

UNESCO
WORLD ANTI PIRACY OBSERVATORY

OMAN

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I. Legislation

1. Copyright laws

Copyright is protected in Oman through international Agreements, [Royal decree No. 65/2008 on the protection of Copyright and Neighboring Rights as amended by Royal Decree No. 132/2008](#), and other legislation related to enforcement of copyright or affecting copyright protection.

The copyright law No. 65/2008 was promulgated on May 4, 2008, and published in the official gazette No. 863 of year 2008. The law is effective from the following day of its publication. The Copyright Law was amended for conformity with the obligations of Oman under its Free Trade Agreement with the United States. The amendments were brought by virtue of Law No. 132/2008, promulgated on November 30, 2008, published in the official gazette No.876 of year 2008, and effective from the following day of its publication.

The implementing regulation for the Copyright Law No. 65/2008 came into force on December 17, 2008, by virtue of Ministerial Resolution No. 103 dated December 2, 2008, published in the Appendix to the Official Gazette No. 877.

The Copyright Law No. 65/2008 and its amendments abolished all previous legislation contrary to its provisions including [Law No. 37/2000 relating to copyright and Neighboring Rights](#). (for Arabic version [click here](#))

In addition, a Royal Decree No. 66/2008 on the Organization of the Production of Optical Discs and Accessories was promulgated on May 4, 2008 and amended by Decree No. 133/2008, promulgated on 30 November 2008 and effective from the following day of publication. According to this law, it is not permissible for any natural or juristic person to conduct the activity of producing optic discs and accessories without obtaining a license to that effect from the Directorate General of Industry at the Ministry of Commerce and Industry.

2. Other laws

The other laws and regulations pertaining anti-piracy measures and copyright enforcement are:

- Law on Civil and Commercial Procedures No. 29 of 2002 as amended by Law No. 92 of 2005 and Law No. 119 of 2006.
- Criminal Law No. 7 of 1974 as amended by Laws no. 12/97, 77/99, 72/2001, 75/2005 and 52/2007.
- Law on Criminal procedures No. 97 of 1999 as amended by Laws No. 73/2001, 42/2003, 75/2005 and 52/2007.
- GCC Unified Customs Law No. 10 of 2003

3. Latest developments and perspectives

No amendments are foreseen for the time being.

4. Summary of legislation

Copyright applies to any original literary, artistic or scientific work, irrespective of its value, quality, purpose or mode of expression. This includes books, pamphlets and other writings;

computer programs and databases; lectures, speeches, and any other oral work; dramatic, dramatico-musical works, choreographic works and pantomimes; musical works with or without words; audiovisual works; photographic works; works of applied art, works of drawing and painting; three-dimensional geographic or topographic works; and titles of the works provided they are original (Article 2). Copyright also applies to the following works provided they do not prejudice to the rights in the original work (Article 3):

- Derivative works such as translations, adaptations and arrangements of music.
 - Collection of works (such as encyclopedias) and compilation of excerpts of data provided that the selection and arrangement of their contents constitute intellectual creations.
- *Exclusive rights of the authors and of the owners of neighboring rights*

Exclusive Rights of the authors

a) Economic Rights

Copyright holders have the exclusive right to authorize or prohibit the reproduction of the work, translation and transformation of the work including musical arrangements; distribution to the public of the original and copies of the work through sale or other transfer of ownership; the commercial rental of the original or copies of the audiovisual work, work incorporated in a phonogram, or computer program; the public performance, the communication to the public and the broadcasting of the work (Article 6 of the Law on Copyright and Neighboring Rights).

b) Moral Rights

In addition to the aforementioned economic rights, the author enjoys imprescriptible and perpetual moral rights which include the right to claim authorship of his work in any way he decides it; to prohibit any distortion, deformation or any other modification of his work and to prohibit any use of his work which would be prejudicial to his honor or reputation (Article 5 of the Law on Copyright and Neighboring Rights).

Exclusive right of the owners of neighboring rights

Related/ Neighboring rights are protected under Articles 15 to 19 of the Law on Copyright and Neighboring Rights. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; radio and television broadcasting organizations in their radio and television programs.

