

# The Adequacy of Civil Protection for the Programs of Information Technology Organization in Jordanian law (Comparative Study)

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## Abstract

The theme of this study is the adequacy of civil protection programs for information technology systems a comparative study between the position of the Jordanian legislator, Egyptian and other Arab legislations and the position of Jurisprudence from this protection under the law of copyright protection.

Demonstrated through this research that there are a number of directions to protect information technology systems, first trend is:

The first is: to provide protection for these programs under the protection of copyright law, and has two aspects, namely:

The first side subjecting Information Technology systems software for copyright protection and the second side is: judicial and legislative opinion.

There is a trend settle for traditional texts where this protection has adopted some of the relevant government departments implement copyright laws in this direction. However, most countries have become tend to modify existing legislation to include information technology systems.

As for the Jordanian legislator attitude has been empty for a long period of a law to protect copyright, even the voices rose that advocated and demanded for the Jordanian legislation to do enact a law for the protection of copyright. Then the Copyright Protection Law No. (22) for the year (1992) was issued, which put the protection of literary works, and this law was including the protection of Information Technology systems from the outset text explicitly states in Article III in the second paragraph and eighth item of this paragraph.

## 1. Introduction

Information Technology Systems is conceder the backbone of economic life in this age, where its impact has spilled into all aspects of life and the use of Computer is become the most necessities of life, and entered in many areas such as science and commerce and other. also computer is not merely a machine, or electronic mass does not work except in accordance with special programs.

The development of the world is a substantial development in all spheres of life, especially in the second half of the twentieth century,

And specifically at the end of the seventies until now, has this development was accompanied by the emergence of the industrial revolution that led to the creation of knowledge-based development in various aspects of life reflected the requirements of this revolution on the information in terms of: its abundance, and the large number of books that contains to the extent that it has become difficult to save and store them, so the urgent need for many libraries, extensive spaces, and the large effort to manufacture and tabulation.

Where the majority of states have sought to provide the necessary protection for these programs by: The enactment of laws and internal legislation on specific country on the one hand, and the holding of conferences, seminars and international conventions on the other hand, But they did not address the civil protection programs for information technology systems in particular, but rather dealt with this protection in general within the copyright protection law. Causing a deficiency in the legislation, and a lack of case law, but that is not enough for the lack of legislation on protection of various aspects as a preventive measure to the enormous investment, and huge untapped in IT systems.

### 1.1. Research problem

Although the development of legal protection for software in our country is practically low, but the law provides protection for it<sup>1</sup>, and should shed light on the ways this protection and on what is practiced in other countries, so programmers can defend their rights and defend them. As the methods for civil protection software technology and information systems are numerous, and each one of these methods advantages and caveats, we will try to have addressed, and each method of styles are based on law, since most of them related to intellectual

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<sup>1</sup> al-Saadi, D.oathbh David, criminal protection of computer programs, research published in the Journal of Legal Sciences, Faculty of Law, University of Baghdad, Folder 18, Issue 1, 2004, p. 64.

property protection laws, and because of the nature of these programs and because its being a product of thought so the means of protecting it has multiple, depending on the multiplicity of laws that protect them, and most important of these laws : Copyright and trademark law, patent law and civil law, which regulates the provisions of the contracts and illegal acts (contractual liability and tort).

And by looking at the Title of the Research, civil protection of information technology systems, we find that the basic problem is the definition of a program of information technology systems and its nature and how it has protected in the Jordanian law through the protection of copyright law and our study in this research focused about several elements represented in the following questions:

- 1- What is the definition of Information Technology Systems?
- 2- How to protect Information Technology Systems?
- 3- What are the images that assault on Information Technology Systems?
- 4- What is the justification for the protection of Information Technology Systems?
- 5- What are the ways to protect information technology systems?

### *1.2. Importance of the study*

Information Technology Systems in this day and age are the backbone of economic life, which their impact extends to all aspects of life and the use of computers has become a necessity of life, and entered in many areas such as science, commerce and others. And Computer-mail is not merely a machine, or electronic mass does not work except in accordance with special programs.

With the emergence of the computer which began calculation process, and then evolved to include storage and absorb information, and assembled, arranged, and the possibility of retrieval at high speed, and meticulous care, also the information become in handy with minimal effort became, and the shortest time<sup>1</sup>.

The information technology systems have importance in all areas of life, whether scientific or practical ones and doing a lot of tasks at high speed and pinpoint accuracy are few and expensive.

So in light of this development the duty of the Jordanian legislator was to keep pace with the rapid development of the required protection, and needed to move forward in this way (the way of progress), and as a result of the tremendous revolution informatics that world has seen and that has made information technology systems a means have to double the offer<sup>2</sup>.

