

**Cabinet Resolution No. (47) of 2022 Concerning the Executive Regulations
of Federal Decree-Law No. (38) of 2021 on Copyright and
Neighboring Rights**

The Cabinet,

- Having reviewed:
- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights; and
- Based on the Proposal of the Minister of Economy, and the Cabinet's approval thereof,

Hereby resolves as follows:

Article (1)

Definitions

The Definitions set forth in Federal Decree-Law No. (38) of 2021, referred to hereinabove, shall apply to this Resolution. Apart from the above, the following words and expressions shall have the meanings assigned thereto respectively, unless the context requires otherwise:

- The Law** : Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights.
- Work Right Register** : The register in which details and ownership of a Work, details of the Author, holders of rights or Holders of Neighboring Rights, and any rights or dispositions introduced thereto are entered.
- Collective Management:** : Specialized professional associations or any other entities to which Copyright holders and Holders of Neighboring Rights assign financial rights or authorize them to exercise such rights, collect the

consideration and distribute it to them.

Collective Management Permit : The permit issued by the Ministry for the Collective Management.

Competent Authority: : Federal or local government authority in charge of issuing licenses, permits or approvals related to Works or engagement in activities, pursuant to the legislation in force in such authority.

Article (2)

Work Data Register and Registration Applications

1. The Work Right Register shall contain all dispositions related to rights and data related thereto on the Work itself and the Author, including exclusive rights and scope, utilization term, intended purpose and other dispositions introduced to the aforesaid rights.
2. For the purpose of the Register, Works shall be classified in consistent with their nature.
3. The registration application may not include more than one Work, with due regard to the type of Works.
4. The Author, any holders of rights, Holders of Neighboring Rights or any of their successors may submit an application for registration of a Work, pursuant to the provisions of this Resolution.
5. The Work registration application shall be submitted according to the following procedures and provisions:
 - a. The applications for registration of a Work shall be submitted at the Ministry's website and the fees payable therefor shall be paid.
 - b. Subject to Paragraph (a) above, the Ministry shall set any additional requirements on the retention of electronic records and any other procedures.
 - c. The applicant shall be given a serial number according to the date of submission.
6. The aforesaid registration application shall contain the following details and documents:
 - a. Work's title, type, description and language;
 - b. Applicant's name, nationality, capacity and address and a copy of the power of

- attorney duly attested and notarized;
- c. Author's name, penname (if any), nationality, address and date of death (if any);
 - d. Name of the entity that assigns the work (if any), its address and a document establishing the relationship between it and the Author;
 - e. Publisher's name and address, date and place of first publication and international number (if any);
 - f. Name of the person to whom the disposition is made, his nationality and address, disposition's type, term and geographical scope and a document proving that the disposition is made by the Author or holder of right;
 - g. Work information and details;
 - h. Copy of passport or ID of the registration applicant, the Author and the person to whom the disposition is made;
 - i. Copy of the Work, as per the Work nature; and
 - j. Any other documents or information as required by the Ministry that instructs the applicant to provide any documents or information it deems necessary to verify that the conditions necessary for accepting his application are fulfilled, by virtue of a written notice to be served thereupon.
7. The Ministry shall examine the application and verify the following:
 - a. The Work does not fall within materials unprotected, pursuant to the provisions of Article (3) of the Law.
 - b. The Work does not fall within Works that require a permit from the Competent Authority in the State.
 - c. The data and documents set out in this Resolution are fulfilled.
 - d. The Work becomes in its final form and is not merely a draft, initiative, project or idea.
 8. If the applicant fails to provide the required documents or information within (60) sixty days from the date of being notified, the application shall be deemed rejected.
 9. The Ministry shall examine the application after fulfilling the requirements, referred to above, and shall issue the Work registration certificate after the application is approved.
 10. The Ministry shall issue a reasoned decision on the application rejection if it is found that

the Work does not fulfill the conditions set forth in the Law or that the application violates the provisions of this Resolution, and the applicant shall be so notified. Any applicant whose application is rejected or deemed rejected may submit a new application to the Ministry, after completing the documents and information that were the reason for the rejection decision.

