# REPUBLIC OF IRAQ

## LAW ON THE PROTECTION OF COPYRIGHT — LAW NO. (3) OF 1971

**Official Reference:** Published in the Iraqi Official Gazette (Al-Waqai'i Al-Iraqiya) | **Scope:** Complete Translation of Articles 1 through 52

### ARTICLE 1

1. Authors of original works in literature, arts, and sciences shall enjoy the protection of this law, regardless of the type of these works, the method of expression, their importance, or the purpose of their creation.

2. The person who publishes the work attributed to themselves is considered its author, whether by mentioning their name on the work or by any other means, unless there is evidence to the contrary. This provision applies to pseudonyms, provided there is no doubt as to the true identity of the author.

### ARTICLE 2

This protection covers works whose expression takes the form of writing, sound, drawing, photography, or movement, and in particular:

- Works delivered orally, such as lectures, lessons, speeches, sermons, and the like.
- Works included in the arts of drawing, painting with lines or colors, engraving, sculpture, or architecture.
- Works performed through artistic movements or steps and materially prepared for production.
- Musical works, whether or not accompanied by words.
- Musical and cinematic theatrical works.
- Maps, drawings, and geographical, topographical, or scientific designs.
- Photographic works.
- Works broadcast via radio or television.

### ARTICLE 3

Protection includes the title of the work if it is distinguished by an original character and is not a general term indicating the subject matter of the work.

### ARTICLE 4

Anyone who arabizes, transforms, summarizes, adapts, modifies the form of, explains, or comments on a work in any manner that displays an original character shall enjoy protection, without prejudice to the rights of the author of the original work.

## ARTICLE 5

Protection does not cover laws, judicial rulings, decisions of administrative councils, international agreements, and other official documents, as well as the official translations of these texts. However, if these materials are collected in a compilation distinguished by an original character or arrangement, the compilation shall be protected.

## ARTICLE 6

The author alone has the right to decide to publish their work and to determine the method of publication. They alone have the right to financially exploit their work in any manner of exploitation. No one else may exercise this right without written permission from them or their successors.

## ARTICLE 7

The author's right of exploitation includes:

1. Communicating the work directly to the public by any means, especially through public recitation, direct delivery, theatrical performance, cinematic screening, radio, or television.
2. Communicating the work indirectly to the public by making copies available to the public by any means such as engraving, photography, or audio or visual recording.

## ARTICLE 8

The author alone, if strong moral reasons arise, may request the court to order the withdrawal of their work from circulation or the introduction of substantial modifications to it, despite having disposed of the financial exploitation rights, provided that the assignee is fairly compensated.

## ARTICLE 9

The financial right of the author lasts for their lifetime and for fifty years after their death.

- If the work is joint, the term is calculated from the date of death of the last surviving co-author.
- If the author is a legal entity or if the work is published under a pseudonym or anonymously, the protection period is fifty years from the date of publication.

## ARTICLE 10

The author may transfer to third parties the financial exploitation rights stipulated in this law. The transfer of the right requires that the disposition be in writing and that each right be explicitly and specifically identified, detailing its scope, purpose, duration, and place of exploitation.

## ARTICLE 11

The author’s copyright itself cannot be attached. However, copies of the published work may be attached. Works whose author dies before publication cannot be attached unless it is conclusively proven that the author intended to publish them prior to death.

## ARTICLE 12

Once the work is published, the author may not prevent its performance, recitation, or playing if done in a family gathering, a private forum, a society, or a school, provided that such gathering does not generate any financial proceeds directly or indirectly. Official state bands and military forces have the right to play musical works without paying compensation, provided that the performance generates no financial return.

## ARTICLE 13

If a person makes a single copy of a published work for their personal use, the author does not have the right to prevent them from doing so.

## ARTICLE 14

1. After publication, the author may not prohibit short analyses or quotations made for the purpose of criticism, debate, education, culture, or news, provided that reference is made to the author’s name (if known) and the source.

2. In textbooks, historical works, literature, science, and arts, the following are permitted:

- **(a)** Extracting short excerpts from previously published works.
- **(b)** Reproducing previously published works in graphic, sculptural, or photographic arts, provided that reproduction is limited to what is necessary to clarify the text.

In all cases, the sources and authors' names must be clearly cited.

## ARTICLE 15

Serialized novels, short stories, or other literary, artistic, or scientific works published in newspapers or periodicals may not be reproduced without the authors' permission.