### *1.3. Objectives of the study*

First: The aim of this study to the statement of the reality of the adequacy of civil protection for information technology systems through the study of the legal provisions governing such protection, and the ability of such legislation in the provision, and secure the overall adequate protection for all aspects of these programs, compared with nature.

Second: This study aims to clarify the Jordanian legislator position to reach the foundations of the practical application of the judicial sense, the legal principle of the protection of information technology systems.

### *1.4. The study methodology*

The preparation of this study adopted in the descriptive and analytical approach, to determine the trouble relevant texts, also it relied on function-based approach, which branches off the descriptive style; and so as to release the text of the Jordanian law capability, and other related laws; in order to promote the protection of Information Technology Systems. This study is also based on comparative approach which is one of the most important scientific research methods in legal studies; so as to indicate the position of legislation that will be compared, which deal with the protection of information technology systems, and through the use of this approach will be consensus Statement texts that deal with information technology systems.

### *1.5. The study structure*

To address this study and achieve the objective which we have divided the search as follows:

#### *1.5.1 First topic: the essence of information technology systems.*

First requirement: the definition of Information Technology Systems.

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<sup>1</sup> Hussein, Abdul Rahman Jameel, legal protection of computer programs, a comparative study, Master Thesis, An-Najah National University, 2008, p. 1.

<sup>2</sup> Slamh<sup>2</sup>Emad Mohammed , legal protection of computer programs and the problem of software piracy, 1st Floor, Alexandria, Dar Wael for Publishing, Beirut, 2005, p. 17.

The second requirement: Methods of abuse against information technology systems.

*1.5.2. The second topic: the justification and the means of protecting information technology systems.*

First requirement: justifications for the protection of Information Technology Systems.

The second requirement: protection of information technology systems.

## **2. The first topic**

### **The essence of information technology systems**

There are many reasons invited us to study this issue, and perhaps the most important of these reasons: the frequent use of computers in addition to the benefits enormous, and a great many uses; so we will in the first requirement of this section defines the information technology systems, and the pictures indication assault faced by these programs.

#### *2.1. First requirement*

##### *Definition of Information Technology Systems*

We can defined the information technology systems as: - "a sequence of instructions that tell the computer what to do"<sup>1</sup>.

In another definition it is defined as: - "a set of instructions intended for computer written in a kind of clarity and detail"<sup>2</sup>. With regard to the term in detail and clarity, the importance of this is reflected in the role that they are doing, which make computer understand entered instructions, or addressed to him; so he can give end required of these instructions addressed to him easily, and conveniently, without any mixing, since they must tailor these instructions and clarified so as not to mingle with like.

These earlier definitions lead us to try to put a clear definition of information technology systems which is: - "a set of instructions that are directed to the computer, which is a: - electric machine capable of processing information in order to obtain a certain result".

The Information Technology Systems has received two types of definitions: one narrow definition and the second: - broad definition of the Information Technology systems.

The first type the narrow definition of the program

According to the narrow definition it defined as a set of instructions that human direct them to the machine, through this machine implements a particular task. As for the terminological definition it's divided into three section

First Source programs: It liberated programs in both high-level or low-and high-level language: It is suitable for use in all types of computer language. As for the low-level language: distinct from other by speed and efficiency, as its deal directly with the computer, after undergoing a specific process technique called: (Assembly process) by the assembly program. This type of program is also divided into two types, namely:<sup>3</sup>

Exploitation programs or the executive programs: is software that controls the computer to the performance of its functions, and can be mistaken for a part of the computer; They dominated the entry operations, and output of data and storage operations in a manner to give the computer the ability to perform the functions of both: - operating procedure, or in terms of dealing with him<sup>4</sup>.

Application programs: programs liberated one of the languages of high level, which enable all customers to use, regardless of the quality of the computer, which they own, with minor modifications it if necessary. "The application programs for the preparation of wages, salaries, and the bank accounts of customers, and others. Also any company or institution can use these programs after adding staff and customers they have names as the case may be within the circle of tables which contained in this type of program"<sup>5</sup>.

Second: translation software: a program that is used in the conversion source programs to target.<sup>6</sup>

Third: the target program: programs are being translated into machine language<sup>1</sup>.

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<sup>1</sup> Zoubi Muhammad Bilal and others, Computer and Software, Dar Wael for publication, i 3, 1999, p. 63.

<sup>2</sup> Glossary issued by the Arab Organization for Administrative Sciences (English / Arabic / French) in 1981, the term 1441.

<sup>3</sup> Slamh Emad Mohammed, a former cit., P 49.

<sup>4</sup> Lutfi Mohamed Hossam Mahmoud, legal protection for information technology systems, the House of Culture for printing and publishing, Cairo, 1987, p. 17.