11. Subject to Clause (10) above, a grievance about the rejection decision may be filed with the Grievance Committee within a period of (30) thirty days from the date of being so notified.
12. Subject to the foregoing, the Ministry may, in order to examine the registration applications, seek the assistance of specialists, as it deems required, from inside or outside the State; however, an opinion provided by a specialist shall be an advisory opinion to the Ministry.
13. The issuance of the Work registration certificate shall not constitute a permit for utilization or circulation. The stakeholder shall fulfill the requirements of the Competent Authority in the State on the Work registration authorization, as long as the Work's nature so requires.

Article (3)

Correction of Material Error

Any stakeholder may request the Ministry to correct any material error in the Register's information.

Article (4)

Dispositions Introduced to the Work Right Register

Dispositions introduced to the Work Right Register, including the deletion of data recorded or having the same registered for a new Person with the consent of parties or based on a final enforceable court judgment, shall be documented.

Article (5)

Importers and Distributors of Works

1. Subject to the provisions of Article (2) hereof, the Work Right Register shall contain all data on names of importers and distributors and rights introduced thereto, including their evidence of right to import or distribute the Works in the State, and data on their activities and entities authorizing them to import or distribute the Works, as stated in the Register.
2. An entry in the Register may include name of more than one supplier or distributor of the same Work if the applicant fulfills the requirements of such entry.
3. Any natural or legal Person may practice an activity related to Works, including importation, distribution, sale, rental or lending, even if it is not registered in the Work Right Register.
4. The registration in the Work Right Register shall not preclude the approval of the Competent Authority or licensing with licensing authorities in each Emirate to duly practice the activities.
5. The application for registration in the Work Right Register shall contain the following data and documents pertaining to importers and distributors of Works:
 - a. Registration applicant's name, nationality, capacity, place of residence, address and authorized signatory;
 - b. Name, nationality, address and activity of natural or legal Person to be registered;
 - c. Activity practice license issued by the Competent Authority in the State;
 - d. License of the Competent Authority, including the licensing authority in the Emirate in which the head office of the legal Person's activity is located;
 - e. Work title, type and language;
 - f. Contractor's name and address;
 - g. Producer's name, address and production place; and
 - h. The document proving the legal relationship authorizing importation or distribution, showing the following:
 1. Geographical area agreed upon for distributing the Work;
 2. Duration of the Work's financial utilization;

3. Place and date of signing the aforesaid document;
 4. Official notarization of the document according to the applicable due process; and
 5. A legal translation of the document into Arabic if it is written in a foreign language.
- i. Any other documents as required by the Ministry that instructs the applicant to provide details, documents or clarifications it deems appropriate to support the application and the attached documents.
6. The Ministry may communicate with any entity to verify the validity of documents or data submitted.
 7. The Ministry shall examine the application and verify the following:
 - a. The Work does not fall within the Works that require a permit from the Competent Authority in the State; and
 - b. The data and documents set out in this Resolution are fulfilled.
 8. If the applicant fails to provide the required documents or information within (60) sixty days from the date of being notified, the application shall be deemed rejected.
 9. If the Ministry accepts an application containing incomplete information or documents, the stakeholder shall be so notified, indicating information, papers or documents required to be clarified or enclosed, and the stakeholder shall submit the same within (60) sixty days from the notification date; otherwise, it shall be deemed null and void.
 10. The Ministry may reject the registration of any subsequent applications after the 60-day time limit.
 11. The Ministry shall reject the application if it violates the provisions of the Law or this Resolution, and the stakeholder shall be so notified.
 12. A grievance about the rejection decision may be filed with the Grievance Committee, within (30) thirty days from the date of being so notified.
 13. If the application is accepted, types of rights granted, their duration and Works' number, names, language and geographical scope of utilization shall be registered, and the Ministry shall issue the certificate.
 14. The Ministry may, based on a reasoned decision, request the Competent Authority in the State to cancel the certificate for circulating the Work.

