

**UNESCO**  
**WORLD ANTI PIRACY OBSERVATORY**

**EGYPT**

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## I. Legislation

### 1. Copyright laws

Copyright is protected in Egypt through international Agreements, the law on the "[Protection of Intellectual Property Rights](#)" No. 82/2002, (the Copyright law), as well as other legislation related to enforcement of copyright or affecting copyright protection.

In June 2002, Egypt enacted a new law on the "Protection of Intellectual Property Rights" ([Law No. 82/2002, published in the Egyptian Gazette no. 22 bis on 2 June, 2002](#)) which came into force on 4 June, 2002. The new law consists of four Books dealing respectively with patents, utility models, layout-designs of integrated circuits and undisclosed information (Book 1), trademarks, geographical indications and industrial designs (Book 2), Copyright and Neighboring Rights (Book 3), and plant varieties (Book 4).

The protection of Copyright and Neighboring Rights is provided for in Articles 138 to 188 (Book 3) of Law No. 82 of 2002 (copyright law), [Prime Ministerial Decree No. 497 of 2005](#) (in Arabic), and [Prime Ministerial Decree No. 2202 of 2006](#) (in Arabic).

The Executive Regulation for book 3, which addresses procedural issues not specified in the law itself, was issued in [Prime Ministerial Decree No. 497 of 2005](#) (in Arabic) (effective by Issue No. 12 of the Official Gazette dated March 29, 2005). The regulation has been amended by [Prime Ministerial Decree No. 2202/2006](#) (in Arabic). The Ministerial decision No. 3286 concerning officials of the Information Technology Industry Development Authority (at the Ministry of Communication and Information Technology) having judicial powers was issued by the [Minister of Justice on May 11, 2006](#) (in Arabic) to implement Article 188 of the Copyright Law. The enforcement responsibilities of the Information Technology Industry Development Authority (at the Ministry of Communication and Information Technology) are also found in the periodic [Bulletin of the public prosecutor No. 11 of 2007](#) (in Arabic).

The Law No. 82/2002 abolished all previous legislation on intellectual property rights.

### 2. Other laws

The other laws and regulations pertaining anti-piracy measures and copyright enforcement are:

- The Civil Code No. 131 of 1948
- Procedural Law No. 13 of 1968
- Law on Customs No. 66 of 1963
- Law on Evidence No. 25 of 1968
- The Criminal Law No. 58 of 1937
- [Executive Regulation No. 770 of 2005](#) (in Arabic) concerning the Law on import and Export

### 3. Latest developments and perspectives

No amendments are foreseen for the time being.

#### 4. Summary of legislation

- *Works protected by copyright*

Copyright applies to any original (created) literary, artistic or scientific work, whatever its type, mode of expression, significance or purpose of its creation (Article 138 of the law on the Protection of Intellectual Property Rights). This includes Books, bulletins and any other written works; Lectures, speeches, and any other oral works when recorded; audiovisual works and photographs; musical works with or without words; dramatic works and pantomimes; works of architecture; drawings, sculpture, lithography, printing on textile and any other similar works of fine arts; computer software; databases, whether readable by computer or otherwise; works of applied and plastic arts; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science; derivative works, provided they do not prejudice to the rights in the work from which they have been derived; and titles of the works provided they are original (Article 140 of the law on the Protection of Intellectual Property Rights).

Derivative works are works such as translations, musical re-arrangements, compilations of works, including readable databases, from the computer or otherwise, and collections of expressions of folklore, which, by reason of the arrangement and selection of their contents, are considered as original works (Article 138 of the law on the Protection of Intellectual Property Rights).

- *Exclusive rights of the authors and of the owners of neighbouring rights*

The author or his universal successor have the exclusive right to authorize or prevent any form of exploitation of his work, particularly through reproduction, broadcasting, re-broadcasting, public performance, communication to the public, translation, adaptation, rental, lending or making the work available to the public in any manner, including through computers, the internet, other communication networks or any other means (Article 147 of the law on the Protection of Intellectual Property Rights).

In addition to the economic rights listed above, the author and his universal successor enjoy over the work perpetual imprescriptible and inalienable moral rights which include the right to make the work available to the public for the first time; the right to claim authorship; and the right to prevent any modification considered by the author as distortion or mutilation of the work. However, modification in the course of translation shall not be considered as an infringement unless the translator fails to indicate deletion or changes or if he causes prejudice to the reputation or the status of the author. Where serious reasons arise, the author alone shall have the right to request the court of first instance to prevent putting the work in circulation, withdraw the work from circulation or allow making substantive modification to the work, notwithstanding his disposal of the economic exploitation rights. In such a case, the author shall, within a delay fixed by the court, pay in advance a fair compensation to the person authorized to exercise the economic rights of exploitation, failing which the court decision shall have no effect (Articles 143 and 144 of the law on the Protection of Intellectual Property Rights).

