



ASSESSING THE EFFECTIVENESS OF TECHNICAL ASSISTANCE FOR POLICY REFORM: THE CASE OF INTELLECTUAL PROPERTY RIGHTS REFORM IN EGYPT

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LIST OF ACRONYMS

COP	Chief of Party
DEPRA	Development Economics Policy Reform Activity
DSP	Development Support Program
DSPU	Development Support Program Unit
DT2	Development Training 2
EPO	European Patent Office
FEI	Federation of Egyptian Industries
GOE	Government of Egypt
IPR	Intellectual Property Rights
IT	Information Technology
MHESR	Ministry of Higher Education and Scientific Research
MIC	Ministry of International Cooperation
MSIT	Ministry of Supply and Internal Trade
M&V	Monitoring and Verification
NGO	Non-governmental Organization
SIPRE	Strengthening Intellectual Property Rights in Egypt
TA	Technical Assistance
TAPR	Technical Assistance for Policy Reform
TIPRE	Technical Assistance for Intellectual Property Rights in Egypt
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
USAID	United States Agency for International Development
USPTO	United States Patent and Trademark Office
WB	World Bank
WTO	World Trade Organization

EXECUTIVE SUMMARY

USAID/Egypt commissioned this study to provide an outside opinion for use by USAID staff in evaluating the role of technical assistance in the process of strengthening protection of intellectual property rights (IPR) in Egypt. Findings represent the independent conclusions of the author concerning whether and how USAID technical assistance has been a significant element in helping the Government of Egypt (GOE) improve the IPR framework.

A key objective of USAID's assistance to the GOE is strengthening the environment for trade and investment, including IPR. USAID's assistance includes multi-faceted technical assistance (TA) packages in addition to substantial financial assistance through cash transfers relating to the same programs addressed by technical assistance. All this assistance is designed to be consistent with the GOE's need to cooperate in the international arena. As regards IPR, the principal features of the international arena include WIPO, the obligations of WTO membership, and bilateral relations such as the standards on IPR established by the U.S. Trade Representative through the Watchlist and Priority Watchlist. The overall interests of the Egyptian public as well as the particular interests of various firms and individuals are obviously directly affected by IPR and the GOE's role in governing IPR.

USAID's assistance related to IPR has included two TA projects: Strengthening Intellectual Property Rights in Egypt (SIPRE, 1996-2001) and Technical Assistance for Intellectual Property Rights in Egypt (TIPRE, 2001-03). These projects assisted GOE counterparts to build the capacity of the Patent, Trademark, and Industrial Designs Offices and to improve the intellectual property legal framework to comply with World Trade Organization (WTO) agreements. The projects also helped the GOE promote public awareness of IPR rationales and objectives, and they facilitated private-public collaboration throughout the process.

The case study finds that intellectual property has been a particularly sensitive issue in Egypt, and that the GOE has moved cautiously in taking steps that were recommended by various proponents of stronger IPR. Within this sensitive context, SIPRE and TIPRE collaborated with USAID staff to develop a number of effective approaches to technical assistance that helped the GOE move forward. Particularly effective approaches included: building collaborative working relationships that allowed USAID's assistance to be responsive and flexible to sensitivities; assisting local participation; disseminating information in order to improve the quality of discussion; and promoting sustainability through the projects' institutional development strategies.

The combination of efforts by the TA teams, USAID staff, and GOE counterparts contributed greatly to the GOE's being able to take the measures it did. Several additional factors also served to motivate GOE staff to implement IPR-related reforms. Egypt's agreement with USAID on IPR reforms in the DSP-1 cash transfer program, its IPR-related obligations of WTO membership, and its placement on the US Trade Representative's Priority Watchlist all contributed to a positive environment for strengthening IPR. However, these factors did not, by themselves, resolve some of the detailed compliance issues that the GOE had to address, a gap which USAID's technical assistance was able to fill.

Intellectual property protection in 2004 is significantly improved compared to the period before the efforts supported by SIPRE and TIPRE. Egypt has a reliable IPR legal framework much closer to compliance with TRIPS regulations, as well as stronger industrial property offices. Stakeholders across the board, including both GOE and USG staff, credit SIPRE, TIPRE, and USAID staff with contributing significantly to these improvements.

PROMOTING INTELLECTUAL PROPERTY PROTECTION IN EGYPT

1. INTRODUCTION

With Egypt's accession to the World Trade Organization in June 1995, the Egyptian government agreed to be bound by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the most comprehensive international agreement on intellectual property. At the time, Egypt's laws did not meet the requirements of TRIPS, and the country was on the US Trade Representative's Priority Watchlist for failure to provide pharmaceutical patents and to prevent widespread copyright infringement. While the World Bank, the IMF, and other donors were assisting the GOE in several policy areas relevant to WTO requirements, no technical assistance was being provided in the area of intellectual property. In 1999, USAID and the GOE began to address the need for intellectual property reform within the Development Support Program (DSP), a performance disbursement mechanism agreed to by the Egyptian and US governments supporting a series of reform objectives. The Egyptian Government and USAID agreed that four IPR-related reforms be included in the DSP: joining the Patent Cooperation Treaty; revising the Egypt 1939 trademark law; revising the industrial design law; and issuing new protection provisions for data exclusivity.

In the context of Egypt's accession to the WTO and the US-Egyptian agreement to address intellectual property reform as part of the DSP, the Egyptian People's Assembly began to discuss intellectual property reform. Intellectual property (IP) protection, however, soon became a central focus of the media and a source of heated debate, as several influential groups in the private sector and government charged that greater intellectual property protection would end in harming local industry and Egyptian consumers. The Egyptian pharmaceutical industry, considered one of the most strategic industries in the country valued at LE 3.8 billion, was at the center of this debate.¹

In order to develop a comprehensive understanding of the political and economic issues surrounding IP protection in Egypt, the Ministry of Supply and Internal Trade and the Ministry of Higher Education and Scientific Research—the two Ministries charged with the protection of patents, trademarks, and industrial design—began to discuss the need for technical assistance in support of IPR reform with USAID. Officials in these Ministries first requested that the USAID-funded DEBRA activity conduct an assessment of Egypt's intellectual property system. The analysis concluded that important segments of the Egyptian economy lacked intellectual property protection; that government industrial property offices did not provide needed services to the Egyptian industry and general public; and that these offices required space, training, reference materials, and equipment. The study additionally noted the need for an active public awareness campaign to educate the public concerning the benefits of intellectual property protection.²

In response to these findings, the Ministry of Supply and Internal Trade (MSIT) and the Ministry of Higher Education and Scientific Research (MHESR) worked with USAID to develop the Strengthening Intellectual Property Rights in Egypt (SIPRE) Project (1996-2001). Officials in the counterpart Ministries had requested assistance in strengthening the Patent, Trademark, and

¹ In 1995, LE 3.3 equalled USD 1. (<http://www.cptech.org/ip/health/phrma/nte-99/egypt.html>)

² Goans et al., "Intellectual Property Rights in Egypt: An Institutional Assessment," (Cairo: USAID/Cairo), July 1994.

Industrial Designs Offices and in developing new laws and procedures for the protection of intellectual property that had been included in the DSP agreement. USAID therefore worked with the MSIT and MHESR to design the SIPRE project to provide advice and legal technical assistance to policymakers and to work with Ministry counterparts to develop a sustainable strategy for modernizing the industrial property offices.

