

**The Copyright Law**  
**No. (22) of 1992**

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# Copyright Law<sup>♦</sup>

## No. (22) of 1992

### Article (1): Title and Effective Date

This Law shall be cited as the “Copyright Law of 1992” and shall come into effect as of the date of its publication in the Official Gazette.

### Article (2): Definitions

The following words, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context provides otherwise:

<b>The Ministry:</b>	The Ministry of Culture.
<b>The Minister:</b>	The Minister of Culture.
<b>Deposit:</b>	Delivery of the work to the Depository Center in accordance with the provisions of this Law.
<b>Consolidation:</b>	Setting the work in a material permanent manner.
<b>The Court:</b>	The competent Court of First Instance.

### Article (3): Works Enjoying Copyright Protection

a) Works created in literature, art and science, whatever the nature, or importance of those works, or the purpose for which they were produced, shall enjoy protection in pursuance to this Law.

b) The said protection shall include the works expressed through writing, sound, drawing, photography or movement, and in particular:

1. Books, booklets and other written material.
2. Oral works delivered orally such as lectures, speeches and sermons.
3. Theatrical works, lyrical and musical plays and pantomime acting.
4. Musical works whether expressed in notes or not and whether accompanied with words or not.
5. Cinematic and audio and visual broadcasting works.
6. Painting, photography, sculpting, architecture, applied arts and lithographical works.
7. Illustrations, maps, designs, blueprints and three-dimensional works related to geography and topography.
8. Computer programs whether in the origin language or machine language.

c) Protection shall also include the title of the work unless the title is generic used to describe the subject of the work.

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<sup>♦</sup> Amended by the Amending Law No. (14) for the year 1998 and the Amending Law No. (29) for the year 1999, and the Amending Law No (52) for the year 2001.

d) Collections of literary or artistic works such as encyclopedias, anthologies, and compiled data, whether in an automatically read form or in any other form, which constitutes unique intellectual works in respect of their selection or arrangement, shall also enjoy protection. Collections containing selected excerpts of poetry, prose, music or other shall also be protected, provided that the sources and authors of same are mentioned without prejudice to the rights of the authors in respect to each work forming a part of the collections.

#### **Article (4): The Author**

A person who publishes a work that is attributed to him, whether by mentioning his name on the work, or by any other means, is considered an author unless proven otherwise. This provision shall apply to pseudonyms, provided that there is no doubt concerning the true identity of the author.

#### **Article (5): Translators and Performers Copyrights**

Without prejudice to the right of the author of the original work, the following shall enjoy protection and be is considered work for the purposes of this Law:

a) Any person who translates a work to another language or transforms it from one form of literature, art or science to another or summarizes, modifies, amends, explains, comments or indexes it to present it in a new form or presents it in a new form through other means.

b) A performer who performs to an audience an artistic work of others whether same is achieved by singing, performance, rhythm, recitation, photography, drawing, movement, steps or any other method.

c) Authors of encyclopedias, anthologies, compiled data, and collections protected in pursuance to the provisions of this Law.

#### **Article (6): Work Created for the Account of another Person**

a) If a person creates a work for the account of another the copyrights shall belong to the author of the work unless agreed otherwise in writing.

b) Notwithstanding the provisions of paragraph (a) of this Article and any other Law, if an employee invents during his employment a work related to the activities or businesses of his employer or utilized in the course of arriving at this invention the employer's expertise, data, tools, equipment or materials which are placed under his disposal, then the copyrights shall belong to the employer unless agreed otherwise in writing.

c) The intellectual property rights shall belong to the employee if the property right invented by him is not related to the businesses of the employer, and if same did not

utilize the employer's expertise, data, tools or primary material to arrive at this invention unless agreed otherwise in writing.

#### **Article (7): Works not Subject to Protection**

The protection provided for under this Law shall not include the following works unless collections of these works are distinguished with personal effort, which encompasses invention or organization:

- a) Laws, regulations, judicial decisions, administrative committees' decisions, international agreements and other official documents and translations of these works or any part thereof.
- b) News published, broadcast or delivered publicly.
- c) Works that have become public property. National folklore shall be considered public property for the purposes of this Article, provided that the Minister shall exercise the copyrights of such works to counter distortion, alteration or damage to cultural interests.

