

Kuwait named on US Government watch list for copyright piracy

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Introduction – US Government Watch Lists for Copyright Piracy

The U.S. Trade Representative (USTR) produced its annual Special 301 Report in April 2014. This report is named after Section 301 (as amended) of the U.S. Trade Act of 1974 and, among other things, recommends reforms needed to address the theft of intellectual property and other barriers to overseas markets faced by U.S. industries that rely on copyright protection to produce movies, television programmes, music, software, video games, and books and journals.

The Special 301 Report also makes recommendations as to countries' inclusion on the various 'levels' of U.S. watch lists (or indeed whether to not include a country on any list): Priority Foreign Country; Priority Watch List or Watch List. The 2014 Special 301 Report lists 10 countries on the Priority Watch List (Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand and Venezuela) and 27 on the Watch List (down from 30 in 2013). Kuwait is the only GCC country to appear on the Watch List.

Kuwait and Intellectual Property Rights

Kuwait is a member of the World Trade Organization, a signatory to the Agreement on Trade Related Aspects of Intellectual Property Rights, a member of the World Intellectual Property Organization and recently a signatory of the Bern Convention for the Protection of Literary and Artistic Works and the Paris Convention for the Protection of Industrial Property. Hence, Kuwait is under an obligation to pass intellectual property laws meeting the minimum standards for the protection and enforcement of intellectual property rights.

Kuwait protects intellectual property by Law No. 64 of 1999. Article 42 stipulates that imprisonment and or financial penalty will be imposed on any person who:

- a) infringes the owner's rights;
- b) sells or offers for sale or circulates or broadcasts to the public or brings in or out of the country an imitated literary work;
- c) discloses or facilitates in the disclosure of computer software; or
- d) removes or participates in the removal of property rights that regulates or limits public access to literary works.

In accordance with this law, authors may file their literary work before the National Library for protection of the work to be granted. The procedure for filing for copyright protection is quite simple as it starts with filing the application form and enclosing with hard and soft copies of the work. Copyright registration is relatively quick and easy and the copyright certificate can be received in as little as three days.

Conclusion

The protection of copyright rises above the mere protection of literary works, as it offers the central incentives for the creation of new valuable works and offers appropriate economic and moral rights to authors, performers, producers and publishers.

Nonetheless, copyright protection requires collective efforts from creators, distributors, law makers, and other parties, as the negative effects of copyright infringement take their toll on the economy and the cultural heritage of the country. The most common activity contravening to copyrights is illegal file sharing, specifically of music, television shows and movies. There are a number of websites available in the Middle East, which allow file sharing and streaming, such activity being done without authorization of authors and copyright holders. In many Western countries, such as the United States, Canada, the United Kingdom and Australia, authorities are actively involved in shutting down such websites and the infringers, through their IP addresses, are criminally pursued. In addition, rights-holders are pursuing individuals for their illegal activities, including individuals involved in the distribution of pirated movies. The countries named in the 2014 Special 301 report have a challenge to fight against copyright piracy and set up standards which are acceptable to their international counterparts.