



المعهد القومي للملكية الفكرية
The National Institute of Intellectual Property
Helwan University, Egypt

المجلة العلمية للملكية الفكرية وإدارة الابتكار

دورية نصف سنوية محكمة يصدرها

المعهد القومي للملكية الفكرية

جامعة حلوان

العدد الرابع

يوليو ٢٠٢١

الهدف من المجلة:

تهدف المجلة العلمية للملكية الفكرية وإدارة الابتكار إلى نشر البحوث والدراسات النظرية والتطبيقية في مجال الملكية الفكرية بشقيها الصناعي والأدبي والفني وعلاقتها بإدارة الابتكار والتنمية المستدامة من كافة النواحي القانونية والاقتصادية والادارية والعلمية والأدبية والفنية.

ضوابط عامة:

- تعبر كافة الدراسات والبحوث والمقالات عن رأى مؤلفيها ويأتي ترتيبها بالمجلة وفقاً لإعتبارات فنية لا علاقة لها بالقيمة العلمية لأى منها.
- تنشر المقالات غير المحكمة (أوراق العمل) فى زاوية خاصة فى المجلة.
- تنشر المجلة مراجعات وعروض الكتب الجديدة والدوريات.
- تنشر المجلة التقارير والبحوث والدراسات الملقاه فى مؤتمرات ومنتديات علمية والنشاطات الأكاديمية فى مجال تخصصها دونما تحكيم فى أعداد خاصة من المجلة.
- يمكن الاقتباس من بعض مواد المجلة بشرط الاشارة إلى المصدر.
- تنشر المجلة الأوراق البحثية للطلاب المسجلين لدرجتى الماجستير والدكتوراه.
- تصدر المجلة محكمة ودورية نصف سنوية.

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- تقبل المجلة كافة البحوث والدراسات التطبيقية والأكاديمية فى مجال حقوق الملكية الفكرية بكافة جوانبها القانونية والتقنية والاقتصادية والادارية والاجتماعية والثقافية والفنية.
- تقبل البحوث باللغات (العربية والانجليزية والفرنسية).
- تنشر المجلة ملخصات الرسائل العلمية الجديدة، وتعامل معاملة أوراق العمل.
- يجب أن يلتزم الباحث بعدم إرسال بحثه إلى جهة أخرى حتى يأتیه رد المجلة.
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- فى حالة قبول البحث للنشر، يلتزم الباحث بتعديله ليتناسب مع مقترحات المحكمين، وأسلوب النشر بالمجلة.

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**The Egyptian Progress Towards Enforcement of
Treaties of Intellectual Property Rights**



Seif-Allah Ibn EL-Waleed Ekram Gadallah

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Introduction

١,١ Background

The intellectual property system is “*a system designed to protect the intellectual achievements of the human race*”, Intellectual property plays an important role in economic and social progress, because it “sharpened the fire of genius with the spark of interest.” It is generally accepted that intellectual property is an umbrella term that includes creations of thought and commercial reputation, as conferred in business, which can be protected by law.

Furthermore, the laws protecting the intellectual property rights in Egypt are merely new laws that were established for the first time in Egypt ٢٠٠٢ by the Egyptian parliament.

In ٢٠٠٨ the interest of the Ministry of Justice was to establish economic courts, to issue legislations and judgments protecting and organizing intellectual property rights to keep pace with developments and openness to the outside world.

The demand to protect rights in general and intellectual property rights in particular has become an urgent and necessary matter, in Egypt and special after the aftermath of both ٢٥th of January revolution and ٣٠th of June revolution it became necessarily needed.

١,٢ Research Problem

This research highlights and figures out some situations that may need some solutions or suggestions to solve the barriers, challenges, and problems we are living today.

First, the challenges and barriers Egypt facing in the enforcement journey of intellectual property rights in order to achieve sufficient results.

Secondly, does Egypt regress in implementing its role in protecting intellectual property rights and creativity?

Thirdly, does Egypt really on the right track of development towards the IPR laws?