#### **Article (8): Author's Exclusive Rights**

The author shall have the exclusive right to:

- a) Have his work attributed to him and his name cited on all produced reproductions whenever the work is made available to the public, unless the work is cited incidentally during the news broadcast of current events.
- b) Decide the publication of his work and determine the manner and date thereof.
- c) Affect any alteration on his work whether by modification, editing, omission or addition.
- d) Challenge any infringement upon his work and prevent any distortion or alteration or any other modification thereof or any other transgression that may harm his reputation and honor. Nonetheless, shall any omission, alteration, addition or any other modification occur to the translation of the work, then the author shall not have the right to prevent same unless the translator fails to note the places of such modification, or should the translation prejudice the author's reputation and cultural or artistic standing or distorts the content of the work.
- e) Withdraw his work from circulation should there be serious and legitimate reasons to do so. In such a case the author shall be liable to justly compensate the person to whom the monetary rights have passed.

#### **Article (9): Author's Right to Grant Others Authorization to Exploit his Work**

The author shall have the right to financially exploit his work in whatever manner he chooses. Others shall not be entitled to exercise this right without the written authorization of same or his successors. Such authorization shall include:

- a) The right to print, broadcast and produce his work.
- b) The right to reproduce his work in all material forms including photographic or cinematographic representation or recording.
- c) The right to translate his work to another language, adapt, musically transform it, or carry out any alteration thereof.
- d) The right to grant authorization to utilize a reproduction or a number of reproductions to persons who exploit same through rental, lending and other practices related to presenting the work to the public.
- e) The right to convey his work to the public by reciting, announcing, exhibiting, or performing same or by radio, television, cinematographic broadcasting, or any other means.

#### **Article (10): Author's Publication of his Letters**

The author shall have the exclusive right to publish his letters. However, the author and others are prohibited from exercising this right without the prior authorization of the recipient or his successor, should such publication harm the recipient.

#### **Article (11): Translation, Reproduction and Publication Licenses**

Notwithstanding the provisions of Article (9) of this Law:

- a) Any Jordanian citizen shall have the right to obtain an inclusive license whose title can not be transferred, from the Minister or the person authorized by him, to translate any foreign work published in a printed form or any other form to the Arabic language and to publish this translation in printed form or any other similar form, provided that three years have elapsed since the first publication date of this work, and that no translation thereof has been published in Jordan in the Arabic language by the owner of the translation right or with his approval or in the case the translated copies have been consumed.
- b) Any Jordanian citizen shall have the right to obtain an inclusive license whose title cannot be transferred to others, from the Minister or the person authorized by him, to reproduce or publish any of the following published works according to the following conditions:
  - 1. The lapse of three years since the first publication date of any printed work related to technology, natural sciences, physics or mathematics, or after the lapse of seven years since the first publication of poetic, theatrical, musical works, art books and novels or the lapse of five years since the first publication of any other published works.

2. That no copies thereof have been distributed in the Kingdom to fulfill the needs of the general public or school or university education through the owner of the right of reproduction or with his approval and at a price compatible with the prices of similar works in the Kingdom
3. That the published copies be sold in accordance with the provisions of this clause at a price equal to or less than the price stated in clause (2) of this paragraph.

c) Translation licenses provided for in paragraph (a) of this Article shall only be granted for the purposes of school or university education or research. Reproduction licenses provided for in paragraph (b) of this Article shall only be granted for use in the field of school or university education.

d) Upon the granting of a translation or reproduction license the original author of the work which was translated or reproduced shall become entitled to a just compensation compatible with the standards of the monetary rights of the author which are prevalent in voluntary license contracts between people in the Kingdom and between people in the author's country.

e) The conditions and procedures for the granting of licenses provided for in this Article shall be determined in pursuance to a regulation issued for this purpose.

