



European
Commission

AFRICA
IP SME HELPDESK



IP Country Fiche

EGYPT



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Cairo
Population:	102,3 Million
Currency of (official) fees:	Egyptian Pound
Language for filing IP applications:	Arabic
GDP per capita:	\$3,547.9 (World Bank, 2020)
Human Development Index:	0.707
Main exports:	Crude Petroleum, Refined Petroleum, Chemicals, Gold, Petroleum Gas, textiles and agricultural products.
Main imports ...	Refined Petroleum, Wheat, Crude Petroleum, Cars and Packaged Medicaments

1.2 International IP Agreements and Conventions

- Trademark Law Treaty
- Hague Agreement Concerning the International Registration of Industrial Designs
- Patent Cooperation Treaty
- Strasbourg Agreement concerning the International Patent Classification
- Convention Establishing the World Intellectual Property Organization
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
- Madrid Agreement Concerning the International Registration of Marks
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods
- Berne Convention for the Protection of Literary and Artistic Works
- Paris Convention for the Protection of Industrial Property
- Agreement concerning the Trade-Related aspects of Intellectual Property
- Nairobi Treaty on the Protection of the Olympic Symbol
- Washington Treaty on Intellectual Property in Respect of Integrated Circuits
- International Convention for the Protection of New Varieties of Plants

SECTION 2: OVERVIEW OF SMEs IN EGYPT

A. Programmes supporting SMEs in Egypt

In 2020, Law No. 152 was ratified regarding the development of micro, small and medium enterprises (MSMEs).

The law aims to strengthen the MSMEs sector and reduce the informal sector of the economy with a view to promoting employment in the formal sector. Moreover, it aims to legalise the MSME's status under Egyptian laws.

The law provides benefits for certain activities/projects by granting tax and non-tax incentives.

The volume of funding for the initiative to support MSMEs amounted to about LE 180 billion, from which about 120,000 companies and 1 million borrowers benefited.

B. EU programmes supporting SMEs in Egypt

The European Investment Bank (EIB) has signed an agreement worth EUR 375 million with the National Bank of Egypt (NBE) to fund investments by small and medium-sized enterprises (SMEs) in Egypt. The agreement is expected to sustain over 20 000 jobs in Egyptian firms.

The agreement comes under the EIB's Economic Resilience Initiative, which aims at enhancing the prospects for more resilient and inclusive growth in Egypt through financial inclusion and the creation of sustainable employment opportunities, particularly for women and in less-developed areas.

The EIB's finance, which comes with support from the European Union, will be channelled by the NBE to finance the investment needs of enterprises in Egypt. A percentage of the financing will target firms owned or run by women ('women in business') as well as enterprises located in less-developed areas of Egypt.

SECTION 3: IP PROTECTION IN EGYPT

Intellectual Property Rights in Egypt (IPRs)

Intellectual Property Rights in Egypt include trade marks, design rights, patents, copyright and plant varieties.

Intellectual Property Law 82 of 2002, .is the main IP law in Egypt. It reinforces IPR Law changes and administers a national copyright system in cooperation with diverse government entities and NGOs.

Types of Available IP Protection

3.1 Trade marks

What is the legal framework?

Law No. 82 of 2002 governs the protection of intellectual property rights.

The Internal Trade and Development Authority (ITDA) was established in 1940. It is a central administration to prove the priority of the mark by the serial number and the centralisation of the technical examination of the mark.

Any infringement or unauthorised use of a registered trade mark is punishable under the provisions of the current trade mark law.

More information is available at: <http://www.itda.gov.eg/>

What are Trade marks in Egypt?

A trade mark is any sign capable of distinguishing the product or services of one undertaking from those of other undertakings, including, distinctive names, signatures, words, letters, numerals, drawings, symbols, signboards of shops, fiscal and official stamps, pictures, protruded engravings, and combination of colours in a specific and distinctive form; as well as any combination of such elements if being employed or needed to be employed for distinguishing products of an industrial process, agricultural or forestry exploitation, earth extracts, or any commodity; for indicating the origin, kind, category, guarantee or method of preparation of products or commodities; or for indicating the performance of one of the services.

In all cases, the trade mark shall be visually perceptible.

What are the registration procedures?

