

The Role of the "Game of Interests" in the Scope of Copyright Protection

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Abstract. This study aims at clarifying the major issues raised by the theory of rights in general, with a focus on the legal framework from the perspective of the *interest* that underlies the right, and its relationship between the individual and society. The study highlights intellectual property rights, particularly *copyright*, due to the special attention granted to such rights by the legislator. The problem addressed in the study lies in identifying. The *Game of Interests* here faces the challenge of how to weave together the threads of private interest and tie them to public interest within a balanced process, considering that society is built upon these very interests—wherein lies stability. The findings of the study revealed the key regulatory impacts on *copyright*, as the legislator has set forth rules of balance that contribute to organizing the exploitation and use of rights within the dynamics of the *Game of Interests*, without causing harm to either the right holder or society. The study recommends narrowing broad exceptions and improving accessibility for marginalized users. It calls for legal reform and international collaboration to address impacts on developing countries.

1. INTRODUCTION

The ultimate purpose of the legal rule is to regulate society and the interconnected relationships within it. Hence, what is called a *right* has been established, and the structured exercise of this right leads to an organized society. However, jurists have long differed over the definition of a right. Some viewed it from the perspective of the right-holder—this represents the *subjective theory*—while others focused on the object or purpose of the right—this aligns with the *objective theory*. A third group adopted a combined approach, known as the *mixed theory*.

Despite the divergence of these theories, modern jurisprudence has developed a more refined definition of rights, emphasizing their core elements and distinguishing features (Faraj, 1990). According to this approach, a right is: “a specific legal authority or set of legal authorities vested in a particular individual, to be exclusively enjoyed by that individual, and universally respected by others (Selim, 2010). This definition does not diminish the concept of individual freedom in society; rather, it aims to clarify the scope of freedom for all members of society.

In contemporary jurisprudence, the principal classification of rights distinguishes between *pecuniary (economic) rights* and *non-pecuniary (non-economic) rights*. This classification revolves around the economic value exchanged in interactions between individuals and between individuals and society. A third category has also emerged: rights of a *hybrid nature*, which are neither purely pecuniary nor purely non-pecuniary. These are commonly referred to as *moral rights*—a term which, in our view, is inaccurate. All rights, regardless of their nature, inherently possess a moral or abstract dimension. To elaborate, all rights are intangible and cannot be physically grasped, since a right is by definition non-material. What is material is the object of the right; the right itself is abstract—it exists in thought and is not physically perceptible. Both *real rights* and *personal rights* (the two types of rights that apply to tangible objects) are non-material and cannot be considered physical (Al-Sanhouri, 2011). Therefore, the more accurate term for this category would be *intellectual rights*.

An *intellectual right* refers to an individual's entitlement to something intangible, produced by their mental efforts. This type of right, which stems from mental creation, pertains to a non-material object. Although the Saudi legislator does not explicitly address it in the *Civil Transactions Law*, it is indirectly referenced in Article (19) of the same law (Saudi Civil Transactions Law, 2023), which provides:

“Any tangible or intangible object may constitute the subject matter of economic rights, except for those that, by their nature, cannot be exclusively possessed by any individual, or that are excluded by statutory provisions from constituting the subject matter of economic rights.”

As for the regulation of such rights, the legislator has referred their governance to specific laws tailored to their distinct nature. In doing so, these rights are aligned with their hybrid character within the broader framework of legal relations governing rights in general. A right is exercised for the benefit of its holder, and it owes its existence to the law, which grants individuals legal capacities and regulates their roles and opportunities. Thus, the relationship between law and rights is essentially a regulation of *individual interests*, which may conflict, intersect, or oppose *collective interests*. This dynamic has led the legislator to establish a set of standards for balancing these interests through a measurement of their purpose and objectives. We have referred to this regulatory approach as the *Game of Interests*. A given interest may be *personal*, serving the individual for whom the right is established, or *collective*, serving society as a whole. This marks the beginning of the “game”—the *Game of Interests*, which seeks to establish a balanced structure that harmonizes and reconciles competing interests.