#### **Article (12): Seizure of Copyright**

No seizure shall be affected on the author's right in any work. However, seizure of the reproductions of the work which has been published is permitted. Seizure of the work whose author has died before its publication is prohibited, unless proven that the author approved its publication before his death.

#### **Article (13): Disposal of Monetary Rights**

The author may dispose of the monetary rights of his work, provided that such disposal is in writing and that it determines explicitly and in detail each right subject to disposal and the extent and purpose thereof and the duration and place of its exploitation.

#### **Article (14): Disposal of Future Intellectual Creations**

Any disposal of the author of his entire future intellectual creations shall be null and void.

#### **Article (15): Transfer of Original Copy's Title**

The transfer of the title of the original copy of the work or the only reproduction or a number of reproductions thereof to others shall not include the transfer of the copyright of this work to same. However, the owner of this reproduction or

reproductions shall be permitted to present it to the public and shall not be obliged to enable the author to reproduce or transfer or present same unless agreed otherwise.

#### **Article (16): Copyright of Photographic Work**

The copyright of photographic work shall not prohibit others from taking one or more photograph of the subject of the work even if the new photograph, or photographs was taken from the same place and under the same circumstances of the original photographic work.

#### **Article (17): Use of Published Works**

Published works may be used without the author's permission subject to the following conditions and in the following cases:

a) Presenting, exhibiting, announcing, performing or musically playing the work provided that same occurs in a private family meeting or in an educational, cultural or social institute by way of illustration for educational purposes. The State musical bands may play musical works provided that no financial gain is achieved and that the source and author's name is mentioned if available.

b) Employing the work for private personal use through making one reproduction thereof by photocopying, recording, photographing, translation or musical distribution provided that the foregoing does not conflict with standard exploitation of the work and does not cause unwarranted harm to the legitimate interests of the owner of the right.

c) Relying on the work for illustration in education through publications, programs and sound, audio and visual recordings for educational, culturing, religious or vocational purposes within the parameters necessary for achieving these purposes provided that the aim of making use of the work is not to achieve financial gain and that the name of the work and author are mentioned.

d) Quoting paragraphs from the work in another work for the purpose of illustration, discussion, criticism, culturing or examination within the limits which justify this purpose provided that the name of the work and author is mentioned.

#### **Article (18): Serial Novels, Short Stories and Other Works Published in Newspapers or Periodical Publications**

Newspapers and periodical publications are prohibited from carrying serial novels and short stories and other works published in newspapers and other periodical publications without the permission of their author. Newspapers may carry political, economic and religious news articles occupying public opinion, which are published in other newspapers unless the newspaper, which published same explicitly, prohibited carrying them. In all cases reference to the source from which the articles were carried shall be made.

### **Article (19): Sermons, Conversations and Similar Works Copyrights**

Newspapers and other media means may publish without the prior consent of the author sermons, lectures, conversations and other similar works which are publicly delivered or addressed to the public. In all cases the work and its author should be mentioned. The author of any of these works may publish same in one publication or by any method or form he chooses.

### **Article (20): Copy of Work without Author's Consent**

Public libraries, non-commercial documentation centers, educational academies and scientific and cultural institutions may copy any work by photography or by other means, without the author's consent provided that the photocopying and the number of copies is limited by the need of these institutes and that same does not harm the copyrights of the author and does not conflict with the normal exploitation of the work.

### **Article (21): Rights of the Author's Heirs**

The heirs of the author have the exclusive right of determining the publication of his work which was not published during his lifetime unless the author prohibited the publication of his work in his will or specified the time of its publication in which case the will should be adhered to.

### **Article (22): Restrictions on the Rights of the Author's Heirs**

The heirs of the author of any work shall have the exclusive right of exercising the monetary exploitation rights of that work stipulated in this Law. However, if the author was party to a written contract with others during his lifetime to exploit his work, then this contract shall be carried out in accordance with its conditions. If more than one author contributed in the creation of the work and one of them died without leaving an heir, then his share in the work shall pass to the rest of the contributors in the creation equally provided that no written agreement states otherwise.

