ORIGINAL ARTICLES

Intellectual Property Rights in Iran

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ABSTRACT

Intellectual property right is a new law concept which determines the manner of protection and the use of human intellectual creation. It consists of two parts: a) Industrial property b) literary and artistic property. These kinds of rights are mostly about the subjects generated from the human thought and their intellectual creation. Intellectual property right is an immaterial right in Iran which the legislator grants to the creator of an artistic or literary work. This right has stability and continuity. Iran joined to the international public union known as Paris Convention in 1959 for protecting the agricultural, industrial and commercial property. Though Iran has not yet joined to the Berne Convention, by approving different laws regarding to the property of authors, composers, artists, software designers and inventors, Iran protects them. In the history of Iranian law, protection of industrial property takes precedence over literary and artistic property. There is dispute among Islamic jurists and scholar about the legitimacy of moral right and that is the main reason of Iran for not joining to the Berne Convention. The main goal of this research is to obtain more knowledge about Iranian law regarding to intellectual property. The main method for gathering information here is library type and the main tools are using books, magazines and internet data. The method of research is analytical.

Key words: Intellectual Property, Artistic or literary works, Copyright, Right, Iran

Introduction

Man is a social being who invented language to enable him to communicate with his fellowmen, and express himself, and used words and figures implying specific meanings. Language caused intimacy and affection among members of the societies and by the invention of hand writing, this communication was developed. After that, literature and art were created and each became the communicative language of modern communities. Painting, theatre, sculpturing, architecture, translation and cinema and so on, are all the branches of this robust root but all those who are the creators of such precious artistic and literary works are under the protection of law now. Berne Convention in 1886 (in Swiss) is considered as the start point of evolutions in such protections. Iran has joined the International Public Union known as Paris Convention in 1958 to protect the industrial, commercial and agricultural property, although it has not yet joined Berne Convention. Iran has also passed and enforced the law of protecting the rights of authors, composers, artists, in 1969; and has passed and enforced a set of laws regarding the protection of intellectual property, consecutively in 1971, 1973, 1993, 2000, 2003, 2007, and 2008.

Intellectual property for the first time was officially recognized in England in 1709. Since more than one century ago, the international endeavors for the development of laws supervising the right of intellectual property has been done under the considerations of World Intellectual Property organization (WIPO). The most important convention in this regard was Paris Convention in 1883, which Iran joined it in 1959 (Colston, 2005) but Berne Convention (in Swiss) in 1884 is the most important convention regarding the intellectual property and Iran has not yet joined it. At the present time, one the most important agreements is Trips agreement which concerned with copyright and the other related rights, trademarks, geographical indications, industrial design, and patents. This agreement takes into consideration the commercial aspects of the intellectual property right. Copyright, lexically, means duplication or the right of the author. In expression, it refers to the rights of the creators of literary, artistic and scientific works and can include a wide range of works such as: written, audio-visual, ideogramic works, crafts, carpet and drugget design, and computer software. The experience of two decades evidently shows that the wave of software developments and progresses will be the origin of great transformations in man's life, and undoubtedly, all the societies including Muslims will be affected by it. Taking a brief look at the history of intellectual property in Iran and other countries, and then at the legitimacy of intellectual property in Iran and world, this study makes an effort to provide a better understanding of this right in Iran. This is a analytical study with the purpose of providing a systematic and precise explanation of the laws and properties of research subject, in this study it was attempted to give a systematic and objective analytically...
The intellectual property right is a new legal concept which is to determine the quality of protecting and using man's intellectual creations (Esmaeli, 2006). Intellectual property contains two main parts of industrial property and artistic – literary property. Industrial property protects the patents for invention, industrial designs, trademarks or service marks, trade names, trading right, etc. artistic – literary property protects the artistic and literary and other related works. The substance of intellectual property right is to protect the creator of the work and to prepare a safe ground to motivate artists and craftsmen to create better works, aiming the other sectors of the society benefit from them by getting familiar with the originality of such works. Intellectual property right in Iran has often been translated as moral ownership (Dehkhoda, 2012). By this kind of property, it means the right resulted from man's thought and intellectual activity. Katuziyan defined the moral rights as "the right empowered its owner to exploit and monopolize the man's activity, thought and creativity" (Katuziyan, 1997). The subject matters under the protection of this right include man's intellectual works and innovative creations. Article 2 of the Convention Establishing the World Intellectual Property Organization has provided the relatively comprehensive list of the subject matters protected by the intellectual property right as follows: "scientific, literary and artistic works; the performance of performing artists, phonograms and broadcasts; inventions in all fields of human endeavors; scientific discoveries; industrial designs; trademarks; goods' geographical destination; protection against the unfair competition; and all the other rights resulting from intellectual activity in industrial, scientific, literary and artistic fields". Considering such reasons, the governments try to protect the works of the creators through their laws in order to formulate and enforce rules on the basis of the liberty of the right owners in exploiting their own works right and not violating the right of the others. Therefore, the ultimate goal of protecting such rights is to contribute to the growing trend of man's intellectual creativity and liberalizing the law of legal access to them with the purpose of economic, social and cultural development and ultimately the improvement of life style in all its levels.