Hence, the significance of this study arises from its engagement with the genesis of rights, their evolution, and the legal framework that governs them. We shed light on *copyright*, given the specific protection it enjoys under Saudi law, and examine how balance is achieved from the perspective of the *Game of Interests*. This focus lies at the core of the legal nature created by the legislator to harmonize individual and societal interests within copyright. From here, we can trace the variables of the theory of rights, which relies on foundational legal principles. These principles require a motive and a driving force, which together shape the regulatory framework that defines the means. Accordingly, the ultimate goal of this dynamic is the pursuit of *interest*.

This perspective implies that the rational foundation for protection lies in the existence of a *bargain* between the interests

underpinning rights. This bargain—between *public interest* and *private interest*—constitutes the very essence of copyright protection, wherein each party concedes certain privileges of their respective rights. The public interest ensures the protection of the author's right for a limited duration, during which the author may financially exploit their work. After the expiration of this period, the author relinquishes this exclusive exploitation in favor of the public interest.

It is worth emphasizing that *copyright* occupies a prominent place on the international legal agenda, often generating significant debate among intellectual property experts—especially those advocating for expanding access to knowledge through mechanisms that depart from the notion of individual exploitation. This philosophy arises from the legal regulation of intellectual property rights, particularly through the *temporality of rights*, which grants a limited term of exclusivity for the right holder to exploit their right and legally prevent others from infringing upon it.

Most copyright laws recognize that the *economic rights* of an author enjoy protection throughout the author's lifetime and for a specific period posthumously. This principle seeks to strike a balance between the interests of authors, their heirs, and successors on the one hand, and the interests of the public who benefit from protected works on the other. Accordingly, most national legislations stipulate a protection period of *fifty years*¹ following the author's death, although some jurisdictions have opted for shorter² or longer terms.³

Based on this foundation, there emerged a legal mechanism designed to facilitate access to protected rights and transform them into tools that promote knowledge dissemination and societal development. This mechanism is defined in law as *restrictions and exceptions* to intellectual property rights, including *copyright*. These tools aim to ensure the dissemination of knowledge to all (Nabhan, 2009) and are fundamental to any society's scientific, cultural, and economic progress.

The *restrictions and exceptions* play a crucial role in balancing the *Game of Interests* by placing limitations on the private legal protection of rights in favor of the public good. It is important to distinguish between the meanings of *restriction* and *exception*:

- A restriction refers to a statutory limitation on the exclusive exercise of an economic right, without depriving the right holder of the substance of their right. In such cases, *fair compensation* may be due to the right holder.
- An exception, on the other hand, refers to a statutory deviation from the exclusive right that *removes the substance of the right from the holder*, for which *no compensation* is provided.⁴

Based on the foregoing, it is evident that the Saudi legislator has established *restrictions and exceptions* as barriers to the full exercise of copyright. To fully comprehend the rationale behind these barriers within the *Game of Interests*, it is necessary to analyze the underlying legal philosophy that motivates the inclusion of such mechanisms.

2. METHODOLOGY AND RESEARCH METHODS

This study employs a *legal scientific methodology* focused on analysis and doctrinal reasoning. It examines the legal rules governing *copyright* from the perspective of the interests they are designed to serve, then traces them back to their origins to assess their consistency with foundational legal principles and general legal doctrines. This process helps establish a framework that governs the balancing of interests.

The study also explores legal solutions to the problems arising from the role played by competing interests, specifically in the Kingdom of Saudi Arabia. The researcher applies the *formal doctrinal method*, which plays a key role in analyzing the legal rules underpinning the *Game of Interests*. In addition, both *analytical* and *comparative methodologies* are used to study the characteristics of the legal structures introduced by the legislator. The methodology is implemented by gathering and organizing the relevant legal provisions and proposals through legal reasoning and inference.

3. ANALYSIS AND DISCUSSION

The *Game of Interests* plays a crucial role in determining the scope of copyright—either its restriction or expansion. In this section, the researcher adopts an analytical approach by presenting the legal issues raised by this interplay of interests and proposing appropriate legal solutions.