### **Article (23): Protection of the Rights of Performers, Sound Recordings and Broadcast Programs**

- a) Notwithstanding the provisions of Article (17) of this Law:
1. A performer may prohibit others from consolidating his unconsolidated performance or reproducing any consolidation of his performance, or broadcasting same through wireless means and conveying it to the public without his consent.
  2. The Radio and Television Commission or the owner of the copyright may prohibit others from consolidating unconsolidated broadcast programs, or

reproducing any consolidation of same, or wirelessly transmitting or conveying them to the public by television transmission without the consent of the Commission or the owner of the right.

b) Producers of sound recordings or their successors or any person with a legal right related to the sound recordings may allow or prohibit direct or indirect reproduction of their sound recordings or rental of the original copy or other copies to others for commercial purposes.

c) Protection of the rights of performers and sound recordings' producers shall apply for fifty years starting from the first of January of the calendar year following the year during which the performance or consolidation of the recording occurred, as the case may be.

d) Protection of radio programs broadcast by any radio or television establishment shall apply for twenty years to be calculated as of the first of January of the calendar year following the year during which the program was broadcast for the first time.

#### **Article (24): Temporary Recordings of the works of Official Radio and Television Entities**

Radio and television establishments may prepare for their programs and by their own special means a temporary recording of any work for which it obtained a license allowing same to broadcast or display it, provided that all the copies of the work are destroyed within a period that does not exceed one year of the date of preparing that copy unless the author agrees to extend that period. Copies of works of a documentary nature, which has no more than one kept copy, are excluded from the foregoing.

#### **Article (25): Restrictions on Exploiting Photographic Works**

A person who produced a photograph is prohibited from displaying the original photograph, publishing or distributing same or displaying, publishing or distributing reproductions thereof without the consent of the person it represents. This provision shall not apply if publishing a photograph occurred on the occasion of public events or if the photograph concerns official persons or persons of public fame or if the public authorities allowed its publication for public interest, provided that in all cases no photograph shall be displayed, published, distributed or circulated if same would damage the honor of the person it represents or his dignity, reputation, reverence or social standing. The person represented in the photograph may allow its publication in newspapers and magazines and other media means even if the person who took the photograph prohibited same, unless there is an agreement to the contrary. These provisions shall apply to any photographs whatever method taken with whether by painting, engraving, sculpting or any other method.

#### **Article (26): Works not Carrying Author's Name or Pseudonym**

If a work does not carry the name of its author or a pseudonym then the publisher of that work shall be considered delegated by force of law by the author to exercise the rights stipulated in this Law until the author reveals his identity and proves it.

**Article (27): Minister's Right in Exercising Work's Monetary Rights**

Shall the heirs of the author of any work or the person considered his successor, as the case may be, not exercise their rights in monetarily exploiting the work then the Minister may exercise these rights by publishing the work or republishing it unless the heirs or the successor do so within six months as of the date of their notification in writing by the Minister without prejudice to the right of the heirs or successor, as the case may be, to a just compensation for publishing the work or republishing same, provided that the publication or republication is realized for public interest.

**Article (28): Disposal of any Right of the Work by its Author**

The author may dispose of any of his work's rights on the basis of participating with others regarding the income or profit resulting from the monetary exploitation of the work by others, provided that the author hold the right to receive an additional part of that income or revenue, shall it become apparent that the agreement to exploit his work was not to his interest, or became so as a result of conditions or reasons that were not apparent at the time of contracting or occurred afterwards.

**Article (29): Auction of Original Plastic Arts and Original Musical and Literary Manuscripts**

The author of works of original plastic arts and original musical and literary manuscripts, or his heirs shall have the right to share in the proceeds of every auction of same following the first assignment thereof by the author. A regulation shall determine the conditions of exercising this right and the percentage of sharing in the proceeds of the sale and the method of collecting same. Any agreement or arrangement realized in a manner contrary to the provisions of this Article shall be considered null and void provided that this provision not apply to architecture and applied arts works.

