

INTERNATIONAL JOURNAL OF INTELLECTUAL PROPERTY RIGHTS (IJIPR)

ISSN 0976-6529 (Print)

ISSN 0976-6537 (Online)

Volume 5, Issue 2, July - December (2014), pp. 01-08

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Journal Impact Factor (2014): 2.3382 (Calculated by GISI)

www.jifactor.com



SAUDI LAW AND PROTECT COPYRIGHT

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ABSTRACT

What distinguishes man from other organisms is the creativity and invented intellectual, thought is the mainstay of the progress of nations and advancement, and the value of thought is not in existence, but also to take advantage of it on the scale of humanity, has emerged as the need to protect thought all the articles thereof with the spread of modern means of communication and hard-existence protection of intellectual production of various types.

The author is: (a) the publication of the work that is attributed to him. (B) the publisher of the work which carries a pseudonym or which does not carry any name, or if the author is unknown, the publisher practiced copyright of literary and Finance to be the author or know someone announces his character and proven. (C) a person whose name appears on the audiovisual work or voice.

Copyright protection, the first right of intellectual property rights in terms of protection in Saudi Arabia, where the law of copyright Ottoman issued in 1910 is valid in Saudi Arabia to be canceled issuance of the Copyright Act No. 22 of 1992, where he was stipulates harsh penalties are a fine gold and imprisonment in addition to the compensation.

And those things are mostly of Saudi origin and protected by Royal Decree No. M / 11, which is the cornerstone for the protection of copyright and related rights in the Kingdom. Article 18 of the Decree on the Protection of works and related rights protected if the subject has been published or has to play for the first time in the Kingdom, or if the author was a Saudi citizen.

And many of the works and other subjects protection used in the kingdom comes from abroad. The big question that arise in this context are: What kind of protection that should be given to those foreign works? In response to this question, Article 18 of the decree on

granting protection to works covered by copyright under international agreements or treaties on copyright protection which the Kingdom is a party.

On the subject of international relations of ownership in this area, is noteworthy that the Kingdom is a party to the World Organization of Intellectual Property Organization (WIPO) since May / 1982, a United Nations agency specializing in intellectual property.

The Kingdom has become recently a party to the Berne Convention for the Protection of Literary and Artistic Works, as it acceded to in the March 11 / March 2004 and the Berne Convention is the main convention in the field of copyright protection.

And we will show in this subject in two sections, namely:

The first topic: the copyright in Islamic law.

The second topic: the copyright law in Saudi Arabia.

The first topic: the copyright in Islamic law:

Known scholars of Islamic law a lot of concepts related to intellectual property and intellectual production, and they put a lot of rules and regulations governing intellectual property and ensures the maintenance and protection of intellectual production in the teachings of the Book of Allah and the Sunnah of His Messenger Muhammad.

And concepts defined by scholars and Muslim scholars in various royal family in the area of intellectual property intellectual production are:

First: innovation in the field of mental:

Sharia scholars stressed the importance for the author, as a prerequisite for mental creativity that must be availability in the world (the author), the condition of Ibn Rushd in his introduction to the five conditions in the world is:

(Piercing mind, lust-emitting, long life, Grandma, professorships)

Second, the law on the people necessitated learning and utilization of science:

The Prophet: (from wire to seek a way in which God is the easy way to Paradise) (), and saying: (When the son of Adam dies, his work except three: ongoing charity, and beneficial knowledge, and Born in favor of calling him.

Third: the reproduction of the work:

Scientists have known copies of best way to highlight their books, and I've known Muslims in a period of prosperity movement authorship in the various fields of the humanities system is similar to the legal deposit of works they called the (memorial..)

And was the largest center (to commemorate) works during this period (Dar al-ouloom) in Baghdad, which is largely known for all over the world at the time, and was pleased to accept any author of this House a copy of his book as a gift.

And gave the scholars of Islam and scholars sophisticated understanding of copyright erected on the foundations and rules inspired by Islamic law ensures the protection of the financial and moral rights of the author.

Upside on the importance of innovation for the author as a prerequisite for the protection of creativity, mental, also stressed the importance of induction on the science and use of it, and they set up their understanding of the right to financial author on the basis of sophisticated in their adaptation of copyright financial and taking the author rather than the author, relying in this adaptation to the arguments inspired by the book of Allah and the

Sunnah of His Messenger and jurisprudence scholars, also stressed the importance of the moral right of the author, and the manifestations of which is to protect scientific integrity.

It also created a system of deposit close to the legal deposit system works for whom I have known contemporary copyright laws, and in order to save the workbooks and use them to facilitate and safeguard the rights of creators.

And has shown some - fatwas- modern for the scholars of Islamic law in the field of the protection of the moral right of the author that copyrights and patents and innovation is protected legally, and to their owners the right to dispose of it and not be assaulted , also included these fatwas copyright own works of modern as programs Computer , and for the fact that some shops Computer bought some useful programs and then you copy many copies and sell them to the detriment of the product of those programs where they are selling at a lower price than the price of the original version, which issued an advisory opinion that such action reduces the original production because the producers of these programs are tired them and dismissed for so and copied in money and cost them, they first sell the right price, when others copied or sold cheap does not sell the subversive contraband and stopped this work in which the benefit and the benefit to society of peace and goodness.

