

The Kingdom of Saudi Arabia (KSA) new Copyright Law

A Comparative Analysis with Previous Regulations



On 13 February 2026, a new copyright law was issued by Royal Decree No. M/169 (the “Copyright Law”) replacing the previous copyright law issued by Royal Decree No. M/41 (the “Previous Copyright Law”). The Copyright Law will enter into force on 12 August 2026 and the implementing regulations are expected to be issued by that date, giving entities, employers, and authors in KSA room to review their relevant policies and contractual obligations so as to comply with the Copyright Law’s provisions.

This alert highlights key changes and implications of the Copyright Law on the KSA market.

Territorial and Material Scope

Other than work protected under treaties to which KSA is a party, under the Previous Copyright Law, territorial protection was limited to:

- works published in KSA, regardless of author’s nationality; and
- works of Saudi authors published for the first time outside KSA

The Copyright Law expanded territorial scope to cover:

- works of KSA residents, regardless of their nationality;
- works that are first published in KSA; or first published in another country and then published in KSA within thirty (30) days of the first publication date, regardless of the author's nationality/residency.

Such change provides copyright protection to the works of all KSA residents, regardless of their nationality or the place of publication of their work, expanding the protection which only covered Saudi authors under the Previous Copyright Law. It also covers works that are published in KSA within thirty (30) days of first publication date in another country, giving the window for authors who published their work outside of KSA to seek the protection of KSA by publishing their work in KSA.

The Copyright Law also expanded its protection scope to cover audiovisual works (such as movies and shows) where its producer’s principal place of business or residency in KSA, and architectural and other relevant art works constructed in KSA.



Key Changes:

1. Database Structure

Similar to the Previous Copyright Law, the Copyright Law does not protect ideas, facts, regulations, judicial decisions, news, etc. However, and in line with international standards, the Copyright Law recognizes the protection of database structure and the collection of such data. While the content/material itself remains unprotected, the legal protection under the Copyright Law covers the form, structure, arrangement, layout, and presentation of the material.

2. Financial and Economic Rights

The new Copyright Law introduces important changes to financial and economic rights. Such authors' rights include reproduction, distribution, public performance, broadcasting, translation, adaptation, and rental (though rental rights have been narrowed compared to the Previous Copyright Law to apply specifically to audio recordings, audiovisual works, and computer software only). A notable and commercially significant change is the removal of the "right of tracking" that existed under the Previous Copyright Law, which had previously entitled certain creators to ongoing royalties on a percentage basis even after disposing of the original copy of their work. The Copyright Law also introduces, for the first time, an express exhaustion principle, meaning that once a rights holder has placed a copy into the market with their consent, their right to control further distribution of that specific copy is spent. It is expected that the implementing regulations will clarify whether this extends to digital distribution too.



3. Moral Rights

Broadly aligned with the Previous Copyright Law, the Copyright Law recognized the author's moral rights which include right of first publication, attribution, and objection to false attribution and alteration which contain distortion or misrepresentation of the work that would harm their reputation.

The Copyright Law emphasizes the fact that the moral rights are perpetual, not subject to prescription, non-transferable, and cannot be waived. However, if the author dies, the moral rights management is to be transferred to their heirs.

The Copyright Law introduces a mechanism where the author may request the competent court to prohibit the distribution of work or to withdraw it from circulation, based on "serious grounds" justifying such action, even if the author has disposed of the financial exploitation rights. We expect that the implementing regulations will define and provide examples of "serious grounds".

4. Neighboring Rights

These rights cover three categories of stakeholders: performers such as actors, musicians, and dancers, producers of sound recordings, and broadcasting organisations. This is particularly significant given KSA's expanding entertainment and media sector under Vision 2030, where revenue certainty for these parties is commercially important. It should be noted that the specific moral rights of performers will be further detailed in the implementing regulations, so parties operating in the live events, music, film, and broadcasting industries should monitor those regulations closely once issued.



5. Software

The Copyright Law clarifies that the use of computer programs/apps and databases are subject to the usage terms and conditions set by the author. The Copyright Law stipulates that customers are bound by the computer programs/apps terms and conditions wherever they appear (i.e., physically attached to the programs, appear when the program is downloaded, or when it is stored on the computer, etc.).

6. Work for Hire

For the first time, the Copyright Law recognizes the work for hire concept where the employer, not the actual creator, is legally considered the author and owner of the work created pursuant to the employment relationship. Aside from the moral rights which cannot be transferred, and although the Copyright Law considers the assignment of the entire future intellectual output as invalid, if an employee creates works that are relevant to the employer's work/activity, the author's right shall be vested in the employer. It is expected that the implementing regulations will further clarify the relevant regulations regarding the work for hire concept.