Article (6)

Notification of Updates and Modifications

Persons whose names are recorded in the Work Right Register shall notify the Ministry of any modification or change introduced to the Register data or attached documents, within (20) days from the modification or change date. The notification shall be made by a letter to be served by the stakeholder. The Ministry shall annotate the Register with any required modifications or changes.

Article (7)

Compulsory License for Reproduction or Translation

Any Person may submit an application to the Ministry for obtaining a license for Reproduction and/or translation of a Work protected by the Law, in order to satisfy needs of education of all types and levels or needs of public libraries or archive houses, in accordance with the provisions set out in this Resolution.

Article (8)

License Application

1. An applicant for Reproduction or translation license shall submit a document proving that the Author or holder of right has refused to grant him a permit to reproduce or translate the Work and publish the reproduced or translated version, or otherwise the applicant failed to reach out to the Author or holder of right to the Work utilization.
2. Where the license applicant fails to reach out to or communicate with the Author or holder of right to the Work utilization, he shall communicate with the publisher whose name appears on the Work and submit a document proving that he has taken the actions mentioned in the above Paragraph.

Article (9)

Requirements of Compulsory License for the Work Reproduction

1. Without prejudice to the provisions of this Resolution, in order to issue the compulsory license for the Work Reproduction, the following conditions shall be fulfilled:
 - a. The period of (5) five years from the date of first publication of the Work shall lapse;
 - b. The Work copy licensed by the Author or holder of right to the Work utilization shall not be available on the State's markets; and
 - c. The Work shall satisfy needs of education, public libraries or archive houses at a price close to the price common in the State for similar Works.
2. The following cases shall be excluded from the provisions of Clause (1):
 - a. Where the Work contains subjects related to mathematical, natural or technical sciences, the compulsory license application may be submitted after (3) three years from the date of the Work's first publication;
 - b. Where the Work contains subjects related to fantasy, such as novels, poetry, drama, musical compositions and art books, the compulsory license application may be submitted after (7) seven years from the date of the Work's first publication;
 - c. Lapse of (3) three months from the date of first communication with the Author or holder of right to the Work utilization; provided that such period is effective following the lapse of the (5) five-year period referred to in Paragraph (a) of Clause (1) above, and the lapse of the (7) seven-year period referred to in Paragraph (b) of Clause (2) above; and
 - d. Lapse of (6) six months from the date of first communication with the Author or holder of right to the Work utilization; provided that the period is effective following the lapse of the (3) three-year period referred to in Paragraph (a) of Clause (1) above.

Article (10)

Conditions of the Compulsory License for Translation

Without prejudice to the provisions of this Resolution, in order to issue the compulsory license for translation, the following conditions shall be fulfilled:

1. Lapse of (3) three years from the date of first publication of the Work where no copy thereof translated into Arabic or a language commonly circulated in the State is available to satisfy needs of education, public libraries or archive houses, or where the translated copy is sold out in the State after such period.
2. Lapse of (6) six months from the date of first communication with the Author or holder of right to the Work utilization; provided that the period is effective following the lapse of the (3) three-year period referred to in Clause (1) above.
3. Subject to the provisions of this Article, the provisions established for Reproduction not translation shall apply to the said Work on translation whenever it contains illustrations, pursuant to the provisions, periods and conditions set out in Article (9) hereof.

Article (11)

Prohibitions of Compulsory License

The license may not be granted in any of the following cases:

1. Where the Work is withdrawn from circulation, at the request of the Author or holder of right to utilization of financial rights; or
2. Where the Author or holder of right to utilization of financial rights offers the Work for circulation within the extra period referred to in Articles (9) and (10) hereof to satisfy needs of education, public libraries or archive houses at a price close to the price common in the State for similar Works.