<sup>5</sup> Lutfi Mohamed Hossam Mahmoud, op. Cit., P. 17.

<sup>6</sup> slamh Emad Mohammed, op. Cit., P. 50.

The second type is: the broad definition of the program.

Broad definition includes three main components, namely:

The program in the narrow sense: and is defined as: a set of instructions that are directed to a machine that allows her through these instructions to execute a particular task, or get a result, or very certain <sup>2</sup>.

Program Description: breakdown of the operations fully spontaneously or in writing or otherwise; and to determine instructions that make up the information technology systems and their connected to each other.

Attached documents: a document that is not a program for IT systems, but it is documents specialized in prepared data and show how to use the program, and Census quality electronic computers that serve them these documents.

On this basis, the protection apply to all the instructions that are routed either to the computer, or other machine capable of processing information; in order to achieve extremely or particular result, and the protection do not stop at this point but also withdraw the instructions given to the customer, whether taken a description of the program or not.

The importance of the broad definition of a program lies in adopt the World Intellectual Property Organization to this definition when preparing typical texts; ; To protect the programs which put to ensure a uniform national protection in this regard. So the organization has wanted to extend protection to include all of these three elements <sup>3</sup>.

The bottom line is that the difference between the two definitions is a virtual difference, and the matter merely the introduction of new elements in the broad definition, and the narrow definition was not even mentioned, which was confined to the narrow definition of instructions given to the machine, but for the broad definition has introduced and added to the narrow definition of the detailed description of the program, and its annexes in protection circuit with the instructions given to the machine.

## 2.2. The second requirement

### *The images of abuse against information systems technology*

There are two types of the attack on information technology systems Images, the first type is the literal copies of the program, while the second type is a non-literal copying of the program, and we will clarify these two types as follows:-

First: "literal copies of the program: It is a re-program production, and its annexes in full, or imitates it without any amendment, where it is no adding or subtracting anything. And this type of abuse is the most common types of abuse among people, a fierce abuse images, Most often resorted to copying the program \_ either in whole or in part \_ because it is easy, it does not need to make the effort that had been exerted author of the program in the preparation of his program, as well as also the copies will reduce the financial cost for the copyist" <sup>4</sup>.

Second, a non literal copies of the program: It is intended to: impersonating acquisition of others ideas, and manifest forms of this attack, if there is taken from the original version, which be similar to him completely; and the reason for this is due to the fine metaphor for some of the elements, the more enjoyment duplicator great ability to be this metaphor shows the best images have increased opportunity; to produce classified, or something new. . And there are many ways followed by the pirates when they copy these programs, and these methods include:

1) Access to the source, or obtained, as the source program is one of the basic stages throughout the program in the preparation stage; in order to convert it into a new program. This all done through the translation unit in the electronic system, and are rarely resort to this type of roads, and the reason for this urgent need for high efficiency and long period of time in addition to the high cost, and this can not be just some of the big companies appropriate and relevant financial <sup>5</sup>.

2) "Spoofing stated in the description of the program, but this method is better than the first; because

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<sup>1</sup> Slamh Emad Mohammed, op. Cit., P. 50.

<sup>2</sup> Lotfi, Mohamed Hossam, op. Cit., P. 18.

<sup>3</sup> Lotfi, Mohamed Hossam, op. Cit., P. 19-20.

<sup>4</sup> Aboul Gheit Rasha Mustafa, legal protection of logical entities, university Dar thought, Alexandria, 2003, p. 9.

<sup>5</sup> Hussein, Abdul Rahman Jameel, legal protection of computer programs, a comparative study, Master Thesis, An-Najah National University, 2008, p. 14.

they do not need a big cost; high efficiency, which is what is usually resorted to by the pirates" <sup>1</sup>.

### 3. The second topic: The justification and the means of protecting information technology system

After that we shown the importance of information technology systems and its definition and clarify images of abuse which lies on information technology systems,

We must justify the protection of these programs through the presentation of the importance of protecting the information technology systems in the first this requirement, while we will show in the second position of the legislative requirement to protect information technology systems.

#### 3.1. The first requirement

##### *Justifications for the protection of Information Technology Systems*

There are a lot of reasons that drive people to the attack on intellectual property rights, especially information technology systems, "among them, for example, the presence of groups of ready-made programs in the hands of a lot of people, As well as the exorbitant prices that people need to get the original version compared with affordable price that paid to obtain counterfeit copies, as well as developing countries believe that the need to get what is produced by the developed countries of the programs, and that the whole in order to work on reducing the gap between developed countries with its technologies, and importing countries (the developing countries)" <sup>2</sup>.

Despite what has been previously reported but many agree that it must protect the information technology systems, whether it's at the local level, or at the international level, and by using all available legal means in order to provide for these programs and producers of legal protection.

