

**Law No. 82 of 2002
Pertaining to the Protection of Intellectual Property Rights**

The People's Assembly has passed the following law, and it is hereby promulgated:

Article One

The protection of intellectual property rights shall be governed by the attached law.

Article Two

The following laws shall hereby be repealed

- A) Law # 57 of 1939 pertaining to Trademarks and Commercial Data.
- B) Law # 132 of 1949 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of patents of inventions regarding foodstuff - related chemicals and pharmaceutical chemicals, which shall be repealed as of January 1st, 2005
- C) Law # 354 of 1954 pertaining to Copyright Protection.
Any provisions that contradict with the provisions of the attached law shall be hereby repealed.

Article Three

Upon recommendation of the competent Ministers, the Cabinet shall issue the implementing regulations, within a term not exceeding one month as from the date of enactment of the law herein.

The competent Ministers shall issue, according to their jurisdiction, the decisions required for implementing the provisions of the attached law.

The Ministers, according to their jurisdiction, shall adopt measures necessary to protect the public health and nutrition; or to promote sectors of vital importance to the socio-economic and technological development; within the limits specified by the provisions of the attached law.

The Ministers, according to their jurisdiction, may undertake the procedures necessary, within the limits of the law herein, to prevent the misuse of intellectual property rights by right holders or to resort to practices, which unreasonably restrain trade or adversely affect the international transfer of technology, in accordance with the attached law.

Article Four

This law shall be published in the Official Gazette and shall come into force as from the date following the publication date.

However provisions for patents of inventions concerning foodstuff - related-chemicals, pharmaceutical chemicals and microorganisms and products that were not previously subject to protection, before the issuance of the law herein, shall come into force as from January 1st, 2005; without prejudice to articles 44 and 45 of the attached law.

The law herein shall hold the seal of the State, and shall come into force as one of

the laws thereof.

Issued in the Presidency of the Republic on Rabia'a 1st 21, 1423 H
(concurrent with June 2; 2002 A.D.)

Hosni Mubarak

The section included below contains the part about designs and industrial models within the above law.

Chapter II

Industrial Designs and Models

Article 119:

Every arrangement of line and every embodiment with or without colors, if it is distinctively novel and applicable for industrial use, shall be considered an industrial design or model.

Article 120:

The Industrial design or model is not considered novel if:

1- It has been displayed, described or the uses thereof are described to the public prior to the date of deposit of the application for registration thereof.

However, the industrial design or model shall still be considered novel, if the description or display thereof has been made after the application for the registration thereof in a Member State of the World Trade Organization (WTO), or in a country that treats Egypt on reciprocal basis, or if such is displayed in national or international exhibitions, or the industrial design or model has been made public in a conference or in scientific Journals within a period not exceeding six months prior to the date of the application for the registration in the Arab Republic of Egypt.

2- It includes non - basic differences in respect of a prior industrial design or model, or is dedicated to another type of products other than to which the previously industrial registered design or model was designed for.

Article 121:

Without prejudice to any provisions of international agreements in force in the Arab Republic of Egypt, any natural or judicial person - Egyptian or foreigner - belonging to or having a real and effective activity in any State or entity member in the World Trade Organization or in any country that treats Egypt on reciprocal basis, has the right to file an application for the registration of industrial design or model to the Commercial Registration Administration, and is entitled to the resulting rights thereof, in accordance with the provisions of the law herein stipulated

The subjects of all the Member States of the World Trade Organization shall enjoy any advantage, favor, privilege or immunity granted by any other law to the subjects of any state in respect of the rights stipulated in this chapter, unless such advantage, favor, privilege or immunity stems from:

(a) Judicial aid agreements or implementing laws of general nature.

(b) The agreements relating to the protection of the rights of intellectual property being enforced prior to the 1st January 1995.

Article 122:

The Commercial Registration Administration shall have competence to the registration of industrial designs or models in the register especially made for such purpose.

The application may include a number of designs and models not more than fifty in number provided that they collectively constitute one homogeneous unit.

The executive regulations of the law herein shall determine the procedures of registration application, the number of designs and models that may be included in one application, examination and publication procedures of the Administration decision concerning the application acceptance, and objection procedures and any other necessary procedures, as well as the prescribed fees on such applications and the renewal thereof, and on all the relative procedures, provided that the total fees do not exceed three thousand pounds.

Article 123:

The personnel of the Commercial Registration Administration shall not, whether directly or through an intermediary, file applications for the registration of industrial designs or models, unless three years at least have lapsed since the date of their leaving the service.

Article 124:

The following are industrial designs or models that shall not be registered:-

- 1- The design or model necessitated by the customary technical or functional considerations of the product.
- 2- The design or model which includes slogans, religious symbols, seals or flags of the Arab Republic of Egypt or any foreign country, or if consequences of such utilization results in breach of public order or morality.
- 3- The design or model that is identical, similar or resembles a registered trademark or a famous mark.

In all cases of the rejection of the registration application, the Administration shall notify the applicant with the justified rejection decision, within thirty days from the issuance thereof, in virtue of a letter delivered by certified mail, return receipt requested.

The applicant may petition against the said decision within a period of not more than thirty days from the day of notification thereof.

A committee formed by a decree from the competent Minister consisting of three members, one of whom is a member of the State Council, shall examine the petition and the committee may seek the assistance of experts.

The executive regulations of the law herein shall regulate the operational procedures thereof, and shall define the prescribed fees for the petition not to exceed five hundred pounds.

The committee shall issue its justified decision within ninety days from the date of the application of the petition.