Rights related to Copyright or Neighboring rights are provided protection under Articles 155 to 159 the law on the Protection of Intellectual Property Rights. These rights are the rights of performing artists in their performances; producers of sound recordings

(phonograms) in their recordings; and rights of radio and television broadcasting organizations in their radio and television programs.

Performers enjoy exclusive economic rights which consist of communicating to the public of their performances, making available to the public of their performances as well as the rental or lending of the original recordings of their performances or copies thereof; prohibiting any exploitation of their performances in any manner without their prior written consent, in particular the fixation of their live performances on a medium, the rental of these performances for direct or indirect commercial profit, or the public broadcasting of such recordings; renting or lending their original performances or copies thereof for direct or indirect commercial purposes, regardless of the ownership of the original or rented copies; making available to the public of a recorded performance through broadcast, computers or any other means in such a way that members of the public may access it from a place and at a time individually chosen by them. The aforementioned provisions shall not apply to performances incorporated in audiovisual recordings, unless otherwise agreed (Article 156). Performers and their universal successors enjoy also perpetual, inalienable and imprescriptible moral rights which include their right to claim authorship of their live and recorded performances and the right to object to any distortion, alteration or distortion of their performances (Article 155).

Producers of sound recordings enjoy exclusive economic rights which consist of prohibiting any exploitation of their recordings in any manner, without their prior written consent, in particular the reproduction, rental and broadcast of such recordings or the making available of the recordings through computers or any other means; and making available to the public of their sound recordings by wire or wireless means or through computers or any other means (Article 157).

Broadcasting organizations enjoy exclusive economic rights which consist of authorizing the exploitation of their recordings; and the prohibition of any communication to the public, without their prior written consent, of their television recordings, in particular the fixation, reproduction, sale, rental, re-broadcasting or communication to the public of such works through any means, including the removal or destruction of any technical protection of such programs by coding or other means ( Article 158).

Performers and broadcasting organizations have only the right to a single and fair remuneration for the direct or indirect use of the programs published for commercial purposes of broadcasting or communication to the public, unless otherwise agreed, provided that there is no prejudice to the exclusive rights of performers and broadcasting organizations as stated by the law (Article 159).

Broadcasting organizations have the right to broadcast works performed in any public place, provided that a fair compensation, in cash or in kind, is paid to the right holder and the name of the author and the title of the work are mentioned during the broadcast. Any other compensation shall be paid as necessary (Article 169 of the law on the Protection of Intellectual Property Rights).

- *Allowed use of a work without the permission of the owner of the copyright*

Limitations to exclusive rights are provided in Articles 171 and 172 of the law on the Protection of Intellectual Property Rights provided that they do not prejudice the moral rights or the legitimate interests of the author and they are not carried out for commercial purposes. These limitations include copying for personal use; use in a private family

context or student gathering; making a single copy or an adaptation of a computer program for archiving purposes or for replacing a lost, destroyed or invalid original copy provided the original or adapted copy is destroyed upon expiration of the property title; use for purposes such as research, criticism, review, advertisement or news reporting; use in judicial or administrative procedures; use for illustration in teaching; use in educational institutions for educational purposes for a single time or at different separate occasions; making a single copy of a work, in limited cases, through public libraries, non-commercial documentation and archiving centers, or bookshops; making an ephemeral reproduction of a work in relay or during a digital transmission of the work or in the course of a process of reception of a digitally stored work; and publication by newspapers, periodicals or broadcasting organizations of excerpts of a work legally made available to the public, speeches or statements delivered in public sessions of legislative or administrative bodies and scientific, literary, artistic, political, social or religious meetings, as well as extracts of an audio, visual or audiovisual work made available to the public in the course of covering current events.

However, it is not allowed without the authorization of the author or his successors the reproduction or copying of works of architecture and works of fine arts, applied arts or plastic arts unless they were displayed in a public place; the reproduction or copying of all or a substantial part of the notes of a musical work; the reproduction or copying of all or a substantial part of a database or computer program.

The aforementioned limitations apply also to neighboring rights (Article 173 of the law on the Protection of Intellectual Property Rights).