After the unsteady situation Egypt is passing through the last period of years and due to the lack of facing of the situations, Egypt is suffering that the piracy and the counterfeiting actions are not able to be deterred due to these old rules of law regarding the penalties because of the lack of the effective legislations that stipulate deterrent penalties.

Also, some rules of law are also old and rigid that it cannot keep up with the challenges Egypt is facing, also to establish new amendments to achieve comprehensive, accessible, and fair system of justice.

The procedures are also too hard to be followed either money wise or time wise, as these procedures wastes a lot of time as example to register a trademark which may lead to decrease the number of investments whether local ones or foreign ones, also its too expensive.

This may refer to the importance of the existence of a unified entity of intellectual property rights.

This research arose an important question, that how is the digital transformation caused by advanced technologies such as artificial intelligence reshaping the global IP landscape?

Here comes the answer, our understanding of the impact of digital transformation on the global IP landscape is very preliminary.

However, we can note that the digital transformation is fast-paced and profound, that it will have a significant impact on the management of intellectual property and political intellectual property systems, It is relatively easy to direct this impact on IP management, to a large extent, this involves evaluating the advantages of applying and using these technologies to improve the operational efficiency of IP offices, the hardest part is examining how these technologies affect IP policy, The intellectual property rights that we have today developed primarily during the Industrial Revolution in response to mass production, one of the key questions we face today is whether existing intellectual property rights provide the necessary incentives to encourage innovation in the digital age.

١,٣ Hypothesis

Egypt has signed many treaties related to the intellectual property rights which doesn't get into force in an applicable way to reach the goals of the treaties and national laws.

١,٤ Objectives

This research aim is to put in consideration the rules organizing and protecting the intellectual property rights and to be aware of the laws such as law number ٨٢ of ٢٠٠٢ and the constitution of ٢٠١٤ and the treaties Egypt has signed and its importance, effect on the economic and politic situation, it also aims to make extensions to the

old laws and suggest new amendments which put these laws into force.

١,٥ Methodology

In this research two methods were used which are “the inductive and deductive methodologies”. Where the inductive methodology was applied and used in the parts of introduction, literature review, the intellectual property rights protection in Egypt, and followed by the last part of the research which is the conclusion. Regarding the deductive methodology it was applied in the theoretical framework, where it was used in the form of number of the states signed each treaty.

١,٦ Research Plan

The introduction of this study is divided into five parts after being deep into these parts, it comes the research plan part which Starts from the introduction that includes (background, research problem, hypothesis, objectives and research plan), the intellectual property rights treaties (theoretical framework), importance of enforcement of intellectual property rights (literature review), intellectual property rights protection in Egypt, conclusion and references.

٢- Intellectual Property Rights Treaties (Theoretical Framework)

The laws protecting the intellectual property rights in Egypt are merely new laws that was established for the first time in Egypt ٢٠٠٢ by the Egyptian parliament.

Although, before the establishment of new rules regarding the protection of these rights, there was too many breaches of the rights

of the owners and holders, such as the piracy of thoughts, the breach of the authors rights and the neighboring rights and the industrial rights too.

After, the aftermath of the January ٢٥ revolution, after the spread of the phenomenon of lack of respect for the law, the problem of protecting intellectual property appeared again on the scene strongly, as a result of the state's economy being affected by political events, which almost threatened the existence of all national industries, especially in the field of audio and visual industry.

The prime minister decree no. ٤٩٧ of ٢٠٠٥ on issuing the Executive Regulations for Book III of Law no. ٨٢ of ٢٠٠٢ "on Protection of Intellectual Property Rights."

Also, the prime ministerial decree no. ٢٢٠٢ of ٢٠٠٦ on amendment of some provisions of the Executive Regulations for Book III, of Intellectual Property Rights Protection, issued by Law ٨٢ of ٢٠٠٢.

The interest of the Ministry of Justice was to establish economic courts in ٢٠٠٨, to issue and legislate laws protecting intellectual property rights to keep pace with developments and openness to the outside world, the current era is witnessing political and social challenges and transformations following the January ٢٥ and June ٣٠ revolutions, so Egypt is keen to cooperate and exchange experiences with all countries, the demand to protect rights in general and intellectual rights in particular has become an urgent and necessary matter, after the world turned into a small village and the development of methods of piracy.

