

# Copyright law in united arab emirates



## **Introduction**

Media Law is a branch of law that concerns governance of the telecommunications industry, broadcasting, advertising, the entertainment industry, censorship, and internet and online services inter alia. There are several branches of this law that help maintain an effective control over different media.

An important aspect of media law is the Copyright law. Protection of a person's, be it a natural person or a legal person, creative expression can be called as copyright. It usually pertains to the protection of intellectual property (Forstenlechner, & Mellahi, 2011).

## **Discussion**

Legal copyright issues can come to light with respect to several original works including trademarks for various brands, patents for technologies or processes involved in media. Among several issues, licensing occupies a huge space in this regard as illegitimate distribution of copyrighted works has become exceedingly persistent. Although, peer-to-peer sharing of technologies or spreading of online streams for audio/visual content is extremely beneficial to disseminate news of a new creativity in the market, it is incredibly anti profit for TV, movie and music industry. For free consumption it works like a blessing, for the legal networks, it is nothing short of a curse (Daghfous, & Barkhi, 2009).

This report describes the provisions of copyright laws in the United Arab Emirates.

## **Copyright Law in the UAE as per Federal Law No. 7 of 2002, as Amended in 2006**

The following is a summary of the important aspects of the copyright law as followed in UAE.

### **Items forming part of the copyright law**

Chapter one, article two:

Under this law, the losses of authors and other concerning right holders are covered if their violation occurs within the boundaries of the UAE (Daghfous, & Barkhi, 2009). Certain works that can be compensated for, if violated, are mentioned below:

Literature including books, booklets, articles, computer software, applications and databases, lectures, speeches, sermons, plays, musicals and pantomimes, musicals both accompanied and unaccompanied by dialogue, audio visual work, architectural work and plans, work involving drawing, painting, sculpturing, etching, lithography, screen printing, relief and intaglio prints and other similar works of fine art, photographic work and the like, works of applied art and plastic art, charts, maps, plans, 3-D modeling for geographical and topographical applications and architectural designs, derivative works etc (Forstenlechner, & Mellahi, 2011).

### **Items not forming part of the copyright law**

This copyright shall not only provide coverage of losses against violation in respect of title of the work but also in case of the use of the concept of the work by someone not authorized for (Daghfous, & Barkhi, 2009).

Article three of the chapter one of the copyright laws in UAE further explains that ideas, procedures, business methodologies, mathematical algorithms and basic principles and facts are not covered under this law but only their way of presentation or expressions are covered. That means, that one two persons can use the same idea provided both their presentation differs. A very common example of such a thing can be the design of a water cooler and that of a water dispenser. Both have the same idea but both have utterly varied designs (Hassan, 2009).

Copyright also does not provide coverage to any of the following:

1. Official documents, regardless of what is their source or the language they were designed for, for instance, provisions of law, regulations, decisions, international conventions, court judgments, arbitrators' awards and decisions issued with concern to judicial matters by administrative committees (Daghfous, & Barkhi, 2009).
2. News of current events and issues falling under the spectrum of media coverage.
3. Works that are now owned by the public, such as books, magazines, novels etc.

Regardless, the items contained in paragraphs one, two and three of this article can be covered if some sort of innovation has been involved in the way these works have been sequenced or collected.

**Retention rights of the author and his successor**

Article five of chapter two explains that the author and his general successors get perpetual and inalienable rights to the work in question (Hassan, 2009).

These rights include:

1. The right for publication for the first ever time. That means that no one can publish before the first author.
2. The right of paternity/ attribution to receive credit as the author. A patent is automatically raised for the author.
3. The right of integrity for objection to belittling treatment of a work including alteration of a copyright work that alters the work negatively or impacts the honor or reputation of the author.
4. In the light of newly made discoveries, the right to remove a work from circulation that provides sufficient reason for doing so (Daghfous, & Barkhi, 2009).

**Effect of translation on copyright**

Article six of chapter two explains that alteration in the work by translating it into another language can also be a base for violation of copyright laws at the places where the translator does not point out specifically where the alterations were made or if these alterations affect the honor or image of the author (Daghfous, & Barkhi, 2009).

**Right of author, successor of author or copyright holder to license use of the work**

Chapter two, article seven describes the rights of the author and that of his successors. Exclusively, the author and his general successors or whoever the copyright holder may be, shall have the right to license any utilization of the said work. This can be done via any of the following channels particularly reproduction including electronic loading and storage, any form of representation, broadcasting or re-broadcasting, public performance or broadcasting, translation, modification, alteration, leasing, lending or any form of publication including access through computer or information networks, communication networks or other means (Hassan, 2009).

**Transfer of economic rights of the work**

Article nine of chapter two further explains that the economic rights of the work can be assigned by the author or his successor to a third party whether it is a natural or a legal person. This assignment must be in black and white and clearly refer to the right in question, and the objective, period and place of the assignment must also be referenced. And the rights that have not been transferred explicitly, in writing, shall be retained by the author (Daghfous, & Barkhi, 2009).

The author shall respecting the moral rights of the person to whom he has assigned the right, shall not obstruct any use of the same.

**Quid pro quo**

Article ten of chapter two explains that the author, keeping in mind quid pro quo, shall do the assignment of rights in exchange for monetary compensation based on the pro rata share of the revenue generated from

the consequential utilization of the work. The author has also been allowed to add another sum of money to it or can also use both of these methods (Hassan, 2009).