The second topic: copyright law, Saudi

And pave the division:

Enter the legislator in the kingdom a special system for copyright protection in the year 1424 to protect the works of various books or plays or plays or computer programs. We will explain the main ideas it contained this order is Sealy;

Key features of the new system for the protection of copyright in the Kingdom of Saudi Arabia:

Released the new system for the protection of copyright in Saudi Arabia under the Royal Decree No. M / 31 and the date of 02/07/1424 AH and was introduced in 23/01/1425 AH.

International experience has shown that enriching the intellectual heritage depends largely on the level of effective protection of intellectual work and thus encourage and increase intellectual creativity.

And all subject to intellectual works of innovative protection, whether in the field of Arts or the arts or sciences and explains the right of ownership of the author as a set moral and material interests that prove a person's right to his work, also known as the author that each person invented classified morally or technically or scientifically, such as writer or poet or painter or programmed.

To protect the rights of authors have positive effects both on the level of economic or social For the effects of economic, resulting from protection create the climate for investment in related areas such as the publishing industry and the artistic production and for social impact, the consumption pattern regularly through the purchase of workbooks to prices real and thus will decrease the demand for the purchase of works of counterfeit and copied, this as well as raise awareness of the social harms of infringement on the rights of others, which are forbidden in the Islamic religion.

Workbooks and replace protection under the penal system of copyright protection:

Was scheduled for copyright protection include only books and research, poetry and plays, and then extended to computer programs; states the third article of the copyright system in the UK that :

"Include protection under the authors of the works in which the appearance of expression by writing, or sound, or drawing, or photography, or movement, and in particular the following:

- Books, brochures, and other written materials.
- Works that have received orally such as lectures, speeches and sermons, and similar Kalohaar and jingles.
- Literature and theatrical skits, reviews and so offers performed by movements.
- Works that are specifically for broadcast or exposure-mediated radio or television.
- Acts of fees and works of art, architecture and the decorative arts and the art of knitting.
- Acts of Applied Arts, whether vocational or industrial .
- Photographic works, including works that used the method is similar to photography such as still images transmitted by television, but they are not installed on a physical medium.
- Illustrations and geographic maps and design drawings (drawings sketches) and business-related Fine geography, topography, architecture and science.
- Three-dimensional works relative to geography, topography or architecture or science.
- Computer programs.

Notes on this system that did not include explicit language about music or movies, but it was limited to serials, and other materials intended for broadcast by radio or television. This series has included music or scenes like the movies. But music or movies alone in itself did not want the text explicitly.

Translations are protected by copyright:

Me system of copyright protection special status protection prescribed in this system like that of the owner of the original work as long as it has the consent of the translation of the latter. As Eetmtd this work to the achievement of the original book or explained. Indeed, it is not prepared Encyclopedia certain not to include a selection of poetry written by other prose or enjoy the protection prescribed in this order if his outstanding efforts in the selection or arrangement of their contents. Article V states of this system that:

"Enjoy the protection granted under this system also:

- Who permission from the author translated the workbook to another language.
- Who gaining or summarize or Pthoirh or modify it, or explaining or commenting upon any image shown in a new form.
- The authors of encyclopedias and anthologies of poetry or prose and others that are considered in terms of the selection and arrangement of their contents innovative intellectual works.
- The protection enjoyed by the works mentioned in paragraphs (1.2 and 3) does not in any way prejudice the protection enjoyed by the authors of the original works .

Conditions to be met in the workbook in order to acquire the penal protection according to the system of copyright protection:

Not every author or a program for a computer acquires protection stipulated by the system of copyright protection in the UK, but there must be a novelty and the requirement of originality that is, a new and not duplicate the work earlier as it should be authentic any expressing a personal owner and his effort outstanding for the effort of others whether in ideas or in the design or implementation.

Article IV has expressed about it by saying:

"Include the protection title of the work if it is creatively characterized, not being rude to denote the subject of the work".

Content copyright :

Includes copyright and according to the system of copyright protection in the Kingdom on the side of literary includes the right of authorship (Author) in the work attributed to him any show carrying his name, and the physical side is the right to exploit and get the physical return of this work. Article VII of the states system of copyright protection in the Kingdom as a"

- The rights protected by this system was originally the property of the author or authors who devised seeded
- Be the author's right to do all or any of the following actions depending on the nature of the works, the subject of the right :

A) - the proportion of his work to himself, and to pay any attack on the right, and has also object to any distortion, mutilation or other modification or change to his work or other derogatory seed would be prejudicial to his honor or reputation.

B) - the publication of his work, recording or display or transferred or translated and the report of the related conditions and restrictions.

C) - the introduction of what he sees as modify or delete any of his work.

W) - pull the work from circulation.

C) - financially exploit in any way of the legitimate exploitation.