**Article (30): Protection Period of Author's Financial Copyrights**

The protection period of the author's financial copyrights provided for in this Law shall remain in force for the duration of the author's lifetime and for fifty years following his death, or after the death of the last person of those who participated in the creation of the work if they were more than one author. For the purposes of calculating the protection period the date of death shall be considered to have occurred in the first of January of the calendar year following the actual death of the author.

### **Article (31): Works Included in the Fifty-Year Protection Period**

The protection period for the following works shall apply for fifty years as of the date of their publication, provided that the calculation of this period starts as of the first of January of the calendar year following the actual publication date thereof:

- a) Cinematic and television production works. However, if same are not published with the consent of the right's holder within fifty years as of the date of completing this work then the protection period shall commence as of the date of its completion, which is considered the first of January of the calendar year during which the actual completion of the work was realized.
- b) Any work whose author or the holder of the right thereof is a corporate person.
- c) The work published for the first time after the death of its author.
- d) The work, which does not carry the name of its author or carries a pseudonym. However, if the author reveals his identity within the protection period then this period shall start as of the death of the author.

### **Article (32): Works Included in the Twenty-Five-Year Protection Period**

The protection period of the following works shall remain in effect for a twenty-five year period commencing as of the date of the completion of same, which shall be considered the first of January of the calendar year during which the actual completion of the work occurred:

- a) Photographic works.
- b) Applied arts works.

### **Article (33): Date of Publication**

- a) The work shall be considered published as of the date of it being made available to the public for the first time. Republication shall not be taken into account unless the author introduces major amendments thereof upon which the work can be considered new.
- b) If the work constitutes several parts or volumes published separately at different times, then each part or volume shall be considered independent in regard to the publication date.

### **Article (34): Lapse of Protection Period**

a) After the lapse of the protection period stipulated in this Law of any work, or when there are no heirs of the author or any successor to same before the lapse of the protection period, the work shall revert to public domain so that any person may print, publish or translate same if it were printed, published or translated before that.

b) If the work stipulated in paragraph (a) of this Article was not printed, published or translated before reverting to the public domain then no right thereof shall be exploited including its printing, publication or translation without a license from the Minister. This license shall be valid for fifteen years and shall be considered cancelled if the holder of the right did not exercise it within one year or if same started then stopped for a whole year.

### **Article (35): Creation of Work by a Number of People**

a) If more than one person participated in the creation of one work in a manner that makes it impossible to separate the share of each of them in the creation then they all shall be considered the owners of the work with each having an equal share unless they agree otherwise. In such a case none of them shall exercise the copyrights of the work without the consent of all of them. Each of them shall have the right to file a case upon any violation of the copyright of the work.

b) However, shall it be possible to separate the share of all the contributors to the creation of the work from the shares of the remaining partners then each shall have the right to exploit the copyright of the part he contributed in its creation provided that same does not harm the exploitation of the work itself or prejudice the rights of the remaining partners in the work unless agreed otherwise.

c) If a group participated in the creation of a work under the direction of a natural or corporate person (called a collective work) and if that person committed himself to publishing same under his name and management in a manner were the work of the participants is merged into the general goal that this person intended for the work or idea which he innovated for same in a manner that the work of each of the participants in creating the work can not be separated and distinguished apart, then the person who directed and organized the innovation of the work shall be considered its author and shall have the exclusive right of exercising the copyrights thereof.

### **Article (36): Copyrights Protection Office**

a) Employees of the Copyrights Protection Office in the National Library Department who are delegated by the Minister shall be considered members of the Judicial Police during their implementation of the provisions of this Law.

b) Shall there be any suspicion of a violation of the provisions of this Law being committed in any business which prints, reproduces or distributes works, then the employees of the Copyrights Protection Office shall have the right to search this business and impound the copies and collect and refer the materials used in committing these violations along with the violators to Court. The Minister may request the Court to close the business.

