of first instance, as the case may be.
Grievance Committee	: The Committee set out in Article (37) of the present Decree-Law.
Broadcasting Organization	: Any entity that transmits wireless audiovisual or audio broadcasting.
Broadcasting	: A means for transmitting or embodying sounds or images and sounds via wireless means to be received by an audience, including, among others, any similar transmission made via satellites or the transmission of encrypted signals if the Broadcasting Organization provides the encryption tool or makes it available based on its approval.
Authorized Organization	: A non-profit organization that provides services of education, training, reading for the blinds or access to information for the beneficiaries, including government entities and non-profit organizations that provide the same services to the beneficiaries within their main activities or institutional obligations.
Work	: Any creative product in the field of letters, arts or science, of whatever type, expression method, significance or purpose.

Author	: A person who creates a Work, whose name is mentioned on a Work or to whom a Work is ascribed for being its owner, unless otherwise established. An Author of a Work also includes any person who publishes a Work without a name or under penname or in any other way; provided that the Author's true identity is not a matter of doubt. Should a doubt exist, the Work's publisher or producer, whether a natural or legal person, shall be deemed a representative of the Author in exercising his rights until the Author's true identity is recognized.
Innovation	: An innovative attribute grants the Work a sense of authenticity and distinctiveness.
Holders of Neighboring Rights	: Performers, producers of phonograms and Broadcasting Organizations, pursuant to the provisions of the present Decree-Law.
Performers	: Actors, singers, musicians, dancers and other persons who recite, chant, play music or perform in any other manner any literary or artistic Works or any form of folkloric expression, whenever the same are protected under the provisions of the present Decree-Law or falling within the public domain.
Person	: A natural or legal person.
Phonogram Producer	: A Person that takes the initiative and assumes the responsibility for the first fixation of sounds constituting the performance or other sounds, or the first fixation of the representation of sounds.
Publication	: Making a Work, audio or visual recording, Broadcasting program or any performance available to the public by any means.
Public Performance	: To communicate a Work to the public by any means, whether

by direct communication or otherwise, such acting, showing audio or visual Works, artistic theater performances, presentation, playing musical Works and reading literary Works, whether live or recorded communication.

- Communication to the Public** : Transmitting literary and artistic Works, including audio, video or audiovisual Works, to the Public by any wired or wireless means, and making them available to the public so that they can access them at a place and time of their own choice.
- Reproduction** : To make one or more copies of a Work, phonogram, broadcasting program or any performance in any form or manner, including download or permanent or temporary electronic storage, whatever the technique or tool used for the reproduction.
- Audiovisual Fixation** : The embodiment of moving images, whether or not accompanied by sounds or voice-overs, by which they can be perceived, reproduced or communicated through a device.
- Audio Recording** : Fixing sounds constituting the performance or other sounds or fixing voice-overs, without prejudice to the rights arising therefrom, by inserting the same in a cinematographic Work or an audiovisual Work.
- Audiovisual Work Producer** : A Person providing necessary facilities to produce an audiovisual Work and undertaking the responsibility for such production.
- Collective Work** : A Work created by a group of Authors under the direction and supervision of a Person that undertakes the publication thereof in its name, where the work of the Authors is assembled and the separation or distinction of each author's work is impossible.
- Joint Work** : A Work created by several Persons, whether the each Person's own work is separable or inseparable, and which does not fall

under Collective Works.

- Derivative Work** : A Work derived from an already existing Work, such as translations, collections of literary and artistic Works and collections of folkloric expressions, as long as being innovative in terms of the arrangement or selection of their content.
- National Folklore** : Any expression of oral, musical, movement or contact folklore in distinct elements reflecting the traditional artistic heritage that has originated or survived in the State, and which cannot be attributed to an identified Author.
- Beneficiary/Beneficiaries** : The disabled persons who are blind or suffer from visually impairment to an extent that their eyesight cannot be improved to be equal to that of a person without such disability, or otherwise the disabled who are unable to read or hold or use a book due to a physical disability, regardless any other disabilities.
- Accessible Format Copy** : A copy of a Work in an alternative manner or format that enables a Beneficiary to easily and smoothly access to the Work as a Person without visual impairment or any other disability preventing access to Works, without prejudice to moral rights of the original Work.
- Works Transferred to or Falling into the Public Domain** : All Works originally excluded the protection or whose economic rights protection term expires.