The appeal against the decision of the committee shall be before the administrative causes court within thirty days from the notification thereof.

Article 125:

The Administration may demand that the applicant fulfills the modifications or requirements that the Administration deems necessary; in compliance with the provisions of article (124) in the manner mentioned in the executive regulations of the law herein, and if the applicant does not fulfill such requirements, the applicant shall be considered abandoning his application.

The applicant may petition against the decision of the Administration before the

committee provided for in article (124) within thirty days of being notified of the decision, in accordance with the procedures defined by the executive regulations of the law herein.

The applicant may apply, on his own initiative, to the Administration with the aforementioned modifications or requirements in the manner determined by the executive regulations of the law herein.

Article 126:

The period of protection resulting from the registration of the industrial design or model shall be ten years starting from the date of the application for the registration in the Arab Republic of Egypt.

The protection shall be renewed for an additional term of five years, if the owner of the design or model files an application for renewal during the last year of the protection period, in accordance with the conditions determined by the executive regulations of the law herein.

However, the owner has the right to file a renewal application within three months following the expiry date of the protection period, otherwise the Administration cancels the registration on its own initiative.

Article 127:

Following the registration of the industrial design or model, the owner thereof shall be entitled to prevent others from manufacturing, selling or importing any products having the shape of such design or model or included therein.

The right to prevent others from importing, selling or distributing the products referred to shall be exhausted, if the owner markets such products in any country or licensed others to do the same.

It shall not be considered an infringement to the right, if others use the protected industrial design or model for the following purposes:

- 1- Scientific research.
- 2- Education or training.
- 3- Non - commercial activities.
- 4- Manufacturing or selling parts of the aforementioned products, with the aim of product repair in return of equitable compensation.
- 5- Other uses which unreasonably do not contradict with the normal utilization of the protected industrial design or model and do not unreasonably prejudice the legitimate interests of the owner thereof, without any infringement to the interests of others.

Article 128:

Transfer of the ownership of the industrial design or model - may be eligible in whole or in part - with or without compensation, and may be eligible for mortgage or to impose usufruct thereupon.

Without prejudice to the provisions regarding selling shops and mortgage thereof, the ownership of the industrial design or model shall not be transferred, mortgaged, or usufruct, towards other parties except starting from the date of marking such in the industrial design and model register.

The executive regulations of the law herein shall determine the procedures necessary for the implementation.

Article 129:

The Commercial Registration Administration may - for the public interest and after the approval of a Ministerial Committee formed by a decree from the Prime Minister based on the proposal of the competent Minister - issue a justified

decision granting others compulsory non - exclusive license to use the protected industrial design or model in return of an equitable compensation. The executive regulations of the law herein shall determine the conditions, terms, and procedures for granting such license.

Article 130:

The Administration shall publish the decisions of registration, renewal and cancellation in the Trademarks and Industrial Designs and Models Gazette accompanied by a copy of the industrial design or model as the case may be, in accordance with the terms provided for in the imp regulations of the law herein. The provisions of articles nos. 80,81,82,83 shall apply to this chapter.

Article 131:

Any person may request peruse of the registered industrial design or model or acquire extracts or copies from the register thereof, in accordance with the rules and procedures determined by the executive regulations of the law herein in return of a fee of not more than one hundred pounds to be determined by the executive regulations.

Article 132:

Industrial designs or models fulfilling the registration prerequisites and being displayed in national or international exhibitions as determined by a decree from the competent Minister shall enjoy temporary protection. The executive regulations of the law herein shall determine the conditions, terms, and procedures for granting such protection.

Article 133:

The Administration and any interested party may file an action before the Administrative Causes Court requesting the cancellation of the registration of the unlawfully registered industrial design or model and the Administration shall cancel the registration provided that a final judgment is presented.

Article 134:

Without prejudice to any severer penalty provided for in any other law, the following shall be penalized with a fine not less than four thousand pounds and not exceeding ten thousand pounds: -

- 1- Whoever counterfeits a protected industrial design or model whose registration has been effected under the provisions of the law herein.
- 2- Whoever manufactures, sells, offers for sale, possesses with the intention of trading or circulation, products knowingly having a counterfeited industrial design or model.
- 3- Whoever unlawfully places on products, advertisements, trademarks certain materials, or other matters, statements leading to falsely believe that such industrial design or model is registered.

In case of recurrence, an imprisonment term of not less than one month and a fine not less than eight thousand pounds and not exceeding twenty thousand pounds shall apply.

In all cases, the court may decide upon the confiscation of the seized industrial design or model and the products subject of the crime and the tools used in committing the crime. The judgment shall be published, at the expense of the adjudged, in one or more newspaper.

Article 135:

The Head of the competent court, in response to a request from the concerned party and pursuant to a written order, may order one or more appropriate precautionary measures, particularly the following:

- 1- Proving the infringement on the protected right.
- 2- Calculating and describing in details the products, the tools and implements that were used or are used in committing the crime.
- 3- Sequester the materials mentioned in Article (2)

In all cases, the Head of the court may order the delegation of one or more experts to assist the execution server, and may impose the deposit of an appropriate payable bail on the applicant.

The applicant shall submit the dispute to the competent court within fifteen days from the date of the issuance of the order, or else the dispute shall be null and void.

Article 136:

The applicant, against whom the order was issued, may petition to the Head of the ordering court within thirty days from the date of the issue or serving thereof, as the case may be, and the president of the court may confirm, or cancel such order in whole or in part.

Article 137:

The Minister of Justice in agreement with the competent Minister shall issue an order defining the law officers executing the provisions of this chapter.