### **Article (37): Rights related to Cinematic, Radio and Television Works**

a) The following shall be considered a partner in creating cinematic, broadcasting, and television works:

1. The author of the scenario or the owner of the written idea of the program.
2. The person who modified the literary work to make it suitable for implementation.
3. The author of the dialogue of cinematic, radio or television work.
4. The composer of the music of the work if he composed it especially for the work.
5. The director of the work if he exercised direct supervision on its implementation and performed positive work from an intellectual aspect to realize the work.

b) If the work is the simplified version of another previous work or if the work is extracted from another previous work then the author of the previous work shall be considered a partner in the new work.

c) The author of the scenario of a literary work, the person who modified same, the author of the dialogue and its producer are all entitled to the right of displaying the new work. The author of the original literary work and the composer of the music shall have no right to object to same, without prejudice to their rights in creating or composing the work. The author of the literary part and the composer of the musical part of the work shall have the right to publish their part through means other than cinema, radio or television unless agreed otherwise.

d) Should one of the participants in the creation of the work abstain from carrying out what is supposed to be carried out or from completing the work requested of him then this shall not prohibit any of the other participants in the creation of the work from using the part that was completed, provided that the aforementioned does not prejudice the rights of any of them resulting from their participation in the creation of the work.

e) The producer of a cinematic, broadcasting, or televised work, shall be the person responsible for the attainment of this work, or undertakes the responsibility of this attainment, and places in the hands of the authors the material and financial means which shall enable its production and directing.

f) The producer of the cinematic, broadcasting, or televised work shall be considered its publisher, and shall have all the rights of the publisher of the work and its copies in addition to representing, during the duration agreed upon, the work's authors and their successors in contracting with others regarding the display and exploitation of the work without prejudice to the rights of the authors of the other adapted literary and musical works unless agreed otherwise to the provisions of this paragraph.

### **Article (38): Works Subject to Depositing Provisions Stipulated in this Law**

Notwithstanding the provisions of Article (45) of this Law, each work of a Jordanian or non-Jordanian author published or printed in the Kingdom shall be subject to the provisions of deposition stipulated in this Law. Each work of a Jordanian author published or printed outside the Kingdom and distributed inside it shall also be subject to these provisions, provided that the deposition is realized in the Center free of charge before the display of the work for sale or distribution in the Kingdom and that the deposited copy is identical to the work in all aspects and is of the highest quality among the work's copies. The work shall also be subject upon its reprinting to the deposition provisions in pursuance to this Law.

#### **Article (39): Persons Responsible for Depositing Works**

Each author of the work, its publisher, the owner of the printing establishment in which it was printed, the producer and the distributor shall be responsible for its deposition. The importer of any work and anyone considered an importer shall also be responsible for depositing the work of a Jordanian author, which was printed, published or produced outside the Kingdom.

#### **Article (40): Depository Number**

Each work shall be given a special depository number. The Center shall undertake deriving the technical data for indexing purposes and categorizing published works in accordance to the rules and standards followed in this field. Such data shall be delivered to the concerned party for the purpose of depositing the work.

#### **Article (41): Placing Index's Data, Category, Number and Date of Deposition on the Work**

Each author of work, if it is a book, its publisher, and the owner of the printing establishment where it was printed, shall be responsible for placing index's data, category, number and date of the deposition on the back of the work's title page. Works other than books shall have their depository number fixed on any visible place on the work.

#### **Article (42): Responsibility of Press or Entity which Prints, Publishes or Distributes Works to Present Lists of Same**

Each press or entity which undertakes printing, publishing, producing or distributing the work in the Kingdom shall present a list of the works which it printed, published, produced or distributed every six months in accordance with the form prepared by the Center for this purpose.

### **Article (43): Lists or Indexes of Periodical Bibliographical Data**

The Center shall issue periodical bibliographical data in the form of lists or indexes, which shall include the works deposited at the Center. The Center shall also assume the tasks of bibliographical notification in this field.

### **Article (44): The Unified Index**

The Center shall undertake the organization of a unified index to identify the works available in libraries and information and documentation centers in the Kingdom, indicating the place in which each work can be found. Libraries and information and documentation centers included in the unified index, and the responsibilities and duties of each shall be specified by a decision issued by the Minister.

### **Article (45): Failure to Deposit Work**

Failing to deposit the work shall not prejudice the rights of the author stipulated by this Law.