In article ٢(٩) states that the Economic Courts claim jurisdiction to decide over the infringements provided for in Law ٨٢ of ٢٠٠٢ of protection of Intellectual Property Rights.

Last but not the least, the Egyptian constitution of ٢٠١٤ granted intellectual property rights a high place in Article ٦٩, which

obliges the state to protect all forms of breach of intellectual property, for instance article (٦٩) - The state is obligated to protect intellectual property rights of all kinds in all fields, it also established a specialized body to take care of these rights and their legal protection, and the law regulating it.

For instance, Law No. ٨٢ of ٢٠٠٢ Pertaining to the Protection of Intellectual Property Rights related to patents and utility models in (Article ٤) of the Egyptian constitution: Without prejudice to the international conventions in force in Egypt which the constitution of ٢٠١٤ had dealt with such matter.

In ٢٠١٥, the Egyptian president Abdel Fattah El-Sisi has established some amendments regulating the intellectual property rights which was published in the “Official Gazette” a decision issued to amend some provisions of the Property Rights Protection Law, the amendment of the law stipulates in order to enjoy protection, the variety must be characterized by novelty, distinction, homogeneity and stability.

In ٢٠١٨, Attorney General, issued a periodical book on the protection of copyright and related rights and the rights of publishers, in view of the negative effects that the infringement of these rights represents on society at the local and international levels, The periodic book included guiding members of the Public Prosecution to apply the provisions of the Intellectual Property Protection Law and its amendments, and the executive regulations for the third book of the law, which relate to trademarks, commercial data, geographical indications, and industrial designs and models.

In April ٢٠٢١, Al-Waqa'a Al-Masryah, supplement to the Official Gazette, published the decision of the Minister of Justice, Counselor Omar Marwan, to grant the judicial seizure authority to ٤٤ technicians working in the Patent office of the academy of scientific research, the decision stipulates that employees of the general

administration of technical affairs at the Patent Office of the academy of scientific research and technology, in their functional capacity, each has the capacity of judicial control officers, with regard to crimes that violate the provisions of Law No. ٨٢ of ٢٠٠٢ promulgating the Intellectual Property Rights Protection Law.

For instance, passage of the new IPR law in Egypt did not occur in the absence of public controversy and opposition, the Egyptian government faced significant political pressure from public sector generic pharmaceutical manufacturers, they launched a major lobbying campaign against the new law in order protect their generic drug production, this powerful opposition group obtained public support by claiming that intellectual property rights would raise the price of medicine, cause unemployment, force the local factories to shut down, pharmacists also believed that new therapies would take years to become available to most Egyptians due to the increase in prices, such allegations are particularly sensitive in a country where the households live below the poverty line, even a former Minister of Health was staunchly against patent protection, claiming it was an unnecessary evil and would result in foreign dominance of a key national sector.

٣- Importance of Enforcement of Intellectual Property Rights (Literature Review)

Intellectual property rights cover the territory of copyrights, neighboring rights, trademarks, geographical indications, industrial designs and patents.

Each one of these rights are covered by some treaties, for instance TRIPS agreement sets out the minimum standards of protection, the rights to be conferred and permissible exceptions to those rights, and the minimum duration of protection.

The agreement sets out these standards by requiring, first, that the substantive obligations of the main conventions of the WIPO (١٩٣ member state), the Paris Convention for the Protection of industrial property(٢٥ member states), the Berne Convention for the protection of literary and artistic works(١٨٠ member states), PCT treaty is for the patent registration(١٥٤ member state), Madrid agreement is for the registration of marks(٨٦ member state), Hague agreement concerning the international registration of industrial designs(٨٠ member states), Trademark law treaty, Patent law treaty, Strasbourg agreement related to the international classification of patent, Nice agreement is for the international classification of goods and services for the purpose of the registration of marks, Vienna agreement for establishing an international classification of the figurative elements of marks(٣٣ member state), Locarno agreement is for international classification for industrial designs, Rome convention is for the Protection of performers, procedures of phonograms and broadcasting organizations(٩٦ member states), Lisbon agreement is for the protection of appellations of origin and their international registration(١٣ member state), the international convention for the protection of new varieties of plants and the agreement of TRIPS and WIPO-WTO cooperation.