3.1. Exceptions to Copyright

As previously discussed, *exceptions* to copyright refer to situations where the right holder is deprived of the substance of their *economic right*, without affecting their *moral right*, which is perpetual and inherently attached to the personality of the author. These exceptions prioritize the *public interest* over the *private interest*, either under national legislation or international conventions. The primary purpose of these exceptions has been framed under the notion of “*access to knowledge for all*,” particularly in the context of globalization, which demands urgent dissemination of intellectual creativity.

In principle, the author has the right to dispose of or transfer their right to exploit their work—whether for compensation or as a donation, permanently or temporarily, in whole or in part, during their lifetime or posthumously through a will. Nevertheless, developing a sound legal approach to copyright exceptions remains a significant challenge for copyright protection laws globally. These exceptions serve as entry points to protected works, whose protection often extends for prolonged periods—an issue of concern in a rapidly evolving world driven by technology, where contributions to knowledge and science are critical.

Hence, these exceptions—enumerated exhaustively in most copyright statutes and addressed in international conventions—are grounded in both specific and general considerations that serve broad segments of society. These groups have been granted acquired rights through such exceptions, as acknowledged by both national laws and international treaties.

¹ Including Saudi Arabia, Jordan, Lebanon, Tunisia, America, Britain, India, Australia, China, Morocco, Turkey and others.

² 25 years—including Algeria, Cuba, Indonesia, Libya, Poland

³ 60 years—including Brazil and Venezuela, 70 years such as Austria, Belgium, France with regard to musical works

⁴ We did not find a direct definition of limitations and exceptions in general or specialized intellectual property references, as they are typically mentioned together or separately with the same meaning within a single text. They are also referred to as exceptional limitations in international intellectual property agreements. Therefore, our interpretation of this concept is framed within intellectual property rights. See the Berne Convention, Article (10) and Article (2), the WIPO Convention, Article (2) and Article (5), the Paris Convention, Article (5) and Article (6/3) and Article (6/2), the TRIPS Agreement, Article (9/2), Article (10/2), Article (37), the Nairobi Convention, Article (1), and the Washington Convention, Article (6/2).

3.1.1. Exceptions Based on Public Interest Considerations

Article 15 of the Saudi Copyright Law (Saudi Copyright Law, 2003) identifies the forms of exceptions to protection, while its implementing regulations detail the specific circumstances under which such exceptions may apply. These provisions align with international conventions, particularly the Berne Convention, which allows for the reproduction of copyrighted works under specific conditions—namely, preservation or user access—provided such use is *non-commercial* and *for scientific research purposes* (Lieberbuk, 2003).

It is evident that the underlying objective of this exception is to serve the public interest by promoting scientific research and cultural development. From our perspective, this reflects a reciprocal dynamic between authors and users: just as the author once relied on access to others' works for their own research, they now bear a social obligation to allow limited access to their own. This forms a kind of "tax" for the benefit of society.

However, the implementation of this exception faces practical challenges, especially in developing countries, where its broad application may harm the interests of authors. For example, library users may resort to copying available works rather than purchasing them, thereby impacting publishers' revenues (Kanaan, 2009).

Similarly, educational institutions and institutes have been permitted to reproduce works under certain conditions to meet the needs of their students, provided that the title of the work and the name of the author are duly acknowledged. The prevailing opinion is that this exception must be interpreted narrowly and limited strictly to educational purposes within educational institutions. This allows them to include excerpts, parts, or summaries of works in their curricula and teaching methods, as long as such use serves the educational objective, is not intended for profit, and does not cause harm to the author's economic rights. This principle is well established in Article 9 of the Berne Convention, Paris Act of 1971.

It thus becomes evident that this exception is a legitimate one, designed to serve the public interest and grounded in the protection of the right to research and education for all segments of society. Although this right stands in opposition to the author's protected copyright, it derives its strength from the broader and more socially significant interest it seeks to protect. Therefore, from a justice-oriented perspective, a careful and comprehensive review of the relevant legal provisions is necessary to ensure that they are not applied in a way that undermines the author's rights.