Literary – artistic property right is one of the two main parts of intellectual property whose purpose is to protect scientific, artistic and literary works. Of course, the experts and authors in our country, Iran, use the term "copyright" instead of the literary – artistic property; although, at the first glance, it seems that the copyright is not an inclusive term for literary – artistic property and the term author is more used for the writers, and we do not have for example author photographer, or author sculptor but this problem refers to the historical background of formulating the intellectual rights, because earlier only books and writers were protected. By developing societies, gradually the man's other innovations and creations added to the subject matters protected by this right. In English speaking countries and the United States the word "copyright", in German the word "Urheberrecht", means "the right of writers", and in French the word "droitdauteur", is used in the sense of literary – artistic property. (Layeghi, 2001).

In the Article 1 from the law of authors, composers and artists right protection, passed in 1969, it was stipulated that: in this law, author, composer and artist is referred to as creator, and what is created through their knowledge, art or creativity, regardless of the way of expressing, creating or generating it, is referred to as "work". As it can be implied from the provided definitions, author right consists of two parts: moral and material rights. Moral right is the one that enable the creator to take certain measures to protect the personal relationship between him and his published work. For example, it is only writer who can be referred to as the name of creator of the work, and allow or prevent publication of the work, or preventing its distortion. While, material right considers only the financial exploitation and commercial profit aspects; in this case, only the aforesaid person can offer it to the public. The latter right, contrary to the moral right, can be transferred and transacted.

In the Universal Declaration of Human Rights, and the International Covenant on the Economic, Social, Cultural, Civil and Political Rights, enjoying the material and moral interests, and the necessity of taking appropriate measures to provide protection, development and promotion of the literary and artistic works, have also been emphasized by government. Holding several international and regional conventions in this regard is the evidence of the universal concerns regarding this subject matter (Imami, 1992).

Therefore, the intellectual property in a broad sense consists of all the rights resulted from the intellectual creations and innovations in scientific, industrial, literary and artistic fields (Bozorgi, 2003). This kind of rights mostly concerns with the subjects which are generated from the man's thought and related to his intellectual creations. In the other words, the subject of this property is inherently intangible.

Iran legislator has not defined the moral right, but according to different Articles of the law which have been passed in 1348 and by using the comparative law, it can be defined as follows: "moral rights are legal and immaterial benefits related to the creator of the work, by virtue of which he can always be entitled to a set of certain rights (Entezari, 2006). The study of the content of copyright begins due to this right. This right legally
refers to the relationship which link the work to its creator. It is due to such a right that the creator may be entitled to special privileges which will remain in force, even after his death. This right can transfer the combination of the work to the inheritors or the successors of the deceased author with preserving his name. Intellectual property rights are usually divided into two areas:

1. Industrial property right
2. Copyright and its peripheral rights (Hazrati, 1999).

Copyright lexically means duplicating or the right of the author, but in legal terms, it refers to the rights of the creators of scientific, literary and artistic works which encompasses a wide range of written, audio-visual and ideogram works and also crafts, carpet, rug cartons and software. (Bozorgi, 2001).