Article (2)

Protected Works

Authors of Works and Holders of Neighboring Rights shall avail of the protection prescribed in the present Decree-Law, if their rights are infringed in the State, particularly the following Works:

1. Books, pamphlets, essays and other written Works;
2. Smart applications, software and software applications, databases and similar Works identified by a resolution of the Minister;
3. Oral and written lectures, speeches and sermons and other Works of similar nature;
4. Dramatic, dramatico-musical Works and dumb shows;
5. Musical Works with or without words;
6. Audio or visual or audiovisual Works;
7. Architecture Works and engineering drawings and plans;
8. Works of drawing, painting, sculpture and lithography and printing on fabrics, wood, or metal or any similar Works within the scope of fine arts;
9. Photographic Works and similar Works;
10. Works of applied and plastic arts;
11. Illustrations, geographical maps, sketches, 3D Works related to geography, topography, architectural designs ... etc.;
12. Derivative Works, without prejudice to the protection conferred upon the Works from which they have been derived.

The protection includes the title of the Work, if innovated, and the innovative idea written for a Broadcasting program.

Article (3)

The protection does not cover:

1. Ideas, procedures, work techniques, mathematical concepts and principles and facts that are abstract yet applicable to the innovative expression of any one of them;
2. Official documents, whatever their original language or the language into which they are translated, such as texts of laws, regulations, resolutions, international conventions, judgments, awards and decisions issued by administrative committees having judicial mandate;
3. News, news reports and current events that are merely media news; and
4. Works transferred to the public domain.

Nevertheless, Clauses (2), (3) and (4) above shall enjoy the protection should the

compilation, arrangement or any effort therein be classified as innovation.

Article (4)

Registration of Work Rights

1. The Executive Regulations of the present Decree-Law shall regulate the registration of Work rights and dispositions made thereof. The Ministry's registers shall constitute a reference of Work details and ownership.
2. The failure to register a Work or any dispositions thereof shall not prejudice any aspect of the protection or rights established by the present Decree-Law.

Article (5)

Author's Moral Rights

1. The Author and his/her universal successor in title shall enjoy moral rights to the Work that are not subject to prescription or assignment.
2. The rights of the Author and his/her universal successor, referred to in Clause (1) above, to the Work shall be as follows:
 - a. Publication of the Work for the first time;
 - b. Ascription of the Work to his/her Author;
 - c. Objection to any modification to the Work if the same would lead to distortion and mutation of the Work or taint the Author's reputation; and
 - d. Submission of an application to the Civil Court to recall the Work from circulation, based on reasons justifying the same, except for smart applications, software and software applications.

Article (6)

Modification in Translation

Modification in translation shall constitute an infringement only if the translator fails to refer to deletions or changes or if his work taints the Author's reputation.

Article (7)

Authorization to Use the Work

Only the Author and his/her successors or the copyright holder may authorize the Work to be used in any manner whatsoever, particularly Reproduction, including downloading, electronic storage, representation by any means, Broadcasting transmission, broadcasting re-transmission, performance, communication to the public, translation, modification, alteration, rental, lending or Publication by any means whatsoever, including making the same available via computers, information networks, communication networks and other means.

Article (8)

Rental of Software and Audiovisual Works

The rental right shall neither apply to software and smart applications unless the software itself is the original object of rental, nor apply to audiovisual Works unless it would affect the normal utilization thereof.

Article (9)

Transfer and License of Financial Rights of Author

1. The Author or his/her successor in title may transfer to or license third parties, whether a natural or legal Person, all or part of his/her economic rights set out in this Decree-Law. In order for such action to take an effect, it shall be made in writing and specifying the right in question, along with indicating the purpose of and the utilization duration and place.
2. The Author shall be the owner of all rights not expressly assigned by him.
3. Without prejudice to the Author's moral rights set forth in this Decree-Law, the Author may not carry out any action that would impair the utilization of right in question.

Article (10)

Consideration for Transferring Rights of Economic Utilization

The Author or his/her successor in title may receive cash or in-rem consideration for transferring any single or more economic utilization rights of a Work to third parties on the basis of proportional sharing of the revenues generated from the utilization and/or a lump sum.