It is also important to note that Saudi legislation aligns with the provisions of Article 10(2) of the Berne Convention (WIPO, 1979), which states: *"It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration for teaching, through publications, broadcasts or sound or visual recordings, provided such utilization is compatible with fair practice."*

Undoubtedly, a close reading of these provisions reveals that the exception is limited strictly to *educational purposes*, where copyrighted materials are used for illustrative purposes that go beyond mere quotations or excerpts—such as diagrams used in textbooks and other educational resources. Although there exists a degree of convergence within the *Game of Interests* between the author's right and the public benefit, there is difficulty in clearly delineating the permissible boundaries for using such works under fair use or reproduction schemes without causing harm to the author's interests.

Needless to say, in our attempt to achieve a balance within the framework of the *Game of Interests* in determining the scope of exceptions to copyright, the goal is to strike a balance between theoretical fairness and practical application. However, such application may at times result in an imbalance that manifests as harm. While the expansion of these exceptions in favor of public interest—such as promoting knowledge dissemination, learning, and cultural development—may appear justified, it often comes at the expense of authors' rights, especially when this expansion is exploited in ways that cause tangible harm to those rights.

In light of the previously discussed exceptions based on public interest considerations, it must be emphasized that they were intended to maintain a close balance between private and public interests, while also introducing a third interest—that of the user of the work. As we have noted, this balance requires periodic reassessment, in both restrictive and expansive terms, taking into account the nature of the user and the characteristics of the work. Such assessment must remain consistent with the rationale of the legal framework governing rights.

Accordingly, we call upon the legislature to establish a fair and equitable balance by defining a scope for legal provisions that addresses harmful practical applications.

3.1.2. Exceptions Based on Special Considerations

The laws governing copyright provide for certain cases in which protected works may be used freely—without the author's consent and without the payment of any compensation to the rights holder—on the basis of special considerations (Kanaan, 2009) enshrined in both national legislation and international conventions. These considerations stem from the social policy needs of society in the fields of knowledge and information, even for personal use. Although these motives are, in most cases, aimed at achieving a fair reconciliation between conflicting interests, they reveal the presence of a third interest—alongside the author's private interest and the public interest—which is the interest of the user of the work.

This becomes apparent in the case of personal copies: these are copies made from a single original of a protected work for the exclusive personal use of the individual creating the copy, whether for the purposes of study, education, or entertainment (Lieberbuk, 2003). Personal use implicitly includes not only reproduction but also other forms of transformation of the protected work, such as translation, adaptation, or musical arrangement, ..., etc (WIPO, 1971). It is worth noting that the law regards these personal copies as non-commercial, meaning that no economic right or compensation is owed to the author. Nevertheless, the legislature has surrounded this exception with legal safeguards to ensure that the author's moral rights are preserved and that no unjustified harm is caused to their legitimate interests.⁵

International conventions regulating copyright, notably the Berne Convention, have drawn general guidelines for the concept of personal copies and have left it to national legislation to define the scope of these exceptions in accordance with their legal and policy frameworks. In this regard, Article 15, Paragraph 1 of the Saudi Copyright Law allows for the making of a personal copy without the author's permission under specific conditions. These conditions require that the exception be limited to a natural

⁵ This is also indicated in Article 9(2) of the Paris Act of 1971 of the Berne Convention for the Protection of Literary and Artistic Works, which states: *"It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author."*

person for personal use only, without any commercial intent, and provided that the author's name and the title of the work are properly cited.

However, upon closer examination of the provisions establishing this exception, it becomes evident that the scope of application has expanded to include a third interest—that of the user—which stems from the public interest (society) and aligns with it in opposition to the private interest of the rights holder (the author). Yet this opposition, which effectively removes certain rights from their original substance, is nonetheless considered fair within the framework of the *Game of Interests*. It enables users to benefit from the outputs of intellectual creativity across various fields, without undermining the rights of creators over their works (Al-Dalale'ah, 2013). This approach responds to the needs of development and progress in society, in a manner that facilitates user access to intellectual works with ease. From the legislator's perspective, this does not contradict the author's right to exploit their protected work, as such personal use does not serve any commercial or profit-driven purpose (Al-Sheikh, 2005). Thus, it also serves the public interest, as this legislative rationale grants society the freedom to engage in research and education—even when such use is for entertainment or leisure purposes. Ultimately, the primary objective of protecting intellectual production is to provide a safe environment for creativity, supporting the cultural and educational advancement of society. This exception, therefore, remains consistent with that overarching goal.