History of intellectual property rights in Iran:

In order to study the background of author's moral rights in Iran, two main stages, such as: "lack of legal rules" and "legislation", should be taken into consideration. In examining the first stage, referring back to the past, we reach the period when there were no codified rules or orders in the Law of Iran and if something wrong happened, it would just treat as reproach and vilification. Therefore, literary and artistic property, as it is conceived today, is not a phenomenon traceable back to the primitive societies on Iran (Hazrati, 1999). Of course, quoting others without mentioning the reference and attributing the others' works to oneself were common in the past.

In 1930 the first convention of literary property was agreed by Legislative Assembly between Iran and Germany. Increasing publication of books demanded protective rules for authors. At that time, only the Articles 245 to 248 of the "Public Penal Code", passed in August, 2, 1931, observed the rights of authors; however, it could not achieve this goal. Hereupon, in the mid-1955, the representatives of Legislative Assembly introduced a bill, containing 9 Articles and 2 notes, to the parliament. After two years of recess, and due to the persistence of artists and authors, the Commission of preparing the bill of compilation and translation completed its job in 1957 and the government introduced its legal bill, containing 16 Articles and 2 notes, to the Senate. In 1963, the Ministry of Culture and Art sought to propose a new plan to protect the artists and authors. This plan was published in 97 Articles in April, 1964. Calling those involved in the ministry, the Ministry of Culture and Art prepared the "bill of protecting the authors, composers and artists." This bill was introduced to the parliament in November 1968 and was passed in December 1969 (Moshiriyan, 1960). The history of computer rights and legislation in this regard is one of the evident instances of moral property rights or intellectual property rights computer rights or the computer software rights (copyright) in Iran. Computer right is a very broad concept including diverse subject matters; but, since many of the accessories of these rights – contrary to the other industrial developed countries- are not applicable to the social and economic structure of present Iran, they cannot enjoy a high position in the history of computer rights legislation in Iran. For example, although in England, the law of "protecting the semiconductor chips" was passed to protect some aspects of the computer hardware, it cannot be expected that Iran legislator passed laws in this regard, since Iran has not yet reached such degree of readiness to have mass production in this area. Generally speaking, computer software in Iran is more important than hardware and has had many applications in industry during more than one decade after its entrance to Iran. This is why from among the aspects of computer rights; the software aspect has received more attention on the part of legislators in Iran. Hence, this paper is more concerned with the history of software.

Although computer entered Iran in late 170s, its development began since late 1980s. At first, the entering of this phenomenon had no effects on Iran legal system; but, by establishing software companies in Iran and after passing some years from their activities when the first claim regarding the computer software was alleged in the courts of Iran in 1993, suddenly the attention of lawyers and judges was drawn to this phenomenon and many questions and legal uncertainties arose in this area. The first and most important question in this regard was about the nature and the position of software right in Iran. Is software known as a literary and artistic an industrial work? Is the software subject to copyright or to patent for invention? Additionally, what rights can be assumed for the creator of software? Is committing crime in the area of software affairs followed by civil or criminal responsibilities? Generally, it can be said that all these questions revolve around this issue that which law can better protect the software: the law of protecting literary and artistic works, the law of protecting industrial inventions or a totally new law? In 1990s, some jurists considered the software as an artistic and literary work protected by the "law of authors, composers and artists" passed in 1348(Shabiri, 2001). On the other hand, some other jurists regarded the software as an industrial production adoptable to the characteristics of being invented, and therefore there was no prohibition in its being subjected to the law of "patent for invention and trademarks", passed in 1931.