Article (11)

Reconsideration of the Agreed Consideration Amount

If the agreement referred to in Article (10) above is turned out to be unfair for the Author's rights or any Holders of Neighboring Rights , or if it becomes so due to circumstances occurring after entering into the agreement, the Author or his/her successor in title or their successors in title may recourse to the Civil Court to claim reconsideration of the agreed consideration amount.

Article (12)

License of Economic Rights for Smart Applications, Computer ... etc.

Without prejudice to the provisions of Article (9) above, the license of economic rights of Works of smart applications, software and software applications or databases shall be governed by the terms and conditions mentioned in or labelled on the software, whether appearing on the software package or when the software is installed or stored as to be seen on the computer or smart phone screen or any other technological device on which the software is installed or stored. The software purchaser or user shall be bound by the terms and conditions mentioned in the provisions of the said license agreement.

Article (13)

Author's Disposition of the Original Work Version

The Author's disposition of the original version of his Work, in any form whatsoever, shall not transfer any of his economic rights thereto, unless otherwise agreed.

However, the transferee may not be obligated, without a prior agreement, to enable the Author to copy, transfer or otherwise make the same available to third parties.

Article (14)

Attachment of Economic Rights of Authors

Economic rights of Authors to their published Works may be subject to attachment. Meanwhile, Works whose Author dies before publishing them may not be attached, unless it is decisively proved that he intended to publish them before his death.

Article (15)

Future Production

1. Any disposition by the Author of his entire future intellectual product shall be null and void.
2. Notwithstanding Clause (1) above, the Author may enter into an agreement on a number of his future Works, as defined by the Executive Regulations of the present Decree-Law.

Article (16)

Moral Rights of Performers

Performers and their universal successors in title shall enjoy a moral right, which is not subject to assignment or prescription, which confers upon them the following rights:

1. The right to ascribe the performance to themselves, whether live or recorded performance.
2. The right to prevent any change, distortion, mutilation or modification in their performance that would damage their reputation.

Article (17)

Exclusive Economic Rights of Performers

Performers shall enjoy the following exclusive economic rights:

1. To transmit and communicate their unfixed performance to the public;
2. To fix their performance on a Phonogram or audiovisual fixation;
3. To copy their fixed performance on a Phonogram or audiovisual fixation;
4. To rent out the original version of their phonograms or other versions proving their performance to the public for commercial objectives;
5. To distribute the original version of their phonograms or other versions proving their performance through sale or any other means of disposition leading to the transfer of title; and
6. To make their phonograms proving their performance available to the public via wired or wireless means, so that a public audience may check them or access thereto in any way they wish.

The recording of live performance on a phonogram or renting it out to earn direct or indirect commercial returns or transmit the performance or make it available by any means whatsoever without the consent of the right holder shall be deemed an act of prohibited utilization.

Article (18)

Exclusive Economic Rights of Phonogram Producers

Phonogram Producers shall enjoy the following exclusive economic rights to their phonograms:

1. To reproduce their phonograms by any means whatsoever;
2. To distribute the original version of phonograms or other phonogram versions to the public through sale or any other disposition entailing the transfer of title;
3. To rent out the original version or other phonogram versions to the public for commercial purposes;
4. To make phonograms available to the public by any means whatsoever;
5. To broadcast and transmit phonograms to the public by any means whatsoever; and
6. To prevent any utilization of their phonograms by any means without being so licensed by them.

The reproduction, rental, broadcasting transmission or retransmission or making such

phonograms available via computers or other means shall constitute a prohibited utilization.

Article (19)

Exclusive Economic Rights of Broadcasting Organization

The Broadcasting Organization shall have the following exclusive economic rights:

1. To license the utilization of its broadcasting recordings and programs; and
2. To prevent any unauthorized communication of its programs or recordings to the public, particularly recording, copying, reproducing, renting out, rebroadcasting or retransmitting the programs to the public by any means whatsoever.

