

IRAN

## **Copyright Law**

Date of Law: January 12, 1970.

Observation: Official English translation of Iran's Copyright Law was communicated to Unesco by letter of April 20, 1970, of the Ministry of Science and Higher Education.

### **PART I DEFINITIONS**

*Article 1.* All writers, composers, and artists will hereafter be called "author", and the product of their knowledge, originality or art, irrespective of the method used. therein, will hereafter be called "work"

*Article 2.* Works protected by copyright law are as follows:

1. Books, pamphlets, plays and all other literary, scientific and artistic writings.
2. Poems, songs, and anthems, irrespective of the way they are written, recorded or broadcast.
3. Audio-visual works for stage or screen performances or for broadcasting by radio and television, irrespective of the way they are written, recorded or broadcast.
4. Musical works irrespective of the way they are composed, recorded or broadcast.
5. Paintings, pictures, drawings, designs, decorative writings, geographical maps or any decorative and imaginative work produced in any simple or complex manner.
6. Sculptures of all types.
7. Architectural works, designs, sketches and buildings.
8. Photographic works produced by any original methods.
9. Original articles of applied handicraft and industrial art, carpet and rug designs.
10. Original works based on folklore and national heritage of culture and arts.
11. Technical works of originality.
12. Any other original works produced from combinations of the aforementioned works.

### **PART II RIGHTS OF THE AUTHOR**

*Article 3.* Author's rights include exclusive right to publish, broadcast, perform and publicize works, and further right to any financial and intellectual profit resulting from his work or name.

*Article 4.* Author's intellectual rights have no place or time limit and are not transferable.

*Article 5.* The author of works protected by this law can transfer his financial rights to another party in all cases including the following:

1. Production of films for cinema, television and the like.
2. Stage performances, as in theatre, ballet or other such performances.
3. Recording of a work by sound or vision on tapes, or by any other such means.
4. Broadcast by radio and television, or by any other such means.
5. Translation, reproduction, publication and public presentation of works by means of painting, printing, photography, etching, photogravure, molding and the like.
6. Making use of the work in any scientific, literary, artistic, technical and advertising purposes.
7. Making use of the work in producing or creating other works as mentioned in article 2 above.

*Article 6.* Work produced by the collaboration of two or more authors, when the contribution of each of them is not separate or distinct, shall be called "Work of joint authorship", and the rights arising therefrom shall be treated as the communal rights of the authors.

*Article 7.* It is permissible to quote from published works and to refer to them for, literary, scientific, technical or educational purposes, and in criticism or praise, provided that the sources

of quotations are mentioned and the customary limitations are observed.

NB. Mentioning the sources of quotations, in cases where the work is reproduced for use in educational institutions by teachers employed thereat, is not necessary, provided there is no monetary gain involved.

*Article 8.* Public libraries, documentation centers, scientific institutions and educational establishments, which are noncommercial, may reproduce protected works by a photographic or similar process, in the numbers necessary, for the purposes of their activities, according to a decree to be issued by the Board of Ministers.

*Article 9.* With the passing of this law, the Ministry of information will retain the right to use any works it has already reproduced and published.

*Article 10.* With the passing of this law the Ministry of Education will retain the right to use any school books already printed and issued in agreement with the appropriate existing laws.

*Article 11.* Reproduction of works protected by this law, as mentioned in Article 2, section 1, and the recording of radio and television programmes are permissible, but only for private and non-commercial use.

### **PART III THE PERIOD OF PROTECTION OF THE AUTHOR'S RIGHTS AND OTHER LEGAL PROTECTIONS**

*Article 12.* The financial rights of the author, the subject of this law, are transferred to his heirs, or by covenant, for a period of thirty years after his death. In the absence of such heirs or a transfer by covenant, the Ministry of Culture and Arts will hold the rights for public use for the same period of time.

NB. In the case of works of joint authorship, reference Article 6, the date of the death of the last surviving author shall be considered alone for the calculation of the time of protection.

*Article 13.* The financial right of work produced by employees belongs to the employer for a period of thirty years from the date of production, unless a shorter period or more limited arrangements has been agreed upon.