Regarding the ambiguities about the position of software in Iran law, pursuing the matter frequently by some of the ministries including Ministry of Culture, and asking Judiciary what to do in the case of handling the software complaints, the then Head of Judiciary issued a circular considering the law of copyright, passed in 1348, and other related laws as the criterion for any action. Following this, when the first court verdict was
issued for the claim of software productions copyright alleged by "Sina software firm", it became evident that although the issue of software is not explicitly stipulated in copyright law passed in 1969, the rights mentioned in this law can also include computer software. The subject of lawsuit was breaking the software lock of one of the productions of Sina software firm which was alleged in 1991/7/28 by this firm. The issuance of this verdict opens a new chapter in our country regarding the law protection of this industry.

Using the experiences of other countries which have Police of software crimes, and by justifying the 110 Police regarding the different kinds of software crimes, Iran Police Force rapidly and seriously set out to pursuit such crimes. For example, following the claim of Sina software firm regarding the illegal copying of its productions in Mashhad, the Police Force took action to identifying and arresting the respective perpetrators (Rokni Dezfooli, 2006).

The history of industrial property in Iran has taken precedence over that of literary and artistic property. The first law in this regard is about the registration of industrial and trade marks in 1925. The new version of this law was enforceable parallel to Iran's joining the "Convention of protecting industrial property" (Paris Convention) in 1948. These laws have been derived from the Articles 245 to 248 of Criminal Law, passed in 1931, regarding the existing law of the artistic and literary property.

The law of protecting authors, composers, and artist’s rights, was passed in 1348 and the aforementioned Articles were cancelled. By virtue of one the articles, this law will protect the material rights of the creator only when the work is published, distributed or performed for the first time, and none of them had done before that in any other country.

**Moral property Law in Iran:**

According to the Law of Islamic Republic of Iran, one who creates a work through his own knowledge, art or innovation is referred to as "creator" and what is created by his activity, creativity and innovation, is considered as "work". The work which is created with the cooperation of two or more persons in way that their work cannot be discriminated is called "joint work". According to Iran law the rights of the creator who has been involved in generating or creating a work in any form, will be protected by law regardless the way he created or invented the work.

What is noteworthy is that not all the created works are protected by law; instead, law protects those works which are published, distributed or performed by Iran for the first time and have not already created by other countries, and also those whose type is explicitly stipulated in law. In summary, the regulations regarding the moral property right in Iran are as follows:

1. The Law of Iran's joining the International Public Union known as Paris Convention for the protection of the industrial, commercial and agricultural property, passed in 1959/3/1.
3. The Law of Protecting the authors, composers and artist’s rights, passed in 1972/1/1.
4. The executive regulations of the law of protecting authors, composers and artist’s rights, passed in 1971/12/25.
5. The Law of translating and replicating books, periodicals and audio works, passed in 1973/9/12.
6. The Law of the way of punishing those doing illegal activities in the area of audio visual affairs, passed in 1994/2/12.
10. The executive regulations of the patent for invention, industrial designs, and trademarks, passed in 2009 / 1/20 (Khomeini, 1987).

**Literature of moral property in the World:**

The first time such a right was given to an author refers back to 1709. The law of copyright in England was known as the "Queen's Law" (Anne); it also began in France in 1777 with the command of Louis the Sixteen; and in America, this law first began by making local laws in 1783 and then in 1789 was manifested as one of the principles of Constitution. Undoubtedly, National Law's protection of the moral property rights will not be effective until it is protected by the international conventions (Vaezi nezhad, 2003). Therefore, some international endeavors have been done to publicize this protection. International endeavors for the protection of intellectual property law and for the development of regulations ruling over the protection of intellectual property right have, for more than one century, been under the considerations of World Intellectual Property Organization (WIPO) and its predecessor organizations. These endeavors were led to passing some conventions
and agreements which contained the international commitment to protect the owners of intellectual property rights. Some of these conventions are:

1. International treaties on industrial property rights: the most important of these treaties was Paris Convention (1883) which was amended and revised many times. Iran joined this convention in 1338.