Legalization of violating copyright:

System to ensure copyright protection in the UK allows cases where the legislature of violating copyright even though the offense that is punishable by the criminal side as well as from the civilian side. This means that contravenes in those cases enjoy because of the reasons is permitted, which means the lack of responsibility criminally and lack of responsibility for civilians, any failure to sign the punishment of the offender is a fine addition to the confiscation and lack of accountability to civilian compensation in such cases, and this is performed is permitted, as contained in the general rules in penal systems.

It is well known that the program, like the book to its owner the right to exploit financially and copies the program to him or his book deprive him of this revenue. However, comparative legislation authorizing non owner the right to distribution (may be the author may be the company got right in publishing and distribution) that copies the copy to him to

be usable not sell them to others because in the latter case, it is clear that it does not unduly to assault on the financial side of copyright.

Moreover, the system of copyright protection has expanded from cases where a violation of copyright did not work on the right to personal copy.

Article VIII states of the system of copyright protection that:

"The use of the following aspects of the work protected in its original language, compiler or by stating a legitimate without obtaining the consent of the author, and that an exception to the provisions of Article VII :

- The reproduction of such works or translated or quoted or edited in any other way and it's for personal use and no one else.
- Quoting paragraphs of this work in another work provided that this is in line with the custom of martyrdom and martyrdom be justified to the extent that the target and the source and the author's name in the workbook which it is invoked.
- The use of the workbook for clarification in education mediated publications or radio programs or audio recordings are visible within the limits justified by the objective, or broadcast work broadcast for the purposes of a school or educational or university or for the purposes of vocational training - broadcast for the purpose of education - provided that such use is consistent with custom, and that the source and the name of the author of the work used in print or radio program or register.
- Reproduction or dissemination of news articles political, economic or religious published in newspapers or periodicals, radio, as well as works of a similar nature clearly provided that the source and the author's name, if any.
- Reproduction of any work can be seen or heard occasion of the presentation of events taking place through mobile or fixed imaging provided that it is within the limits of the target media to be achieved and with reference to the author's name.
- Any reproduction of a literary, artistic or scientific photography or in a similar manner if it has already been put in the public domain legitimately, and that if the reproduction by the public library or documentation center non-commercial or scientific institution or an educational institution, provided that the reproduction number Copy limited to the needs of their activities and provided they do not harm the cloning of financial exploitation of the work or cause undue harm to the legitimate interests of the author.
- Clone speeches, lectures, and judicial proceedings, and other similar works displayed openly to the public and that if the reproduction by the press or other media, provided the author's name clearly and that the author retains the right to publish these works the way you see it.
- Display or performance or representation seed after its publication in the association or a club or school, as long as this show or performance or representation does not come with any financial proceeds in a manner directly or indirectly.
- Rhythm or performance seed after its publication by the orchestras of the military forces or the difference of the State or organs of personal moral general rhythm or as long as this performance does not come with any financial proceeds in a manner directly or indirectly.

- Take a new photo of anything previously photographed and published the picture, even if I took the new images from the same place and in the same circumstances that I took the first picture.

And Article X :

"The Ministry may permit the publication and reproduction of works for educational purposes or an educational or cultural or scientific after three years from the date of publication for the first time if it is proved that the author or his representative rejected without an acceptable excuse, publication or reproduction of the work, and without prejudice to the rights of the author set forth in this system, and determine the terms of the permit the ministry of this publication or reproduction, and the author may or on behalf of the grievance of the ministry's decision before the Board of grievances within thirty days from the date of notification of the decision of the ministry".

It is intended in the ministry and the Ministry of Information. Has identified a system of copyright protection terms of publishing despite the objection of the author in the following:

- The Ministry of Information is the only one which has the right to publish pursuant despite the rejection of the owner of this publication.
- That it comes to a workbook for educational purposes or an educational or cultural or scientific.
- Are required to go through a period of 3 years from the date of publication for the first time.
- To be rejected without an acceptable excuse Author
- To keep the ministry on the copyright of any financial him decide appropriate compensation.

The special situation of the right of radio and television broadcasting and publishing:

System decided to copyright protection in the Kingdom and a special status for Radio and Television; she is entitled to examine the contents of the author or the program even without the permission of the owner for the purpose of achieving the public interest, and that the conditions. Article XI states that:

"Permissible for radio and television without harm to copyright to prepare for its programs and its own means a record in a single copy or more of any work authorizing them to broadcast or exposure, and must destroy all copies in a period not exceeding one year from the date of preparation or a longer period approved by the author, is it is permissible to keep a copy of this registration within official archives if a recording and a unique documentary".

Right in the picture :

Cared copyright protection system to protect the right in the picture when publishing in various programs and literature because the artistic works that can contain pictures of people and prejudice their reputations.

So the basic principle and in accordance with article preceding the publication of photographs of people that can only be done after previously obtaining the approval of the

owner of the image. However, the previous article had put on an exception in the case of publishing pictures of people through media coverage of the incidents.

As the text of the former regime, it is permissible to publish photos of public figures and owners of fame without their consent, as long as the matter of public interest. The system also included the case of the other person to publish a picture without his consent and that's when the public authorities authorize this publication as happens in the case of the publication of photographs of the accused or the desired arrest.

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