Following advances made in automating the industrial property offices, training, and technical legal assistance under SIPRE, MSIT, MHESR, and USAID designed the Technical Assistance for Intellectual Property Rights in Egypt (TIPRE) Project (2001-2003) to promote and continue dialogue on the IPR law. The Egyptian government and USAID agreed that TIPRE's ultimate objective was to establish "a reliable IPR legal framework...compliant with WTO/TRIPS to bring Egypt in line with internationally recognized standards."³ While complementing SIPRE activities, TIPRE focused even greater emphasis on improving the legal framework to comply with the WTO/TRIPS agreement.⁴

This case study examines the technical assistance provided by SIPRE and TIPRE in response to the Egyptian government's interest in improving intellectual property protection, particularly within the time frame of 2000 to 2003. Taking into account the larger political context influencing the GOE's interest in IPR, including Egypt's WTO obligations, its placement on the USTR Priority Watchlist, and its agreement with USAID on IPR reforms in the DSP-1 cash transfer program, the study assesses the net contribution of technical assistance in the context where these other forces have been active.

The analysis discusses how SIPRE and TIPRE were able to assist policymakers within counterpart Ministries and the People's Assembly to push the dialogue on IPR legal protection forward through various forms of technical assistance. Technical assistance included: responding to GOE requests for technical legal advice in drafting the IPR code; assisting government officials and private sector stakeholders to collaborate in promoting public awareness on the importance of IPR; and working with Industrial Property leadership and management to modernize their offices.

2. PROMOTING TRIPS-CONSISTENT IPR LEGISLATION

2. a. Technical legal assistance in support of a new IPR law

When the SIPRE project began in 1996, Egypt functioned under a 1939 trademark law and a 1949 patent law. Patents were not available for pharmaceutical products, and compulsory licensing provisions were overly broad. With Egypt's accession to the WTO in 1995, policy makers within the government were aware of their obligations under the WTO, and were interested in making Egypt's intellectual property laws TRIPS-compliant.⁵ Additionally, the GOE had agreed to several measures related to intellectual property reform in the US-Egyptian Development Support Program (DSP-I) agreement. The DSP benchmarks concerning IPR included amending the Egyptian Trademark Law, promulgating a new Industrial Design Law, issuing a decree protecting undisclosed information and data exclusivity for pharmaceuticals, and joining the Patent

³ Technical Assistance for Intellectual Property Rights in Egypt, "Project Final Report," 2003, p. 3.

⁴ The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is the most comprehensive international agreement on intellectual property. All WTO Members have agreed to be bound by TRIPS, which represent a minimum standard of intellectual property protection.

⁵ Communication with Jaleen Moroney, former COP, TIPRE, 9 June 2004.

Cooperation Treaty.⁶ Fulfillment of these benchmarks within the agreed-upon time frame entailed a \$45 million cash transfer to the GOE.⁷ Membership obligations under the WTO and the motivation to qualify for DSP cash transfer funds therefore provided significant incentives to GOE policymakers to make the IPR legal regime TRIPS-compliant.

In order to promote improvement of the legal system in the context of TRIPS and other international IPR agreements, the SIPRE project responded to requests from policymakers charged with drafting the new IPR Code to provide technical information on TRIPS requirements; prepare model laws; and submit comments on drafts to officials within the counterpart Ministries and to members of the IPR drafting committee in the People's Assembly.

Following up on SIPRE's contributions in 2001, TIPRE continued to provide technical legal assistance to officials in the MSIT and the MHESR and to the People's Assembly IPR drafting committee. USAID staff played a critical role in this process by working with the GOE counterparts to set up meetings and working groups between high-level officials and TIPRE legal consultants, and ensuring that the consultation process met the needs of the GOE.

When the People's Assembly submitted the draft code in June 2001, TIPRE provided technical legal assistance to GOE Ministries and advisors regarding the draft law, and worked with government counterparts to identify provisions that did not conform with GOE obligations under WTO and the TRIPS agreement. TIPRE and USAID staff engaged in regular dialogue with Ministry officials and committee members, and provided additional comments on the draft articles prepared by other sources, including the US Patent and Trademark Office (USPTO) and private industry. In order to guarantee wider distribution of these recommendations, Ministry counterparts also requested that TIPRE translate a number of the comments into Arabic. TIPRE provided this technical assistance both through resident staff as well as consultants proficient in TRIPS provisions and other international norms.

2. b. Supporting inter-governmental dialogue on the IPR code

As the intellectual property code was being drafted and debated in the Parliament, Ministries involved in developing the new Law organized a series of roundtable discussions on intellectual property issues with TIPRE assistance. Roundtable discussions aimed to improve dialogue across stakeholder groups, particularly in areas where the draft code was inconsistent with TRIPS. Roundtables involved officials from government ministries, legal and regulatory committee members, legal advisors to committees, the US Embassy, USAID, and IPR experts.

Both Egyptian and US government officials commented on the positive effects of these roundtables, noting that they were an effective way to clarify some of the more technical aspects of intellectual property and resolve any confusions over interpretation that were at times slowing the reform process. The Office of the US Trade Representative involved in these negotiations noted that TIPRE served as "an independent, highly skilled" source of information for both Egyptian and American officials, and that TIPRE was key in improving the understanding of important, and at times confusing, technical issues.⁸

⁶ TAPR, DSP I Monitoring and Verification Final Report, March 3 2003, pp. 9-10.

⁷ The DSP cash transfer was later modified to \$30.9 million due to availability of funds.

⁸ Interview with Steven Bondy, First Undersecretary, US Embassy, 3 March 2004.

As part of the process of promoting informed inter-governmental dialogue, the MSIT and MHESR also requested that TIPRE translate a number of international intellectual property agreements into Arabic for officials engaged in drafting the new code, as well as for government agencies. TIPRE's provision of these Arabic language documents contributed to several positive results. For example, following TIPRE's translation and distribution of copies of the Patent Cooperation Treaty in Arabic, the GOE decided to adhere to that agreement, a DSP policy objective that had been under discussion for at least five years. In discussions between USAID and the GOE concerning the DSP Patent Cooperation Treaty (PCT) benchmark, GOE officials were able to refer to the translated PCT document in order to make an informed decision to sign the Treaty and qualify for the DSP funds. Additionally, after TIPRE translated the Locarno Agreement for International Specifications for Industrial Designs into Arabic, the Industrial Designs Office was permitted to make use of the Locarno Classification, an important step toward implementing the examination requirements of the new Law.

On May 29 2002, the People's Assembly passed Law 82, which was signed by President Mubarak and came into effect on June 3. The new Law provides a 20-year patent term, amends trademark, industrial designs, and trade secrets laws to remove TRIPS inconsistencies, and enacts new laws on plant varieties, geographical indications, and integrated circuit layout designs.

Both Egyptian and American government officials credit TIPRE to contributing to the development and passage of the new law. The President of Academy of Scientific Research and Technology noted that due in part to close collaboration between drafters of the code, TIPRE, and USAID staff, the drafting committee was able to defend controversial articles to the People's Assembly, and succeeded in having many important TRIPS-consistent articles incorporated in the Law.⁹

2. c. Technical assistance in drafting regulations, guidelines and procedures

Following the passage of IPR Law 82 in 2002, the Ministry of Supply and Internal Trade (MSIT) and the Ministry of Higher Education and Scientific Research (MHESR) requested that the Project draft implementing regulations to effectuate terms of the new Law. TIPRE worked closely with each government authority and its area of specialty to develop regulations that best reflected Egyptian and international practice. The new IPR Law contained several provisions for which there was no precedent in Egyptian law, and TIPRE advisors and staff spent a substantial amount of time discussing these technical aspects of implementation with GOE officials. TIPRE technical experts sat with committee members, often late into the night, working on these regulations, which went through a number of revisions before acceptance by the Minister. TIPRE also provided technical assistance to other Ministries who have responsibility for implementing the Law even though they did not work formally with these Ministries.¹⁰

⁹ See TIPRE "Project Final Report," pp. 10-11 for a list of improvements in the IPR Code 82.