After illustrate the importance of protection for software information technology , we take in the first section the importance of legal protection for information technology systems,

After illustrate the importance of protection for software information technology systems, we take in the first section the importance of legal protection for software information technology systems, while the second section we return to talk about the importance of economic protection programs of Information Technology systems.

#### 3.1.1. The first section

##### *Justifications for legal protection of Information Technology Systems*

The importance of legal protection for information technology systems for the following reasons, namely:

1) "The legal protection of this program gives the state of respect, to reassure citizens and specifically the authors of these programs, and prevents the loss of their rights if they signed an assault on these rights" <sup>3</sup>.

2) "A deterrent to protect these programs strong to deter perpetrators of software piracy, and that it is not put that way, or means can not have the legal protection available, and will not be possible to deter offenders from committing that crime and prevent their punishment" <sup>4</sup>.

3) "The protection of these programs lead to a cessation of ways to circumvent the automated processing systems via erased, or disabled, or exploited for purposes outside the law; thus damaging public and private money together" <sup>5</sup>.

4) Compensate persons engaged in the program for the damage caused to them than others, whether these people, whether they are authors or owners of the right to benefit from these programs.

5) "The technical means to protect the programs is not sufficient alone to protect it from transportation, plagiarism illegally, and whatever the technical means sophisticated, modern, they would be unable to withstand

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<sup>1</sup> Aboul Gheit Rasha Mustafa, op. Cit., P. 9.

<sup>2</sup> Ruslan noble Ismail, responsibility in the field of information and networks, Journal of the spirit of the laws, Tanta University, No. XVIII, 1999, p. 59.

<sup>3</sup> Fahmi Khalid Mustafa, legal protection of computer programs in the light of the protection of intellectual property, Alexandria, New University Publishing House, 2005, p. 40.

<sup>4</sup> Kashkoush Huda Hamid, computer crimes, Cairo, Arab Renaissance Publishing House, 1992, p. 66

<sup>5</sup> Najjar Abdallah Mabrouk, civil protection for computer programs in Islamic jurisprudence and law, magazine-Zahra of the Faculty of Islamic and Arabic Studies, Issue 21, 2003, c 2, Cairo, p. 418, quoting Dr. Khalid Mustafa Fahmi, op. Cit., P. 40.

the modern means of piracy. So the technical protection will not be a substitute for legal protection, but their presence is essential " <sup>1</sup>

### 3.1.2. The second section

#### *Economic justifications protection of Information Technology Systems*

The importance of economic protection for information technology systems for the following reasons, namely:

1) "The protection of these programs leads \_ dramatically\_ to reduce production costs and an effective incentive towards the trend to increase production, and encourage investors" <sup>2</sup>

2) "Magnitude of the investment, budgets used in the production of these programs, but these programs is a strong impetus for the national economy, and the protection of such programs lead to the achievement of economic development goals, and to encourage those working in this field to increase their investments" <sup>3</sup>.

3) Encourage innovation in the field of programs leads to stimulate programmed (author of the program) to continue his creation when he gets a output just for his innovation, while if he doent find something that will benefit him and saw his effort go to waste would pay him to refrain from this innovation, and declining companies, institutions funding for such programs <sup>4</sup>.

4) To provide protection for these programs significantly contribute to the reduction programs that increased the price value; because of the prevailing sentiment among those who made it, and of that the first version will be sold and will be copied illegally and sold without permission.

5) Crack down on piracy; that poses a enrich certain layer on programmers account, despite the pirates capabilities, high skill, they use it to steal other's efforts, and sell a few with worldwide rather than used in the production of new programs <sup>5</sup>.

### 3.2. The second requirement

#### Method of protect information technology systems

Author rights legislation has created a variety of methods for the protection of these rights is the means by means of procedural protection objective and means. Based on what has been mentioned in detail we are offering these means, in the three branches, so we take the first branch of procedural protection preventive In section II of procedural protection therapeutic.

#### 3.2.1. The first section

##### *Means of procedural protection preventive of Information Technology Systems*

First: the legal deposit of works (software): - the most of the national copyright legislation provided on the need for the deposit of protected works at certain points <sup>6</sup>.

However, this legislation differed among themselves in terms of the agency responsible for the deposit, and procedures, and number of copies to be deposited; thus, we require the following statement:

1) The meaning of the legal deposit of works.

By looking at the most competent copyright legislation it shows us that we can do this by dividing the legislation through the definition of the deposit into three categories, namely <sup>7</sup>

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<sup>1</sup> Ruslan noble Ismail, op. Cit., P. 62.

<sup>2</sup> Sholkamy Shehadeh Ghraib, computer programs and law, Cairo, the Arab Renaissance Publishing House, 2003, p. 12.