Performers have the exclusive right to authorize or prohibit the broadcast and communication to the public of their unfixed performance; the fixation of their unfixed performance; the exploitation of their unfixed performance without their written prior consent; the making available to the public of the original or copies of their fixed performance through sale or other transfer of ownership; the commercial rental of the original or copies of their fixed performance; the broadcast and distribution to the public of their fixed performance; and the reproduction of their fixed performance. Performers enjoy also perpetual and imprescriptible moral rights which consist of the right to claim authorship of their live or fixed performances provided that this would not contradict with the exploitation of the performance; and to object to any distortion, deformation or modification of their performance that would be prejudicial to their honor or reputation (Articles 15 and 16).

Producers of sound recordings have the exclusive right to exploit their recordings in any manner including the reproduction or rental of their recordings; to make available to the public the original and copies of their recordings through sale or other transfer of ownership; to broadcast and communicate to the public their recordings in different manner (Article 17).

Radio and television broadcasting organizations have the exclusive right to fix, reproduce, broadcast, rebroadcast and communicate to the public of their broadcasts; to prohibit the communication to the public of the television recording of their programs without their prior written consent; and to prohibit the recording, copying, rental, rebroadcasting, making available and communicating to the public of their programs in any manner (Article 18).

- *Exceptions and limitations to copyright*

Excluded from copyright protection are mere ideas, work methods and procedures, mathematical concepts, principles, discoveries and mere data; official documents such as laws, regulations, decisions, international conventions, court decisions, decisions of administrative committees, and any official translation thereof; and news on current events that are mere media news. However, any of the aforementioned items should be eligible for protection if it is distinct in its selection or arrangement or its intellectual effort (Article 4 of the Law on Copyright and Neighboring Rights).

Limitations to exclusive rights are provided in Article 20 of the Law on Copyright and Neighboring Rights provided that there is no conflict with the normal exploitation of the work or there is no unreasonable prejudice to the legitimate interests of the author. These limitations include using the work for purposes of citation, illustration, demonstration or criticism in another work; family gathering; teaching; making a single copy of a work, in limited cases, through non-profit making educational establishments, libraries or archiving centers; reproducing or making available to the public articles published in newspapers or periodicals on political, economic, social, cultural or religious news or a broadcast work of the same nature; making a single copy or an adaptation of a lawfully obtained copy of a computer program for replacing a lost or destroyed original copy or for the sole purpose of achieving interoperability of an independently created computer program with other programs; perform a work in a religious ceremonies or in non-profit making educational establishments; and making an ephemeral reproduction of a work by broadcasting organizations. In many cases, the use should be to the extent justified by the purpose and provided that the source and the name of the author are indicated.

Limitations to copyright apply also *mutatis mutandis* on the rights of performers, producers of sound recordings and broadcasting organizations.

- *Protection of foreign works*

In addition to the works, performances and sound recordings of Omani Authors, the protection of the copyright law covers works, performances and sound recordings of foreigners having their habitual residence in Oman; broadcasts that have their headquarters in Oman or broadcasted through a transmitter in Oman; works, performances, sound recordings and broadcasts produced in Oman regardless of the nationality or place of residence of their authors; works, performances and sound recordings which are first published in Oman and those which are first published in another country and then published in Oman within 30 days from their publication in the other country regardless of the nationality or place of residence of their authors; audiovisual works whose producer has his headquarters or place of residence in Oman; works,

performances, sound recordings or broadcasts protected by any international convention to which Oman is party; architectural works constructed in Oman, or any other artistic work incorporated in a building or any other construction situated in Oman (Article 57 of the Law on Copyright and Neighboring Rights).

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 70 years from the 1st of January of the year following the author's death; 70 years from the 1st of January of the year following the date of the death of the last surviving author in the event of co-authored work; 95 years from the 1st of January of the year following the first authorized publication for collective and audiovisual works - or 120 years from the 1st of January of the year following the creation of the work should the work not have been published within 25 years from its creation; 95 years from the 1st of January of the year following the calendar year of the authorized publication for anonymous or pseudonymous works - or 120 years from the 1st of January of the year following the creation of the work should the work not have been published within 25 years from its creation – or 70 years from the 1st of January of the year following the author's death or the death of the last surviving author (in the event of co-authored work) when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; 95 years from the 1st of January of the year following the first authorized publication for applied arts - or 120 years from the 1st of January of the year following the creation of the work should the work not have been published within 25 years from its creation. Moral rights are protected in perpetuity (Articles 5 and 26 to 30 of the Law on Copyright and Neighboring Rights).