However, newspapers may republish articles dealing with political, economic, or religious discussions that occupy public opinion, provided that republication is not explicitly prohibited in the source newspaper and that the source is clearly cited.

The protection under this law does not extend to daily news or ordinary events published by newspapers.

## ARTICLE 16

Newspapers, radio, and television may publish or broadcast speeches delivered in public sessions of political, administrative, or judicial bodies, as well as political speeches addressed to the public, without the author's prior permission.

## ARTICLE 17

The author alone has the right to publish collections of their speeches or articles mentioned in the preceding two articles.

## ARTICLE 18

The author’s heirs alone have the right to decide to publish works that were not published during the author's lifetime, unless the author willed otherwise. However, if the author set a specific date for publication, the work may not be published before that date.

## ARTICLE 19

The author’s heirs alone have the right to exercise the financial exploitation rights provided in Articles 7, 8, and 10 of this law. If one of the co-authors dies leaving no heirs or legatees, their share shall accrue to the surviving co-authors, unless agreed otherwise.

## ARTICLE 20

Without prejudice to Article 9 of this law, financial rights expire 25 years after the author's death, provided that total protection does not fall below 50 years from the publication date.

- For photographic works or cinematic works limited to mechanical filming of scenes, these rights expire after 5 years from the first publication date.

## ARTICLE 21

Works published anonymously or under a pseudonym are not covered by the protection period unless the author or heirs reveal their identity, in which case protection begins from the date of such disclosure.

## ARTICLE 22

For works published for the first time after the author's death, the protection period is calculated from the date of the author's death.

## ARTICLE 23

If the heirs or successors do not exercise the rights provided in Articles 18 and 19 of this law, and the Minister of Information deems that public interest requires publishing the work, the Minister may request them via registered mail to publish it. If three months elapse without publication, the Minister may publish the work, without prejudice to the heirs' right to fair compensation.

## ARTICLE 24

A work is considered published from the date it is made available to the public, without regard to re-publication unless the author makes fundamental modifications such that it can be considered a new work. If a work consists of several volumes or parts published at irregular intervals, each volume/part is considered an independent work regarding the publication date.

## ARTICLE 25

If several persons participate in creating a work where individual contributions cannot be separated, all participants are considered equal owners unless agreed otherwise. In this case, copyright rights cannot be exercised except by mutual agreement of all co-authors, each acting as an agent for the others. In case of dispute, the Court of First Instance shall decide the matter. However, each co-author has the right to file legal actions upon any infringement.

## ARTICLE 26

If several persons co-create a work where each participant’s contribution can be separated, each person has the right to exploit their individual contribution separately, provided it does not prejudice the exploitation of the joint work, unless agreed otherwise.

## ARTICLE 27

A collective work is a work created by a group of authors upon the initiative and direction of a natural or legal person, where individual contributions merge into the general idea without the possibility of separating each person's work. The initiating natural or legal person is considered the author and holds the sole right to exercise copyright.

## ARTICLE 28

In works bearing a pseudonym, the publisher is presumed to be authorized by the author to exercise copyright rights until the author discloses their identity and proves their status.

## ARTICLE 29

In musical songs/compositions, the musical composer alone has the right to authorize public performance, execution, publication, or reproduction of the joint work, without prejudice to the lyricist's rights. The lyricist has the right to publish their text separately, but cannot license it as the basis for another musical work unless agreed otherwise.

## ARTICLE 30

In works executed through movement accompanied by music or theatrical shows accompanied by music, the non-musical creator has the right to license public performance or execution of the joint work. The composer has the right to dispose of the musical part separately, provided it is not used in a similar work, unless agreed otherwise.

## ARTICLE 31

The following are considered co-authors of cinematic, radio, or television works:

1. The author of the scenario or written script idea.
2. The person who adapts an existing literary work for the medium.
3. The author of the dialogue.
4. The musical composer who specifically composed music for the work.
5. The director, if they exercised effective control and made a positive intellectual contribution to realization.

## ARTICLE 32

The scenario author, adapter, dialogue writer, and director jointly have the right to show the cinematic/broadcast work, despite objections from the original author or composer, without prejudice to the objector's rights stemming from co-authorship. Authors of literary or musical parts have the right to publish their contributions via non-cinematic or non-broadcast means, unless agreed otherwise.