¹⁰ TIPRE met with legal advisors to the committees of the Ministry of Information and Telecommunications and Ministry of Culture. TIPRE also responded to requests for drafting language for regulations for the Ministry of Agriculture and Land Reclamation and Ministry of Foreign Trade.

As a result of these extensive efforts, the counterpart Ministries responsible for Books 1 and 2 of the new Law succeeded in submitting draft regulations to the Prime Minister's office within one month of the effective date of the Law, as instructed in the preamble.¹¹ TIPRE's assistance also contributed to provisions in the regulations that resolved concerns about specific legal issues in the new Law. Three major accomplishments are of particular note: 1) implementing regulations in Book 2 eliminated the practice of requiring all documents to be presented at the time of filing rather than within three months thereafter, as provided in the Paris Convention; 2) regulations reduced the number of instances in which legalization is required; and 3) regulations reduced the number and types of items required to be included in a trademark application.¹²

Ministry officials additionally requested that TIPRE draft a number of guidelines and procedures for the industrial property offices. These guidelines, nine in total, aimed to improve transparency, consistency, and efficiency of the intellectual property system. Together, the guidelines established a framework that enables industrial property employees to exercise their judgment in a more informed manner.

3. PROMOTING PUBLIC AND PRIVATE SECTOR INTERACTION ON IPR-RELATED ISSUES

When TIPRE began, discussions of the draft IPR Law within the government and media were characterized by misinformation and hyperbole. Many Egyptians opposed the new Code largely due to the negative public opinion that had been generated by the media over several years. Ministry counterparts and USAID staff assessed that the media's stance was due to a lack of accurate information and a misunderstanding of the issues, and the GOE therefore agreed with USAID to include a public awareness plan in the design of the TIPRE project. TIPRE's public awareness plan tackled the issue at all levels of society, including high-level targeted discussions, widely publicized conferences and seminars, and a media training program. Three target groups participated in training programs and advocacy campaigns with TIPRE support: 1) media representatives; 2) opinion makers; and 3) stakeholder groups.

3. a. Workshops, seminars and conferences

At the end of SIPRE and the onset of TIPRE, newspaper and magazine articles regularly appeared in the Egyptian press characterizing IPR protection as only beneficial to developed countries, and claiming that compliance with international IPR obligations would significantly increase the cost of pharmaceuticals. According to GOE officials, the US Embassy, and private sector representatives interviewed in this study, the Egyptian public agreed with these arguments, and was suspicious of US involvement in the promotion of a law fundamentally "harmful" to Egypt.¹³

¹¹ The draft law was divided into four books. The first book dealt with functions primarily under the jurisdiction of the Ministry of Higher Education and Scientific Research, including protection of patents, utility models, schematic designs of integrated circuits, and undisclosed information. The second book dealt with functions primarily under the Ministry of Supply and Internal Trade, including the protection of marks, trade statements, geographical indications and industrial designs. The third book dealt with copyrights and neighboring rights, and the fourth book with plant variety protection (TIPRE, "Project Final Report," p. 7).

¹² TIPRE, "Project Final Report," p. 13.

¹³ Interview with Steven Bondy, First Undersecretary, US Embassy, 3 March 2004. Interview with Dr. Fawzi Elrefaie, President of the Academy for Scientific Research and Technology, 1 March 2004. Interview with Ahmed El Hakim, Director of External Affairs and Health Policy, Pfizer, 2 March 2004.

TIPRE therefore assisted GOE Ministries, private sector NGOs, and universities to organize a number of workshops and conferences on IPR protection. Key People's Assembly members hosted two of the conferences, and the Ministers of Supply and Internal Trade, Health and Population, and Education hosted three conferences. Six NGOs, Cairo University, and Al Azhar University also sponsored public awareness events, and at the Al Azhar seminar, religious experts declared that intellectual property protection was supported by texts in the holy Koran.¹⁴

In total, GOE Ministries, NGOs, and universities held a series of thirteen workshops and conferences attended by over 2000 individuals with TIPRE support. These events brought together different stakeholder groups interested in IPR, including businesses holding patents, trademarks, or other industrial property rights; researchers and inventors, songwriters, filmmakers, authors, and others holding copyrights; and local consumers. With Egyptians speaking in Arabic to an all-Egyptian audience, conferences conveyed the message that IPR was an "Egyptian issue." Officials, private sector stakeholders, and IPR experts who presided over the events tailored their messages to address the interests of their audiences, describing the economic benefits that arise from intellectual property protection to the general public and Egyptian private industry.

According to both conference sponsors as well as attendees, these events contributed to changing public attitudes towards IPR by promoting public dialogue and facilitating collaboration in protecting intellectual property in Egypt. As the Director of External Affairs and Health Policy of Pfizer pharmaceuticals commented, "The public awareness events removed all of the nonsensical, baseless arguments. We were able to move forward with an educated, fact-based dialogue on the benefits of IPR."¹⁵ The Office of the US Trade Representative agreed, stating that "TIPRE served a critical role in debunking the mythology surrounding IPR in Egypt."¹⁶

3. b. Media awareness raising and training

Following the passage of the IPR Law, stakeholder groups continued to note some unfavorable coverage in the Egyptian press. In June 2002, the Al Ahram Regional Press Training Center therefore began to work with TIPRE to develop an IPR media program in order to educate journalists about IPR, correct some erroneous assumptions, and ultimately elevate the level of public debate. The only condition for participation was that each journalist agreed to publish or broadcast at least one article or program on IPR during or following the training. TIPRE guaranteed no control over the content of the pieces, and did not request or receive advance notice of the articles or programs. This policy, according to one journalist interviewed, engendered confidence among the participants that they would not be "used" to promote American policies in their reporting.

The training program involved 59 journalists over a period of six days. Nineteen experts gave lectures and question and answer sessions on various aspects of IPR. In order to promote the message that IPR was good for Egyptians and the Egyptian economy, the Al Ahram Center and TIPRE brought in representatives of various industries, including pharmaceutical and agricultural research, and the publishing, software, and entertainment industries. Following the training, Al Ahram printed an Arabic-language magazine on IPR including many articles written by the training participants. 50,000 subscribers, most of whom are in the business community, received the IPR magazine.

¹⁴ TIPRE, "Final Report," p. 25.

¹⁵ Interview with Ahmed El Hakim, Director of External Affairs and Health Policy, Pfizer, 2 March 2004.

¹⁶ Interview with Steven Bondy, 3 March 2004.