Excluded from copyright protection are mere ideas, procedures, systems, modes of operation, concepts, principles, discoveries and data, even when expressed, explained, illustrated or included in a copyrighted work; official documents, whatever their source or target language (such as laws, regulations, resolutions and decisions, international conventions, court decisions, award of arbitrators and decisions of administrative committees having judicial competence); and news on current events that are mere press information. However, collections of the above may be protected if the selection of such collection is creative by virtue of its arrangement or any other personal effort deserving protection (Article 141 of the law on the Protection of Intellectual Property Rights).

National folklore is considered to be in the public domain with the Ministry of Culture exercising the author's economic and moral rights of folklore and ensuring protection and support of such works (Article 141 of the law on the Protection of Intellectual Property Rights).

A compulsory license can be granted to any interested party to copy and/ or translate any work protected under the Copyright Law, against a fair compensation paid to the author or his successors provided the license is requested from the Competent Ministry (i.e. the Ministry of Culture for copyrighted audio-visual, artistic and literary works, and the Ministry of Communications and Information Technology for copyrighted software and databases) for the purpose of meeting teaching requirements of all kinds and levels and that it is not in contradiction with the normal exploitation of the work or it does not unduly prejudice the legitimate interests of the author or the copyright holders. The fees for granting the license shall not exceed 1000 pounds for each work (Article 170 of the law on the Protection of Intellectual Property Rights).

- *Ownership of Copyright*

The owner of the copyright is the person who creates the work (Article 138 of the law on the Protection of Intellectual Property Rights).

The person whose name is indicated on, or attributed to, the published work is considered to be its author, unless there is a proof to the contrary.

The author may publish his work anonymously or under a pseudonym, provided that the identity of the author can be established without any doubt. In case of doubt, the publisher or producer of the work, whether a natural or a legal person shall be the representative of the author in the exercise of his rights unless the author has appointed another agent or revealed his identity and his capacity (Articles 138 and 176 of the law on the Protection of Intellectual Property Rights).

In case of a joint work where more than one person have participated in the production of the work in such a manner that it is impossible to distinguish the contribution of each of them, all participants shall be considered jointly and equally as authors of the work, unless there is a written agreement to the contrary. In such a case, none of the co-authors may exercise copyright without the written consent of the other authors. In the case of a joint work in which a number of contributions constitute separate and independent works in themselves, each of the joint authors shall be considered the author of his own contribution and hence shall have the right to exploit independently his part, without prejudice to the exploitation of the work of joint authorship, unless there is a written agreement to the contrary (Article 174 of the law on the Protection of Intellectual Property Rights).

In the case of a collective work, the natural or legal person that took the initiative to create the work and supervise its execution shall have alone the right to exercise the author's rights with respect to that work (Article 175 of the law on the Protection of Intellectual Property Rights).

In the case of an audio-visual, audio or visual work, are considered co-authors of the work the author of the scenario or the written concept of the program; the person who makes an adaptation of an existing literary work for an audiovisual production; the author of the dialogue; the composer of the music if composed specifically for the work; the director who positively contributes from the intellectual point of view to the making of the work; and the author of the preexisting work if the work is based on a preexisting work.

In the case of the exploitation of an audio-visual, audio or visual work, the producer shall be the representative of the authors of the work and their successors in any agreement for the exploitation of the said work, without prejudice to the rights of the authors literary or musical works, and unless there is a written agreement to the contrary. The producer shall be considered as the publisher of the work and shall enjoy the publisher's rights with respect to the work and copies thereof, within the limits of its commercial exploitation (Article 177 of the law on the Protection of Intellectual Property Rights).

In case of transfer of authorship, the copyright holder is the person to whom the work was transferred.

- *Protection of the foreign works*

The protection of copyright covers Egyptians and foreigners, whether natural or legal persons, who are nationals of a state member to the World Trade Organization (WTO) or persons having such status (Article 139 of the law on the Protection of Intellectual Property Rights). The following are considered as nationals of WTO Member countries: With regard to Copyright:

- Authors whose works are first published in a WTO member country, or first published outside a WTO member country (countries) provided that they are published simultaneously in a WTO member country within 30 days from their publication in the other country (countries)\*.
- Producers and authors of cinematographic works who have their headquarters or habitual residence in a WTO member country.
- Authors of works of architecture erected in a WTO member country or of other artistic works incorporated in a building or other structure located in a WTO member country.