Secondly, the TRIPS Agreement adds a substantial number of additional obligations on matters where the pre-existing conventions are silent or were seen as being inadequate.

Egypt is a member state in the most important treaties concerning the intellectual property rights such as TRIPS agreement, Paris convention, Berne convention, Hague agreement, Madrid convention, Nice agreement, PCT treaty, Strasbourg agreement, Patent cooperation treaty, Wipo convention, Nairobi treaty,

Phonogram's convention, UPOV convention, Washington treaty and also Egypt is a member of the WTO and GATT.

This research determines whether Egypt is legally eligible to join an FTA with the U.S. If the Egyptian IP Law is fully compliant with only its international obligations, then the next matter is to examine Egypt's eligibility to join the FTA.

If Egypt is not complying with its current obligations, then points of deficiency in the Law should be highlighted first, before it considers the adoption of TRIPS Plus measures. Such points of deficiency must be evaluated in proportion to their significance in terms of trading partners' interests. This significance may depend upon the assertiveness of demands by these trading partners.

For example, the Law has already many TRIPS Plus measures like raising the term of protection for trademarks to ten years instead of seven as required by the TRIPS. Another example of the TRIPS Plus in the Law is raising priority rights for trademarks to one year instead of six months as required by the Paris Convention. However, developed countries like the U.S. are not very interested in these TRIPS Plus measures endorsed by the Law. The U.S. would prefer Egypt's adoption of data exclusivity instead of undisclosed information.

Therefore, this section explains mainstream international criticism of IPR protection in Egypt in terms of legality and enforceability.

Special attention must be given to criticism raised by the U.S., since its FTAs provide the most sophisticated TRIPS Plus measures at the international level.

In addition, Egypt has not yet joined an FTA with the U.S. It may thus be useful to examine Egypt's conformity with the U.S. rather than countries like the E.C that are taken for granted as Egypt's bilateral trading partners.

Criticism from the U.S. takes several forms, the most significant of which may be found in the official annual reports issued by the USTR, the main U.S. body concerned and authorized with proclaiming FTAs.^{٢٨٥} The USTR annual reports negatively categorize various countries in terms of their deficiencies in IPR protection.

Those reports are also collective in terms of gathering all USTR comments for all countries in a single report. The key USTR reports are Section ٣٠١ and the National Trade Estimate Report on Foreign Trade Barriers. Those reports are partially inspired by the annual reports issued by the IIPA.^{٢٨٦} The IIPA is a coalition of U.S. copyright holders and it issues its annual reports per each country accused of copyright infringements including Egypt. (Ibrahim, ٢٠٠٨, p ٤٨)

Egypt also has some many barriers to face such as its too many procedures to be followed and different places in order to register a patent or a trademark, the penalties of piracy and counterfeiting is not deterrent enough to the criminals, finally the rules of law need some amendments and may be establishment of new rules of law.

As for the developing countries the research has indicated a point related to the pharmaceutical industry technology between the developing and developing countries, the developed countries is in a high range of competition, TRIPs agreement has put some rules which restricts the dealings

in order to level up the protection from the beginning of the industrial process of the product till the product itself, rather than this the right holders of patents are facing some challenges for instance the hard procedures of registration.

In addition, some countries, including developing countries, import the product put on the market in another country without importing it from the original product, taking advantage of the policy of price discrimination between countries.

The developing countries, on their part, are also complaining about the strong protection of innovations in this field that the agreement came with by protecting the product without the manufacturing process. However, after the entry into force of the agreement and the protection of the product and in light of the limited exceptions to protection, the developing countries undertake the parallel import process, justifying this on their obligation to protect the right to health of their citizens.

The problem lies in clarifying the legality of parallel importation, and whether it is considered a violation of the exclusive rights granted by the patent.