As a result of this training, at least eighteen television programs and one radio program aired stories on IPR, along with 49 newspaper and magazine articles. Of even greater significance, the nature and tone of reporting in many articles became increasingly more favorable toward intellectual property protection. Several attendees attributed the change in reporting to the training sessions. As one journalist from *October Magazine* observed: "When we began with the training, we were completely opposed to the IPR Law. You should have seen our fierce attacks against [the Law] due to our lack of knowledge about the issues. My colleagues and I were only focusing on how dangerous the law could be, especially for the pharmaceutical industry in Egypt... But by the end of the training, we had a more fact-based understanding of intellectual property protection. We have seen the positive side of the IPR law, and how it can help Egypt."¹⁷

IPR Articles before TIPRE Training

IPR Threatens to Prevent the Poor from Manufacturing Drugs, Al Wafd, 11/11/01

Egyptian Pharmaceutical Industry Is Trying to Find a Shielding Cover from the Dangers of TRIPS, Al Allam El Youm, 2/3/02

Linking IPR and Attracting Foreign Investment is Not Correct, Al Ahli, 2/13/02

Under the Pretext of Protecting IPR: International Pharmaceutical Companies Ignore the Screams of the Poor, Al Ahram, 2/18/02

IPR Articles after TIPRE Training

IPR Is Important For Expanding E-Commerce, Al Ahram, 6/22/02

IPR Law will attract Investment, Egyptian Gazette, 12/02

A Shorter Time to Receive a Patent, Al Ahram, 3/7/03

Recommended by a Number of Ministers and Experts: An American Book, A New Textbook in Egypt, Allam El Youm, 3/11/03

The Al Ahram training series had other positive results as well. When Ministry counterparts and USAID had first agreed to include a public awareness program in TIPRE, the Project had proposed to purchase airtime on Egyptian television and radio publicizing the benefits of IPR. However, the spots proved to be prohibitively expensive, and this plan was dropped. With the training series and the requirement that all participants produce one IPR article or program, intellectual property in effect received an extensive amount of "free press." The fact that this press was also coming from Egyptian journalists explaining how IPR could benefit Egypt further helped legitimize the message and allay concerns about foreign interests dominating the IPR public debate.

Finally, the Al Ahram series served the important function of introducing journalists to Egyptian IPR experts. When the draft IPR code had first entered into the Public Assembly, the press generally did not know who to contact, or where to go for information.¹⁸ Following the training series, several articles appeared quoting speakers who had presented at the Al Ahram event.

¹⁷ Interview with Mr. Mohammed Nigm, journalist, *October Magazine*, 4 March 2004.

¹⁸ Interview with Mr. Salah Bittar, journalist, *Dar El-Hilal*, 26 February 2004.

3. c. Promoting IPR courses in Egyptian universities

In order to encourage the teaching of intellectual property in universities in Egypt, the Cairo University Faculty of Law had discussed with SIPRE the possibility of creating a lecture series on IPR. In response, in 2000 SIPRE developed a six-week lecture series for students and faculties of Egyptian university faculties of law. From March to May 2002, Cairo, Ain Shams, and Menofiya Universities continued these efforts with TIPRE support.

The nine-lecture series brought in experts on specific areas of IPR, including trade secrets and undisclosed information, inventions, patents, utility models, inventors' certificates, industrial designs, and plant variety protection. Lectures were also given on trademarks, the internet, and IPR enforcement. The lecture series held at the three universities served to educate future attorneys in the field of IPR, and contributed to developing the institutional capacity of universities to provide their own intellectual properties courses independent of technical assistance in the future.

In total, approximately 1,000 people attended one or more of the lectures. TIPRE distributed 470 certificates to attendees who successfully completed the entire program, and was presented with a plaque of appreciation from Cairo University's Faculty of Law. According to the Dean of the Cairo University Law School, this high turnout helped to convince the university that there was a demand for more courses in IPR, and was "a valuable lesson to the universities" seeing the lectures in practice.¹⁹

Following the conclusion of the lecture series, TIPRE consultant (and former SIPRE COP) Judy Goans wrote a book entitled *Intellectual Property Principles and Practice*. Available in both English and Arabic, the book incorporated training materials developed for the university lectures and other materials written by SIPRE and TIPRE experts. *Intellectual Property Principles and Practice*, referred to in interviews by numerous stakeholder groups, is intended to serve as a textbook for a survey course in intellectual property, and covers all major IPR topics. As one law graduate observed, "prior to the TIPRE book, we only had a very dense, overly technical book published in English by WIPO. The TIPRE book covered all of the major IPR topics in Arabic, in language that was technical but also easy to read and digest." The same student also noted that following the university lecture series, interest in IPR among students had increased, and that more were requesting that the program be reinstated.²⁰

Intellectual Property Principles and Practice, the only such Arabic-language text that addresses the entire field of intellectual property, was distributed by TIPRE to concerned ministries, law professors, university libraries, and IPR graduate students. With USAID financing, TIPRE published a total of 4,000 copies of the book in Arabic and 2,000 copies in English, and in order to promote further distribution, gave universities permission to make additional copies of the text for students as long as attribution to TIPRE and USAID was made.²¹

¹⁹ Interview with Dr. Hassan Gemei, 7 March 2004.

²⁰ Interview with Ms. Shaimaa, 7 March 2004.

²¹ Following the conclusion of TIPRE, the Chief of Party also recently gave permission for the Results Reporting Support Activity (RRSA) to publish the entire text on RRSA's website. Through this website, university students and all other interested groups will have direct access to the TIPRE IPR book.

On March 5, 2003, the Minister of Higher Education and of State for Scientific Research and the Minister of Supply and Internal Trade held a conference on "Teaching Intellectual Property" with TIPRE support. The conference aimed to further encourage the creation of intellectual property courses in Egyptian universities.

The conference discussed a number of ways that universities could teach IPR in Egypt. Speakers referred to examples of universities around the world, as well as to their own experiences teaching IPR. Included in the conference materials were English and Arabic-language copies of the book, a CD with reference materials such as copies of treaties and the new Law, and instruction aids such as electronic slide shows on different IPR topics. 140 people attended the conference, half of whom were university professors, judges, and attorneys.

SIPRE and TIPRE's work with the Faculties of Law generated a significant amount of enthusiasm for intellectual property programs in Egyptian universities. TIPRE received many requests for multiple copies of the IPR book for use in IPR courses, and several universities indicated that they planned to introduce IPR in the curriculum. Cairo University now teaches a required IPR course for fourth year law students, and offers a post graduate diploma in IPR in collaboration with WIPO.²² According to the Dean of Cairo University Law School, TIPRE "unofficially" provided technical assistance to the faculty in developing this curriculum.²³ The Dean additionally noted that IPR is receiving more of an emphasis in other parts of the law curriculum as well. Professors have incorporated a section of intellectual property in the first year Human Rights course, as well as in courses in International Law, Contracts, etc.²⁴ Menofiya University has also begun a course on intellectual property.

4. INSTITUTIONAL DEVELOPMENT OF THE PATENT, TRADEMARK AND INDUSTRIAL DESIGNS OFFICES

A strong intellectual property system requires effective and efficient governmental institutions made up of well-trained personnel capable of applying and administering intellectual property laws. The Patent, Trademark, and Industrial designs offices—collectively known as the industrial property offices—worked with SIPRE and TIPRE to modernize workflow processes, streamline procedures, and equip staff with the necessary skills to carry out their duties in a competent and timely manner.

4. a. Training

TIPRE and counterparts in the industrial property offices designed the project training plan to complement efforts begun by SIPRE. Management within the Ministry of Supply and Internal Trade and the Ministry of Higher Education and Scientific Research worked with TIPRE to identify which staff had received what training under SIPRE (including new staff who had not been trained), and TIPRE then conducted a needs assessment to determine current training needs. TIPRE offered technical training as well as general training in English and computers. In collaboration with USAID Development Training 2 (DT2), the US Patent and Trademark Office (USPTO), and Nathan Associates, SIPRE and TIPRE also sponsored offshore participant training

²² Five courses are offered as part of the post-graduate diploma: The theory of intellectual property; copyrights; industrial property; penal sanctions; private international law; and modern applications of IPR.

²³ Interview with Dr. Hassan Gemei, 7 March 2004.

²⁴ Interview with Dr. Hassan Gemei, 7 March 2004.

aimed at providing instruction on aspects of IPR which were to be new responsibilities for Egypt under the new IPR Code.