Rights of performing artists last for 95 years from the 1st of January of the year following the first authorized publication of first fixed performance - or 120 years from the 1st of January of the year following the completion of the performance should the performance not have been published within 25 years from its completion; rights of producers of sound recordings last for 95 years from the 1st of January of the year following the first authorized publication of sound recording - or 120 years from the 1st of January of the year following the completion of the sound recording should the sound recording not have been published within 25 years from its completion; rights of broadcasting organizations last for 20 years from the 1st of January of the year following the year of first broadcast (Articles 31 to 33 of the Law on Copyright and Neighboring Rights).

The Law provides for a retroactive protection for all works, performances, phonograms and broadcasts created or fixed before the entry into force of the Law on Copyright and neighboring Rights provided that the protection period had not lapsed under a previous legislation or the legislation in the country of origin of such works (Article 60 of the Law on Copyright and Neighboring Rights).

- *Registration*

Copyright protection does not depend on formalities. Failure to deposit the work or any act of disposal relating to it does not prejudice the author's rights provided for under the Copyright Law and related legislation. The deposit of the work constitutes a presumption that the depositor of a work is its owner. This presumption empowers the judge to command the production of evidence by the opposing party in cases related to copyright infringements.

Copyright holders or their universal successors who wish to make a deposit must submit to the Ministry of Commerce and Industry a copy of the work, performance, sound recording or radio/television program on their own expenses. Details relating to deposit are available in the implementing regulation for the Copyright Law No. 65/2008 which came into force on December 17, 2008 by virtue of Ministerial Resolution No. 103 of 2008.

5. International treaties

Oman is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [WIPO Copyright Treaty](#) (WCT)
- [WIPO Performances and Phonograms Treaty](#) (WPPT)
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS)
- [Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite](#)
- Arab Agreement for the Protection of Authors' Rights

Oman signed the following Convention but did not ratify it yet:

- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

Oman signed a [Free Trade Agreement](#) (FTA) with the United States on January 19, 2006. The FTA entered into force on January 1, 2009. It requires Oman to abide by a standard of copyright protection consistent with U.S. standards and international trends. Provisions of the FTA on Copyright and Related Rights are found under Article 15 (Intellectual Property Rights) of the Agreement.

II. Measures and remedies

1. Copyright infringement

Article 40 of the Copyright Law defines a number of prohibited acts relating to effective technological measures, rights management information and transmission of television signals. These acts are as follows:

- Circumventing without authority any effective technological measure.
- Manufacturing, importing, distributing, offering to the public, providing, or otherwise trafficking in devices, products, or components, or offers to the public or providing services, that:
 - are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure;
 - have only a limited commercially significant purpose or use other than to circumvent any effective technological measure; or
 - are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure.

- Performing without authority any of the following acts while knowing, or having reasonable grounds to know, that it would induce, enable, facilitate, or conceal an infringement of any copyright or related right:
 - knowingly removes or alters any rights management information;
 - distributing or importing for distribution rights management information knowing that the rights management information has been removed or altered without authority; or
 - distributing, importing for distribution, broadcasting, communicating, or making available to the public copies of works, performances, or phonograms, knowing that rights management information has been removed or altered without authority.
- Manufacturing, assembling, modifying, importing, exporting, selling, leasing, or otherwise distributing a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted program-carrying satellite signal without a written authorization of the lawful distributor of such signal;
- Willfully receiving or further distributing a program-carrying signal that originated as an encrypted satellite signal knowing that it has been decoded without a written authorization of the lawful distributor of the signal.