\* The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

With regards to related rights:

- Performers whose performances have taken place in a WTO member country; have been transcribed in sound recordings the producer of which is a national of a WTO member country, or if the first fixation of the sound has been done in a territory of a WTO member country; have been transmitted through a broadcasting organization whose headquarters is in a WTO member country, provided that the radio program has been broadcast through a transmitter also located in a WTO member country.
- Producers of sound recordings if the first fixation of the sound has taken place in a WTO member country.
- Broadcasting organizations whose headquarters are located in a WTO member country, provided that the radio program has been broadcast through a transmitter also located in a WTO member country.

Nationals of all WTO member countries shall benefit of any advantage, preference, privilege or immunity granted by any other law related to intellectual property to nationals of any state, unless such advantage, preference or immunity derives from:

- Agreements on judicial assistance or agreements on law enforcement of general nature;
- Agreements in connection with the protection of intellectual property rights which came into force prior to 1st of January 1995.

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years from the date of the author's death; 50 years from the date of the death of the last surviving author in the event of co-authored work; 50 years from the date of first authorized publication or making available to the public, whichever comes first, for collective works of legal persons (other than works for applied art) - or the lifetime of the author and 50 years from the date of his death or the death of the last surviving author if the author is a natural person(s); 50 years from the date of first authorized publication or making available to the public, whichever comes first, for works published for the first

time after the death of the author; 50 years from the date of first authorized publication or making available to the public, whichever comes first, for anonymous or pseudonymous works - or 50 years after the author's death when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; and 25 years from the date of first authorized publication or making available to the public, whichever comes first, for works of applied art. Moral rights are protected in perpetuity (Articles 143 and 160 to 165 of the Law on the Protection of Intellectual Property Rights).

Any work that has not been translated by the right holder into Arabic within three years of the date of its first publication is considered to be in the public domain with regard to the author's right for translation into the Arabic language (Article 148 of the law on the Protection of Intellectual Property Rights).

Rights of performing artists last for 50 years from the date on which the performance or the recording took place, as may be the case; rights of producers of sound recordings last for 50 years from the date on which the recording was made or made public, whichever comes first, within the limits provided for in the Law; and rights of broadcasting organizations last for 20 years from the date on which the program was first broadcast (Article 166 to 168 of the law on the Protection of Intellectual Property Rights).

- *Registration*

Copyright protection does not depend on formalities. Protection is acquired as soon as any original literary, artistic or scientific work is created (Article 138 of the law on the Protection of Intellectual Property Rights). Nevertheless, the Copyright Law requires the author of the work, its publisher and distributor to jointly deposit (register) one or more copies of the work (not exceeding 10 copies). Failing to register the work does not prejudice the author's rights in the work however; it subjects the aforementioned persons to a fine varying between 1000 and 3000 Pounds per work, sound recording or broadcast program, in addition to the obligation of depositing the work (Article 184 of the law on the Protection of Intellectual Property Rights).

Applications for copyright must be made either to the copyright protection office at the Ministry of Culture; the software and databases protection office at the Information Technology Industry Development Authority (at the Ministry of Communication and Information Technology) for software and databases; or to the office of the protection of broadcasting, audio, visual and audiovisual works at the Ministry of Information for broadcasting, audio, visual and audiovisual works ([Article 1 of the Executive Regulation of the Copyright Law issued by Prime Ministerial Decree No. 497 of 2005](#) and amendment to executive regulation of 2005 issued by [Prime Ministerial Decree No. 2202/2006](#)).

Any person may obtain from the competent ministry a certificate for a deposited work, recorded performance, sound recording or broadcast program, provided he/ she pays the required fees according to the categories of works as prescribed in the Executive Regulation of the Copyright Law. The fees should not exceed 1,000 pounds for each certificate (Article 186 of the law on the Protection of Intellectual Property Rights, Article 16 of the Executive Regulation of the Copyright Law issued by [Prime Ministerial Decree No. 497 of 2005](#) and amendment to executive regulation of 2005 issued by [Prime Ministerial Decree No. 2202/2006](#)).

## 5. International treaties

Egypt is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Geneva Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms](#)
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#)

Egypt signed the following treaties/ Conventions related to Copyright but did not ratify them yet:

- Film Register Treaty signed on 3 May, 1989.
- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

Egypt is also a party to a number of bilateral Free Trade Agreements (FTA) which includes commitments on copyright:

- Egypt-EU Association Agreement (FTA with the European Union in force since 2004).
- Egypt-EFTA Free Trade Agreement (FTA with the European Free Trade Association \_ Iceland, Liechtenstein, Norway and Switzerland\_ in force since August 1, 2007).