Article (20)

Protection Term

1. The Author's economic rights set forth in this Decree-Law shall be protected through his lifetime and (50) fifty years later, commencing from the first day of the calendar year following the death year.
2. The economic rights of Authors of Collective Works shall be protected through their lifetime and (50) fifty years later, commencing from the first day of the calendar year following the death of the last surviving Author.
3. The economic rights of Authors of Collective Works, except for Authors of applied art Works, shall be protected for a period of (50) fifty years, commencing from the first day of the next calendar year of the first publication if the Author is a legal person, but if the Author is a natural Person, the period shall be calculated according to the provisions set forth in Clauses (1) and (2) above.
4. Economic rights to Works published for the first time after the death of their Author shall be protected for the period of (50) fifty years, commencing from the first calendar year following the year of first publication.
5. Economic rights to Works published anonymously or under penname shall be protected for (50) fifty years, commencing from the first day of the next calendar year of the year of

first publication. If the Author of such Works is known and identified or has disclosed his identity, the period of protection shall be calculated according to the provisions set forth in Clause (1) above.

6. Economic rights of Authors of applied art Works shall lapse after (25) twenty five years, commencing from the first calendar year following the year of publication for first time.
7. In cases the term of protection is calculated from the date of first publication, the date of the first publication shall be adopted as a basis for calculating the term irrespective of the re-publication, unless the Author has introduced to his work, when republished, substantial modifications that make it look as new Work. If the Work consists of many parts or volumes published separately at intervals, each part or volume shall be considered a separate Work when calculating the protection term.
8. The economic rights of Performers shall be protected for a period of (50) fifty years to be calculated from the first day of the next calendar year in which the performance is made. If the performance is fixed in a phonogram or audiovisual fixation, the period shall be calculated from the end of the year in which the fixation is made.
9. The economic rights of Phonogram Producers shall be protected for (50) fifty calendar years calculated from the first day of the next calendar year in which the phonogram is published or the year in which the phonogram is fixed if it has not been published.
10. The rights of the Broadcasting Organization shall be protected for (20) twenty years calculated from the first day of the next calendar year in which the first transmission of this program is made.

Article (21)

Compulsory License of Reproduction or Translation

Any person may ask the Ministry to grant him a compulsory license, without the Author's consent, for Reproduction and/or translation of any Work protected under the provisions of this Decree-Law after (3) three years from the date of the Work publication in case of a translation license. The license shall be issued based on a reasoned decision indicating the time and place of utilization and the fair consideration payable to the Author, in a manner that ensures that no damage is inflicted on the Author or his successor or prejudice the

normal utilization of the Work; provided that the purpose of granting such license is limited to meeting the needs of education of all types and levels or needs of public libraries and archiving houses, in accordance with the conditions, controls and procedures defined by the Executive Regulations of this Decree-Law.

Article (22)

Limitations and Exceptions

Without prejudice to moral rights of the Author stipulated in this Decree-Law, and in a manner not contradicting the normal utilization of the Work and causing no harm to lawful interests, the Author, after publishing his Work, may not prevent third parties to:

1. Make a single copy of the Work for personal and non-commercial or professional use of the copier, excluding the following:
 - a. Works of fine and applied arts, unless they are placed at a public place, with the consent of the right holder or his successor;
 - b. Works of architecture if permanently standing at public places; and
 - c. Software, software applications and databases, except as indicated in Clause (2) below.
2. Make a single copy of software, software applications or databases by their rightful holder and for his sole use to quote from; provided that such action is made within the limits of the licensed purpose or for the purpose of retention or substitution when the original copy is lost or damaged or became invalid for use; provided that the reserve or derived version is destroyed even if it was stored or loaded in a computer as soon as the right of acquisition of the original copy is no more valid.
3. Copy from protected Works to use them in legal proceedings or the like, within the limits required by such proceedings; provided that the source and the Author's name are mentioned.
4. Make a single copy of the Work with acknowledgement of a documentation or archiving house, libraries or documentation centers, which do not seek direct or indirect profit, in one of the following cases:
 - a. Copying must be for the purpose preserving the original version or to substitute a

version lost, destroyed or became unsuitable for use and it is impossible to obtain a substitute thereof based on reasonable conditions.