<sup>3</sup> al-Najjar Abdullah Mabrouk , op. Cit., P. 419, quoting Dr. Khalid Mustafa Fahmi, op. Cit., P. 41.

<sup>4</sup> Lotfi, Mohamed Hossam, op. Cit., P. 34.

<sup>5</sup> Lotfi, Mohamed Hossam, op. Cit., P. 35.

<sup>6</sup> Dealt with the protection of copyright Jordanian legal deposit of works in the material law 38/45 In addition, the deposit has workbooks system No. 4 of 1994 published on page 297 of the Official Gazette No. 2951 Date 6/2/1994 m and issued in accordance with Article 57 of the Copyright Protection Act was passed.

<sup>7</sup> See detailed Dr. Jamal Harun civil protection of the right of literary author in the Jordanian legislation, a

"the first category: The legislation represents the Arab countries which provided for the deposit, and dealt with its provisions, without giving a precise definition of the meaning of the deposit"<sup>1</sup>

Perhaps the reason is due in to the fact that such legislation would have found that the idea, or the meaning of the deposit of clarity that does not require any revenue definition, the fact that the idea of filing a clear idea.

"The second Category: the law dealt with its provisions, and cited a definition of the meaning of creativity"<sup>2</sup>.

The third category: The legislation represents the Arab countries that did not provide for legal deposit of works"<sup>3</sup>.

"Noting that there are Arab countries stipulated laws Publications and the press, and not the copyright protection on the legal deposit of works laws"<sup>4</sup>.

"the second article of copyright protection Jordanian law has been defined as: - Delivery of a work to the center in accordance with the provisions of this law"<sup>5</sup>.

**2) The importance of creativity:** the deposit is particularly important, where is the best way to prove the copyright of his work, in case of conflict between the two parties on the eligibility of each and every one of them for an idea, refer to copies deposited with the competent authorities, and to know the date of publication of each. However, the importance of the deposit is not limited to the proof, but help to release everything published on the homeland of cultures; and to preserve the cultural wealth, and knowledge of degree, or artistic, or cultural reached by the states, and the deposit has a big role in helping researchers at the completion of their messages, and their research, as well as to enable the State to supervise the everything published within it in order to preserve public order and public morality<sup>6</sup>. "also the deposit helps fuel the National Library of everything published on the homeland of cultures, as well as for the use in the exchange of publications with a foreign country"<sup>7</sup>.

### 3.2.1.1. *Second: The registration of seeded*

Some states laws require that the authors submit an application; to enjoy the rights of the author of each work through registration.<sup>8</sup>

Depending what it is registered on the person who asks for copyright, and registration usually requires to fill out a form containing data such as the author's name and title of the work, date, place of publication for the first time \_ if he had published \_ and the name of the publisher, language, and other data related to the workbook, such as its shape, and number of pages, and the number of subfolders, and this data kept in national

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comparative study of the House of Culture for Publishing and Distribution 2006, p. 226-227.

<sup>1</sup> Of this legislation Egypt's new intellectual property law, as well as ancient Egyptian law, "the protection of copyright law," as well as literary and artistic property protection Lebanese law. Quoting from Dr. Howern Jamal Op. Cit., P 227

<sup>2</sup> Of this legislation to protect copyright Jordanian law, Quoting from Dr. Jamal haroon Op. Cit., P 227.

<sup>3</sup> Of this legislation Sudanese law Moroccan law, quoting from Dr. Jamal haroon op. Cit., P 227.

<sup>4</sup> For example, the laws (Bahrain, Kuwait, Tunisia), quoting from Dr. Jamal haroon Op. Cit., P 227.

<sup>5</sup> This definition conforms with the provisions of Article 2 of the deposit of the Jordanian system works No. 4 of 1994, which is also known as the Deposit workbook to deliver according to the provisions of the law and the center of the system.

<sup>6</sup> Mutait, Abu al-Yazid, the rights to the works, knowledge Alexandria facility, in 1967, i 1, p. 143.

<sup>7</sup> Dr. Lutfi Khater comprehensive encyclopedia in the protection of copyright and censorship laws doctrinal study and the process in 1994 without Dar published p 189.

<sup>8</sup> Of these laws Sudanese author right of the 1974 law. Article 14 reads as follows (does not have an author who protect the rights of the author stipulated by law unless the logs are classified in accordance with the provisions of this law), as well as copyright law in the United States for the year 1976 and copyright laws in some Latin American countries, Quoting from D.nua Canaan Op. Cit., P 179.

office for registers"<sup>1</sup>.

Some states laws require that the authors submit an application; to enjoy the rights of the author of each work through registration.

also there are government offices shall undertake the registration procedures in the country whose laws provide for the registration of seeded as a condition for protection, such as: - the Copyright Office, or the National Register of Intellectual Property"<sup>2</sup>.