2. International treaties on the literary and artistic property:
   (1) Berne Convention (1886) which maybe the most important one
   (2) Universal Copyright Convention (U.C.C)
   (3) Other treaties: Montevideo Treaty – Treaty of Rome (1968 AD)- Madrid Agreement on the international registration of trademarks(1891 AD) – the Hague Agreement on the international investment on the industrial designs (1926 AD) – the Nis Agreement on the classification of the commodities and services for the registration of marks (1957 AD) – the Lisbon Agreement on the protection of resource marks and their international registration(1958 AD) – Rome convention on the protection of performers and manufacturers of the audio products, radio and television broadcasting organizations(1961 AD) – the Cooperation Treaty on the patent for invention (1970AD).

Now the World Intellectual Property Organization (WIPO) which is one of the specialized organizations in the United Nations has more than 179 members from USA to Bangladesh, including Iran. Berne and Paris Conventions established an international department. These two departments were integrated in 1983 AD and continued their activities under different names. Their last one was the "World Intellectual property Organization" (WIPO) which was established and implemented in April 1970, according to the Stockholm Convention (July 1967). The aforementioned international departments have still legally continued their activities in those countries which have joined the Paris or Berne Convention but have not still joined the "WIPO".

The WIPO was recognized as the fourth specialized organization in UN in 1974. The main purpose of the World Intellectual Property Organization is "protection and increase the reverence of moral property all around the world to protect the industrial and cultural development through motivating the creative activities and facilitating the technology and publishing the artistic and literary works."

The relationship of WIPO and World Trade Organization:

The World Trade Organization (WTO) was established in 15 April 1994 following the end of multilateral agreement (GATT: General Agreement on Tariffs and Trade) in Uruguay. This organization passed the agreement regarding the intellectual property rights, known as Trips, in January 1. Asserting the irrelevance of the subject matters like moral property rights and acknowledging the existence of specialized organizations such as WIPO, and regulations.

Secretary of WIPO explicitly announced that his organization has had no role in formulating the Trips regulations, and even see it in conflict with WIPO's goals (Miremadi, 1997). Trips agreement created a new era in protection and implementation of moral property rights and the increase of WIPO activities. The provisions stipulated in the Trips agreement regarding the copyright and other related rights in the case of trademarks, geographical indications, industrial designs, and inventions, supported the activities done by WIPO and other previous organizations. In January 1, an agreement was signed between the WIPO and the WTO. In December 15, 1993, an agreement was reached during the Uruguay round negotiations under the General Agreement on Tariffs and Trades (Amoozgar, 2003). Among the issues argued during this negotiation was the issue of moral property which was absent in GATT. The results of this negotiation were reflected in the agreement on the commercial aspects of moral property which also secured the trade of counterfeit goods (Gordon, 2005). This agreement is known as Trips. This agreement was signed by 111 members of GATT in April 15, 1994 in Morocco and came into force in January 1, 1996. In Uruguay round negotiation, a new organization called "World Trade Organization" (WTO) was established and started its activity in January 1, 1995. Trips agreement supports this idea that the immaterial phenomena subjected to the protection of moral property rights have the same value as that of other goods and services. This world market necessitates the equality of the least protection level in each country, otherwise the differences resulted from different protection levels will have negative effects on the trade and competition in the market. By virtue of the Trips agreement, immaterial phenomena in world trade system are considered the same as other goods in international economic exchanges (Colston, 2005).