The EU and EFTA require Egypt to adhere to the Rome [Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#) (Rome, 1961).

## II. Measures and remedies

### 1. Copyright infringement

There is no clear definition of copyright infringement under the Egyptian legislation. However, definition can be deduced from several provisions of the Copyright Law (Articles 179 and 181 of the law on the Protection of Intellectual Property Rights). Accordingly, the following constitute copyright infringements:

- Violating the provisions of the law on the Protection of Intellectual Property Rights in particular infringing any moral or economic copyright or related right.
- Selling, renting or putting into circulation, under any form, a protected work, sound recording or broadcast program without the prior written authorization of the author or the owner of the related right.
- Knowingly imitating a work, sound recording or broadcast program; or knowingly selling, offering for sale, circulation or rental, a pirated work, sound recording or broadcast program.
- Knowingly imitating within the country, a work, sound recording or broadcast program published in a foreign country; or knowingly selling, offering for sale or circulation, renting or exporting to a foreign country a pirated copy of the said work, sound recording or broadcast program.

- Publication through computer networks, Internet, information networks, communication networks and other means of technology of a work, an sound recording, a protected broadcast program or performance without a prior written authorization of the author or the owner of the related right.
- Manufacturing, assembling or importing for sale or rental any device, means or tool designed or made for circumventing technological measures used by the author or the owner of the related right such as encryption or the like.
- Removing, restricting or impeding, in bad faith, any technological protection measure used by the author or the owner of the related right such as encryption or the like.

## **2. Remedies to protect copyright holders**

The Copyright law, the Procedural Law, the Civil Code and the Law on Evidence provide for a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to stop infringement of copyright and related rights, including drawing up of a detailed description of work, performance, sound recording or broadcast program; suspension of production, exhibition, publication or reproduction of the work, performance, sound recording or broadcast program; seizing the original and infringing copies and any material used in re-publication or reproduction provided that such material can be used only for such re-publication; assessing and confiscating the revenues of exploiting the work, performance, sound recording or broadcast program (Article 179 of the law on the Protection of Intellectual Property Rights).
- Legal action may be instituted at the request of an interested party including fair and equitable civil judicial procedures (Articles 179 and 180 of the law on the Protection of Intellectual Property Rights, Articles 28 to 41, 63 to 71, and 97 to 107 of the Procedural Law and Articles 20 to 27 and 131 to 134 of the Law on Evidence).
- Seizure of the original and pirated copies of the goods as well as the material used for the re-publication or reproduction provided that such material can be used only for such re-publication (Articles 179 and 181 of the law on the Protection of Intellectual Property Rights and Articles 319, 320 and 324 of the Procedural Law).
- Confiscation of the infringing goods as well as equipment and devices used to commit the infringement (Articles 181 of the law on the Protection of Intellectual Property Rights).
- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the extent the infringer benefited by exploiting the work (Articles 163, 169, 171, 172 and 222 of the Civil Code, and Articles 184 to 190 of the Procedural Law).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of one month and/or a fine varying from 5,000 to 10,000 Egyptian Pounds. Sanctions shall be multiplied according to the number of infringed goods. In case of recidivism, the person who committed the crime should be sentenced to a minimum term of three months and/ or a fine varying from 10,000 to 50,000 Egyptian Pounds.
- Closure of the establishment where the crime was committed for a period not exceeding six months in case of conviction. The closure should be mandatory

in case of recidivism (Article 181 of the law on the Protection of Intellectual Property Rights).

- Publication of a summary of the judgment in one or more local newspapers at the expense of the convicted person (Article 181 of the law on the Protection of Intellectual Property Rights).

### **3. Provisional measures**

The Copyright Law permits the court, based on a request submitted by an interested party to stop infringement of copyright and related rights (Article 179 of the law on the Protection of Intellectual Property Rights).

In such a case, the competent court, upon a request made by an interested party, may order, by petition, the necessary provisional measures in particular, drawing up of a detailed description of work, performance, sound recording or broadcast program; suspension of production, exhibition, publication or reproduction of the work, performance, sound recording or broadcast program; seizing the original and infringing copies and any material used in re-publication or reproduction provided that such material can be used only for such re-publication; assessing and confiscating the revenues of exploiting the work, performance, sound recording or broadcast program.

In all cases, experts may be designated by the court to assist the bailiff in charge of the execution of such measures

The plaintiff shall deposit with the court an adequate financial guarantee.

