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EGYPT

Intellectual Property Rights Assistance Under IPRA and TAPR II

May 2006

Egypt's Intellectual Property System

Legal framework:

- 2 dozen international agreements on intellectual property
- IPR provisions in international agreements on trade, commercial transactions, various policy issues agreements
- Domestic IPR law and regulations
- Other commercial and civil law and regulations

Implemented by:

- Industrial property offices: patent, trademark, industrial design, plant variety protection, and Commercial Registration Authority
- Recordation offices: Copyright, Book Depository, Censorship, Plastic Arts
- Policy offices
- Civil enforcement agencies, police, prosecutors, courts (judges, court experts)
- Attorneys and agents

Stakeholders: Business and industry, scientists and engineers, authors, performers, publishers and producers, medical and agricultural sectors, consumers

IPRA's Main Focus

- **Implementing New Functions/Legal Obligations, such as:**
 - Patent Cooperation Treaty
 - Pharmaceutical Product Patents
- **Legal Advice/Assistance**
 - Joining treaties (Nice, TLT, UPOV)
 - Draft ministerial decrees and legal amendments
- **Capacity building**
 - Trademark Office automation, data entry, eliminating backlog, etc.
 - Industrial Designs automation, move, manuals
 - Patent Office on-line filing, security system, training, manual
 - Plant Variety Protection Office
- **Enforcement**
 - Training civil inspectors
 - Providing procedures for inspectors
 - Training of Judges
- **Public Awareness**

IPRA Current Staff

Staffing

- Expatriate Advisors
 - Jaleen Moroney, CoP
 - Judy Goans, Principal IPR Specialist (half-time)
 - Short-term advisors

- Local Advisors
 - Dr. Mostafa Abou El Enein, DCoP (copyright, plants, enforcement)
 - Moustafa El Shafie, IPR Specialist (trademarks, designs, GIs)
 - Eng. Tahany Osman, IPR Specialist (patent, utility models)
 - Ahmed Lutfy, Public Awareness Specialist

- Administrative Staff, including IT personnel, of 14

Expected IPRA Accomplishments in Brief

Implementing New Function/Obligations

- Patent Office: PCT, pharmaceuticals, utility models, etc.
- Trademarks: Cleared 5 year examination backlog. Trademarks registered in 1 years; previously 5-6 years
- Plant Variety Office: assisted in the establishment of a new plant variety protection office, including procedure manuals, training, refurbishment, automation, equipment, website
- Delivered new procedures in accordance with executive regulations to Law 82/2002 Book 3

Legal Assistance

- Treaties – Hague, Nice, Budapest, UPOV
- Draft decrees, Law book 4, review of Law 82

Capacity Building

- Manuals, procedures,
- Automation, data entry, equipment, refurbishment, websites

Enforcement

- Trained 900 judges, 150 inspectors, provided inspection procedures

Public Awareness

- Media Club, articles, TV, radio, workshops, government officials trained

Ongoing Activities

Ongoing Activities – May to September 2006

1. Drafting & adopting procedures manuals
2. Refurbishment of Patent Office
3. Installing Patent Office security system
4. Monitoring & supporting Trademark improvements
5. Legal/technical support of Plant Variety Office
6. Equipping and automating Audio-visual Censorship Office
7. Launching websites
8. Public Awareness (Businesspersons Workshop Assyout, Enforcement in Cairo, Media Club)

USG's IPR Issues

Issues Cited by USTR in 2006 Special 301 Report

Enforcement Issues

- Deficiencies in IPR enforcement regime
- Problems with judicial system (inefficient, sentences - no deterrent, unsatisfactory outcomes)
- High rate copyright piracy (books, games, software)

Legal Issues

- Problems with copyright law and regulations
- Egypt not acceded to WIPO Internet treaties

Capacity/Implementation Issues

- Lack of coordination between MOH & Patent Office
- US Companies should not export plant breeding material to Egypt
- Lack protection against unfair commercial use of undisclosed test data