Legitimacy of moral property in Iran Law:

Everyone knows that the software condition is now different form that in two decades ago. It can be claimed that at the present, software has penetrated all areas of man's life; and from industry and trade to the medicine and other human sciences, all have been affected by this newly emerging phenomenon. It can firmly be said that in the next decade software, in its general sense, will become one of the main inseparable apparatus
of human societies, and the world planners of social systems will certainly pay special attention to this phenomenon as a key feature in their major planning.

The experience of the recent two decades shows obviously that the wave of software development and innovation, rooted in the USA, has reached developed Asian countries, UAE and Taiwan, after nearly two years from its invention, and its effect in Iran manifested two years after its entrance to Asia. Using CD, as one of the main media for storing data, and other related hardware; and public trends toward using internet, are evidences in supporting this idea (Azari, 1982).

It can be concluded from the above mentioned that legal system is an integral part of the software industry and if software is to be considered as one of the necessities of the Muslims' social system, it should be bounded to its appliances. As we proved that software will be a key factor in human's future life, we should inevitably accept the "computer right system". Moreover, although in the last century, trade relations were limited to the geographical boarders, today, thanks to the new media like internet network, the interpersonal communication between people all around the world will be possible, geographical boarders can be eliminated in economic relations, and the trade and transactions will take a universal meaning. Undoubtedly, technology and information should play the most important role in formulating the new system of world trade.

It should be kept in mind that although the general meaning of "the necessity of stability or lack of disturbance (disorder) in the society" is a fixed proposition accepted by all the sapient in the world and not belonged to any specific era, the instances of this rational proposition are in every era different from that in other eras, and in every society different from that in other societies.

With respect to the above mentioned, there is no doubts that it is necessary to pay special attention to software as a key issue to keep the order of the society and to prevent disorder in or collapse of the society. On the other hand, because the software has its own specific characteristics, its existence and survival demands the fulfillment of order and laws ruling over it. In the other words, the prerequisite for software to be developed as a national industry and to last for a long time is that a computer right system is formulated and come in force alongside it.

- The debate of copyright has not been found in any jurisprudence chapters and in the works of the old Islamic jurists, and also there is no Hadith in this regard. Hence, this right is among the new issues which called "updated issues" by contemporary Islamic jurists (Gorji, 1992).

- In the last generation of contemporary Shia jurists, there is a few who believe in intellectual and moral property rights. Among these jurists, it can be referred to the founder of the Islamic Republic of Iran, Imam Khomeini, who considered the intellectual property rights as illegal.

Arguing for the updated issues, Imam Khomeini said in his book "Tahrir al-Vasilah": what is known as copyright among people is not a legitimate right and eliminating the domination of people upon their property, without stipulating any condition or making any contract, is not allowed and just writing the sentence "copyright reserved" neither creates any right to the creator of the work nor obliges other to follow it; therefore, other people can copy and publish it and no one can prevent them from doing it. Also what is known as "patent for invention" and prevents other form imitating the inventor or and from copying his/her invention, is not legally binding and no one can be forbidden from imitating him/her or trading the invention. Also no one can prevent others from dominating his/her own properties. Also what people know as "monopolizing the trade of a specific commodity" by a company or a number of traders is not legally binding and preventing others from lawful trading and industry and monopolizing it for some specific individuals is not allowed. Also, price-fixing and preventing the individual from selling his property in advance at any price he/she wants, is not allowed. Of course, the ruler or anyone who holds any authority upon the Muslims has the right of pricing the commodities, industries, monopolizing the trading or doing anything else for the interests of Muslims (Khomeini, 1987).

Also it can be pointed to Ayatollah Khomei and Ayatollah Safi Golpayegani, as to other instances of the contemporary Shia jurists who do not consider moral property right as valid (Safi, 1984).