### **Article (46): Litigation Procedures**

a) The Court may upon the request of the owner of the right or any of his heirs or successors realize any of the following procedures regarding the work whose copyrights or any rights stipulated in Article (23) of this Law have been violated, provided that the request include a detailed and inclusive description of the work:

1. Order the halting of the violation to the work or any part thereof.
2. Confiscation of the work, its reproductions, copies and any other materials used in the reproduction, provided that same are not beneficial for anything else.
3. Confiscation of the revenues of exploiting the published work through public performance.

b) The request may be presented before, during or after filing the lawsuit.

c) Upon ascertaining that the petitioner is the owner of the right and that his rights have been violated or that a violation has become imminent, the Court may realize any procedures stipulated in paragraph (a) of this Article in a preventative manner to prohibit the violation from occurring or with the aim of protecting the evidence related to the violation.

d) In the cases in which the delay may lead to damage occurring to the owner of the right and which is difficult to compensate or in the cases in which there is a danger of losing the evidence related to the violation, the Court may realize any of the procedures stipulated in paragraph (a) of this Article in a preventative manner without notifying the defendant and in his absence. The parties, which sustained the damage, shall be notified of the procedures realized by the Court as soon as the procedure is implemented. The defendant may request holding a hearing to present his statements

within a reasonable period after his notification of the procedure. The Court shall decide during the same hearing whether the same preventative procedure should be confirmed, amended or cancelled.

e) The request for the preventive procedure in accordance with the provisions of paragraphs (c) and (d) of this Article shall be accompanied by an adequate monetary guarantee to prevent abuse and to guarantee any damages which may occur to the defendant if the plaintiff was not justified in his claim.

f) Based upon the request of the defendant the realized preventive measures shall be cancelled before the filing of the case in accordance to paragraphs (c) and (d) of this Article if the case is not filed within eight days as of the date of the Court issuing the decision to realize the procedure.

g) In the cases in which the preventive measure is cancelled in accordance with the provisions of paragraphs (c) and (d) of this Article upon the lapse of the period of filing the case or as a result of the plaintiff's negligence, or should it become apparent that there is no violation, then the Court may, upon the request of the defendant, order a suitable compensation for the damages resulting from these procedures.

h) The Court may order the petitioner whose request of any of the procedures stipulated in this Article was abusive to adequately compensate the party against whom the procedures were taken and which incurred damages as a result this abuse.

#### **Article (47): Work Reproductions Published in an Illegitimate Manner**

a) The Court may, upon the request of the author or any of his heirs or successors, order the destruction of the work's reproductions or the reproductions thereof, which was published in an illegitimate manner and the materials used in its publication. It may also instead of destroying same order the change of the features of the reproductions, photographs and materials so as to make same unusable. However shall it become apparent to the Court that the author's copyright shall cease after two years of the decision becoming final then it may order instead the confirming of the seizure for the settlement of the compensations ruled in the favor of the author.

b) It shall not be permissible to order the destruction of any reproductions of any work, or the copy taken thereof or to change its features if the dispute is related to the translation of the work to the Arabic language. The Court's ruling shall be limited, in this case, to confirming the seizure of the work or its reproduction or copy taken thereof, as the case may be.

c) The Court may order the confiscation of the work's reproductions or copies taken thereof and the materials used in producing and selling same to the extent necessary to compensate the author for the damage incurred by him instead of destroying these reproductions or copies, changing their features or destroying these materials.

d) It shall not be permissible in any case that buildings and what is shown in or upon them of engravings, illustrations, decorations and geometrical shapes be subject to seizures. It shall also not be permissible to rule their destruction or change of their

features or confiscation with the aim of safeguarding the copyrights of the architect whose designs were used for the building and the drawings thereof in an illegal manner, provided that the aforementioned does not prejudice the author's rights in a just compensation for the foregone.

#### **Article (48): Restoration of Works whose Copyrights have been Violated**

Notwithstanding the provisions of Article (47), it shall be permissible to order the restoration of the work whose copyrights have been violated to its previous state including affecting any amendment or cancellation thereof to accomplish that objective.