Additional acts are punished by the copyright law and hence are considered to be infringing its provisions. These are found under Articles 42 and 52 of the Law on Copyright and Neighboring Rights, in particular:

- Violating any of the provisions of the copyright law.
- Violating any copyright or neighboring right (moral or economic).
- Violating treaties related to copyright and neighboring rights to which Oman is party.
- Selling, renting, or putting into circulation copies of a copyrighted work without the authorization of the right holder.
- Willful infringements for purposes of commercial advantage or private financial gain.
- Willful copyright or related rights infringements that have no direct or indirect motivation of financial gain.
- Knowingly violating any of the economic rights of a work in Oman, and then distributing or putting it into circulation abroad or exporting it.
- Knowingly trafficking in counterfeit labels affixed or designed to be affixed to: a phonogram, a copy of a computer program, documentation or packaging for a computer program, or a copy of a motion picture or other audiovisual work.
- Knowingly trafficking in counterfeit documentation or packaging for a computer program.
- Willful import or export of goods infringing the Law on Copyright and Neighboring Rights.

2. Remedies to protect copyright holders

The Copyright law, the Law on Civil and Commercial Procedures, the Criminal Law, the Law on Criminal Procedures and the GCC Unified Customs Law provide for a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to stop infringement of copyright and neighboring rights. In such a case, the competent court, upon a request made by the right holder or his successors, may order, by petition, the necessary provisional measures in particular,

- Legal action may be instituted at the request of the copyright holder, the neighboring rights holders, their heirs or successors including fair and equitable civil judicial procedures (Articles 42, 43, 45, 47, 48 and 56 of the Law on Copyright and Neighboring Rights, Article 3, 103 to 109 of the Law on Civil and Commercial Procedures, Articles 173 to 203 of the Law on Criminal Procedures and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law).
- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense, any assets traceable to the infringing activity, and any documentary evidence relevant to the offense may be ordered by the court at the request of right holders or ex-officio by the general prosecutor, customs officials or the employees of the copyright office nominated to this effect (Articles 41, 42, 50 and 58 of the Law on Copyright and Neighboring Rights, Articles 76 to 103 of the Law on Criminal Procedures and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law)
- Confiscation of any assets traceable to the infringing activity and, except in exceptional cases, the confiscation and destruction of all pirated goods, as well as materials and implements that have been used in the creation of infringing goods. Pirated goods and infringing materials shall be destroyed at the expense of the convicted person or disposed of outside the channels of commerce when there is a risk of damaging the public health or the environment (Article 53 of the Law on Copyright and Neighboring Rights, Articles 52 to 54,56 of the Criminal Law and Article 152 of the GCC Unified Customs Law)
- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity not taken into account in computing those damages; pre-established damages, which shall be available on the election of the right holder; court costs or fees and reasonable attorney's fees to be paid by the losing party; (Article 43 of the Law on Copyright and Neighboring Rights and Article 4 of its Implementing Decree, Articles 56, 58 to 60 of the Criminal Law, Articles 183 to 189 of the Law on Civil and Commercial Procedures and Articles 20, and 225 to 229 of the Law on Criminal Procedures).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of three months and a maximum term of three years and/ or by a fine varying from than 2,000 Riyals to 10,000 Riyals. In case of recidivism, the sanctions shall be doubled and the premises where the crime was committed shall be closed down or the activities stopped. Sanctions are also imposed against co-conspirators (Article 52 of the Law on Copyright and Neighboring Rights and Articles 42 to 46, 50, 51, 55, 56, 276 bis (1) to 276 bis (3) and 307 of the Criminal Law)
- Publication of court judgments and administrative decisions relating to copyright and neighboring rights (Article 62 of the Law on Copyright and Neighboring Rights).

3. Provisional measures

The Copyright Law permits the court, based on a request submitted by the right holder or his successors, to stop infringement of copyright and related rights (Article 42 of the Law on Copyright and Neighboring Rights).

In such a case, the competent court, upon a request made by the right holder or his successors, may order, by petition, the necessary provisional measures in particular, preventing an imminent or continuation of infringement of copyright; seizing the original and infringing copies and any material used in the reproduction of illegal copies; prohibiting the continuation of the show or forbidding it in the future when the violation relates to a performance of a work, a sound recording, or a radio program; assessing (by an expert designated by the court) and confiscating the revenues resulting from the illegal exploitation of the work.

The court may order the plaintiff to provide any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the plaintiff's right is being infringed or that such infringement is imminent and to order the plaintiff to provide a reasonable security or equivalent assurance set at a level sufficient to protect the defendant and to prevent abuse, and so as not to unreasonably deter recourse to such procedures.

The court shall act on the request for provisional measures expeditiously and shall execute such requests within ten days from the date of application.