By relying on the hypothesis of exhausting the intellectual rights of inventors in the field of medicine, parallel importation by developing countries can be justified, as the exclusive rights of the inventor may clash with the right of the buyer in this regard, and the product cannot continue to control the goods after the first legitimate sale in the market. However, in order to give legitimacy to parallel importation, the provisions of the TRIPS Agreement must be interpreted on the basis of the exhaustion of intellectual rights and

the adoption of international exhaustion in its legislation through Article ٦ of the same agreement.^١

Another example as for the developing countries research has indicated a point of the liberalization of foreign trade that has become an urgent necessity at present for both the developed and the developing countries. The developed country has managed to discharge its surplus products to the markets of developing countries. In addition, developing countries have managed to obtain Machinery and equipment and semi-finished products, as well as hard currency obtained from the export of various raw materials.

The liberalization of foreign trade has contributed to the economic development of countries, but the liberalization of foreign trade for the developing countries has been and is not able to compete with the products of the advanced industrial countries both in terms of production quality or low price. This may have contributed to the decline of domestic production (agricultural or industrial) For many developing countries.

Therefore, developing countries should not rush to abolish customs duties and remove customs barriers on imported foreign goods and products that compete with similar local products, so that local products can compete with foreign products in the market, that s share that the liberalization of foreign trade and other positive effects negative for developing countries, depending on the degree of development of developing countries and political and economic system.^٢

^١ Journal of college of Law for Legal and Political Sciences ٢٠١٤, Volume ٣, Issue ١٠, Page ٧١-١١٢

^٢ (Alezzawy, ٢٠١٩)

٤- Intellectual Property Rights Protection in Egypt

٤,١ Treaties

According Wipo in the Wipo administrated treaties, Egypt is a member state in each of the following treaties, TRIPS agreement - Paris convention for protection of industrial property (١٨٨٣), also its members are (١٧٨) countries.^١

Berne convention for protection of literary and artistic work which was adopted in (١٨٨٦), also its member states are (١٨١) countries. This treaty provides creators such as authors, musicians, poets, painters etc. with the means to control how their works are used, by whom, and on what terms. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٢

Hague agreement, all contracting parties to one or more of the instruments of the Hague Agreement are members of the Hague Union which (٨٠) countries. The Hague Agreement concerning the International Deposit of Industrial Designs, also known as the Hague system provides a mechanism for registering an industrial design in several countries by means of a single application, filed in one language, with one set of fees. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٣

Madrid agreement for protection of indications of sources and marks, the Madrid Union currently has ١١٠ members, covering ١٢٦ countries. These members represent more than ٨٠٪ of world trade, with potential for expansion as membership grows. The system makes it possible to protect a mark in a large number of countries by

^١ (https://www.wipo.int/pct/en/paris_wto_pct.html)

^٢ (https://wipolex.wipo.int/en/treaties/ShowResults?search_what=C&treaty_id=١٥)

^٣ (https://en.wikipedia.org/wiki/Hague_Agreement_Concerning_the_International_Deposit_of_Industrial_Designs)

obtaining an international registration that has effect in each of the designated Contracting Parties. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^١

Nice agreement, the Nice Classification applies to all those countries which signed the Paris Union/Agreement.

The Paris Agreement is an agreement to protect industrial property, signed in ١٨٨٣ by (١٧٨) countries. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٢

Nairobi treaty, the members of the treaty are (٥٤) member states.

Egypt is a contracting state to Paris Convention, TLT and Nairobi Treaty, taking into consideration that Egypt didn't make any declarations or reservations on TLT or Nairobi Treaty. the Nairobi Treaty are under the obligation to protect the Olympic symbol – five interlaced rings – against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٣

Patent cooperation treaty (PCT), for the protection of patents and the treaty's name shows and the contracting parties are (١٥٥) countries. It makes it possible to seek patent protection for an invention simultaneously in each of many countries by filing an

^١ (<https://www.wipo.int/madrid/en/members/>)

^٢ (<https://www.bizlatinhub.com/overview-nice-international-classification-system-trademarks/#:~:text=The%20Nice%20Classification%20applies%20to,Ecuador%2C%20Mexico%2C%20and%20Colombia.>)