#### **Article (49): Compensation of Author whose Work's Copyrights have been Violated**

The author who any of the rights entitled to his work have been violated may, in pursuance to the provisions of this Law, receive a just compensation provided that the author's cultural standing, the value of the literary or scientific or artistic work and the extent to which the violator benefited from exploiting the work are taken into account. The compensation ruled for the author in this case shall be considered a privileged debt on the net sum resulting from the sale of the items used in the violation of his right and the sums seized in the course of the lawsuit.

#### **Article (50): Publication of Court Decision**

The Court may, upon the request of the person whom it ruled in his favor, decide to publish the decision issued thereof in pursuance to this Law in a daily newspaper or one or more national weeklies at the expense of the person ruled against.

#### **Article (51): Penalties**

a) A penalty of imprisonment for a period not less than three months and not more than three years and a fine not less than one-thousand Dinars and not more than three-thousand Dinars, or one of those two penalties shall be applied to:

1. Any person who exercised any of the rights stipulated in Articles (8), (9), (10), and (23) of this Law without a legitimate reason.
2. Any person who offered for sale, circulation or rental counterfeited work or reproductions thereof, announced it to the public in any manner, brought into, or took out of the Kingdom while knowing same was counterfeited.

b) In the event of the repetition of any of the crimes stipulated in paragraph (a) of this Article, the person who committed same shall be sentenced with the maximum term of imprisonment and the maximum fine. The Court may, in this case, rule on the

closure of the institute which committed the crime for a period that does not exceed a year or suspend its license for a specific period or permanently.

#### **Article (52): Fines**

Any person who violates the provisions of Articles (38), (39), (41), or (42) of this Law, shall be punished with a fine of not less than five-hundred Dinars and not more than one-thousand Dinars. The ruling of such a penalty shall not exempt same from the implementation of the provisions stipulated in those Articles.

#### **Article (53): Application of the Law**

a) The provisions of this Law shall apply to Jordanian and foreign authors whether their works are published or not and which are expressed by any of the means stipulated in paragraph (b) of Article (3) within the Kingdom. The provisions shall also apply to Jordanian authors whether their works are published or not and which are expressed by any of the means stipulated in paragraph (b) of Article (3) outside the Kingdom.

b) Notwithstanding the provisions of international agreements related to the protection of the copyrights of the author and in case those provisions did not apply the principle of reciprocity shall be taken into account. The provisions of this Law shall be applied to the works of foreign authors whether published or not and which are expressed by any of the means stipulated in paragraph (b) of Article (3) outside the Kingdom.

c) For the purposes of applying the provisions of this Law, authors whose accustomed place of residence is in one of the member countries of international agreements dedicated to the protection of the authors' copyrights which Jordan is party thereof shall be treated as citizens of the Kingdom even if same are not citizens. This Article shall also be applied to the holders of the rights stipulated in Article (23) of this Law.

#### **Article (54): Application of the Law to Existent Works**

The provisions of this Law shall be applied to existent works upon its enforcement, with the exception of Articles (41), (42), (51) and (52) whose provisions shall not apply except to the events and actions that occur after the enforcement of the provisions of this Law.

#### **Article (55): Application of the Law to Events and Agreements Concluded after its Enforcement**

The provisions of this Law shall apply to events and agreements that occur or are concluded after its enforcement even if same are related to works that were published or enforced for the first time before that, provided that the period falling between the

application of the protection period and the date of enforcing this Law shall be taken into account upon the calculation of the protection period of these works.

**Article (56): Calculation of Periods Stipulated in the Law**

The periods stipulated in this Law shall be calculated according to calendar years.

**Article (57): Implementation of the Law**

The Council of Ministers shall issue the necessary regulations for implementing this Law.

**Article (58): Cancellations**

The Ottoman Copyrights Law and any other law or legislation whose provisions conflict with the provisions of this Law shall be cancelled.

**Article (59): Persons Responsible for Applying this Law**

The Prime Minister and the Ministers are responsible for the implementation of the provisions of this Law.