## ARTICLE 33

If one co-author of a cinematic or broadcast work refuses to complete their part, the other co-authors may use the completed portion without prejudice to the rights accruing to the refusing party from their contribution.

## ARTICLE 34

The producer of a cinematic, radio, or television work is the person or entity taking responsibility for its realization and providing the necessary financial/material means. The producer is considered the publisher of the cinematic work and acts as a representative for its authors regarding exhibition and exploitation agreements, without prejudice to the rights of original adapted works.

## ARTICLE 35

Official broadcasting bodies have the right to broadcast or exhibit works performed in theaters or public places. Management of such places must facilitate technical preparations. Broadcasting bodies must mention the author's name and title of the work, and pay fair compensation to the author or their successor.

## ARTICLE 36

No photographer or portrait painter may display, publish, or distribute the original or copies of a portrait without permission from the subject. This does not apply if publication occurs during public events, concerns public figures or officials, or is permitted by public authorities for the public interest. However, display is prohibited if it damages the subject's honor, reputation, or social standing. The subject may authorize publication in newspapers/magazines even without the photographer's consent, unless agreed otherwise.

## ARTICLE 37

The author alone has the right to publish their personal letters; however, this right may not be exercised without the addressee's consent if publication would cause them harm.

## ARTICLE 38

The author may transfer their financial rights to third parties. The transfer of one right does not imply granting another. The disposition must be written, specifying each right, its scope, purpose, duration, and place. The author must refrain from any act that obstructs the assignee's exercise of the right.

## ARTICLE 39

Any disposition by the author regarding the total of their future intellectual output is considered null and void.

## ARTICLE 40

Any disposition by a non-author regarding the rights provided in Articles 7, 8, and 10 of this law is considered null and void.

## ARTICLE 41

The author’s assignment of rights over their work may be total or partial, and may be based on a percentage share of revenues resulting from exploitation.

## ARTICLE 42

Transfer of ownership of an original copy of a work does not include transfer of its copyright. However, the owner of the copy may display it publicly, but cannot be compelled to grant the author rights to copy or reproduce it unless agreed otherwise.

## ARTICLE 43

The author alone may request the Court of First Instance to withdraw their work from circulation or make fundamental modifications due to serious moral reasons, despite having transferred financial exploitation rights. In this case, the author must pay fair compensation to the assignee as determined by the court.

## ARTICLE 44

Every author whose rights under this law are infringed upon is entitled to appropriate compensation.

## ARTICLE 45

Infringement constitutes an offense punishable by a fine of not less than 10 Dinars and not exceeding 100 Dinars for anyone who commits any of the following acts:

1. Infringing upon the author’s rights stipulated in Articles 5, 7, 8, 9, and 10 of this law.
2. Selling, offering for sale, or importing into Iraq counterfeit works without permission from the author or their representative.
3. Counterfeiting works published abroad inside Iraq, or exporting/shipping them abroad.

In case of recidivism, the offender shall be punished by imprisonment for up to 3 months and/or a fine up to 300 Dinars. The court may also order the temporary or permanent closure of the establishment used by counterfeiters.

## ARTICLE 46

Upon request of the right holder, the Court of First Instance may order a detailed description or seizure of the original work, its copies, or materials used for unauthorized publication/reproduction. In public performance/recitation matters, the court may order an inventory and seizure of revenues derived from unauthorized show/broadcast.

## ARTICLE 47

The Court of First Instance may order the destruction of unauthorized copies, portraits, and materials used for publication. Destruction shall be at the expense of the responsible party. The injured party may request the confiscation and sale of seized copies for their account as part of compensation.

## ARTICLE 48

Publishers of works prepared for publication by producing copies must deposit 5 copies of the work in the National Library within a month of publication. Non-compliance is punishable by a fine not exceeding 25 Dinars, but failure to deposit does not impair the author's copyright. These provisions do not apply to articles published in newspapers/magazines unless published separately.

## ARTICLE 49

The provisions of this law apply to works of Iraqi and foreign authors published, performed, or displayed for the first time in the Republic of Iraq, as well as works of Iraqi authors published abroad. Works of foreign authors published abroad are protected only if their countries extend reciprocal treatment to Iraqi nationals.

## ARTICLE 50

The Ottoman Copyright Law is hereby repealed.

## ARTICLE 51

Regulations may be issued to facilitate the execution of this law.

## ARTICLE 52

This law shall enter into force from the date of its publication in the Official Gazette.