The court may adopt the provisional measures without notifying the defendant and in his absence in cases where the delay may cause irreparable damage to the right holder or where there is a proven risk that delay may lead to the loss of relevant evidence. The prejudiced parties shall then be notified as soon as the provisional measures have been ordered or, where appropriate, as soon as the provisional measures have been carried out. Accordingly, the defendant may appeal the court order, within ten days after his notification by the measures. The right holder shall file a legal action with the competent court within 15 days from the day following the date of issuance of the court order to carry out the provisional measures or from the day following the date of notification of appeal by the defendant, otherwise the court order for provisional measures will cease to have effect.

See also Article 48 of the Law on Criminal Procedures, Article 34 of the Law on Civil and Commercial Procedures and Article 135 of the GCC Unified Customs Law.

4. Penalties for copyright infringement

The Copyright law, the Law on Civil and Commercial Procedures, the Criminal Law, the Law on Criminal Procedures and the GCC Unified Customs Law provide for penalties in case of copyright or neighboring rights infringement. These penalties include the following:

- Fair and adequate damages may be imposed including moral damages; damages adequate to compensate for the injury the right holder has suffered as a result of the infringement plus any profits attributable to the prohibited activity not taken into account in computing those damages; pre-established damages, which shall be available on the election of the right holder; court costs or fees and reasonable attorney's fees to be paid by the losing party; (Article 43 of the Law on Copyright and Neighboring Rights and Article 4 of its Implementing Decree, Articles 56, 58 to 60 of the Criminal Law, Articles 183 to 189 of the Law on Civil and Commercial Procedures and Articles 20, and 225 to 229 of the Law on Criminal Procedures).

- Seizure of suspected pirated goods, any related materials and implements used in the commission of the offense, any assets traceable to the infringing activity, and any documentary evidence relevant to the offense may be ordered by the court at the request of right holders or ex-officio by the general prosecutor, customs officials or the employees of the copyright office nominated to this effect (Articles 41, 42, 50 and 58 of the Law on Copyright and Neighboring Rights, Articles 76 to 103 of the Law on Criminal Procedures and Articles 126, 127, 133 and 135 to 137 of the GCC Unified Customs Law)
- Confiscation of any assets traceable to the infringing activity and, except in exceptional cases, the confiscation and destruction of all pirated goods, as well as materials and implements that have been used in the creation of infringing goods. Pirated goods and infringing materials shall be destroyed at the expense of the convicted person or disposed of outside the channels of commerce when there is a risk of damaging the public health or the environment (Article 53 of the Law on Copyright and Neighboring Rights, Articles 52 to 54,56 of the Criminal Law and Article 152 of the GCC Unified Customs Law)
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of three months and a maximum term of three years and/ or by a fine varying from than 2,000 Riyals to 10,000 Riyals. In case of recidivism, the sanctions shall be doubled and the premises where the crime was committed shall be closed down or the activities stopped. Sanctions are also imposed against co-conspirators (Article 52 of the Law on Copyright and Neighboring Rights and Articles 42 to 46, 50, 51, 55, 56, 276 bis (1) to 276 bis (3) and 307 of the Criminal Law)
- Publication of court judgments and administrative decisions relating to copyright and neighboring rights (Article 62 of the Law on Copyright and Neighboring Rights).

5. Requirements for foreign persons

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Omani courts. Omani courts have jurisdiction over cases brought against a foreigner who has a domicile or a residence in Oman with the exception of real estate rights cases where the real estate is located outside Oman (Article 29 of the Law on Civil and Commercial Procedures).

Omani courts have jurisdiction over cases brought against a foreigner who has no domicile or residence in Oman provided he has a chosen place of residence in Oman; the case relates to a good existing in Oman; the case relates to an obligation that was initiated or executed or was to be executed in Oman; the case relates to a bankruptcy declared in Oman; or if any of the defendants has a domicile or a residence place in Oman (Articles 30 and 56 of the Law on Civil and Commercial Procedures).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The police, public prosecutors, the judiciary, customs officials, and employees of the Copyright Office at the Ministry of Commerce and Industry nominated to this effect are the competent authorities responsible for enforcing the copyright law and combating piracy in Oman (Articles 41 to 43, 49, 50 and 58 of the Law on Copyright and Neighboring Rights, Articles 89 and 90 of the