^٣ (https://wipolex.wipo.int/en/treaties/ShowResults?search_what=C&treaty_id=٢٢)
(<https://www.shandpartners.com/registration-of-trademarks-in-egypt/>)

"international" patent application. Such an application may be filed by anyone who is a national or resident of a PCT Contracting State. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^١

Strasbourg agreement is related to the protection of patents and also the member states are (٦٤) countries. It establishes the International Patent Classification (IPC) which divides technology into eight sections with approximately ٨٠,٠٠٠ subdivisions. Classification is indispensable for the retrieval of patent documents in the search for "prior art". It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٢

Phonogram's convention it is for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, also known as the Geneva Phonograms Convention , also the member states are (٨٠) members. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٣

Trademark law treaty, the aim of the Trademark Law Treaty (TLT) is to standardize and streamline national and regional trademark registration procedures, the member states are (٥٤) countries. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٤

UPOV convention, is for the protection of new varieties of plants and the members are (٧٨) countries. a treaty body with headquarters in Geneva, Switzerland. Its objective is to provide an effective system for plant variety protection. It does so by defining a

^١ (https://www.wipo.int/pct/en/pct_contracting_states.html)

^٢ (https://wipolex.wipo.int/en/treaties/ShowResults?search_what=C&treaty_id=١١)

^٣ (<https://www.wipo.int/treaties/en/ip/phonograms/>)

^٤ (<https://www.wipo.int/treaties/en/ip/tlt/>)

blueprint regulation to be implemented by its members in national law. It is important to clarify that Egypt was a part of that treaty by signing this treaty.^١

Wipo convention, the multilateral treaty that established the World Intellectual Property Organization. WIPO's member states determine the direction, budget and activities of the Organization through the decision-making bodies, the current member states are (١٩٣). It is important to clarify that Egypt was a part of that treaty by signing this treaty.^٢

Washington treaty, was adopted in ١٩٨٩ and provides protection for the layout designs (topographies) of integrated circuits. The Treaty has not yet entered into force, but has been ratified or acceded to by (١٠) countries including Egypt.^٣

٤,٢ Institutions and Laws

There are two types of institutions related to the intellectual property rights in Egypt, the governmental institutions and the NGOs such as the Egyptian center of information technology and intellectual property rights (ECIPT), (ICT) multinationals as Microsoft and Autodesk, Arab Academy for Science, Technology & Maritime Transport, the global intellectual property center (GIPC).

While the governmental ones are for instance the (ITDA) the Egyptian office of intellectual property, the Egyptian patent office, Ministry of Trade and Industry (Trade Registry Department), also the Ministries of Higher Education, Scientific Research, Agriculture, Industry, Supply and Egyptian Stock Exchange.

^١ (https://www.upov.int/edocs/pubdocs/en/upov_pub_٤٢٣.pdf)

^٢ (<https://www.wipo.int/members/en/>)

^٣ (<https://www.wipo.int/treaties/en/ip/washington/>)

“The Global Intellectual Property Center (GIPC), U.S. Chamber International IP Index, Fifth Edition, issued in February ٢٠١٧, recognizes the indispensable role of intellectual property, in facilitating innovative and creative activity on a transformative scale. GIPC voiced Egypt’s key areas of strength as a WTO member with basic national IP framework in place. The center also highlighted the relative freedom of patent CIIs and support from government agencies. US IP Index emphasized the challenging enforcement environment and lack-of border measures”.^١

The research shows the governmental and the non-governmental institutions, there are laws and rules which regulates the intellectual property rights in Egypt, it’s institutions and protection, for instance the law number ٨٢ of ٢٠٠٢ pertaining protection of intellectual property rights.

Article Two of this law stated that ‘ A) Law # ٥٧ of ١٩٣٩ pertaining to Trademarks and Commercial Data.

B) Law # ١٣٢ of ١٩٤٩ pertaining to Patents of Invention and Industrial Drawings and Designs; with the exception of the provisions of patents of inventions regarding foodstuff - related chemicals and pharmaceutical chemicals, which shall be repealed as of January ١st, ٢٠٠٥

C) Law # ٣٥٤ of ١٩٥٤ pertaining to Copyright Protection. Any provisions that contradict with the provisions of the attached law shall be hereby repealed.’