- b. The purpose for copying must be in response to a request of a natural Person to use it either in research or study; provided that the same is made for one time or for interrupted periods of time where a copying license became impossible in accordance with the provisions of this Decree-Law.
5. Quote short paragraphs, excerpts or analysis of the Work, within reasonable normal ranges, for the purpose of criticism, discussion or information; provided that the source and the Author's name are mentioned.
6. Perform the Work in family meetings or by students in an educational institution against no direct or indirect charge.
7. Present Works of fine, applied, plastic or architectural arts in broadcasting programs if such Works are permanently exist at public places.
8. Copy short parts of a Work in a written, audio-recorded or audiovisual-recorded form for educational, cultural, religious or vocational training purposes; provided that copying is made within reasonable limits and does not go beyond the purpose thereof; meanwhile, the Author's name and the Work title are mentioned whenever possible and the copier may not aim at making direct or indirect profits; provided that the license for copying is unobtainable in accordance with the provisions of this Decree-Law.
9. Copying shall be an incidental inseparable part of the transmission of a Work via a medium or network between other parties, or within a process rendering a legal version of the Work digitally stored and accessible.
10. Copying shall be made by a person licensed by the right holder or by law to process the transmission or the process referred to in Clause (9) above.
11. Copying shall be made among technological accidental imperative steps to perform a project, in a manner that ensures the automatic deletion of the copy and renders it irretrievable for any other purposes, except for the purposes set out in Clauses (9) and (10) above.

Article (23)

Accessible Format Copy

1. The Beneficiary or his representative may prepare copies of any Accessible Format Copy for personal use.
2. The Authorized Organization may prepare an Accessible Format without introducing any unnecessary changes or obtaining the same from another Authorized Organization without the Author's authorization to make the same available for Beneficiaries inside and outside the State, whenever it has a legal access to the Work or a copy thereof and the activity is unprofitable.
3. For the purpose of preparing an Accessible Format, the Executive Regulations of this Decree-Law shall set the conditions and controls required be fulfilled by Authorized Organizations.

Article (24)

Publication of Specific Works

1. Without prejudice to the Author's moral rights under the provision of this Decree-Law, the Author may not prevent copying through newspapers, circulars or Broadcasting Organizations, within the limits justified by the purpose intended from publication of any of the below; provided that a reference is made to the source quoted from and the Author's name:
 - a. Excerpts from his/her Works legally made available to the public. The same shall apply to quoting, broadcasting or transmitting excerpts from audio or video Works during current events to the public by any means whatsoever.
 - b. Published articles related to discussions on subjects representing a matter of concern for the public opinion at a given time, unless no publication ban is stated at the time of publication.
 - c. Speeches, lectures and addresses delivered at public sessions of parliamentary and judicial councils and public meetings; provided that they are copied in the context of transmitting breaking news.

2. Subject to Clause (1) above, the Author or his/her successor shall have the exclusive right to compile any of such Works in groups to be ascribed to him/her.

Article (25)

Limitations of Holders of Neighboring Rights

The limitations prescribed for the Author's economic rights, set forth in this Decree-Law, shall apply to Holders of Neighboring Rights.

Article (26)

Special Provisions for Specific Works

If a number of persons contribute to composing a Work in a way that the share of each one cannot be separated from the other shares, all co-authors shall be considered equal Authors of the Work, unless otherwise agreed in writing. In this case, no one of them may solely exercise the copyright without a prior written agreement among them.

If the co-authoring of each Author falls under a different type of art in the same Work, each one of them shall have the right to utilize the part of his own contribution separately; provided that such action does not affect the utilization of the Work for other Authors, unless otherwise agreed in writing.

Each one of them may institute actions when any copyright protected by this Decree-Law is infringed.

If one of co-authors dies and has no universal successors, his share shall devolve to the remaining partners or their successors, unless otherwise agreed in writing.

Article (27)

A natural or legal Person who directed the creation of the Collective Work may solely exercise Author's moral and economic rights, unless otherwise agreed.

Article (28)

Author's Economic Rights in His Relationship with Third Parties

Unless otherwise agreed in writing, Author's economic rights in his relationship with third parties shall be as follows:

1. If the Author makes an Innovation in favour of another Person, the copyright shall be attributed to such Person.
2. If an employee or worker during his employment creates a Work related to activities or business of the employer that is directly or indirectly mandated by the employer, or uses to reach the creation of such Work expertise, information, tools, machinery or materials of the employer at his disposal, the Author's economic rights shall be attributed to the employer, taking into consideration the intellectual effort of the workers.
3. If an employee or worker creates a Work unrelated to the employer's business and does not use the employer's expertise, information, tools or raw materials to reach this Innovation, the Author's economic rights shall attribute to the employee or worker.