Notwithstanding the social justifications embedded in this exception in favor of public welfare, we are of the view that the personal copy exception substantially affects the economic rights of authors. Even if each user is permitted to make a personal copy for private use—without profit and within the framework of fair use—the aggregate number of such users may cause significant loss to the author. Who, then, will purchase the original work? How many lost sales can be attributed to this broad exception? The legislature has indeed required that the use not result in harm to the author or conflict with the normal exploitation of the work. Therefore, a thorough reassessment of the scope of this exception is warranted, and its application should be more narrowly tailored rather than left broad as currently practiced.

From another angle of special consideration, we note the Saudi legislator's concern for enabling persons with visual and hearing impairments to benefit from protected works. All forms of disability invoke a fundamental legal principle—equality among all citizens. Hence, national legislation must aim to restore fair balance and ensure equal treatment between persons with and without disabilities. This orientation calls for specific legal provisions that go beyond mere recognition of rights and address the practical mechanisms for realizing them. This approach is also reflected in international conventions dedicated to the rights of persons with disabilities (Recommendations of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, 2011).

The Kingdom of Saudi Arabia has kept pace with Arab legislation by issuing the Law on the Rights of Persons with Disabilities (Law on the Rights of Persons with Disabilities, 2023), reflecting the initial formation of a political will at the national level aimed at promoting the status of persons with disabilities, integrating them into all sectors of society, and providing an enabling environment for them. Upon reviewing the provisions of the Copyright Protection Law and closely analyzing Article Two thereof, it becomes clear that protection extends to original works in the fields of literature, arts, and sciences, regardless of the medium of expression—whether books, sound, drawings, images, movement, or other forms of creative and artistic expression. Article Eight of the same law further stipulates that the author alone has the exclusive right to determine the means, manner, and timing of publishing their work as they deem appropriate. Accordingly, reproducing the work in formats such as Braille, large print, digital versions, or sign language constitutes alternative means of expression that, pursuant to Article Eight, may only be undertaken with the prior and explicit consent of the author.

It is noted that Article 15 of the same law provides exceptions that serve persons with disabilities, especially those with hearing or visual impairments. It contains provisions that allow users of the works to display them through means that serve different methods of clarification. The legislator relied on humanitarian considerations aimed at giving the disabled an opportunity to participate in the cultural life of society, by facilitating access to the intellectual production of authors without harming their rights (Kanaan, 2009). This exception came with the right to personal use of the work, as previously mentioned. It is observed that the right was granted for use by persons with disabilities in order to secure their right to culture, knowledge, and learning, but its scope is limited and does not remove the actual barriers preventing this right from having a real and effective impact. This is because the law placed the burden of converting any work into Braille, an electronic copy, sign language, large print, or simplified language on the person with the personal interest, if they are a person with a disability.

While acknowledging the positive aspects of this exception, which includes the rights of persons with disabilities, we urge the legislator to establish a specific provision addressing the rights of persons with disabilities in the exceptions related to intellectual property rights, particularly literary and artistic rights. This personal copy, with its humanitarian nature, was created without the author's permission and as an exception to their economic rights. It established a balance between the interests of disabled persons with special needs and the legitimate interests of the author, making the balance between competing interests desirable from all sides. How could it not, when copying a work in a creative way, such as Braille, increases the author's and the work's dissemination, while not conflicting with the normal exploitation of the work and not causing any unjust harm to the legitimate interests of the author? It also serves the public interest by helping achieve justice and equality among all segments of society. This balance gives the *Game of Interests* a humanitarian character. Based on the previously explained exceptions related to specific considerations, it must be emphasized that they came with a close balance between private and public interests, and even added a third interest, which is the interest of the user of the work. This balance, as we have mentioned, needs to be reviewed for both narrowness and breadth with special considerations, and flexible spaces should be provided depending on the method and personality of the user and the work, in alignment with the legal framework of rights.