- Regarding to the Copyrights, Article ١٦٠ stipulated that “The author's economic rights provided for in this Law shall be protected

^١ (<https://itida.gov.eg/English/Pages/IPR.aspx>)

throughout the lifetime of the author and for ٥٠ years from the date of his death”.

Article ١٦١ promulgated that “The economic rights relating to works of joint authorship shall be protected throughout the lives of all co-authors and for ٥٠ years from the death of the last survivor.”

Article ١٦٢ stated that “Where the copyright holder is a legal entity, the economic rights relating to authors of collective works, other than authors of works of applied art, shall be protected for ٥٠ years from the date on which the work was published or made available to the public for the first time, whichever comes first. Where the copyright holder is a natural person, the protection period shall be calculated according to the rule stipulated in Articles ١٦٠ and ١٦١. The economic rights relating to a work published for the first time after the death of the author shall expire after ٥٠ years from the date on which the work was published or made available to the public for the first time, whichever comes first.”

Article ١٦٣ indicated that “The economic rights relating to a work published anonymously or under pseudonym shall be protected for a period of ٥٠ years from the date on which the work was published or made available to the public for the first time, whichever comes first, unless the identity of the author is known and established or revealed by the author, in which case the term of protection shall be calculated according to the rule stipulated in Article ١٦٠.”

Article ١٦٤ stated that “The economic rights of the author of a work of applied art shall expire after a period of ٢٥ years from the date on which the work was published or made available to the public for the first time, whichever comes first.”

- Regarding to the Performers, Article ١٦٦ stated that “Performers shall enjoy an exclusive economic right for the exploitation of their performances, as stipulated in Article ١٥٦, for a period of ٥٠ years calculated from the date on which the performance or the recording took place, as may be the case.”

Also, regarding the Producers of sound recordings, Article ١٦٧ stated that “the Producers of sound recordings shall enjoy an exclusive economic right to exploit their recordings, as stipulated in Article ١٥٧, for a period of ٥٠ years calculated from the date on which the recording was made or made public, whichever comes first, within the limits provided for in this Law.”

- Regarding to the Broadcasting, Article ١٦٨ stipulated that “Broadcasting organizations shall enjoy an exclusive economic right to exploit their programs, for a period of ٢٠ years calculated from the date on which the program was broadcast for the first time.”

- Regarding the Trademarks, Article ٧٥ stipulated that “Where an application for registration of a mark is filed in a country or an entity member in the World Trade Organization, or a country which extends reciprocity to Egypt, the applicant, or his rightful successor, may, within six months from the date of filing the application, file with the Department in Egypt a similar application for the same mark, covering the same products included in the previous application, in accordance with the terms and conditions prescribed by this Law and its Regulations. In such a Case the priority date shall be that of the first application in the foreign country.”

- Regarding to the undisclosed information, Article ٥٦ shows that “Protection conferred by the provisions of this Law shall extend to undisclosed information that involved a considerable effort,

submitted on request to the competent authorities for marketing of pharmaceutical or agrochemical products, which utilize new chemical components necessary for the tests undertaken to allow such marketing. The competent authorities who receive such information shall protect it against disclosure and unfair commercial use from the date of its submission to the competent authorities until it is no longer confidential, or for a period not exceeding five years, whichever comes first. Disclosure of information, by the competent authorities, where necessary to protect the public shall not be deemed to constitute an infringement of the information owner's rights."