Registration may be optional or mandatory in countries that take this system into account while most Arab legislation to protect copyright \_ and if they require deposit \_ but it did not require registration as a condition for protection.

However, it notes that some Arab modern copyright legislation has required the creation of a special register, which comply with the dispositions contained in protected works<sup>3</sup>.

But this registry differs from the registration of seeded system; so that the registration of this registry is to show the actions carried out by the author on the work, which will arrange the right to not include: such as waiver of the right to financial exploitation him, or arrange for the right to use it, or mortgage seeded Almost all those actions should be recorded in a Register of such a goal in the competent ministry.

### 3.2.1.2. *Third: Mark saves copyright*

"Special copyright laws requiring in most countries establish some kind of marking on all copies of the work; to inform the public that the special protection rights of the author is guaranteed"<sup>4</sup>.

In some countries, to save the copyright mark is considered a requirement for legal protection of the work, while the other country that does not stop protection on the pointing, but penalizing overlooked fine"<sup>5</sup>.

"The Mark internationally accepted is what brought by the global Convention on Human amended by the author in Paris: 24 / July (1971), , Through the text of Article III so that the mark consists of three elements: the symbol which is(C): The third letter of the Latin alphabet surrounded circle It is also first letter of the word: (copyright), which means copyright so that it becomes the symbol as we explained above © and the name of the owner of copyright, and the statement of the year that publication of the work was for the first time".<sup>6</sup>

### 3.2.1.3. *Fourth: seeded installed on the physical medium*

Some laws require that seeded on the physical medium so protected, and that it has approved the Convention (Byrne) for the protection of literary and artistic EU countries require for the purposes of protection taking works form a certain material, and through the text of the article: (2/2) of this Convention<sup>7</sup>.

As stated in Article (2) of the Law on the Protection right meaning installation Author Jordan: to put seeded in constant physical form<sup>8</sup>, but the Jordanian legislator did not take the installation \_ as a condition for

<sup>1</sup> Elementary principles of copyright "the ABC of copyrights" publications UNESCO official Arabic translation of 1981, p. 58.

<sup>2</sup> Op. Cit., P. 159.

<sup>3</sup> Article 185 of the new Egyptian Intellectual Property Law that it competent Ministry of Culture, programs or media or communications establish a register for entry actions contained the works, performances, sound recordings and radio programs subject to the provisions of this Act and implementing regulations shall determine entry system in the Register does not have to act became effective on the right of entry only after the completion of enrollment.

<sup>4</sup> Elementary principles of copyright, "the ABC of copyrights" publications UNESCO official Arabic translation of 1981, a previous reference p. 60.

<sup>5</sup>Elementary principles of copyright, The previous reference P. 60.

<sup>6</sup> Dr.. Baker Esmat Abdel Meguid. D. Khater Sabri. Legal protection of intellectual property Baghdad's House of Wisdom i 1 for the year 2001 p. 156, as well as Dr.. Najjar, Abdullah, the moral right of the author in Islamic jurisprudence and comparative law Dar almdeh for publication of 2000, p. 149, as well as D.nua Canaan, op. Cit., P 383.

<sup>7</sup> Article 2 paragraph 2 of the Berne Convention states concerned stipulates with this legislation in EU countries the right to eliminate that literary, artistic or one or more groups, including works not protected as long as they did not take the form of a certain material.

<sup>8</sup> Article 2 of the copyright protection Jordanian No. 22 of 1992 Act



protection \_ but he defined as may be authorized in Article (23 / A / 1) of the same law for the performer to prevent third parties from installing his uninstaller performance , or clone any installed for his performance, as he passed in the same article for the radio and television Corporation, or to the owner of the second item copyright to prevent others from installing radio programs are not installed, or clone any installed for this programs<sup>1</sup>.

Through the above, we can observe that the Jordanian legislator did not take the principle of installation \_ as a condition for protection \_ and it takes the principle of legal deposit of works of comprehensiveness, "and it provides a wider workbooks legal protection, and adoption of the delivery date of a work to the center in accordance with the provisions of the law.

#### 3.2.1.4. Fifth: preventive measures

Some copyright laws provided for some protective measures; for copyright protection to allow the copyright owner the chance to sue to stop the attack on his right, forcing the aggressor to stop the attack, and these preventive measures in copyright laws for example not limited to, and these procedures represented in: Prohibition of the dissemination snob seeded, or cease traded, and the confiscation of imported copies of not legitimate works, and delete some parts, Or the introduction of some amendments to the seeded, and the destruction of counterfeit works, and other administrative procedures under which staff specialists can prevent the import of illegal works, or stop selling them, or their performance on us.<sup>2</sup>

#### 3.2.2. The second section

##### *Means of procedural therapeutic protection of Information Technology Systems*

The civil penalty if convicted of responsibility is the compensation, if the pillars of responsibility available consequent impact on that in this case the penalty is to be compensated, and the Jordanian civil law indicated in the text of the article: (269) on the security of ways<sup>3</sup>.