3.2. Restrictions on the Exclusivity of Exploitation

The legislator has sought to strike a balance between the economic rights of the right holder (the author), which yield economic returns through the licensing of the exploitation of such rights under legally prescribed protection and for a limited period, and the public interest in benefiting from this right during the protection period, by imposing restrictions on the exclusivity of this exploitation. As previously noted, such restrictions on a right do not deprive the right holder of the essence of their right. Accordingly, the legislator introduced a legal framework addressing the exclusivity of exploitation by means of compulsory licensing granted by public authorities. This mechanism aims to maintain the balance between the economic rights of the right holder and the society's ability to benefit from the work.

To clarify, the compulsory license for translating copyrighted works constitutes a non-voluntary license granted without the author's consent, thus forming an exceptional regime deviating from the general rule which grants the author exclusive rights to

exploit their work during the protection period (Saudi Copyright Protection System, n.d; Saudi Copyright Law, 2003)⁶. Upon examining the relevant legal provisions, it becomes evident that the Saudi legislator introduced a restriction on the author's economic rights by permitting the competent authority to license third parties (Lieberbuk, 2003) to translate the work without the author's consent, even though the author is, by law, granted exclusive rights to exploit and transfer their work in any form, manner, or language.

It is worth emphasizing that this *Game of Interests* has led to such a restriction, aiming to establish an intellectual balance for the dissemination of knowledge and culture. This balance extends beyond private interests (the author) and public interests (the society) to encompass an international dimension. Article 2(1) of the Appendix to the Berne Convention grants nationals of developing countries the right to request a license from the competent authority in developed countries to translate a published work for educational purposes in schools, universities, or their equivalents, or for research purposes (WIPO, 1971). Thus, it must be acknowledged that the expansion of the *Game of Interests* has taken into account a broader interest, namely that of the international community. This restriction serves to stimulate the spread of knowledge and culture, with particular emphasis on the needs of developing countries, which directly benefit from this provision. It strikes a balance between the public interest of developed countries and that of developing countries.

Accordingly, the legal framework governing compulsory translation licenses aims to achieve a fair balance of interests without stripping the right holder of the core of their rights. Rather, it respects the rights conferred on the author of the original work. Through its provisions, the legislator has managed to balance the overlapping interests tied to translation.

Furthermore, the Saudi legislator, in Article 16 of the Copyright Law, specified two purposes for compulsory licensing: (1) translation (already discussed), and (2) reproduction. The legislator grants third parties licenses to exploit and use works for these purposes without the author's consent—thus imposing a restriction on their right of exploitation. Although this restriction may limit the author's control over the work, it is governed by conditions designed to balance the interests involved.

In explanation of the above, the legislator has sought to strike a balance in the process of granting compulsory licenses, based on weighing the overlapping interests involved in such licensing. This balance preserves the vested rights of the rightsholder in the work, within standards aimed at achieving justice by ensuring they are not deprived of their rights, while also addressing the needs of society in advancing scientific and cultural development. These standards, as stipulated by the legislator, are subject to specific conditions for granting the compulsory license, which ensure that such balance is maintained, including the requirement to indicate on the reproduced work the author's name, the title of the work, the publishing house, and all necessary documentation of the original work.

Different timeframes have been designated for granting such licenses depending on the type of work and the date of its first publication. For scientific works related to technology, natural or physical sciences, or mathematics, the license to reproduce the work may only be granted after three years from the date of its first publication. In the case of literary and artistic works—such as poetry, plays, music, fine arts, and novels—the required period is seven years. As for other general works, the license may be granted after five years. These varying timeframes reflect the relative importance of the work in terms of its contribution to the scientific and cultural corpus of society. The greater the importance, the shorter the period required before a license may be granted. This importance is derived from the intellectual and scientific impact of the work on society at large, and particularly on the segment of the public targeted by the work.