Regarding to the Trademarks, Article ٩٠ stated that "The period of protection conferred by the registration of the mark is ١٠ years, renewable for an identical period or periods upon request of its owner and every time within the last year of the protection period, against payment of the fees due for the initial registration application. The owner of the mark may request the renewal of the protection period within six months after the date of its expiry against payment of the prescribed fees and a supplement prescribed by the Regulations not exceeding ٥٠٠ pounds, failing which the Department shall proceed to cancel the said mark from the register"

-Regarding to the Geographical indications, the Article ١١٣ promulgated that "Without prejudice to any more severe punishment under any other law, shall be punishable by imprisonment for a period of not less than two months and by a fine of not less than ٥,٠٠٠ pounds and not more than ٢٠,٠٠٠ pounds, or by either punishment, any person who: (١) counterfeits a trademark registered in accordance with the law or imitates it in a manner which is likely to mislead the public; (٢) fraudulently uses counterfeit or imitated trademarks; (٣) fraudulently affixes to his products a trademark belonging to a third party; (٤) knowingly sells, offers for sale or

distributes, or acquires for the purpose of sale, products bearing a counterfeit or imitated mark, or on which the mark was unlawfully affixed. In case of repetition, the offence shall be punishable by imprisonment for a term of not less than two months and by a fine of not less than ١٠,٠٠٠ pounds and then ٥٠,٠٠٠ pounds. In all cases, the court shall order the confiscation of the infringing products, the revenue and the returns of such products as well as the implements used in the infringement. The court may, when issuing a condemnation, order the closure of the enterprise used to commit his infringement, for a period not exceeding six months. In the event of repetition of the enterprise shall imperatively be closed down.”

-Regarding to the patent, Article ٩ stipulated that” The protection period for a patent shall be ٢٠ years as of the date of filing the application in Egypt.”

٤,٣ Evaluation

Always rules of law need some updates in order to keep up with changes happening in the field, although the periods of protection need to be amended in order to guarantee the right holders more protection, satisfaction and to get more attention of the investments whether foreign or internal investments.

Also, punishments need to be more severe in order to achieve the target that law aims which is the general, specific deterrence and the rehabilitation in order to achieve a smaller number of crime rates. I propose the establishment of a new national entity of intellectual property rights in Egypt to help investors to invest more and the inventors to feel and be safe which is a double edged weapon to the country and the inventor too, also it helps the time management for the applicants, employees and the general interest, it also helps to reduce the costs for the country and the potential right holders, the

major aim is to create a solution to the conflicts and contradictions between governmental authorities and other competent sectors. In my point of view That the penalties be more stringent to target the objective of the law which is public and private deterrence and rehabilitation in order to achieve a lower number of crime rates. This is because the rules of law always need some changes and updates for keeping pace with the changes that occur in the field, although the protection periods need to be modified in order to ensure more protection and satisfaction for rights holders and to get more attention to investments. Finally, there must be a training courses to the concerned authorities whether those who are charged by the ministry of interior or the ministry of justice and the employees in implementing the rules of law and treaties, enacting the rules of law or establishing judicial decrees, raising the awareness of authors, patent holders and inventors on how to protect the ideas and raise the awareness of the extent of which this awareness can contribute to the Egyptian economy.

◦- Conclusion

To conclude the importance of Intellectual Property Rights cannot be underestimated, because it protects the intellectual achievements of humans, as it represents an important role in economic and social progress, it "sharpened the fire of genius with the spark of interest." Generally, the intellectual property is like a tree that has branches included in creations of thoughts and commercial reputation, as conferred in business, which can be protected by law. Where here exactly lies the role of intellectual property rights and their positive impact on us and its beneficial role in protecting our knowledge, ideas and efforts, so that works are not attributed to other than their owners and efforts are not wasted in another place. The importance of intellectual property rights is not

limited to their existence only, but also to their development and working on them and building new principles, foundations and concepts based on the time, place, and circumstances. Working on the development of intellectual property rights will not only affect the efficiency of the role it plays but will also help in drastic change in the Egyptian economic and social progress. As well regarding the development of the Intellectual Property Rights should not be underestimated where it will create a point of transformation in the history of the Egyptian economic and social progress, where the development will affect the crimes such as the piracy and counterfeiting of goods are the most common crimes related to the Intellectual Property Rights, on the ground there is no rules of law that can deter the committing such crimes also, it will raise the awareness of the citizens that will affect the economic growth, by establishing a unified entity of Intellectual Property Rights it will reduce the cost, save time and help the investments in Egypt, this research may also leads to new amendments and establishment of new rules of law to avoid the crimes related to Intellectual Property Rights.

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