### **Disposal of the work shall not be considered as transfer of right**

Article thirteen of chapter two explains that the disposal of the author's work by him shall not count as a transfer of right to use it, but only as a transfer of right to ownership unless the author has agreed for any such clause (Daghfous, & Barkhi, 2009).

## **International case laws featuring infringement of copyright laws**

The following legal issues arose due to infringement of copyright laws. These followed opinions and judgments by the laws of their respective countries or states (Hassan, 2009).

### **Case one**

Brown v. Bandai America, Inc., et al., 2002 WL 1285265 (N. D. Tex. June 4, 2002)

Plaintiff Brown owns the copyright for cartoon drawings called " Bone Masters." In the Brown's version of it, the cartoons are a unique figure that can add bones on the outside of their small structures, and can further turn into dinosaurs. Sunrise and Bandai are the defendants. They are a Japanese company (Daghfous, & Barkhi, 2009).

They make and sell toy action figures called " Dinozaurs." The Dinozaurs exhibit features much similar to Brown's characters inclusive of dinosaur-like bones on their head, legs, arms and torsos. The Fox and the Children's

Network broadcasted the character of Dinosaurs from July to November 2000. Therefore, the plaintiff filed a copyright infringement case against Bandai and later made the addition of Sunrise and Fox as defendants in the federal court of Dallas, Texas.

### **Case two**

United States vs. Elcom, Ltd., etc., et al., 203 F. Supp. 2d 1111 (N. D. Cal. 2002)

Elcom Ltd is a Russian software company that violated the Digital Millennium Copyright Act (DMCA) by fooling its anti circumvention defenses to bring and sell a computer program that removed restrictions from Adobe Acrobat PDF files and made formatting possible for the Adobe ebook Reader Programs. Such a program had been developed to accommodate ebook publishers in their respective distributions but it had been exploited by Elcom. United States was the plaintiff here with Elcom being the defendant (Hassan, 2009).

## **UAE case laws featuring infringement of copyright laws**

### **Case one**

Sturdza vs. United Arab Emirates, et al., 281 F. 3d 1287 (D. C. Cir. 2002)

For a new embassy of the UAE in Washington D. C a competition was held for architects where plaintiff Sturdza submitted a design. The plaintiff was told by the defendant that her design had won the competition and that she was going to get the contract for the embassy. However, later the UAE gave the contract to another architect Demetriou (Samuelson, & Wheatland, 2009).

Demetriou's design had close resemblance with that of the plaintiff's. Using Demetriou's design, the UAE began building its new embassy. The plaintiff <https://assignbuster.com/copyright-law-in-united-arab-emirates/>



filed a case against the UAE and Demetriou in the United States District Court for the District of Columbia, blaming the UAE, inter alia, for copyright infringement. Sturdza's copyright infringement claim, along with other claims, was dismissed by the court. However, the court revoked the dismissal of the copyright infringement claim as the jury found profound similarities between the two designs (Daghfous, & Barkhi, 2009).

### **Case two**

Dubai which is a renowned city of the UAE has now been highlighted for copyright infringement cases by the world's largest networking website, Facebook. A hairdresser in Dubai's Discovery Gardens seems to have adopted Facebook's logo and has a name quite similar to that of the famous and large website. It has even used the same color scheme for its logo. In fact, the font of the logo is also identical to Facebook (Samuelson, & Wheatland, 2009).

This case was brought into light by International Media Houses. Several small time companies take the liberty to adopt logos or trademarks of larger companies in the hopes to draw their customers, quite forgetting that in doing so they are committing a breach of law (Daghfous, & Barkhi, 2009).

### **Case three**

Another case that had been reported by Emirates 24| 7 pertained to a clothing store in Dubai that had adopted the name of Europe's large retailer Primark. After realizing that the fact that they had committed a breach of law, they altered their name to 'Mercato' (Daghfous, & Barkhi, 2009).

**Case four**

Likewise, a grocery store in Dubai had unintentionally named itself after United Kingdom's retail giant Tesco. Apparently, they had also not realized their crime.

**Case five**

On another note, an Emirati internet pirate was arrested by the local authorities in Abu Dhabi. He had the charge of downloading and distributing TV content on free online website. By the time he was caught, he was penalized was one million US dollars. He had been apprehended on 802 counts of piracy breaches (Samuelson, & Wheatland, 2009). He was caught by a complaint filed by the Arabian Anti-Piracy Alliance (AAA) with pay-TV network OSN. He made a clear confession of willingly establishing a website where free users could download the subscription only content of the OSN network. His total penalty amounted up to \$962400 (Samuelson, & Wheatland, 2009).

**Case six**

The month before apprehension of this pirate, another one had been convicted for establishing a website where altered Xbox 360 consoles were offered and pirated Xbox 360 games were also traded (Daghfous, & Barkhi, 2009).

As per the law, the pirate was sentenced to a three month jail on the charge of copyright infringement and illegitimate alterations in Xbox 360 consoles by the court of first instance in Dubai (Samuelson, & Wheatland, 2009).

## Conclusion

According to the CEO of AAA these current apprehensions express the efficiency of the government coordinated operations against profit makers from internet sharing websites. However, the International Intellectual Property Alliance believes differently. Keeping in view the above cases, it understands that UAE be put back on the Special 301 Watch List in 2014.

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