Proposed IPR Activities for TAPR II

Legal assistance at request of GOE

- Work with Law Reform Commission and five key ministries to amend Law 82/2002, revise and reissue Executive Regulations, and address IPR aspects of commercial laws
- Review ministerial decrees and amend or eliminate those which hinder work or are not consistent with Law, regulations, and BEST practice

LOE

Mostafa Abou El Enein 50%

Judy Goans 25%

Eng. Tahany 10%

Moustafa El Shafie 10%

Jaleen Moroney 10%

Short term Expat (4 weeks)

Proposed IPR Activities for TAPR II

Legal assistance at request of GOE

Objectives:

- Join UPOV, Budapest Treaty, and Rome Convention (EU Agreement)
- Strengthen enforcement: provide for stronger border measures, injunctive relief, stronger civil remedies
- Address false license and copyright jurisdiction issues for software, games
- Address other issues identified in USTR Special 301 Report
- IPR adequately addressed in bankruptcy law, capital markets law, companies law, investment law, secured transactions law, and other aspects of commercial law
- Eliminate conflicts between registrations of trademarks, commercial registrations, and other registrations

Proposed IPR Activities for TAPR II

Capacity-building

- Develop curriculum and program for creating patent engineers for writing original patent applications for Egyptian inventors
- Permit on-line filing and searching of trademarks
- Permit on-line filing of design applications
- Draft, discuss and implement organizational development plan for Commercial Registry according to international best practices and the Law, designed to eliminate backlogs and streamline procedures
- Assist Patent Office in reaching its goals to become a regional office and a PCT search & examination authority
- Assist to disaster recovery for Patent Office
- Assist in developing coordination between Patent Office and Ministry of Health
- Follow-up all IPR Offices

Proposed IPR Activities for TAPR II

Capacity-building

LOE

Jaleen Moroney – 60%

Eng. Tahany – 80%

Moustafa El Shafie – 80%

Amr Hegazy – 50%

Dr. Moustafa Abou el Enein – 10%

Short-term expats – 10 weeks

Objectives:

- Create capacity to prepare original patent applications
- Increase number of patents granted to local inventors
- On-line filing and searching
- Continued improvements in IPR Units
- Assist Patent Office to improve enough to be considered to become a PCT Search and Examination Authority

Proposed IPR Activities for TAPR II

Training

- Develop/implement training plan for judges, including TOT
- Develop/implement training plan for court experts
- Develop/implement training program for border inspectors
- Develop/implement TOT program for market inspectors
- Develop/implement program for Patent Office to become PCT Search & examination authority

LOE

Dr. Mostafa Abou el Enein – 40%

Judy Goans – 25%

Jaleen Moroney – 15%

Moustafa El Shafie – 10%

Eng. Tahany – 10%

Gary Smith (short-term)– 6 weeks

Short term Expat – 6 week

Proposed IPR Activities for TAPR II

Training

Objectives:

- Stronger and more predictable remedies
- Patent Office prepared to become PCT International Search and Examination Authority
- Continued improvements in Trademark and Industrial Designs Offices
- Better trained inspectors and IP office personnel
- Domestic capacity to prepare original patent applications

Proposed List of Activities for Next Year

Public Awareness

- Work with IPR agencies, MOJ, MTI, NGOs, research institutions, business and industry, People's Assembly
- Continue Media Club and press education activities, hold workshops, and produce informational brochures to promote public awareness on IPR issues.

- Objectives:
 - Businesses more aware of benefits of IPR and how to apply them to promote their profitability
 - Establishment of procedures in research institutions to protect IPR
 - Positive press reporting on IPR and commercial law issues
 - Less resistance from People's Assembly if Law amended

LOE

Ahmed Lutfy 50%, Jaleen Moroney 15%, Short-term 3 weeks

Required LOE for IPR in TAPR Year 2

IPR Staff LOE (non-admin)

- Jaleen Moroney: full time
- Dr. Mostafa Abou El Enein or another attorney: full-time
- Eng. Tahany Osman: full-time
- Moustafa El Shafie: full-time
- Judy Goans: half-time
- Amr: half-time (from A or D?)
- Ahmed Lutfy: half-time (from G?)
- Short-term: 29 weeks