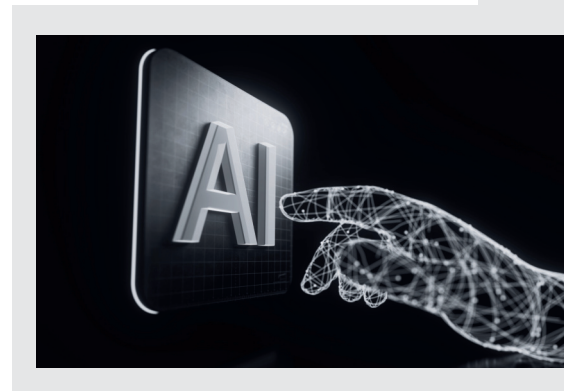
7. Accessibility

In line with the KSA's care for persons with disabilities, the Copyright Law recognizes the accessibility right of persons with disabilities that hinder their ability to read. It allows accredited non-profit institutions which provide education, training, or adaptive reading for such disabled persons to make copies of a protected intellectual work in a special format that allows such disabled persons to access the original work in a way that takes their disabilities into consideration.

8. Artificial Intelligence

Recognizing the current development in the AI sector, the Copyright Law permits copying the original work, without the author's permission and without compensation, for the purposes of developing artificial intelligence products and algorithms. For this to take place the following conditions must be fulfilled:

- the work must have been lawfully published;
- the ownership of the original copy must have been lawfully obtained;
- the reproduction process is limited to what serves the learning purposes stated; and
- such process must not conflict with the normal exploitation of the protected work or cause unjustified harm to the legitimate interests of the rights holders.



While this provision addresses the global vast AI growth, and until such permission is further regulated by the implementing regulations, such permission could open the door to data mining and scraping. In other jurisdictions, data scraping may raise various legal risks, including copyright and data privacy infringement which led to increasing regulatory scrutiny regarding data scraping, particularly in an AI context. Also, website operators usually prohibit data scraping as per their websites' terms and conditions and may take action against infringing AI developers (e.g., *The New York Times v. Microsoft & OpenAI* (2023 - USA)).

Separate from the question of using copyrighted works to train AI, works generated entirely by AI, with no meaningful human creative input, are not protected under the Copyright Law as ownership and copyright protection require a human author. However, where a person uses AI as a tool and can demonstrate sufficient human creative involvement, for example through documented prompts, editorial decisions, or selection choices, the resulting work may qualify for copyright protection. Businesses and individuals using AI to create content should therefore keep records of their creative involvement in AI-assisted outputs, both to support any protection claims and to manage the risk of producing works that carry no copyright protection at all.

This is a fast-moving area and, given that KSA has already begun enforcing AI-related copyright violations, interested parties should monitor any further guidance in this regard closely.

9.Registration

While the legal protection over intellectual works does not require registration, the regulator (i.e., Saudi Authority for Intellectual Property "SAIP") offers an optional registration system for the protection of intellectual works. Such registration constitutes evidence of ownership of the work, unless proven otherwise.

10.Internet Providers

In a global economy that is fully dependent on the internet, it was essential for the Copyright Law to provide assurances for internet content providers (i.e., those who publish third party content and make it available to end users via the internet) that their activities may not easily be considered an intellectual property violation if the content created by the third party infringes an intellectual property right. The Copyright Law stipulates that an internet content provider is not considered an accomplice in infringements if the following conditions are met:

- The transmission, routing, storage, and display of data is purely technically automated and without modification of its content, unless modification is also technically automated and necessary;
- The internet content provider is not and cannot be aware of the infringement;
- The internet content provider removes the infringing content within a reasonable time after becoming aware of it; and
- The internet content provider implements the necessary notification measures to enable the intellectual rights holders to notify any infringements.

11. Penalties

The Copyright Law strengthens the penalties of infringing intellectual property rights. In addition to any possible civil compensation, whilst the maximum penalty under the Previous Copyright Law was limited to imprisonment for up to six months and/or a fine of up to SAR 250,000, the Copyright Law doubled the imprisonment sentence to a maximum of a year and increased the fine to a maximum of SAR 1,000,000 (doubled in cases of repeated offenses).

12. Settlement

To avoid overwhelming courts with cases, the Copyright Law introduces a settlement route outside of criminal courts. By virtue of a request submitted to SAIP, before referring the criminal case to the public prosecution, SAIP has the right to settle with intellectual rights violators subject to payment of a settlement amount (which does not exceed double the imposed fine) and destructing the works that are subject to the infringement. Without prejudice to the right of claiming damages before the competent civil court, SAIP's settlement decision is binding and final and revokes the criminal case.

Next Steps:

As the Copyright Law gives the relevant stakeholders a grace period of 180 days before it comes into effect, business owners, employers, AI software and websites developers may need to review their policies and contractual arrangements to ensure timely and smooth compliance with the Copyright Law.

Our team welcomes your questions



Ahmed Haggag

Partner

a.haggag@sharkawylaw.com



Bandar Bin Thuwaini

Partner

bandar@elaqatlaw.com



Taher Sabala

Counsel

t.sabala@sharkawylaw.com



Yasmin Alafaliq

Partner

Yasmin@elaqatlaw.com