TIPRE's training program was judged favorably both by direct participants as well as upper management in the government. Trainees interviewed stated that as a result of TIPRE training, the quality and efficiency of their work had increased. Several trainees noted that, in particular, the training provided by Nathan Associates on examination in Washington DC was excellent. Nathan's training was lauded across the board for its comprehensiveness and its direct relevance to the work of the trainees. Training participants noted that the course was "hands on," that it relied on experts who were actual technical examiners (rather than "pure theorists," as one trainee observed), and that courses were tailored to meet the examiners' direct needs. Trainees described how they were guided through the registration process using actual cases, and were therefore more confident in their ability to examine and register cases when returning back to Cairo.²⁵ Particularly in comparison with some USPTO programs which were considered "interesting, but general," it was clear in the focus group discussions that participants benefited more from hands-on, practical training compared to "theoretical" lecture-style courses.²⁶

The President of the Academy of Scientific Research and Technology and the Advisor to the Minister of Supply and Internal Trade also commended SIPRE and TIPRE for the training programs. The MSIT Advisor noted that the Projects had a clear understanding of the needs of the industrial property offices, and that they responded quickly and effectively as new needs arose. For example, after training had begun, TIPRE noted that Trademark Office staff were not always requiring the same documentation from all applicants, which was contributing to confusion and inefficient processes. TIPRE introduced two new courses on documentation and trademark applications in response (outside of TIPRE's official training plan), and 64 employees received this training.

As another noteworthy example, TIPRE and industrial property management had designed the training plan prior to the passage of the new IPR Code. Once the Code was passed, however, industrial property office employees needed training on the new responsibilities that they would be undertaking. TIPRE responded by requesting training from the World Intellectual Property Office (WIPO) on utility models, examination of industrial designs, and geographical indications, among others. When WIPO did not respond, TIPRE arranged for experts to lecture employees on these new requirements, and also brought in an employee of the USPTO (through DT2) to conduct on-the-job training in examination.

²⁵ Trainee focus group, Trademark Office, 1 March 2004.

²⁶ The Nathan Associates course had been offered by SIPRE in 1998 as well. The Trademark Examination Course provides training based on the program offered by USPTO for its own examiners and was developed to provide that training when the USPTO was unable to accommodate trainees.

4. b. Modernizing the industrial property offices

In addition to providing training for current and new personnel, SIPRE and TIPRE also assisted the industrial property offices to acquire modern office equipment, secure records on computer-searchable files, and enhance the provision of public services. Both projects worked closely with their counterparts to determine their needs, making adjustments where necessary and procuring certain items that the offices urgently needed and could use at existing facilities. The Projects effectively used the small procurement budgets available to them, resulting in improved automated systems, as well as enhanced relationships with counterparts.

With the Patent Office, officials in the Ministry of Higher Education and Scientific Research noted that the first problem was the lack of sufficient workspace in the office. SIPRE responded by hiring an architect and a space engineer to improve the office layout within the parameters of the space available. With the reorganized workspace, SIPRE worked with Patent officials to develop a strategic information plan in order to streamline and automate work processes. SIPRE and TIPRE assisted the Office to establish a computer network linking all Patent divisions, improving workflow and decreasing paper-based work. In response to a request from the Patent Office, TIPRE also engaged a website designer to design an official Egyptian Patent Office website.²⁷ The website explains how to apply for an Egyptian patent, permits online searching of Egyptian patent abstracts, and provides access to application forms. The Computer Department Supervisor of the Patent Office noted that TIPRE responded quickly and effectively: less than one month following the Office request, the website was up and running, in spite of the fact that the website had not been an original activity in TIPRE's budget nor in the workplan.²⁸

This assistance has led to a number of impressive results. According to the Director General of the Patent Office, SIPRE and TIPRE support has significantly improved the efficiency and efficacy of Office employees, and has facilitated the application process for Egyptian inventors.²⁹ The Office is on its way to being a "paperless" system, and patent applicants are now able to file all bibliographic information online. The most significant and tangible result of these efforts is seen in the change in the average time it takes to process a patent application. When SIPRE began in 1996, the average applicant experienced a wait of six years (72 months) for patent registration. In the most recent estimate of 2003, the average application time had decreased by more than fifty percent, to less than three years (35 months).³⁰ Additionally, WIPO has officially recognized the Egyptian Patent Office as the best in the region, and in 2003, the Director of WIPO for the Middle East, Mr. Sherif Saadala, stated that all countries in the region should look to Egypt's Patent Office as the example to be followed. Furthermore, in 2003, the Arab League Scientific Research Committee officially approved the establishment of Egypt as the regional patent center.³¹

Perhaps most significantly, the progress that has been made is now being sustained by the Patent Office staff themselves following the end of TIPRE. The website, searchable in both English and Arabic, is fully maintained and updated by Patent Office staff trained by TIPRE. Additionally, following plans developed first with SIPRE and TIPRE assistance, management has independently formulated a new five year plan for finalizing automation of all work processes, including

²⁷ The website URL is: www.egypo.gov.eg.

²⁸ Meeting with Adel E. Oweida, Supervisor of Computer Department, Egyptian Patent Office, 2 March 2004.

²⁹ Meeting with Nadia Abd-Allah, Director General, Egyptian Patent Office, 2 March 2004.

³⁰ Interview with Nadia Hanim Abd El Aziz Gad, Head of Central Administration for Technical Development, Innovation, and Invention Development Agency, 2 March 2004.

³¹ This center will be the Middle Eastern equivalent to the European Patent Office (EPO).

complete online registration with the Ministry of Communications and Information Technology. The Director General of the Patent Office projects that by the beginning of 2005, the Office will have transferred all files from microfilm and paper forms to electronic documents.³² Furthermore, following a TIPRE-sponsored tour to the European Patent Office, management recently established a monitoring department emulating that of the EPO. Finally, the Patent Office has additionally created "focal points" in universities across the country to assist researchers in universities to learn how to apply for patents, to encourage innovation, and to increase public awareness. These focal points are serving as a network between universities, private industry, and the government.

Progress has also been made with the Trademark and Industrial Designs Offices, albeit not at the same pace as that of the Patent Office. When SIPRE began, the Trade and Industrial Designs Offices were in poor shape. There was only one computer in the office that was not being used, and staff was searching for trademarks in the examination process manually through paper files. The Office functioned primarily for registrations, and was spending a significant amount of time in court because of the lack of transparency and consistency in decision making.³³ The Offices had a large backlog of applications, and the management had little technical background in IPR. SIPRE assisted the Offices to begin to automate their systems in order to streamline processes and increase efficiency. This included designing software, providing computers, and networking the Offices.

With the Trademark Office, TIPRE worked with management and staff to scan and register thousands of local and foreign marks in the system in order to facilitate the registration process. As a result of these efforts, the Trademark Office has computerized approximately 85,000 (of the total 170,000) trademark applications received.³⁴ Additionally, in order to provide technical assistance for examiners and on-the-job management training for trademark managers, TIPRE responded to requests from the Ministry of Supply and Internal Trade to assign a TIPRE staff member to sit full time with the Trademark Office.

Following the passage of the IPR Law, the Industrial Designs Office was allocated the new responsibility of following the same detailed procedures as that of trademarks.³⁵ TIPRE responded to requests for assistance from the Chairman of the Commercial Registration Authority by translating the Locarno Agreement for International Specifications for Industrial Designs into Arabic. The Project also translated several thousand Locarno classifications, sorted by serial number and alphabetically by item. TIPRE additionally assisted the Industrial Designs Office with the printing and filing, according to Locarno classification, of all registered industrial designs from 1985 to 2002. This file is intended to be used as the basic search file for the examination of new designs.