The merits of the case should be submitted by the plaintiff to the competent court within 15 days from the date of the issuance of the court order to carry out any of the provisional measures otherwise the order will cease to have effect.

The concerned party may, within 30 days from the date of the issuance or publication of the order, appeal to the president of the court who issued the order. The court may confirm or revoke the order totally or partly or designate a custodian for the re-publication, exploitation, exhibition, manufacturing or reproduction of the work, sound recording or broadcast program. The resulting income shall be deposited in the court's treasury until the dispute has been settled (Article 180 of the law on the Protection of Intellectual Property Rights).

### **4. Penalties for copyright infringement**

The Copyright law, the Procedural Law, the Civil Code, the Criminal Law and the Law on Evidence provide for penalties to be applied in case of copyright or related rights infringements. These penalties are the following:

- Fair and adequate damages may be imposed including moral damages, recovery of lost profits, trial expenses, attorney's fees and compensation taking into consideration the extent the infringer benefited by exploiting the work (Articles 163, 169, 171, 172 and 222 of the Civil Code, and Articles 184 to 190 of the Procedural Law).
- Trial expenses including judicial fees, witnesses' compensations, fees charged by experts, fees of trial proceedings, and attorney's fees may be imposed (Articles 184 to 190 of the Procedural Law).

- Seizure of the original and pirated copies of the goods as well as the material used for the re-publication or reproduction provided that such material can be used only for such re-publication (Articles 179 and 181 of the law on the Protection of Intellectual Property Rights and Articles 319, 320 and 324 of the Procedural Law).
- Confiscation of the infringing goods as well as equipment and devices used to commit the infringement (Articles 181 of the law on the Protection of Intellectual Property Rights).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of one month and/or a fine varying from 5,000 to 10,000 Egyptian Pounds. Sanctions shall be multiplied according to the number of infringed goods. In case of recidivism, the person who committed the crime should be sentenced to a minimum term of three months and/ or a fine varying from 10,000 to 50,000 Egyptian Pounds. Penalties may also be imposed against co-conspirators and criminal groups engaged in intellectual property rights criminal offences (Article 181 of the law on the Protection of Intellectual Property Rights and Articles 82 and 171 of the Criminal Law).
- Closure of the establishment where the crime was committed for a period not exceeding six months in case of conviction. The closure should be mandatory in case of recidivism (Article 181 of the law on the Protection of Intellectual Property Rights).
- Publication of a summary of the judgment in one or more local newspapers at the expense of the convicted person (Article 181 of the law on the Protection of Intellectual Property Rights).

## **5. Requirements for foreign persons**

As a general rule, foreign natural and legal persons shall enjoy the right to take action in Egyptian courts. Egyptian courts have jurisdiction over cases brought against a foreigner who has a domicile or a residence in Egypt with the exception of real rights cases where the real estate is located outside Egypt (Article 29 of the Procedural Law).

Egyptian courts have jurisdiction over cases brought against a foreigner who has no domicile or residence in Egypt provided he has a chosen place of residence in Egypt; the case relates to a good existing in Egypt; the case relates to an obligation that was initiated or executed or was to be executed in Egypt; the case relates to a bankruptcy declared in Egypt; or if any of the defendants has a domicile or a residence place in Egypt (Article 30 of the Procedural Law).

## **III. Enforcement**

### **1. Enforcement authorities**

#### **a) Authorities responsible for enforcing the copyright law**

The police, public prosecutors, the judiciary, two officials of the Information Technology Industry Development Authority (at the Ministry of Communication and Information Technology), the Ministry of Culture and customs officials are the competent authorities responsible for enforcing

the copyright law and combating piracy in Egypt (The Ministerial decision No. 3286 of 2006, the periodic Bulletin of the public prosecutor No. 11 of 2007 and the [Executive Regulation No. 770 of 2005 Concerning the Law on Import and Export](#)).

The judiciary and public prosecutors act under the authority of the Ministry of Justice, the police under the Ministry of Interior, and Customs official under the Ministry of Finance.

#### **b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases**

Unlike in other legal systems, all IP infringement cases are deemed to be criminal misdemeanors that may be prosecuted following a complaint by the IP owner. Accordingly, IP owners whose rights have been infringed may file a complaint with the competent authorities that should take all necessary measures to stop the infringement (Article 179 of the law on the Protection of Intellectual Property Rights).

However, Customs authorities are allowed based on a written order of the local Customs Director, to act *ex-officio* in cases related to prohibited goods or in urgent matters (Article 51 of the Customs Law).