Law on Civil and Commercial Law and Articles 30 to 37 of the Law on Criminal Procedures and (Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

Public prosecutors, employees of the Copyright office at the Ministry of Commerce and Industry nominated to this effect and customs officials have police powers with regard to the implementation of the provisions of the Law on Copyright and Neighboring Rights. They may act ex-officio in cases of infringement of copyright and neighboring rights without the need for a formal complaint by a private party or right holder (Articles 41 to 43, 49, 50 and 58 of the Law on Copyright and Neighboring Rights and Articles 30 to 37 of the Law on Criminal Procedures and (Articles 2, 24, 55, 56, 58, 59, 80, 81, 116, 121 to 128, 133, 135 to 137, 143, 150 of the GCC Unified Customs Law).

Customs officers may initiate border measures *ex officio*, with respect to imported, exported, or in-transit merchandise, or merchandise in free trade zones, suspected of being pirated copyright goods, without the need for a formal complaint from a private party or right holder (Article 41 of the Law on Copyright and Neighboring Rights).

c) Courts dealing with copyright cases

There are no specialized courts for copyright or intellectual property rights (IPR) in Oman. The competent courts are the regular courts (civil, criminal and administrative). The court having jurisdiction over copyright and neighboring rights cases is the court of first instance in charge of civil cases (Article 36 of the Law on Civil and Commercial Procedures and Article 137 to 144 of the Law on Criminal Procedures).

In principle, in personal and movable rights cases (such as copyright cases), the competent court is that of the place where the defendant is resident. If the defendant is a natural person, it is the court of the place where he is domiciled or resident. If the defendant has no domicile in Oman, then the jurisdiction is given to the court where he/she has a residence place. If the defendant has no domicile or residence in Oman, and it was not possible to locate the court that has jurisdiction over the case, then the court with jurisdiction over the case is the court where the plaintiff resides. If the plaintiff has no domicile or residence in Oman then Muscat court would have jurisdiction over the case (Articles 44 and 56 of the Law on Civil and Commercial Procedures).

In cases related to legal persons (companies, institutions, and associations), the court that has jurisdiction over the case is the court where the headquarter is located. If the case is related to one of the legal person branches then the court where such branch is located will have jurisdiction over the (Article 46 of the Law on Civil and Commercial Procedures).

2. Enforcement at the border

The Customs is the Authority responsible for combating piracy at the borders Customs officers may initiate border measures *ex officio*, with respect to imported, exported, or in-transit merchandise, or merchandise in free trade zones, suspected of being pirated copyright goods, without the need for a formal complaint from a private party or right holder (Article 41 of the Law on Copyright and Neighboring Rights and Articles 2, 24, 53 to 56, 58, 59, 80, 81, 116, 121 to 128, 129 to 137, 143, 145, 150, 152 and 161 to 165 of the GCC Unified Customs Law).

Any right holder who has reasonable grounds to believe that goods infringing his copyright are being imported may submit a complaint to the customs authority to suspend the clearance procedures and the release into free circulation of the suspected pirated goods. The application should include adequate evidence to satisfy the customs authority that there is prima facie an infringement of the right holder's copyright, as well as sufficient information to make the suspected goods reasonably recognizable by the customs. The requirement to provide sufficient information shall not unreasonably deter recourse to these procedures. The Customs authority shall issue its decision and notify the applicant (in writing) within seven days from the date of submission of the application. The application to suspend the release of goods shall remain in force for a period of not less than one year from the date of application, or the period that the good is protected by copyright, whichever is shorter, unless the applicant requests a shorter period. The customs authority may ask the applicant to provide a reasonable security or equivalent assurance sufficient to protect the defendant and the customs authority and to prevent abuse. Such security or equivalent assurance shall not unreasonably deter recourse to these procedures (Article 41 of the Law on Copyright and Neighboring Rights).

Accordingly, the customs authority may decide to stop the clearance procedures. In this case, it shall (1) notify the importer and the right holder about its decision; (2) inform the right holder, upon his written request, of the names and addresses of the consignor, the importer, and the consignee, and of the quantity of the goods in question; and (3) allow the concerned parties to inspect the detained suspected goods according to the customs procedures.