The Chairman of Commercial Registration Authority observed: "[The Trademark and Industrial Design] Offices still have a long way to go. But without SIPRE and TIPRE, you would never see what you see now. SIPRE and TIPRE provided fast and excellent assistance in responding to

³² This involves the scanning of literally millions of sheets of paper in a very limited amount of time. According to Patent Office management, staff have begun to work during evenings and on weekends to meet the January 2005 deadline. The office is using WIPO Standard 33 as a reference for quality control.

³³ For example, in one case, the Trademark office had rejected an application because the applicant had written "NY" rather than "New York" in the application. (Meeting with Jaleen Moroney, 25 February 2004).

³⁴ Site visit to Commercial Registry office, 3 March 2004.

³⁵ Prior to Law 82, the Industrial Designs process only entailed registration without the detailed steps as that of Trademarks.

requests as our Office obligations changed with the new Law."³⁶ The Advisor to the Minister of Supply and Internal Trade concurs: "Without the help of the Projects, we could have never achieved what we've achieved. It would have been impossible."

While government officials praise SIPRE and TIPRE's contribution to the Trademark and Industrial Designs Offices, the pace of progress did not match that of the Patent Office. Trademark and Industrial Designs continue to have a relatively disorganized filing system, with a number of files found in piles on the floor both inside the office and in several balconies outside. Staff continue to need more technical training, particularly related to the new tasks they must now undertake under the new law. The office itself is in need of renovation, and does not provide an adequate amount of space for staff and files.

There are a number of reasons for the discrepancy in progress between the Patent, Trademark, and Industrial Designs Offices. While the Patent Office has its own funding source from which it can draw funds to pay for renovations, training, and other identified needs, the Trademark and Industrial Designs Offices do not. Lack of funding limits the Offices' abilities to develop the physical space needed for an efficient filing system and for staff work space. Trademark and Industrial Designs have also had more frequent turnover in leadership, which has made it challenging to develop a longer-term partnership between TIPRE and these Offices. The President of the Academy charged with overseeing the Patent Office, on the other hand, had years of experience working with SIPRE, TIPRE, and USAID. Stakeholders also noted that the Academy President's management skills, his commitment to reform, and his "visionary" approach to modernizing the Office were key factors in the Patent Office's remarkable progress. Similar policy champions willing to lead the modernization effort of the Trademark and Industrial Designs Offices proved more difficult to identify.

5. ASSESSING RESULTS

In June 2002, following years of debate and controversy, the People's Assembly passed Law 82 governing the protection of intellectual property in Egypt. Implementing regulations for Books 1, 2, and 3 of the new Law have been published, and guidelines and procedures for the industrial property offices have been issued. According to the *Special 301 Report* issued by the US Trade Representative in 2003, "Egypt made significant progress in strengthening its IPR protections through improvements in its domestic legal and enforcement regimes in 2002... Egypt's passage of a new comprehensive IPR law represents an improvement in all major facets of Egypt's IPR regime, [with Egypt meeting] certain key TRIPS requirements, including providing data exclusivity (Article 39.3) and exclusive marketing rights, and enacting a patent mailbox."³⁷ In addition to these accomplishments, the report notes that the GOE is continuing to advance its effort to ensure the use of legitimate software in all government offices. As a result of these improvements, the US Trade Representative removed Egypt from the *301 Priority Watch List* in 2003.

³⁶ Interview with Medhat Abdel Hay, 3 March 2004.

³⁷ <http://www.ustr.gov/reports/2003/special301.htm>

Furthermore, on 6 June 2003, Egypt joined the Patent Cooperation Treaty, a step that the GOE intends to follow up with changes in its domestic regulations necessary to come into compliance with the Treaty. The Treaty makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application.³⁸

Egyptian and American government officials, industry leaders, and members of the press interviewed credit TIPRE, SIPRE, and USAID staff for their instrumental role in these accomplishments. USAID support was critical in assisting the technical assistance teams to develop appropriate strategies to move through the highly complex political landscape surrounding IPR. Several articles in the new law were controversial, and TIPRE's technical legal assistance helped resolve many of these issues. Furthermore, much of TIPRE's draft language has been incorporated in the implementing regulations for the first three Books of the Law.

Additionally, the public awareness activities served to educate the media and public about the benefits of IPR, and helped to move the debate away from emotional, often inflammatory rhetoric to a more fact-based open dialogue among all interested parties. These public awareness activities, combined with SIPRE and TIPRE's extensive training programs involving the media and universities, contributed to the Law's ultimate passage according to stakeholders interviewed. As noted by the First Undersecretary of the US Embassy, "after SIPRE and TIPRE, we see much better IPR protection, which is much closer to international standards...TIPRE bridged the gap between US policy and Egyptian objectives... I could not have done my job without them, and it is impossible to measure just how much US policy benefited from their presence here."³⁹

Support to modernize the industrial property offices has resulted in a highly effective and efficient Patent Office considered to be the regional leader both by WIPO and the Arab League. All Offices are now moving to full automation, and work processes are more efficient. Staff training has contributed to the development of a cadre of professionals highly skilled in their tasks. Customer service provision has improved, as evidenced by the more than fifty percent decrease in the average time required to process a patent since SIPRE began. A less tangible, but no less important result, is the noticeable change in attitude that has happened among Office staff, noted by management of the industrial property offices.⁴⁰ However, progress with the Trademark and Industrial Property Offices has not been as smooth. While the Offices had certainly improved by the end of TIPRE, they continue to face formidable obstacles in carrying out their tasks efficiently.

Private sector businesses also benefited directly from the Projects. Through its public awareness activities, TIPRE became a visible organization concerned with improving Egypt's intellectual property system. Consequently, individuals and companies experiencing problems or seeking information on intellectual property sought out TIPRE. Businesses were also referred to TIPRE by the US Embassy and other USAID activities. For example, in 2001 an Egyptian exporter's grape shipment was rejected by European authorities because of a trademark violation claim. Not informed about these issues, the exporter approached the USAID-funded Horticulture Export Improvement Association (HEIA), who referred the client to TIPRE. TIPRE introduced the exporter to the Trademark Office, who assisted him officially register his mark and begin to export to the European market.

³⁸ http://www.wipo.int/cfdpct/en/news/eg_pct.htm

³⁹ Interview with Steven Bondy, 3 March 2004.

⁴⁰ Site visit to Patent office, 2 March 2004. Site visit to Commercial Registry office, 3 March 2004.

Public awareness has extended beyond the business community to address the wider Egyptian public. In 2004, Miriam Noh released the hit song "*Imsik Harami*" (Catch the Thief) discussing the importance of intellectual property protection.

6. LESSONS LEARNED: ASSESSING THE CONTRIBUTION OF TECHNICAL ASSISTANCE TO INTELLECTUAL PROPERTY REFORM

Intellectual property has been a particularly sensitive issue in Egypt, with opposition to reform coming both from influential private sector groups as well as from segments within the GOE itself, particularly the Ministry of Health. In this political context, and congruent with the GOE's traditionally gradualist approach to reform, policymakers within the GOE interested in stronger IPR protection have been reticent to promote rapid development of new legislation which has been considered likely to provoke widespread public resistance and political antagonism.