Article (12)

Obligations of License Holder

The license holder shall:

1. Mention the Author's name on the translated or reproduced version and mention the Work title as mentioned in its original language;
2. Ensure honest conveyance of the relevant version through the accurate reproduction or translation of the Work;
3. Annotate every reproduced or translated version that it is circulatable only in the State, along with mention that the version has been issued based on a compulsory license;
4. Use the license for satisfying needs of education, public libraries or archive houses;
5. Pay the Author or holder of right to the Work utilization a fair consideration to be identified in the licensing decision, guided by the international standards applicable to such field;
6. Submit to the Ministry, before receiving the license, a document proving that the consideration referred to in Clause (5) above is transferable in the currency of the country in which the original Work had been issued, and that it has been delivered to the Author or holder of right to the Work utilization; and
7. Not export the licensed Work outside the State.

Article (13)

The License for Reproduction or Translation is Nominal and Unassignable

The license for Reproduction or translation shall be issued in the name of the license applicant and may not be assigned to third parties.

Article (14)

Expiry of Reproduction or Translation License

1. The Reproduction or translation license shall expire if the Author or holder of right to the Work utilization makes it available in a reproduced or translated version at a price close to the price of similar Works in the State.

2. The version for which a license for Reproduction or translation is issued shall be circulated until it is sold out.

Article (15)

Collective Management

1. The Collective Management shall obtain a permit from the Ministry before practicing such activity.
2. The Collective Management shall, before submitting the permit application referred to in Clause (1) above, obtain the necessary approval from the Competent Authority in the State according to the conditions prescribed in this regard.
3. In order to obtain the Collective Management permit, the following documents and details shall be submitted:
 - a. A copy of the permit applicant's articles of association and memorandum of association;
 - b. The form of the contract concluded between the applicant and right holder associates of the permit applicant, and the mechanism of distributing dividends to such associates;
 - c. The form of agreements related to the financial collection between the Permit applicant and any other beneficiary with the details of the financial agreement and the collection mechanism;
 - d. A report containing the relevant data and details, including financial rights, such as tables, statements ... etc. with beneficiaries and the mechanism of collection and distribution; and
 - e. An ID copy of the permit applicant's director-in-charge.
4. The Ministry shall examine, approve and issue the permit application after fulfilling the requirements and approving the data and documents referred to in Clause (3) above. Where the permit application requires any necessary data or modification to any of the submitted data and documents, the permit applicant shall address the same and provide the Ministry with the aforesaid requirements for issuing the permit.

5. The Collective Management shall:
- a. Submit an annual report to the Ministry, at least (30) thirty days before the permit expiry, containing the following information:
 1. A list of members (right holders) and their capacities and addresses;
 2. Details of collected funds, with a reference to the user's classification from whom the collection is made;
 3. A list of employees, their duties and the national employment rate;
 4. A list of job titles of the board of directors;
 5. A summary of key activities in which the Collective Management is involved, such as board meetings, conferences organized or attended by the same and awards ceremonies;
 6. A summary and description of the objective and status of any existing dispute, including litigation proceedings or other proceeding;
 7. A list of foreign entities with which the Collective Management enters into contracts;
 8. Details of total amounts distributed over the past year;
 9. Key objectives of the next year; and
 10. A report on their accession to international memberships.
 - b. Retain a copy of the agreement concluded between it and utilizers of financial rights in which the agreed financial collection costs are identified;
 - c. Take all administrative and legal actions to protect rights of contracting parties;
 - d. Prepare final accounts and distribute dividends to contracting parties at least once a year;
 - e. Allow contracting parties to review final accounts and the method of dividend distribution;
 - f. Draw up regular reports to be submitted to right holders, showing entities that have used their Works and amounts collected;
 - g. Submit the information and documents set out in this Resolution to the Ministry, where required, and the Competent Authority may inspect the Collective