Article (29)

Co-Author

1. The below persons shall be deemed a co-author of an audio or visual Work or an audiovisual Work:
 - a. A scenarist or written idea writer;
 - b. A person who modifies an existing literary Work to be adequately appropriate for an audiovisual method;
 - c. A scriptwriter;
 - d. A music composer if he composed it specifically for the Work; and
 - e. A director if he practiced an actual supervision to accomplish a Work.
2. If the Work is derived or extracted from a previous Work, the previous Work Author shall be deemed a co-author in the new Work.
3. An Author of a literary or musical part may publish his part in a way other than the way in which the Joint Work is published, unless otherwise agreed in writing.

4. If a co-composer composing an audio or visual or audiovisual Work refrains from completing his part, the same may not prevent the remaining co-composers from utilizing the part he implemented, without prejudice to the rights of the refrainer arising from the co-composition.
5. The producer, throughout the whole period of utilization of the agreed audio or visual or audiovisual Work, shall be acting on behalf of the Work Authors and their successors to agree on the utilization thereof, without prejudice to rights of Authors of the literary, derived-musical or modified Works, unless otherwise agreed in writing. Meanwhile, the producer shall be considered a publisher of such Work and shall have the publication and reproduction rights thereto within the limits of the economic utilization purposes.
6. If a Performer agrees to have his performance fixed in an audiovisual fixation, the exclusive economic rights of the license of utilizing the performance fixed in the audiovisual fixation, set forth in this Decree-Law, shall be transferred to the producer of the audiovisual fixation or the person authorized to the same, unless otherwise agreed between the Performer and the producer of audiovisual fixation.

Article (30)

A Work publisher shall be authorized to exercise the rights set out in this Decree-Law if the Work does not bear the Author's name or under penname, unless the Author appoints another agent or reveals his identity and proves his capacity or no doubt is raised on his real identity.

Article (31)

Rights of Architect

1. Rights of an architect to architectural designs shall be owned by the property owner or the like, unless otherwise expressly agreed.
2. A property owner or the like may introduce any improvements or changes to an existing building, subject of engineering drawings, designs and plans, pursuant to the legislation in force.

3. Buildings may not be seized or ruled to be destroyed or to change their features or to confiscate them so as to preserve rights of an architect whose architectural designs, drawings or plans have been unlawfully used, without prejudice to his right to fair compensation.

Article (32)

Operating Rules of Associations or Entities in Charge of Managing Copyright (Collective Management)

Holders of copyright and Neighboring Rights may assign their economic rights to competent professional associations for the management thereof, or authorize other entities to exercise such rights.

Contracts in this regard concluded by such associations or entities shall constitute civil contracts.

Article (33)

The associations or entities set out in Article (32) above shall make no preference among applicants seeking to enter into contracts with them on the utilization of Works entrusted to them to manage. Granting utilization licenses by the association or authority against a lower consideration shall not constitute preference in the following cases; provided that its decision shall be reasoned:

1. Utilization of Works in public celebrations through live performance by Performers.
2. Utilization of Works in the context of educational or cultural activities that do not generate direct or indirect returns.

Article (34)

1. The associations and entities set out in Article (32) above may only practice the activity of copyright and Neighboring Rights management only after obtaining a permit from the Ministry.
2. The Executive Regulations of this Decree-Law shall define the conditions, controls and procedures of the permit and obligations of and administrative sanctions to be imposed

on permitted persons upon the violation of the provisions of this Decree-Law and its Executive Regulations.

Article (35)

Actions Taken by the Court against Infringing Works

Subject to the provisions of Federal Law No. (11) of 1992, a judge of summary proceedings of the Competent Civil Court, at the request of the Author or his successor, based on an order on petition, may order the following actions against any Work published or presented without written permission from the Author or his successor:

1. Suspending the Work publication or manufacture.
2. Imposing seizure on the original Work or its copies and materials used in the republication of the Work or the extraction of copies thereof; provided that such materials are valid only for the republication of the Work.
3. Proving public performance for rhythm, acting or communicating a Work in public, as well as preventing the continuation of the current show or prohibiting it in the future.
4. Imposing attachment on the revenues generated from the publication or show.
5. Establishing the infringement of any rights protected under the provisions of this Decree-Law pursuant to the provisions of this Decree-Law.