A legal action shall then be filed by the right holder before the competent court and notified to the customs authority within a period not exceeding ten working days from the notification of the right holder, otherwise the decision to stop the clearance procedures will cease to have effect, unless the customs authority or the competent court decide, in specific cases, to extend the period to ten more working days.

The amount of the security or equivalent assurance shall be 500 Riyals for each work. The storage of the suspected pirated goods, in pursuance of a decision to stop the clearance procedures at the request of the right holder, shall be in accordance with the procedures and in the places fixed by the customs authority or in agreement with the right holder with regard to warehouses (Article 5 of the Copyright and Neighboring Rights Implementing Decree).

Goods of a non-commercial nature contained in travelers' personal luggage or sent in small consignments shall not be subject to the provisions of the Law on Copyright and Neighboring Rights relating to border enforcement.

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

IV. Public Awareness

- 1. Awareness campaigns and actions**
- 2. Promotion of legal exploitation**
- 3. Associations and organizations with awareness-raising purpose**

Private bodies have been created to promote intellectual property in Oman and to fight against piracy, in particular the following:

- **Brand Owners Protection Group**

The Brand Owners Protection Group (BPG) is a group of world leading Brand Owners and Legal Consultants who are alarmed at the continuous illicit replication of genuine goods and interested in the enforcement of Intellectual Property Rights. BPG is a non-profit organization which seeks the enforcement of intellectual property laws, copyright, patent, and trademark protection, and licensing laws in order to protect consumers from counterfeits and all other forms of illicit trade. <http://www.gulfbpg.com/index.php>

- **Saba & Co. Intellectual Property**

Saba is the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- **Arab Society for Intellectual Property**

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies. <http://www.aspip.org/Default.aspx?&lang=en>

4. Best practices

V. Capacity-building

1. Training

2. Establishment of specialized units and intersectoral groups

Creation of an intellectual property unit

Creation of a collective management organization

3. Best practices

VI. Other

1. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) through prohibiting and punishing the following acts (Article 40 of the Law on Copyright and Neighboring Rights):

- Circumventing without authority any effective technological measure.
- Manufacturing, importing, distributing, offering to the public, providing, or otherwise trafficking in devices, products, or components, or offers to the public or providing services, that:
 - are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure;
 - have only a limited commercially significant purpose or use other than to circumvent any effective technological measure; or
 - are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure.
- Performing without authority any of the following acts while knowing, or having reasonable grounds to know, that it would induce, enable, facilitate, or conceal an infringement of any copyright or related right:
 - knowingly removes or alters any rights management information;
 - distributing or importing for distribution rights management information knowing that the rights management information has been removed or altered without authority; or
 - distributing, importing for distribution, broadcasting, communicating, or making available to the public copies of works, performances, or phonograms, knowing that rights management information has been removed or altered without authority.

Any person, other than a nonprofit library, archive, educational institution, or public noncommercial broadcasting entity, who is found to have engaged willfully and for purposes of commercial advantage or private financial gain in any of the aforementioned activities shall be liable and sentenced for a period of not less than three months and not more than three years of imprisonment and/ or by a fine of not less than 2,000 Riyals and not more than 10,000 Riyals (Article 52 of the Law on Copyright and Neighboring Rights).

The infringer shall also be subject to the payment of damages adequate to compensate for the injury the right holder has suffered as a result of the infringement, as well as the payment of his profits that are attributable to the infringement and that are not taken into account in computing the amount of the aforementioned damages. These damages shall not be available against a nonprofit library, archive, educational institution, or public noncommercial broadcasting entity that sustains the burden of proving that it was not aware and had no reason to believe that its acts constituted a prohibited activity (Article 43 of the Law on Copyright and Neighboring Rights).

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details

Dr. Khalid Saeed Al-Shuaibi
Director General
Organizations and Commercial Relations Department
Ministry of Commerce and Industry
Tel: (968) 771 6241
Fax: (968) 771 2030
Address: P.O. Box 550; Muscat P.C. 113; Sultanate of Oman

Web links

Database of Omani Laws:

<http://www.mola.gov.om/legals.htm>

Arab IP Center of the League of Arab States:

<http://www.arabipcenter.org>