#### **c) Courts dealing with copyright cases**

There are no specialized courts for copyright or intellectual property rights (IPR) in Egypt. The competent courts are the regular courts (civil, criminal and administrative). The court having jurisdiction over civil remedies is the competent court of first instance in charge of civil cases. The court having jurisdiction over criminal offence is the competent court of first instance in charge of criminal cases (Articles 42 to 62 of the Procedural Law).

In principle, the competent court is that of the place where the defendant is resident unless otherwise stipulated by the law. If the defendant is a natural person, it is the court of the place where he is domiciled or resident. If the defendant has no domicile in Egypt, then the jurisdiction is given to the court where he/she has a residence place. If the defendant has no domicile or residence in Egypt, and it was not possible to locate the court that has jurisdiction over the case, then the court with jurisdiction over the case is the court where the plaintiff resides. If the plaintiff has no domicile or residence in Egypt then Cairo court would have jurisdiction over the case (Articles 49 and 61 of the Procedural Law).

In cases related to legal persons (companies, institutions, and associations), the court that has jurisdiction over the case is the court where the headquarter is located whether the company or the association is a plaintiff or a defendant or the case was brought by the company against one of the members or partners or was brought by one of the members or partners against another. If the case is related to one of the legal person branches then the court where such branch is located will have jurisdiction over the case (Article 52 of the Procedural Law).

In cases that include a provisional measures request, the court with jurisdiction is the court where the defendant domicile is or the court where such measures are requested to be executed. In speedy cases related to the execution of procedures and bills, the court with jurisdiction is the court where such measures are requested to be executed (Article 59 of the Procedural Law).

## 2. Enforcement at the border

The Customs is the Authority responsible for combating piracy at the borders. Customs officers may act at the borders, ex officio or at the request of right holders, in copyright and neighboring rights infringement cases (Articles 27 to 38 of the Executive regulation No. 770 of 2005 concerning the Law on import and Export and Article 51 of the Customs Law).

Ex-officio actions are allowed in cases related to prohibited goods or in urgent matters based on a written order of the local Customs Director (Article 51 of the Customs Law).

The Customs Authority may order the suspension of the release into free circulation of goods suspected to be infringing copyright or neighboring rights upon a written complaint of the right holder or his legal representative. In this case, the complaint must be supported by adequate evidence presuming that there is an infringement of a protected right, and provide sufficient information related to the suspect goods so that they can be reasonably recognizable by the Customs Authority. The complaint should be notified by the applicant to the Trade Agreements Sector at the Ministry of Foreign Trade and Industry.

The right holder shall deposit with the Customs, along with the complaint, an adequate financial or bank guarantee. In this case, the Customs shall order the suspension of the release into free circulation of the suspect goods for ten working days renewable one time based on a decision of the Minister of Foreign Trade Following a request by the Trade Agreements Sector. The Customs should then notify the taken measures to the right holder, the importer and the Trade Agreements Sector at the Ministry of Foreign Trade and Industry.

The complaint may also be submitted by the right holder (the applicant) or his representative supported by adequate evidence to the Department of Agreement at the Ministry of Foreign Trade and Industry which will investigate on the infringement issue. The Customs will be notified to undertake all necessary border measures to suspend the release of the goods if the investigation leads to a prima facie evidence that the suspect goods infringe copyright or neighboring rights.

The importer may petition the Customs decision before the Trade Agreements Sector at the Ministry of Foreign Trade and Industry within 3 working days from the date he was notified about the suspension of the release of the goods otherwise the customs decision will be irrevocable. The Trade Agreements Sector should decide on the petition within three working days from the date of its submission. In case the Trade Agreements Sector accepts the petition, the customs should be notified to release the goods unless a provisional measure has been issued by the court. In the case of denial of the petition, the Customs should be notified to keep the suspension measures and to return the financial guarantee to the right holder unless a court decision has been issued to the contrary.

The right holder and the defendant are allowed to inspect the detained goods in order to substantiate or deny the claims.

During the period of suspension of the release of the goods, the right holder should request the court to order by petition the necessary provisional measures. In this case, the applicant should declare to the Customs and the Trade Agreements Sector, within

thirty days from the submission of its complaint, that provisional measures have been ordered by the court or that he has filed a legal action with the competent court. Otherwise, the Customs will release the goods after deducting all customs and damages fees from the guarantee provided by the applicant.

The right holder may take back the financial guarantee if the defendant does not petition the complaint or in cases where the court order the suspension of the release of the goods.

