

# Patent Protection in Egypt

It is exclusive right granted for any one as a result of invention of a device or a new technical solution. It becomes the property of the owner / the applicant to the concerned authorities to save and preserve their rights in certain period of time that may extend up to 20 years. He can sell the idea, manufacture or dispose it .

## Location

Academy of Scientific Research and Technology - Patent Office

101 Kasr Al-Aini St., Cairo, Egypt

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Fax: +202- 27921273 E-mail: patinfo@egypo.gov.eg www.egypo.gov.eg

## How to obtain a patent / utility model patent:

Filing a patent application with the National Bureau or the International Bureau includes the following:

- Name of the invention and the technical field data.
- Description of the invention ,a clear and sufficient details to any person with average knowledge in the field that enable him to use or reproduce the invention.
- Graphics and designs, if any,
- Elements of protection of any information that identifies the scope of protection granted by the patent.
  - Formal examination
  - Substantive examination
  - Patent grant or refuse the request,
  - There is also an international patent application

A patent does not granted to the following:

1. Inventions of which would prejudice exploitation of national security or disturb public order or morals, or of serious damage to the environment or damage to life or health of human, animal or plant.
2. Discoveries and theories, mathematical methods, process and software schemes.
3. Methods of diagnosis and treatment and surgery, human or animal.
4. Plants and animals, whatever the degree of rarity or peculiarity, as well as roads which are essentially biological processes for the production of

plants or animals other than micro-organisms and non-biological and microbiological processes for the production of plants

5. Organs, tissues and living cells and biological materials and natural DNA and genome

As regards medicines / drugs

Article 17 in law, allows the Minister of Health to stop the registration of any patent that was related to "health value".

But the most important provisions of the law for the purposes of this study is article 23 which allows the Patent Office, which regulates the law of work after the grant of compulsory licenses have been approved by the Ministerial Committee formed under the decision of the Prime Minister. And if necessary, pay compensation to the franchise, were determined by the Ministerial Committee and determine the amount.

The law allows the issuance of compulsory licenses by using drugs for several purposes including health (Article 23, first - item 1) or emergency or "circumstances of extreme necessity" (Article 23, first item 2). In such circumstances, may grant licenses without conducting any negotiations with the owner of the patent medicine.

Under Article 23 (II), the Minister of Health is further entitled to order the issuance of compulsory license in a number of circumstances, including cases of high prices of medicines, or where there is a need for drugs to treat "critical situations like chronic or incurable or endemic" or "products used in the prevention of these diseases."

Article 23 also allows the issuance of compulsory licenses in case of failure of the optional commercial license ( by the owner ) for the manufacture and sale of drugs in Egypt or in the case of competitive practices that facet of the patent owner (high in prices, or not to sell drugs in Egypt, or to stop production or reduce the quantity of, or stop the transfer of technology).

Illustrate the articles 36 to 43 of the regulations of the law on procedures for grant of compulsory licenses, and clear procedures in general; application is by appealing to the Patent Office, which makes the recommendations of the Ministerial Committee which issued the license. The original owner of the patent granted appropriate compensation provisions of Article 41 of the regulations has the right to appeal all decisions of the Committee of Ministers before the Complaints Commission is the text of Article 36 of the Act.

Code/ Penalties: Without prejudice to any severer penalty in the other laws, he shall be punished by imprisonment for not less than a month and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or both for anyone who committed one of the following acts:

The sale or rental of a workbook or audio recording protected in accordance with the provisions of this law or put into circulation in any manner whatsoever without prior written permission of the author or owner right next door.

The tradition of a workbook or audio recording, selling or offering for sale or circulation, or rent with the knowledge to emulate.

Publish a workbook or audio recording or performance is being protected in accordance with the provisions of this law through the hardware or networks or the internet information network, telecommunication networks or other means without prior written permission of the author or owner of the right neighbor.

The removal of, or fault finding, or bad faith of any protection technology used by the author or owner of the related rights.

The attack on the moral right or financial rights of copyright or related rights stipulated in this law.

In case of repetition, the punishment shall be imprisonment for a term of not less than three months and a fine of not less than ten thousand pounds and not exceeding fifty thousand pounds.

In all cases, the court shall order the confiscation of copies subject of the crime or received them as well as equipment and tools used in the commission. The court shall publish a summary sentence imposed in a daily newspaper or more at the expense of the convicted person.

Religious point of view in this phenomenon this act is undoubtedly prohibited and considered to combine several crimes together, they are:

- Theft: they are more dangerous than stealing money, since the money may be compensated, but when the idea has been stolen, it has become in the possession of other person with no return to its owner.
- Plagiarism: When a scientist uses or passes off someone else's ideas, inventions, writing or so as one's own.
- The exploitation of the science students.
- Deceive people and readers.