Countering this domestic opposition, several factors did contribute to creating a positive environment for strengthening IPR. The GOE and USAID had agreed to four key intellectual property reforms within the context of the Development Support Program. Fulfillment of these benchmarks resulted in a disbursement of \$30.9 million to the GOE, and USAID staff and technical assistance teams interviewed noted the importance of this cash transfer component. Both the implementing agencies' need for budgetary supplements as well as the government's interest in acquiring dollars served as strong motivating factors for GOE staff to implement the measures for IPR. The Ministry of International Cooperation (MIC) utilized a portion of the cash transfer-generated local currency to support those ministries involved in the implementation of IPR, particularly the MSIT and MHESR.⁴¹ The dollar component of the cash transfer was in turn critical for the government to be able to purchase US commodities, e.g. wheat, and to service its debt obligations. At the time, the General Authority for Supply Commodities (GASC) was unable to acquire the dollars needed to import wheat due to the variance between official bank rates and parallel market rates of the dollars. In order to qualify for the dollar transfer, the MIC applied significant pressure on the two implementing ministries to get the IPR law consistent to with WTO/TRIPS.

Additionally, by acceding to the WTO and WIPO and becoming a signatory to the Paris Convention for the Protection of Industrial Property, the Egyptian government agreed to conform to stronger standards of IP protection as stated in WTO/Trips and other international agreements. Indeed, some reformers within the Government have referenced Egypt's international obligations, particularly the WTO, when advocating for intellectual property reform. However, a number of GOE officials have also worked to circumvent these obligations, focusing on finding loopholes to avoid substantive reform.

While these factors did create a more positive environment for stronger IPR protection, they did not, by themselves, resolve some of the detailed compliance issues that the GOE had to address in light of other pressures. The flexible response of USAID's TA responded to this need, and the

⁴¹ The GOE transferred a portion of the local currency to other participating ministries as well, including the Ministry of Foreign Trade, the Ministry of Supply and Internal Trade, the Ministry of Public Enterprises, and the Ministry of Finance. Part of the local currency transfer was also utilized to support the general budget. However, these local currency amounts were not equivalent to the disbursed dollar values of the benchmarks.

combination of efforts by the TA teams, USAID staff, and GOE counterparts contributed greatly to the GOE's being able to take the measures it did. The following points discuss how particular approaches to technical assistance contributed to Egypt's progress in intellectual property policy reform.

6. a. Effective approaches to technical assistance in support of policy reform

- USAID and counterpart Ministries designed the IPR projects to facilitate reform while taking into account the GOE's preference for gradualism. Across all sectors of the economy, the Egyptian government has traditionally pursued a gradualist approach to reform.⁴² With the case of intellectual property, the GOE has been particularly wary of rapid change given vocal opposition by powerful interests. When USAID staff began to engage in discussion with Ministry counterparts involved in the IPR debate, USAID recognized that it could not change the GOE's preference for slow-paced, gradual reform. USAID and GOE counterparts therefore designed SIPRE to focus largely on modest short-term objectives composed of a series of incremental steps forward designed to raise public awareness, modernize the industrial property offices, and initiate discussion on IPR legislative reforms. This project design, while resulting initially in conservative approaches to policy change, also provided for more frequent successes and encouraged adoption of further change under TIPRE.
- As part of this process, USAID developed a collaborative, trusting relationship with counterparts that SIPRE and TIPRE were able to build upon in assisting the government to develop and implement reforms. This close partnership, and the trust that underlay it, required a significant amount of time to develop. USAID staff began to work with the counterpart Ministries in 1994 on the IPR issue, two years before the initiation of SIPRE. With SIPRE on the ground, USAID staff then worked with the technical assistance team to focus on providing quick, tangible benefits, such as training and procurement, early on in the program. As results became evident, trust grew, and real collaboration on policy issues was possible. USAID and SIPRE laid the groundwork for the development of a long relationship, based on trust, which TIPRE was then able to build on and push for more substantial policy reform. As several stakeholders commented, without the contributions of USAID staff and SIPRE early in the reform cycle, there could never have been the progress witnessed under TIPRE.
- Related to the above, project staff were flexible and responsive to requests and concerns from counterparts. This contributed to perceptions of trust and a willingness to collaborate on the part of key groups. Stakeholders provided a number of examples of quick and timely responses to requests. For example, three weeks after the Patent Office's request for a web designer, the patent website was up and running in both Arabic and English. When the Trademark Office requested additional courses in documentation and mark applications, TIPRE developed two new courses outside of their original training plan for 64 office employees. Similar cases were given concerning procurement, from providing scanners to servers to security hardware and software. The Projects' responsiveness, flexibility, and willingness to work quickly to meet counterparts' rational requests signaled "good will" on the part of the Projects, and contributed to the building of trust between stakeholders and technical assistance teams.

⁴² See Iliya Harik, *Economic Policy Reform in Egypt*, (Cairo: American University in Cairo Press), 1998.

- Fourth, SIPRE, TIPRE, and USAID worked to promote indigenous constituencies for reform by downplaying their presence in public events. In order to promote policy change as locally owned, the IPR Projects and USAID took a back seat in public forums. This low-key approach contributed to reframing the debate to be an “Egyptian issue” following years of public claims that IPR was a tool to protect foreign interests. Public conferences, seminars, and workshops involved Egyptians talking to Egyptians about the rationale and need for IP protection. All public forums were conducted in Arabic, and only rarely did foreign experts speak. Interaction with the media was limited to providing background materials, suggesting Egyptian IPR experts for interviews, and providing invitations to IPR conferences and workshops. This enabled Egyptian stakeholders to take the lead in advocacy efforts, which contributed to the creation of local constituencies for IPR reform.
- Fifth, the Projects made a concerted effort to make the dialogue as informed as possible by focusing on information dissemination. Particularly with a topic as contentious of intellectual property, it was important that the TA teams work with Egyptian stakeholders to counter the rhetoric surrounding the IP issue with fact-based information. As the law was being discussed in the People's Assembly, TIPRE and stakeholder groups interested in intellectual property reform dedicated a significant amount of time to developing and disseminating information through a number of technical assistance activities. This included: responding to GOE requests to translate documents in order to inform officials of both governments and other stakeholders of the issues; producing explanatory technical documents for government staff; assisting Egyptian counterparts to host numerous public events to discuss different aspects of IPR; working with the Al Ahram institute to train the media about the issues surrounding IPR; and partnering with Egyptian Faculties of Law to educate lawyers and law students about IPR concepts. As noted above, in every type of technical assistance, TIPRE facilitated Egyptians speaking to Egyptians about how IP protection would benefit them, their businesses, and the Egyptian economy.
- Finally, institutional development—including tailored training, targeted automation support, and cost-sharing arrangements—has promoted sustainability. Management of the industrial property offices worked closely with SIPRE and TIPRE to develop modernization plans for the offices. Strategically designed training programs, implemented over several years under both SIPRE and TIPRE, have contributed to the development of core skills among office staff that is now producing consistent, quality performance. Office procurement plans, in turn, have responded to the most critical needs of the offices, improving work processes and assisting the offices to meet their obligations under the new IPR Law. Cost-sharing in support of institutional development has also contributed to sustainability. The Patent Office has allocated budgetary funds to continue the institutional development program initiated under SIPRE and TIPRE, demonstrating a commitment to assuming greater responsibility for improving the Patent Office and continue with the reform program.

6. b. The role of the technical teams, USAID staff, and GOE in the reform process

The above approaches to technical assistance proved to be particularly effective in promoting policy reform of intellectual property rights in Egypt. Additionally, the technical assistance teams, USAID staff, and government counterparts each made critical contributions to the IPR reform process.