## **IV. Public Awareness**

### **1. Awareness campaigns and actions**

### **2. Promotion of legal exploitation**

### **3. Associations and organizations with awareness-raising purpose**

- ICC-Egypt Commission on Intellectual Property

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual Roadmap on Current and Emerging IP Issues for Business and other publications. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where ICC has observer status. <http://www.iccwbo.org/policy/ip/id2465/index.html>

- Brand Protection Group

Brand Protection Group – BPG Lebanon is an association of leading local, regional, and international manufacturers and distributors that joined efforts in March 2003 to fight counterfeit products in Lebanon and the Levant region. With offices in Lebanon, Jordan, Syria, Egypt and Yemen, BPG has launched media campaigns and cooperated closely with local governments to stop the spread of the counterfeit industry and protect the consumer's rights in society. <http://www.brandprotectiongroup.org/>

- Saba & Co. Intellectual Property

Saba is the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers.

Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen. <http://www.sabaip.com/index.aspx>

- Arab Society for Intellectual Property

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies. <http://www.aspip.org/Default.aspx?&lang=en>

- Egyptian Association for Protection of Intellectual Property

The Egyptian Association for the Protection of Intellectual Property (AEPPI), a member of the International Association for Protection of Industrial Property (AIPPI), is a non-governmental association that was founded in 1991 by a group of patent attorneys, trademark agents, lawyers, university professors and industrialists. The main objectives of the association are the encouragement of research in the Intellectual Property (IP) field, protection of intellectual creations and creators, raising awareness on IP issues and providing advice to the government on new IP legislation. <http://www.aepi.org/>

- Collective Management Societies for Copyright and Neighboring Rights

The Society of Authors, Composers and Publishers of the Arab Republic of Egypt is a multi-disciplinary collective management body. It manages the interests of various foreign collective management bodies on the Egyptian territory.

#### **4. Best practices**

## **V. Capacity-building**

### **1. Training**

### **2. Establishment of specialized units and intersectoral groups**

### **3. Best practices**

## **VI. Other**

### **1. TPM/DRM**

The Copyright Law provides protection for Technological Protection Measures (TPM) through imposing criminal sanctions on any person who commits any of the following acts:

- Manufacturing, assembling or importing for sale or rental any device, means or tool designed or made for circumventing technological measures used by the author or the owner of the related right such as encryption or the like.
- Removing, restricting or impeding, in bad faith, any technological protection measure used by the author or the owner of the related right such as encryption or the like.

The person who commits the violation should be sentenced for a period of not less than one month of imprisonment and/ or by a fine of not less than 5,000 pounds and not more than 10,000 pounds (Article 181 of the law on the Protection of Intellectual Property Rights).

In addition, broadcasting organizations enjoy economic rights which include the prevention of any communication to the public, without their prior written consent, of their television recordings, in particular, the fixation, reproduction, sale, rental, re-broadcasting or communication of such works to the public through any means, including the removal or destruction of any technical protection of such programs by coding or other means (Article 158 of the law on the Protection of Intellectual Property Rights).

### **2. Licensing Schemes**

### **3. Optical Discs**

### **4. Hotlines**

### **5. Relevant contacts and links**

#### *Government Agencies*

#### **Copyright Office**

Permanent Office for the Protection of Copyright  
Supreme Council for Culture  
1, El Gabalaia Street, Opera House, El Gezira  
Cairo, Egypt  
Tel.: (20.2) 273.523.96  
Fax: (20.2) 273.580.84  
E-mail: egyptcouncil@yahoo.com

#### Focal Point

Dr. Noran Fouad Ahmed  
Director of the Office  
Bureau of the President for the Protection of Copyright  
Phone: (20.2) 2 73 68 910  
Fax: (20.2) 2 73 60 614  
Mobile: (20.12) 38 14 174  
E-mail: noranf2008@gmail.com

**Authority for Protecting Intellectual Property Rights**

Fair Ground, Gate 5, Nasr City

Cairo, Egypt

Tel: (20.2) 240.504.07 - (20.2) 240.504.09

Fax: (20.2) 240.504.09

*Copyright Industry Groups*

**Collective Management Societies**

Society of Authors, Composers and Publishers of the Arab Republic of Egypt

10, El Elfi Bey Street

Cairo, Egypt

Tel: (20.2) 257.438.35

Fax: (20.2) 257.402.65

**Arab IP Center of the League of Arab States:** <http://www.arabipcenter.org>