

Law No. 2-00 on Copyright and Related Rights

Reference: Dahir No. 1-00-20 of 9 Kaada 1420 (15 February 2000) promulgating Law No. 2-00 on copyright and related rights, as amended and supplemented by Laws No. 34-05 and No. 79-12

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Practice areas: Business law, Civil law

Law 2-00 protects literary and artistic works, software and databases, as well as the related rights of performers, producers and broadcasting organisations. It distinguishes perpetual moral rights from economic rights, which are limited in time, and penalises infringement.

Protected works and authors' rights

- Original works of the mind are protected, whatever their mode or form of expression: writings, software, musical, audiovisual, photographic and architectural works.
- The author enjoys inalienable moral rights (attribution, integrity of the work) and economic rights (reproduction, performance, adaptation, distribution).
- Protection arises from creation, without any formality; deposit with the Moroccan Copyright Office (BMDA) makes proof easier.

Duration and exploitation

- Economic rights last for the author's lifetime and seventy years after the author's death.
- Assignment contracts must be in writing and specify the rights assigned, their scope, purpose, territory and duration.
- Software created by an employee in the course of his duties belongs to the employer, unless otherwise agreed.

Sanctions

- Infringement is a misdemeanour punishable by imprisonment and a fine, with confiscation and destruction of infringing copies.
- The rights holder may claim damages, seizure of revenue and interim measures.
- Technological protection measures and rights management information are also protected.

Key articles

ART. 25

Economic rights in a work are protected during the author's lifetime and for seventy years after the author's death.

ART. 9

Independently of his economic rights, the author has the right to claim authorship of his work, to remain anonymous or to use a pseudonym, and to object to any distortion, mutilation or other modification of his work.

Points to watch

- Commissioning contracts (websites, software, graphic designs) must contain an express assignment of rights; failing that, the service provider remains the rights holder.
- Moral rights cannot be assigned; a waiver clause has no effect.
- Date your creations (deposit, timestamping) to prove prior rights in the event of a dispute.

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