We can see from this article that compensation may be in kind, may be in return. In light of this legislature's approach to Jordanian copyright protection law, where the text of the forms of compensation: kind<sup>4</sup>, and monetary compensation<sup>5</sup>, and we made a statement, as follows:-

##### 3.2.2.1. First execution in kind:

" execution in kind means : -Repair the damage completely reform process by re-injured to the previous situation, which it was before"<sup>6</sup>.

"Execution in kind as well being when the administrator removes the damage done to the victim by doing a job so he attributable thing that led him to its original state or give the patient something of the same thing that damage he caused"<sup>7</sup>.

" It is intended execution in kind in the field of copyright: Court remove \_ Posed in front of her the origin of the dispute at the request of the author, or behind him \_ all traces of the infringement of copyright; and

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<sup>1</sup> Article 23 of the Jordanian copyright protection No. 22 of 1992 Act.

<sup>2</sup> Dr.. Kanaan, Nawaf, copyright, op. Cit., P. 454.

<sup>3</sup> According to Article 269 as follows:

1- Its ok to be in installments guarantee it can also be a salary income and may be in those two cases the debtor's obligation to provide insurance assessed by the tribunal.

2- Security is estimated to veto it, the court may depending on the circumstances and at the request of the injured to order the return of the situation to what it was or that control the performance of a particular online is actually harmful and, for embedding.

This article corresponds to Article 172 of the Syrian Civil Code and Article 171 of the Egyptian Civil Code and Article 209 of the Iraqi Civil Code and Article 246 of the Kuwaiti Civil Code.

<sup>4</sup> Articles 47 and 48 of the Jordanian Copyright Protection law.

<sup>5</sup> Article 49 of the Jordanian Copyright Protection law.

<sup>6</sup> D.mndhir alfdel. The general theory of the obligations of the first sources of the House of Culture Publishing library and distribution of amman i p. 31 995 426.

<sup>7</sup> Dr. Sulaiman mrks thorough in explaining the obligations of civil law in the 5i 199 822 527 pp folder.

that it order the suspension: Publishing, or offer, or printing, or copying damage, or images, or materials used in publishing, or change reproductions, photographs, or materials, or make it inoperable, and all this on the official's expense, and may be sentenced addition to compensation that if required"<sup>1</sup>.

Execution in-kind is conceder the best means of compensation as it leads to the re-case to what it was prior to the act of assault. This meaning of the execution in-kind the best for the author than execution compensation methods; it leads to erase the damage, once and remove it, and put the injured in the picture that it was in before it happens, rather than the survival of the damage, and to give the author a sum of money in compensation to him for damages incurred.

3.2.2.2. *Second: the execution of compensation way:* means that the debtor will enter in pact of injured value equivalent to that deprived them, there is no claim for compensation here to erase the damage but to redress it"<sup>2</sup>.

If the target of the execution in kind erase the damage, and remove it, and then lift the infringement, or stop whenever possible, so the aim of the execution in ways that compensation is designed to redress the damage as much as possible may be execution in ways that compensation for cash, and may be paid is not cash.

### 1) Compensation for cash:

That compensation for cash is the origin and foundation of responsibility for the harmful act; because of money and the job of repairing the damage caused by tort whatever the type of damage: physically or morally"<sup>3</sup>.

Article (49) of the Copyright Protection Law stipulates that (the author who signed the attack took place on any of the assessed his rights on his work \_ under the provisions of this law \_ the right to receive just compensation for it)and Jordanian legislator in the text of the article (269/2) of the civil Code has been considered that monetary compensation is the original terms of estimated cash escrow"<sup>4</sup>.

That if the implementation is the original contractual responsibility and on the contrary does not have this kind of effect, which eliminates re-course to what it was, but the exception in the scope of contractual responsibility, and Implementation is paid or through financial compensation, or the amount of money is the general rule in tort, and the origin of the compensation to be a sum of money"<sup>5</sup>.

Researcher finds here that there is particular interest to compensate for cash within the scope of compensation for the moral damage to the author; that moral damage is not erase it, or remove it when it breaks; therefore it can not be compensated in kind and the court by resorting to monetary compensation.

The origin of the cash compensation to be paid the money at once, but in the Jordanian civil law judge may the injured to compel responsible for the damage to pay (compensation) guarantee in the form of premiums or to be revenue salary for life, according to the text of the article (269/1) of Jordanian civil law.