The judge of summary proceedings may order the applicant to pay an adequate deposit. The applicant shall file the original dispute to the Civil Court within the (20) twenty days following the order issuance, and if not filed within such time limit, it will entirely be ineffective.

Article (36)

Any person against whom the order referred to in Article (35) above is issued may file a grievance with the president of the court that issues the order, within the (15) fifteen days following the issuance date thereof. In this case, the president of the court may either wholly or partially uphold or revoke the order or appoint a receiver whose mission is to republish, utilize, present, manufacture or extract copies of the disputable Work, and the generated

revenues shall be deposited in the court treasury until the original dispute is adjudicated.

Article (37)

Grievance Committee

1. A committee shall be created in the Ministry called "the Grievance Committee of Copyright and Neighboring Rights", under the chairmanship by a specialized judge nominated by the Minister of Justice, and the membership of two specialists selected by the Minister. Such Committee shall be competent to decide on grievances filed by stakeholders against decisions issued by the Ministry.
2. The Minister shall issue a decision nominating members of the Grievance Committee, system of work and procedures of filing grievances before it.
3. Any stakeholder may challenge the Committee's decisions before the Competent Court within (30) thirty days from the date of being notified thereof.
4. In all cases, an action before the court competent to examine applications for revoking decisions issued by the Ministry, pursuant to the provisions of this Decree-Law, may not be admissible before filing a grievance against the same before the Grievance Committee.

Article (38)

Customs Clearance

1. Subject to the legislation in force in the State, customs authorities may, either on its own accord or at the request of the Author or holder of the right or their successors in title or representatives, order, based on a reasoned decision, to prevent the customs clearance up to (20) twenty days for any materials violating the provisions of this Decree-Law.
2. Customs authorities may not prevent the Author or holder of the right or their successors or representatives to examine materials ordered not to be cleared.
3. The Executive Regulations of this Decree-Law shall define the conditions, controls and procedures related to the examination and the submission of an application to suspend the customs clearance and decide thereon.

Article (39)

Penalties

1. Without prejudice to any severer penalty set forth in any other law, any Person committing any of the below actions, without written permission from the Author or Holder of Neighboring Rights or their successors, shall be penalized by imprisonment for a term not less than (2) two months and/or a fine not less than (AED 10,000) ten thousand dirhams and not more than (AED 100,000) one hundred thousand dirhams:
 - a. Infringing any moral or economic rights of the Author or Holder of Neighboring Rights set forth herein, including making any Work, performance, phonogram or broadcasting program covered by the protection prescribed herein available to the public, whether via computers, online networks, information networks, telecommunication networks or other techniques or means.
 - b. Selling, renting out or trading, in any form whatsoever, a Work, phonogram or broadcasting program protected under the provisions of this Decree-Law. Multiple penalties shall be imposed depending on the number of Work, performance, program or recording, subject of the crime.
2. The penalty shall be imprisonment for a term not less than six months and a fine not less than (AED 100,000) one hundred thousand dirhams and not more than (AED 500,000) five hundred thousand dirhams in case of recidivism.

Article (40)

1. Without prejudice to any severer penalty set forth in any other law, any Person committing any of the below actions shall be penalized by imprisonment for a term not less than (6) six months and/or a fine not less than (AED 100,000) one hundred thousand dirhams and not more than (AED 700,000) seven hundred thousand dirhams:
 - a. Unlawful manufacture or import for the purpose of sale, rental or trading any Work, counterfeit copies, equipment, means or tools designated or customized to circumvent the protection or technology used by the Author or the Holder of Related Right to transmit, trade, organize or manage such rights or to maintain a certain

- quality of copies.
- b. Unlawful disrupt or render any protection of technology or electronic information intended to organize and manage the rights prescribed in this Decree-Law defective.
 - c. Download or store in a computer any software, software application or databases without authorization from the Author or the right holder or their successors.
2. The penalty shall be imprisonment for a term not less than (9) nine months and a fine not less than (AED 500,000) five hundred thousand dirhams and not more than (AED 1,000,000) one million dirhams in case of recidivism.