NB. Rewards, financial prizes and privileges which are given in literary, scientific and artistic contests according to their respective regulations, to works protected by this law belong to the author.

*Article 14.* A person to whom the rights of the author have been transferred, is entitled to hold same for a period of 30 years, unless a shorter period is agreed upon.

*Article 15.* With respect to articles 13 and 14 of this law, on the expiry of the agreed period of time, ownership of rights will be restored to the author, or otherwise settled according to Article 12 above.

*Article 16.* In the following cases, the author's financial rights will be valid for a period of 30 years from the date of publication or public presentation:

1. Photographic or cinematographic works.
2. In cases where the work belongs to a person of legal position.

*Article 17.* The name, title and special characteristics of work are protected by this law, and no one is permitted to use the same or like for any other work in a manner that may give rise to doubt.

*Article 18.* Transferees, publishers and all those who according to this law are permitted to refer to or quote from a work for commercial purposes, should in commonly accepted manner,

mention the author's name, the title and the special characteristics representing the work, on or with the original copy or on the printed or reproduced copies, unless the author makes an alternative agreement.

*Article 19.* Any alteration or misquotation followed by publication of a protected work is prohibited, unless it is with the author's permission.

*Article 20.* Publishers, recording companies, workshops and any persons dealing with the printing, recording, duplicating, distributing or publishing of works protected by this law must insert the instances of printing, recording, duplicating, distributing and publishing, and the serial number of the work on all the copies published, stating the dates and the names of the printing press, publishers or relevant workshops and studios.

*Article 21.* Authors may register their names, titles, work and its chief characteristics with places which will be announced by the Ministry of Culture and Arts. The Council of Ministers will issue a decree concerning procedures related to registration formalities and the organisations which will deal with such registration.

*Article 22.* The financial rights of the author will be protected by this law, provided that his work is printed, distributed or performed for the first time in Iran, and has not previously been printed, distributed or performed in any other country.

#### **PART IV INFRINGEMENT OF THE LAW AND PUNISHMENT**

*Article 23.* Whosoever publishes, distributes or broadcasts the whole or part of another person's work which is protected by this law, in his own name or in the name of the author without permission, or in the name of a person he knows to be other than that of the author, shall be condemned to corrective imprisonment for a period of time not less than six months and not more than three years.

*Article 24.* Whosoever prints, publishes or distributes another person's translation in his own name without permission, shall be condemned to corrective imprisonment for a period of time not less than three months and not more than one year.

*Article 25.* Persons infringing articles 17, 18, 19 and 20 of this law, will be sentenced to corrective imprisonment for a period of time not less than three months and not more than one year.

*Article 26.* In cases where the author's copyright is terminated and the public are freely allowed to use the work in accordance with this law, the Ministry of Culture and Arts, with respect to infringements of articles 17, A, 19, and 20, will act as private plaintiff.

*Article 27.* A private plaintiff may require the court on passing final judgement, to publish its findings in any newspaper of his choice at his own expense.

*Article 28.* In cases where this law is violated as a result of decisions made by a person of legal standing, damages awarded the private plaintiff will be met from the assets of the legal personality. Should such assets be insufficient, the balance will be met from the assets of the third party who physically committed the crime.

*Article 29.* Judicial authorities whilst considering the private plaintiff's case can, order persons authorized by the Ministry of justice to prevent publication, distribution and public presentation of the work in question.

*Article 30.* Works produced prior to the ratification of this law are protected by it.

Persons who have utilized and exploited the works of others without permission prior to the ratification of this law, can no longer publish, perform, reproduce or sell such works, unless it is with the permission of the author or his agent, in accordance with this law. Persons who infringe this article, or in order to avoid punishment, predate their printing, recording, or reproduction of a work, will be sentenced according to Article 23 of this law. All complaints submitted to judicial authorities prior to the passing of this law, remain valid.

*Article 31.* Criminal proceeding in accordance with this law will be initiated by the complaint of the private plaintive and terminated by his pardon.

*Article 32.* Articles 245, 246, 247, and 248 of General Criminal law are redundant

*Article 33.* The executive regulations of this law will be prepared by the Ministry of Culture and Arts, the Ministry of justice and the Ministry of Information, and will be approved by the Council of Ministers.