In this case, we find that the court has the discretion to choose how monetary compensation as it deems appropriate to redress the damage, and if the court decided to compel the aggressor to pay compensation in this way have to do to compel the debtor (the aggressor) that provides insurance assessed by the tribunal; and so as to ensure the fulfillment of the amount of compensation.

### Non-cash Compensation:

Non-cash Compensation means that Court ordered to perform specific command for embedding"<sup>6</sup>. And the Jordanian legislator has taken the principle of non-cash compensation, through the text of the article (269/2), which provides that: (The warranty with cash estimated that the Court may depending on the circumstances and at the request of the injured to order the return of the situation to what it was or that a particular online is already damaging the performance of control and so, for inclusion).

<sup>1</sup> Dr. Jamal Mahmoud Kurdi copyright in international relations Arab Renaissance Publishing House Publishing Cairo 2002 for the first edition, p 66.

<sup>2</sup> Dr.sewar Mohammed Waheed general theory of commitment Riad Press in Damascus in 1981, c 2:00 234.

<sup>3</sup> Dr.al zarqa Mustafa harmful act and guarantee the House of thought Damascus in 1988, the first edition, p 428.

<sup>4</sup> This is reflects the Iraqi civil law in the text of Article 435, which considered that restitution is the parent so they can be not to resort to the other, but if not this kind of compensation.

<sup>5</sup> Explanatory memorandum of the Jordanian civil law p. 300.

<sup>6</sup> Dr. Adnan Sarhan and D.nora Khater explain the sources of the civil law of personal rights (obligations) a comparative study, the House of Culture for publication and distribution for the year 2008, p. 487.

Non-cash Compensation is that the court orders the performance of a specific command by way of compensation.<sup>1</sup> "With respect to the terms of the compensation paid non-cash requirement are of conditions met in the implementation of in-kind, which must be at the request of the injured and depending on the circumstances and to be possible.

The protection of copyright law have included a form of compensation paid non-cash, through the text of Article 50, which stipulates that: ((the court at the request of the convict him decide to publish ruling issued under this Act in the daily newspaper or a local weekly, and one or more at the expense of the convict)<sup>2</sup>.

If the court decided to publish judgment given in a daily newspaper, or a local weekly, or more at the expense of the convicted person, this decision is considered as supplementary compensation, after the court issued a decision in the original lawsuit, whether in kind or implementation of compensation is in kind.

The court decides \_ In addition \_ compensation at the request of the convict him publish its ruling mentioned in the daily newspaper, or weekly local one, or more at the expense of the convicted person; what could be for such a procedure from the direct impact on the rehabilitation of the author and reputation<sup>3</sup>.

#### 4. Conclusion

As we reached the end of the research in the information technology systems were addressed in this research the most important legal issues raised by the use of computers by computer as we mentioned earlier, namely: Determine the nature of information technology systems and a statement of the nature of legally, and whether these programs are considered literary works are protected under the Protection of copyright law, or is it considered inventions are protected under other laws, such as patents and trademark law?

We also have identified the appropriate legal means to protect these programs after they have spread and grown its business, as well as ways of increasing the assault which led to the claim the manufacturers of these programs to protect their programs, and to compensate for the heavy losses caused to it as a result of the attack on these programs.

We have reached through this study, a set of recommendations in the hope of Jordanian legislator to take them, namely:

First: Put special legislative texts of Information Technology systems under copyright law, so as to ensure the protection of these programs from exploited illegally, and the protection of their respective owners.

Second: reduce the price of the original version of the programs, especially in developing countries to provide an opportunity for people in these countries to buy originals at reasonable prices, so that everyone can get them at ease; which is beneficial to the owner of the program, and lead to a decline in the piracy rate in these countries and that of during the development of special texts show the minimum and maximum prices for programs.

Third: Put special protection of information technology systems internationally through the establishment of a competent authority for this purpose and have branches in all States to extend this protection.

Fourth: the legislator determining the duration of the protection of private information technology systems without having to be linked to the duration of protection of literary works, where should this period be less than the term of protection of works due to the nature of these programs and continuous renewal.

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<sup>1</sup> Explanatory memorandum in the Jordanian civil law p. 301 note.

<sup>2</sup> This article corresponds to what came in the Iraqi law in the text of Article (47) thereof, while most of the Arab legislations ago from a similar text.

<sup>3</sup> Article 45 of the Press and Publication Law No. 8 of 1998 that the court that rendered the judgment to order the convicted person to publish acquired ruling class peremptory entire free or publishing a compendium of him in the first number of the printed periodical will be issued after the Report verdict in the same place of printed by the deployment of the article subject of the complaint and initialed the same court if it deems it necessary to spend publication of the judgment or summary of it in two pages at the expense of two other convict.

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