Article (41)

Any Person that uses software, software application, smart applications or databases without prior authorization of the Author or his successor shall be penalized by a fine not less than (AED 30,000) thirty thousand dirhams and not more than (AED 100,000) one hundred thousand dirhams per software, application or database.

The penalty shall be a fine of not less than (AED 100,000) one hundred thousand dirhams and not more than (AED 1,000,000) one million dirhams in case of recidivism.

If the crime is committed in the name or in favour of a legal Person or commercial or professional establishment, the court may rule the closure for a period not exceeding (3) three months.

Article (42)

Without prejudice to the penalties prescribed in Articles (39), (40) and (41) above, the court shall order confiscation and destruction of counterfeit copies, involved in the crime or by which the crime is made. The court shall also rule to confiscate equipment and tools, which are valid only for such purpose, used in the crime commission. The court may also order closure of the establishment in which the counterfeit crime is committed up to six month, and publish the summary judgment of conviction in one or more daily newspaper at the expense of the convict.

Article (43)

Compensation in Case of Infringement of Rights

The Author or the holder of right may claim for compensation in case his moral and economic rights area infringed, as per the general rules.

Article (44)

Exercise of Author's Rights in the Absence of Heirs

Moral and economic rights of the Author and Performers to any Work shall devolve to the Ministry in the absence of an heir or a legatee. The Ministry shall continue to exercise the moral rights set forth herein, so as to preserve the Work, following the expiry of the protection term of economic rights prescribed for the Work.

Article (45)

Photos or Audio or Video Recordings of Third Parties

Subject to Clause (9) of Article (2) above, where an agreement is made with a Person to capture a photo or make audio or video recordings, in any way whatsoever, such Person may not keep, show or publish the original or copies thereof without authorization of such Person, unless otherwise agreed.

The publication of photos in the following cases shall be excluded of the above:

1. Incidents publically occurred, unless the publication is banned by competent authorities.
2. Coverage or photography/videography of government events and activities organized for the public at a public place.
3. Where permitted by competent authorities for the public interest.

Taking into consideration that the publication or circulation of photos will not offend the Person's honour or reputation.

In all cases, a Person represented in a photo or his successor or the entity he represents, where the photo is due to his job performance, may authorize the publication thereof in different means of publication or the utilization or use thereof, even if the photographer does not allow for the same, unless otherwise agreed.

Article (46)

Compliance by Carriers

Without prejudice to any provision set forth in this Decree-Law, national carriers, including airplanes, vessels and trains, shall comply with the provisions thereof.

Article (47)

Supervision and Control

The Ministry shall supervise and control the implementation of the provisions of this Decree-Law and detect crimes and violations violating the provisions thereof. By virtue of a resolution of the Cabinet, at the proposal of the Minister, such functions may be delegated to any competent local authorities.

Article (48)

Judicial Officer Capacity

Employees of the Ministry or employees of local authorities to be nominated under a resolution to be issued by the Minister of Justice, in agreement with the Minister or the president of the local judicial authority, shall have the capacity of judicial officer to detect violations against the provisions of this Decree-Law, the Executive Regulations thereof or resolutions issued in implementation thereof, within the respective area of competence of each one of them.

Article (49)

Fees

The Cabinet shall issue a resolution identifying fees necessary for implementing the provisions of this Decree-Law.

Article (50)

Executive Regulations

The Cabinet shall, at the proposal of the Minister, issue the Executive Regulations of this

Decree-Law.

Article (51)

Implementing Resolutions

The Minister shall issue resolutions necessary for executing the provisions of this Decree-Law.

Article (52)

Repeals

1. Federal Law No. (7) of 2002, on Copyright and Neighboring Rights , as amended, shall hereby be repealed.
2. Any provision contradicting or repugnant to the provisions of this Decree-Law shall hereby be repealed.
3. Resolutions and regulations applicable before the effective date of this Decree-Law shall remain in full force and effect, in so far as they do not contradict the provisions thereof, until the substitutes thereof are issued, pursuant to the provisions of this Decree-Law.

Article (53)

Publication and Entry into Force

This Decree-Law shall be published in the Official Gazette, and shall enter into force as of 2nd January 2022 AD.

Khalifa bin Zayed Al Nahyan

UAE President

Issued by us at Abu Dhabi Presidential Palace

Dated: 13 th Safar 1443 AH,

Corresponding to: 20 th September 2021 AD