

Federal Decree-Law No. (38)
of 2021 Concerning Copyright
and Neighboring Rights

President of the United Arab Emirates,
We, Khalifa bin Zayed Al Nahyan

- Having reviewed the Constitution,
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, and its amendments,
- Federal Law No. (18) of 1981 Concerning the Regulation of Commercial Agencies, and its amendments,
- Federal Law No. (5) of 1985 Issuing the Civil Transactions Law, and its amendments,
- Federal Law No. (11) of 1992 Issuing the Civil Procedure Law, and its amendments,
- Federal Law No. (35) of 1992 Issuing the Criminal Procedure Law, and its amendments,
- Federal Law No. (18) of 1993 Issuing the Commercial Transactions Law,
- Federal Law No. (7) of 2002 Concerning Copyright and Neighboring Rights, and its amendments,
- Federal Law No. (1) of 2006 Concerning Electronic Transactions and Commerce, and its amendments,
- Federal Law No. (19) of 2016 Concerning Combating Commercial Fraud,
- Federal Decree No. (233) of 2016 on the State's Accession to the Marrakesh Treaty to Facilitate Access to Published Works for the Benefit of Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled,
- Federal Decree No. (20) of 2017 on the State's Accession to the Beijing Treaty on Audiovisual Performances,
- Federal Decree-Law No. (31) of 2021 Issuing the Crimes and Penalties Law,
- Federal Decree-Law No. (32) of 2021 Concerning Commercial Companies,
- Federal Decree-Law No. (36) of 2021 Concerning Trademarks,
- Federal Decree-Law No. (37) of 2021 Concerning the Commercial Register,
- Based on what was presented by the Minister of Economy, and the approval of the Cabinet,

We have issued the following Decree-Law:

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Article (1)

Definitions

In the application of the provisions of this Decree-Law, the following words and phrases shall have the meanings indicated next to each of them, unless the context of the text provides otherwise:

The State : United Arab Emirates.

The Ministry : Ministry of Economy.

The Minister : Minister of Economy.

The Competent Court : The Federal Court of Appeal.

The Civil Court : The Federal or Local Court of First Instance, as the case may be.

The Grievances Committee : The committee stipulated in Article (37) of this Decree-Law.

The Broadcasting Authority : Any entity that carries out wireless audio or visual, or audio broadcasting.

Broadcasting : The means of transmitting sounds or images and sounds or a representation thereof by wireless means for reception by the public, including any similar transmission via satellites or the transmission of encrypted signals if the broadcasting authority provides the means to decrypt them or makes them available to it with its consent.

The Authorized Entity : The establishment that provides education and training services, intensive reading, or access to information for the benefit of beneficiary persons, and is not for profit, and includes government entities and non-profit institutions that provide the same services to beneficiary persons within their primary activities or institutional obligations.

The Work : Every innovative production in the field of literature, arts, or sciences, of whatever type, method of expression, importance, or purpose.

Author: The person who creates the work, or whose name is mentioned on it, or to whom it is attributed upon publication as its author, unless evidence proves otherwise. Also considered an author of the work is the person who publishes it without a name, under a pseudonym, or in any other manner, provided there is no doubt about the true identity of the author. If doubt arises, the publisher or producer of the work, whether a natural or legal person, is considered second to the author in exercising his rights until the true identity of the author is identified.

Innovation: The creative character that imparts originality and distinction to the work.

Rights holders: Performers, producers of sound recordings, and broadcasting organizations, in accordance with the provisions of this Decree-Law.

Performers: Actors, singers, musicians, dancers, and other persons who deliver, chant, play, or perform in any form, in literary or artistic works or any expressions of folklore, as long as they are protected under the provisions of this Decree-Law and fall within the public domain.

Person: The natural or legal person.

Producer of recordings: The person who, on his own initiative, fixes the sounds constituting the performance or other sounds, or fixes the representation of sounds for the first time under his responsibility.

Publication: Making the work, sound or visual recording, broadcast program, or any performance available to the public by any means.

Public performance: Communicating the work to the public by any means, whether direct or otherwise, such as acting and staging of audio or visual works, artistic theatrical performances, presentation and playing of musical works, and reading of literary works, whether live or recorded.

Communication to the public: Transmitting literary and artistic works, including audio or visual or audiovisual works, to the public by any method, wired or wireless, including making them available to the public in a way that enables them to access them at a place and time chosen by each individual.

Reproduction: Making one or more copies of a work, sound recording, broadcast program, or any performance, in any form or manner, including downloading or permanent or temporary electronic storage, regardless of the method or tool used for reproduction.

Audiovisual fixation: The embodiment of moving images, whether accompanied or not by sound or a representation thereof, by means of which they can be perceived, reproduced, or communicated by a device.

Visual

Sound recording: Fixing the sounds constituting the performance or other sounds, or fixing the representation of sounds, without the rights arising therefrom being affected by its inclusion in a cinematographic work or an audiovisual work.

Producer of the work: The person who provides the necessary capabilities to complete the audiovisual work, and the audiovisual producer bears responsibility for this completion.

Collective work: The work created by a group of authors under the direction of a person and under his management, who undertakes its publication in his name, such that the work of the authors is merged and it is impossible to separate and distinguish the work of each author individually.

Joint work: The work in which several persons contribute, whether or not the work of each can be separated, and which does not fall under collective works.

Derivative work: The work derived from a pre-existing work, such as translations, collections of literary and artistic works, and collections of folklore expressions, as long as they are innovative in terms of the arrangement or selection of their contents.

National Folklore: Every expression of oral, musical, kinetic, or tangible popular heritage in distinctive elements that reflect the traditional artistic heritage that originated or continued in the State and cannot be attributed to a known author.

The Person: Persons with disabilities who are blind or who suffer from visual impairment to an extent that cannot be improved so that their visual function becomes equivalent to the sight of a person without disability, or who are unable to read or hold a book / benefits persons or use it for reading due to a physical disability, all of this without regard to any other disability conditions. Special benefits

Accessible Copy: A copy of a work in an alternative style or format that enables the beneficiary person to access the work in the original format smoothly and easily as a natural person without visual impairment or to access the work in the accessible format to works, without prejudice to the moral rights of the original work.

Works that: All works excluded from protection initially, or whose term of protection of financial rights has expired. Have fallen into the public domain, or are within the scope of the public domain

Works covered by protection

Article (2)

The authors of works and holders of neighboring rights shall enjoy the protection prescribed in this Decree-Law if their rights are infringed within the State, and in particular the following works:

1. Books, booklets, articles, and other written works.
2. Smart applications, computer programs and their applications, databases, and similar works determined by a decision of the Minister.
3. Lectures, speeches, oral and written sermons, and other works of a similar nature.
4. Dramatic works, dramatico-musical works, and mime.
5. Musical works with or without words.
6. Audio, visual, or audiovisual works.