Likewise, a license shall not be granted to others if the original right holder of the work—or someone authorized by them—has already distributed it within the Kingdom of Saudi Arabia in response to the needs of society. In such a case, the right to distribute and exploit the work within the Kingdom remains exclusively with the original right holder. However, if they fail to do so, then a license may be granted in accordance with the other stipulated conditions. This condition reflects a respectful consideration of the author's direct right to exploit their work⁷, without permitting competition within a defined scope. The author thus holds priority in distributing and exploiting their work, which highlights the fair balance of interests—the so-called *Game of Interests*—embodied in this provision.

It is noteworthy that the Saudi legislator has stipulated, when granting a reproduction license, that the financial return from the sale of a copy of the work must be equal to or less than the price of similar works in the Kingdom of Saudi Arabia⁸. This condition ensures that the rights of other authors, who have similar works, are also considered, while also protecting the original work's author from harm. Thus, this provision was introduced to maintain a financial balance in the pricing of the work, ensuring that no party is harmed in the process.

The Saudi legislator has made the primary purpose for granting a license to be for educational purposes at both school and university levels, in order to enable these institutions to meet the needs of their students. Although the Saudi legislator has excluded research from the scope of reproduction, as seen in the case of translation, and limited the purpose of reproduction to

⁶- Article 35 of the Executive Regulation of the Saudi Copyright Protection System states that: "Any person has the right to apply to the authority for a compulsory license to reproduce a work or translate it into Arabic if the person is: 1. A Saudi citizen. 2. A legal entity based in the Kingdom." Additionally, Article 16 of the Saudi Copyright Protection Law on compulsory licenses states:

(1) The Minister may grant a license to publish the work after a period determined by the executive regulation for each case, if he believes that the public interest requires the publication of this work, under the following conditions:

a) If no copies of the work in its original language are available in the Kingdom by the rights holder to meet public needs or for school and university education at a price close to that of similar works in the Kingdom, after the rights holder has failed to provide copies of the work.
b) If all editions of the original work or its translation into Arabic have been exhausted without the rights holder providing the work upon request.
c) If no translation of the work has been published by the rights holder or with his permission, with the purpose of utilizing the translation in educational curricula.
d) If the heirs of the Saudi author or their successors refuse to exercise the rights that have been transferred to them under Article 11 of this Law, within one year of the request, unless they have an acceptable excuse.

(2) The license will expire if the work or translation is published by the rights holder or with their permission.

(3) The Minister may determine a financial reward to be paid by the licensee to the rights holders for each license granted, and they have the right to appeal the decision before the Board of Grievances.

The executive regulation will define the procedures and conditions that must be met in the compulsory license application."

⁷- This is referenced in Article 2 of the Appendix to the Berne Convention.

⁸- This is referenced in Article 3 of the Appendix to the Berne Convention.

educational use only, the reproduction under this provision must not cause unjustified harm to the rights holder's (author's) interests⁹. The license for this purpose is restricted to educational institutions in the country, not for financial exploitation or profit. Computer programs, school and university textbooks, and academic journals are core materials in which copyright and authorship rights are a determining factor in pricing and accessibility. These are also vital components in education and other important areas of development. For example, a reasonable selection of academic journals often costs more than what university library budgets in many developing countries can afford (Intellectual Property Rights Committee Report, 2003).

It is clear that the scope of conflicting interests extends not only domestically (between individual and public interests) but also internationally—between the public interests of developed and developing countries. These interests have significantly influenced international development programs and intellectual property-related agreements, leading to a broader global application.

Importantly, the Saudi legislator has ensured that, when granting a compulsory license for reproduction, fair compensation is to be paid to the right holder. This compensation is consistent with what would be received under a voluntary license agreement. Therefore, the legislator did not deprive the original right holder of their financial entitlements, but rather recognized their lawful claim to compensation in return for the reproduction of their work under a compulsory license. Thus, the resulting balance of interests does not come at the expense of the author's economic rights.

In conclusion, through the conditions imposed for granting compulsory reproduction licenses, the Saudi legislator has successfully balanced the various intertwined interests centered around the work. These regulatory provisions aim to ensure justice in the licensing process for these conflicting interests. Furthermore, national and international legislations regard compulsory licenses as a restriction on authors' rights, permissible only when essential for the dissemination and utilization of works under specific considerations. Such licenses are not allowed unless the author has voluntarily agreed to the initial publication of the work. This demonstrates that the Saudi legislator has limited this restriction exclusively to the grant of compulsory licenses for exploitation within certain boundaries, while preserving the remainder of the author's rights under the protective legislative framework for a defined period.