Management to access to such information and documents; and

- h. Make no discrimination among members.
6. The Collective Management shall pay annual fees of the Permit, which shall be annually renewed after the prescribed fees are paid.
7. The Ministry may revoke the permit after being issued if the Collective Management fails to comply with the provisions of the Law and the implementing resolutions thereof; however, its obligations towards contracting parties shall remain in place without any responsibility on the Ministry.
8. The Collective Management may not refuse to manage financial rights of Authors or Holders of Neighboring Rights without a justifiable reason.
9. The Collective Management shall ensure that the financial return goes to Authors or Holders of Neighboring Rights, as per the internal distribution mechanism, show the documents confirming the same and submit them to the Ministry where required.
10. The Collective Management may deduct a percentage of total collected amounts for managing the collection and distribution of returns for use; provided that the deduction percentage does not exceed 25% of total amounts collected. Such percentage may be deducted only for administrative expenses, and the Ministry may reduce such percentage when it deems appropriate.
11. No other amounts shall be deducted, other than administrative expenses, without the consent of associate members.
12. The Ministry may request the applicant to show a document proving that he is a member of the international union concerned with the Collective Management activity, when it deems required.
13. The Collective Management may not introduce any modification to data or documents submitted for obtaining the permit, including the imposition or adjustment of matters related to financial rights, before being approved by the Ministry.
14. The Collective Management's working mechanism shall include a mechanism for settlement of internal disputes and complaints by independent persons experienced in such field.

15. Administrative sanctions to be imposed due to the permittee's violation of the provisions of this Law and this Resolution shall be identified by a Cabinet resolution at the Minister's proposal.

Article (16)

Accessible Format Copy

1. An authorized body may apply to the Ministry for obtaining a license to prepare copies of any Accessible Format Copy.
2. In order to obtain the Ministry's approval, the following conditions shall be fulfilled:
 - a. Services of education, training, reading for the blind or access to information for the beneficiaries shall be provided within its main activities or institutional obligations;
 - b. It shall have a legal access to Works or copies thereof;
 - c. The distribution of Accessible Format Copies shall be exclusively distributed to the beneficiaries or bodies authorized inside or outside the State;
 - d. Not introduce any changes other than those necessary to render the Work accessible;
 - e. Such activity shall be accomplished on a non-profit basis;
 - f. Creating a database of all accessible copies, including the following:
 1. Name of the Author;
 2. Book title;
 3. Name of the publisher;
 4. Number of copies;
 5. Accessibility technique; and
 6. Name, place and distribution scope of printing house that provides the accessibility service.
3. Any beneficiary or his representative may prepare copies of any Accessible Format Copy for personal use with no need for any license.

Article (17)

Customs Clearance

1. The Author or right holder or their successors may submit an application to the customs authorities to temporarily suspend the customs clearance before intellectual Works are released from the customs zone. The customs authorities shall decide on the application and the applicant shall be notified of the decision once issued.
2. The customs authorities may, on its own accord, temporarily suspend the customs clearance where any of the documents submitted are doubtful.
3. In all cases, the customs authorities' decision to temporarily suspend the customs clearance shall be reasoned and for a maximum period of (20) twenty days.
4. The applicant shall attach to his application the documents proving his right to the application content duly notarized, and the customs authorities shall ensure the validity of such documents, in cooperation with the Ministry.
5. The customs authorities may order the applicant to submit an adequate security or equivalent to protect a Person that received a customs clearance suspension decision from the abuse of right to request suspending the customs clearance.
6. The security may not be refunded to the applicant if a judgment is rendered by the Competent Court overturning the customs clearance suspension decision, or where the importer or exporter submits official documents proving that the application is invalid.
7. The customs authorities shall enable the applicant, at his request, to attend when the materials set out in the application are inspected, and the attendance permission shall be issued indicating the name and capacity of the Person permitted to attend, and it shall be valid for one time only.
8. The conditions, controls and procedures applicable at the customs authorities shall be applicable to the customs clearance and inspection.

Article (18)

Future Works

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 not exceeding (10) future works.

Article (19)

Repeals

Any provision contradicting or repugnant to the provisions of this Resolution is hereby be repealed.

Article (20)

Publication and Entry into Force of the Resolution

This Resolution shall be published in the Official Gazette, and shall enter into force as of the day following the date of its publication.

Signed

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us

Dated: 10 th Shawwal 1443 AH,

Corresponding to: 11 th May 2022 AD