

## **Arabian IT Law - from a European perspective**

Summary of a speech given by Philipp Renninger on 24 November 2011 in Dubai

This summary provides a brief overview of the existing IT law of Saudi Arabia, Bahrain, Qatar, United Arab Emirates and Oman.

I investigated the respective current telecommunications law. Competition and trademark law have been excluded because these areas would have exceeded the scope of the lecture.

If you compare the applicable IT law of the GCC countries you can determine a huge similarity. This concerns the overall structure of the law, the structure of individual acts, and the respective contents.

The basis is formed each one by a Telecommunications Act. This Act sets out the principles and objectives for the regulation of the telecommunications sector. These include the establishment and expansion of networks and services, the regulation of the market, ensuring consumers' rights and the security of telecommunications.

To achieve these objectives, a regulatory authority is created under the Act. The authority has, in accordance with the requirements of the Act, the power to create orders, directives, rules and decisions. These individual acts of the authority constitute the main portion of the existing IT law.

The authority licenses providers, frequencies and equipment. As a special feature in Bahrain, the main part of the technical equipment and personnel, which is necessary for the services of the licensee, has to be located in Bahrain.

To control the market, some basic rules of competition are set. The Authority supervises the compliance with the rules and acts as an arbitrator.

Consumer protection is defined in broad terms. The authority is responsible for determining and supervising the extent and quality of services, tariffs, consumer rights and obligations, complaints, and conflict resolution. For this purpose exist in almost all countries consumer brochures, which give information about the latest version of the regulations.

The last part consists of penalties. These include various offences, such as the procuring of services, damage to equipment or facilities, intervention in the telecommunications traffic, as well as assaults against health, reputation or property of users of services. The penalties consist of either fines or imprisonment, or a combination of both.

Also the field of data protection is regulated almost entirely by multiple offenses.

Noteworthy is the always-to-find clause concerning infringement of public morals and manners. These are taken quite far, and thus give the authority very far-reaching power to intervene.

Saudi Arabia, the U.A.E and Oman have an E-Commerce Act implemented. This law governs all transactions that are completed with the help of electronic means of communication. This Act mainly regulates the receipt of electronic declarations of intent, and the electronic signature. The following part is as in the Telecommunications Act, a catalog of offenses.

Saudi Arabia, the U.A.E. and Oman also have created a Cyber Crime Act. This expands the existing offenses of the preceding acts. Additionally, new offenses are created, particularly in the area of counterterrorism.

The studied law itself is so similar that one can almost speak of a unified legal space. It remains to be seen how it is changing at an opening of its markets.

الوحدة في التنوع

(Unity in Diversity)