- SIPRE and TIPRE project staff had an impressive amount of experience, technical expertise, and understanding of reform within the Egyptian context. Stakeholders in all government agencies and in the private sector commented on the technical competencies of Project staff in developing policy options and promoting reform. With the case of TIPRE, all three expatriate advisors had previously worked for the US Patent and Trademark Office, and had a total of over 125 years of experience drafting and evaluating intellectual property laws and teaching IPR. TIPRE's Chief of Party had prior experience managing SIPRE as acting COP, as well as experience in the copyright industry and 19 years of experience delivering TA in Egypt. TIPRE's IT specialist had experience developing and managing software solutions for Egypt's industrial property offices.⁴³ TIPRE's local IPR specialist had 20 years of experience working in the field of intellectual property, and TIPRE's trademark and industrial designs expert was the former Director-General of Egypt's Trademark and Industrial Design Office. TIPRE's Public Awareness specialist had in turn been a journalist for many years, and had numerous contacts in the Egyptian media that were key in developing the training program with the Al Ahrām Institute. This work experience and technical expertise contributed to the trust and respect developed between staff and counterparts.

USAID staff played an integral role in assisting SIPRE and TIPRE to work with the GOE. USAID's support in designing the projects, developing relationships with government counterparts, and continuing to engage in regular dialogue with GOE officials throughout the reform process made significant contributions to the technical assistance provided by SIPRE and TIPRE. Through numerous meetings and informal discussions, USAID staff worked to guarantee that there was commitment to reform on the part of GOE policy makers during the design phase of the project, which helped to ensure that once the projects were on the ground, their technical assistance would meet with greater success. Throughout the reform process, USAID staff continued to provide support to the TA teams as well as to the GOE. USAID staff brought to the table their close understanding of the needs and concerns of the GOE and their technical knowledge of the issues surrounding IPR, and assisted SIPRE and TIPRE to navigate through the complex landscape of Egyptian policy reform. At times, USAID staff served as an arbiter between the GOE and the TA teams in discussing reform. At other times, USAID played a stronger role in negotiating with counterparts, referencing the DSP policy benchmarks and the need for more rapid, transparent reform if the cash transfers were to be made. The DSP in itself facilitated the reform process, as the cash transfer component provided obvious incentives for the GOE to implement needed reforms in a more expedient manner.

- Finally, motivation and commitment on the part of GOE counterparts were critical to effective technical assistance. SIPRE, TIPRE, and USAID worked with several government counterparts who had a vision of where they wanted their organizations to be in the future, and were willing to work closely and collaboratively with project and USAID staff to get there. Without this commitment to reform on the part of GOE counterparts, it is unlikely that SIPRE and TIPRE would have witnessed the same level of progress in promoting legislative and institutional reform.

⁴³ Following the closure of TIPRE, the Head of the Commercial Registry additionally requested to USAID to retain the IT expert so that he could continue to assist the Ministry.

7. CONCLUSION

Following the SIPRE and TIPRE projects, intellectual property protection has improved significantly, contributing to a positive environment for investment, trade, and innovation. Egypt has a reliable IPR legal framework much closer to compliance with TRIPS provisions, as well as stronger Patent, Trademark, and Industrial Designs Offices. The combination of efforts by the TA teams, USAID staff, and GOE counterparts contributed greatly to the GOE's being able to take the measures it did. Several additional factors also served to motivate GOE staff to implement IPR-related reforms. Egypt's agreement with USAID on IPR reforms in the DSP-1 cash transfer program, its IPR-related obligations of WTO membership, and its placement on the US Trade Representative's Priority Watchlist all contributed to a positive environment for strengthening IPR. However, these factors did not, by themselves, resolve some of the detailed compliance issues that the GOE had to address, a gap which USAID's technical assistance was able to fill.

Stakeholders across the board credit SIPRE and TIPRE with contributing significantly to Egypt's strengthened IPR regime. Stronger IPR protection has been promoted through technical assistance to issue a new IPR Law, public awareness activities, and support for modernization of the industrial property offices. Crucial to making this assistance effective, project and USAID staff developed several particularly effective approaches to providing TA. This included building collaborative working relationships that allowed USAID's assistance to be responsive and flexible to sensitivities; assisting local participation; disseminating information in order to improve the quality of discussion; and promoting sustainability through the projects' institutional development strategies. Furthermore, the three major groups involved in IPR reform—SIPRE and TIPRE staff, USAID staff, and government counterparts—each made critical contributions to the reform process, and this combination of efforts contributed greatly to the Projects' successes.

APPENDIX I: METHODOLOGY & INTERVIEWS CONDUCTED

METHODOLOGY

This study entailed a thorough literature review followed by semi-structured interviews with key stakeholders. The literature review covered outputs of the Strengthening Intellectual Property Rights in Egypt activity (SIPRE) and the Technical Assistance for Intellectual Property Rights in Egypt activity (TIPRE). Relevant GOE, USAID, World Bank (WB), and World Trade Organization (WTO) documents were reviewed for additional information. Finally, interviews were held with GOE officials, media representatives, academics, private sector businesses, and other users of government services. Focus groups were conducted with government office staff to assess progress in institutional development and training. Interviews were also held with USAID project managers and relevant contractor staff.

INTERVIEWS CONDUCTED

- Fawzy Elrefaie, Director of the Academy for Scientific Research and Technology
- Nadia Hanim Abd El Aziz Gad, Head of Central Administration for Technical Development, Innovation, and Invention Development Agency, Academy of Scientific Research and Technology
- Medhat Abdel Hay, Chairman of Commercial Registration Authority, Ministry of Supply and Internal Trade
- Abdel Hamid, Judge in Complaints Committee, Ministry of Supply and Internal Trade
- Mohammed Abdel Aal, General Director of Trademarks and Industrial Design, Ministry of Supply and Internal Trade
- Mohammed Nur Id-Din, Director of Information Technology, Ministry of Supply and Internal Trade
- Nadia Abd-Allah, C.S. Director General, Egyptian Patent Office, Academy of Scientific Research and Technology
- Galal Abdel Naeim Darwish, Technical Examiner, Academy of Scientific Research and Technology
- Mona Khalifa, Technical Examiner, Academy of Scientific Research and Technology
- Adel E. Oweida, Supervisor of Computer Department of Egyptian Patent Office, Academy of Scientific Research and Technology
- Sherin Talaat, Information Technology Department, Egyptian Patent Office, Academy of Scientific Research and Technology
- Manal El Habashi, Technical Examiner, Academy of Scientific Research and Technology

- Galal Abdel Naim, Technical Examiner, Academy of Scientific Research and Technology
- Amb. Adel S. Abdel-Meguid, Advisor to the Minister of Trade & Supply for International Affairs
- Steven Bondy, First Undersecretary, United States of America Embassy
- Ahmed El Hakim, Director of External Affairs & Health Policy, Pfizer Middle East Region
- Hassan Gamie, Director of the Association of Intellectual Property Rights Studies and Dean of Cairo University Faculty of Law
- Mohammed Nigm, journalist, *October Magazine*
- Salah Bittar, Assistant Editor in Chief, *Dar El-Hilal Press*
- Abdel Hamid Demerdash, General Manager, MAFA Co.
- Karim El Helaly, Intellectual Property Rights Attorney, Zaki Hashem and Partners
- Hesham El Deeb, Engineer Computer Engineering and System Department, Electronics Research Institute
- Jaleen Moroney, former Chief of Party, Technical Assistance for Intellectual Property Rights in Egypt Activity, Nathan Associates Inc.
- Trainee focus group, Trademark Office (Ms. Hanaa Thabet Hanna, Ms. Wafe Mitwali, Dr. Hisham), Ministry of Supply and Internal Trade
- Manal Samadony, Project Officer, Technical Assistance for Intellectual Property Rights in Egypt, Sector Policy and Privatization Division, USAID/Egypt

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