Issuing Fatwa on moral property right and answering the Minister of Culture, Ayatollah Khamenei, the religious leader of Iran, said: "believing in the intellectual property right for the domestic authors and composer, is quite a rational matter. But, concluding contract with other countries regarding copyright is not advised; rather it is harmful and contrary to the interests of the country" (Yazdani, 2003). In contrast, some other Islamic scholars have accepted the moral property right. In response to a request for legal formal opinion (Estefta), Ayatollah Makarem Shirazi, one of the major Grand Ayatollahs of Shia, has said: we believe that the copy right and patent for invention are legal rights and should be respected in the view of Islam. The rationale for such a claim is that we always take subjects from the custom, and judgments from Islamic Law. For example, when we say gambling is prohibited, the word prohibition has taken from Quran and Hadith. But what is the subject of gambling? It depends on the custom. The same is true in the case of intellectual property right. Islam says that oppressing other people and violating their rights is prohibited. This law has taken from Islam; while its subject, oppression and violation of rights, should be taken from custom; and today, almost all of the scholars in the world consider intellectual property as a right and believe that violating it is a kind of oppression (Rouhani, 1993).
Conclusion:

Today, the main role in industry and sustainable development is played by science production. Therefore, the states have an important and bilateral role in this regard. On the one hand, they should make the ground ready for the producers of science and knowledge (the creators of the intellectual works) to surely do their activities, to benefit from the results of their own intellectual creations, and to create and develop more knowledge. On the other hand, protecting them should not be in such a way that limits the space for more scientific development; because, developing in one area of science is based on the foundation of the works of the predecessors.

Therefore, particular legal requirements are needed for achieving these goals. "Industrial tools, in the general legal sense, which have an important decisive role in the protection of man's intellectual creations in the area of science; literature and art, are referred to as intellectual property rights."

Intellectual property right, containing industrial property and literary and artistic property rights, is a very important issue in the present world. Because of its crucial role in countries' social and economic development, this issue has a very extensive literature and is subjected to national and international regulations and rules. In the law of developed or developing countries, either new rules have been set in this regard or the previous ones have been revised and completed on the demand of the needs and developments of the modern era. Since many of these intellectual works have crossed the national boundaries and used in other countries as well, this law has found international dimensions and there are many convention on this subject matter.

Moral property rights are dependent on the creator's personality and characterized by decision making on the publication of the work, the right of having guardianship on the work, the right of respecting the work and the right of restoration of the work. Some law, like the law of intellectual property right in France has explicitly mentioned all the four characteristics, while the others have only referred to the second and third one. In the present law of Iran, right of guardianship on the work and the right of respecting the work are explicitly stipulated.

Intellectual property right, in general sense, means the rights resulted from intellectual creativity and innovation in scientific, industrial, literary and artistic areas. Iran joined the International Public Union known as Paris Convention in 1959 for the protection of industrial, commercial and agricultural property; however, it has not yet joined the Berne Convention, due to some Islamic jurisprudence considerations. But, passing diverse national laws including the law of the protection of authors, composers and artists rights in 1969, and the law of the protection of software creators' rights in 2000, and the law of patent for inventions, industrial designs, and trademarks in 2008, Iran shows its protection of the moral property. Notwithstanding the differences regarding the legitimacy of moral property in Islamic Law, Iran legislator has accepted it, although has not yet joined the Berne Convention because of the lack of criticism and decision making about all its aspects.

The Founder of the Islamic Republic of Iran, Imam Khomeini, considered intellectual property right as essentially illegal, because in his view, knowledge is for all the human beings and pricing it will deprive the other form their of gaining knowledge. In the contrary, Ayatollah Makarem Shirazi, one of the major Shia Grand Ayatollahs and of the major Islamic scholar in Iran, claims that copyright and the patent for invention and the like, are all legal and legitimate rights and Islam respect them; therefore, accepting such rights is not contrary to the Islam. What is obvious is that today computer software, books, new inventions, etc. have transformed all the aspects of man's life, and all human sciences from trade to medicine and from industry to human sciences and law are affected by such new phenomena as internet. Therefore, undoubtedly, Muslims' social system should treat thoughtfully in facing such situations, and pave the way for the development of his society alongside the international society.

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