4. CONCLUSION

After concluding our study on *the role of the interplay of interests in determining the limitations and exceptions to copyright*, we have attempted to explore the various aspects of how these interests impact copyright and analyze the prescribed limitations and exceptions. We have examined the legal texts governing these interests, with a primary focus on outlining the implications of this interplay of interests, its extent, and how the arising challenges and obstacles may be addressed.

This study has ultimately concluded that there is, by nature, an intrinsic link between law and rights: law is a constructed framework for social regulation, while rights are legal positions established through this framework within a broader structure of shared and collective interests. From this perspective, the interplay of interests necessitates that, for a right to be legitimate, it must align with the collective perception of the group—both in its conceptual origin and in its scope and limitations.

Hence, the legitimacy of a right within the framework of the interplay of interests lies in the social utility of its function, which operates amidst a landscape of competing societal interests seeking harmony. The legal framework provides individuals with the authority to pursue their interests, whereby the social function of a right becomes a means to harmonize those interests. This concept is evident in the legal provisions enacted by the Saudi legislator, who framed the recognition of copyright as a form of *social contract* between the author and society.

It is important to note that these rights have legal boundaries in terms of their nature and material value, and are subject to oversight in their use and exploitation, in order to reflect the social value of the interest that the right seeks to achieve. Therefore, the law must withhold protection and support for a particular interest when that interest no longer holds social value.

It is also worth emphasizing that this study has addressed the general concept of legal rules regulating rights, with specific application to copyright law within the ideological framework of this research on the interplay of interests. Upon analyzing the legal regulation of copyright through this lens, it becomes apparent that these rights are of a dual nature, encompassing both *moral* and *economic* components. The Saudi legislator, accordingly, structured these rights to reflect their hybrid nature within the broader framework of legal rights. The *moral right* is inherently linked to the author's personality; it is inalienable, non-transferable, and not subject to seizure. It is also perpetual and cannot be passed to heirs—for example, the right to be attributed as the author of a work. This aspect of copyright lies outside the sphere of the interplay of interests, which is primarily concerned with the organization of economic rights.

Furthermore, the Saudi legislator introduced limitations and exceptions to copyright that are foundational to the scientific, cultural, and economic progress of any society. It is observed that while upholding the protection afforded to the private interest of the right holder, the legislator placed constraints and exceptions in favor of the public interest first, and then in favor of certain personal interests of individuals in society, based on various considerations and purposes. These limitations are not intended to harm the original right holder but rather restrict the scope of use and exploitation of the work. Examples include compulsory licenses for translation or for the use of patents in scientific research. These limitations and exceptions reflect the legislator's intent to strike a balance through the interplay of interests, which extend beyond internal affairs to encompass international interests—between developed and developing nations, and within national interests as well.

Finally, upon concluding this study, we recommend that the competent authorities in the Kingdom of Saudi Arabia undertake a thorough review of the exceptions provided by the legislator. Although these exceptions are justified by social considerations serving the public interest, we believe that their scope should be narrowly tailored and not left overly broad as is currently the case. For instance, the right to make a private copy of a protected work for personal use has led to copying becoming financially more viable than purchasing the original work. Conversely, the law imposes a burden on users—such as individuals with disabilities—by requiring them to convert works into Braille at their own expense. Therefore, we suggest that the legal framework governing such rights be revised in light of the specific characteristics of the user, allowing for a differentiated approach consistent with legal regulation of rights.

We further emphasize the need for balanced legislation that adequately addresses the harmful practical implications of these rights. Additionally, it is essential to foster research collaboration and coordination among specialized institutions concerning the situation of developing countries and the impact of intellectual property—both positive and negative—on them. There is a pressing

⁹. This is the principle established in Article 9(2) of the Berne Convention - Paris Act of 1971.

need to establish an international network based on such research to define priorities, encourage coordination among research programs, and disseminate findings through global conferences and forums.

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