Once a trade mark registration application is filed with ITDA the trade mark is examined as to its registrability. When the trade mark application is approved by the Registrar, it is published in the Official Gazette. There is a 2-month period from the date of publication during which any interested party may file an opposition notice. In the absence of any opposition, a published trade mark is registered, and the relative certificate will be issued.

As per new regulations issued by the Egyptian Trademark Office, the deadline to file a petition application in response to the provisional refusal of an international registration has been reduced to three months instead of six months from the date of notification through the World Intellectual Property Organization (WIPO).

More information is available at: <http://www.itda.gov.eg/>

How long does registration take?

The approximate time frame for completing the trade mark registration process in Egypt is 12-14 months from the filing date. It will take about two months for the certificate of registration to be released.

How long does protection last?

A trade mark registration is valid for 10 years from the date of filing the application and it is renewable, indefinitely, for periods of 10 years. The application for renewal must be filed along with payment of the renewal fees.

Use of trade marks in Egypt is not compulsory for filing applications for registration or for maintaining trade mark registrations in force. However, a trade mark registration is vulnerable to cancellation on the strength of a court decision obtained to this effect by any interested party. A cancellation action relies basically on establishing sufficient grounds that the trade mark in question has not actually been used for a period of 5 consecutive years. A trade mark registration is consequently cancelled unless the owner proves that non-use of the trade mark was for reasonable cause of which the court approves. The Trademark Office or any party concerned is entitled to request cancellation of any trade mark registered in bad faith.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.

Which languages can be used?

Arabic.

Note: documents in a language other than Arabic must be accompanied with their translation.

What are the registration requirements?

1. Name and address of the applicant including nationality, domicile and address of the place of business.
2. A signed power of attorney, if the application is filed through an agent.
3. Certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. Ten prints of the mark for each class and a printing block.
5. A complete list of goods and services to be covered by the registration.
6. A certified copy of the priority document if priority is to be claimed. This may be submitted within three months from the filing date.

How much does it cost?

Administrative fees to apply for a trade mark are about 70 USD per mark, per class. The average market price of professional support for trade mark filing is about 300 USD per mark, per class.

More information is available at: <http://www.itda.gov.eg/>

3.2 Patents

What is the legal framework?

Egypt is a member of the Patent Cooperation Treaty, the Paris Convention, the Strasbourg Treaty, Trips Agreement, and the Budapest Treaty.

Patents can be registered through the Egyptian Patent Office (EGPO) which was established in 1951.

More information is available at: <http://www.egypo.gov.eg/page.aspx?id=16&lang=en>

What qualifies for registration?

Patent rights protect an invention which includes a new method or process (a new way of doing something). A patent must meet the following requirements:

- practical use
- novelty which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- inventive step which means that, having regard to prior art, the invention is not obvious to a person skilled in the art;
- patentable under national patent law.

What are the registration procedures?

The EGPO receives the registration application. Once an application for the grant of a patent is filed, it is examined with respect to compliance with the formalities and patentability provided for under the patent law in Egypt. The Patent Office may require whatever amendments may be necessary to bring the application into conformity with the law.

The provisions of the patent law stipulate that an application should be filed before the invention has become known prior to the filing date or the priority date through publication or use worldwide. The Patent Office currently receives many published patents worldwide and stipulates absolute novelty when examining the patent.

Patent applications are examined closely as to the formalities and technical requirements. Once the application is accepted, it is automatically published in the Official Gazette. Any interested party may oppose the grant of a patent within 2 months as of the date of publication. Should no opposition against the grant of a patent be filed, or should the committee reject an opposition, the charges of preparing copies for circulation purposes, which is the final step before grant, must be paid to the Patent Office.

The rights to a patent may be assigned or transferred through succession. The assignment of pat-

ent applications and granted patents must be made in writing. An assignment shall have no effect against third parties, unless it has been published in the Official Gazette and duly entered in the relevant records of the Patent Office.

How long does registration take?

It takes an average of 3 years from the filing date of the patent application to mature into a granted patent. Annuities are to be paid every year as of the filing date of the application even before the patent is granted. However, according to the current patent law, there is a one-year grace period from the due date with a late fine to settle payment of the annuity.

How long does protection last?

A patent is valid for 20 years starting from the date of filing the application. Annuities should be paid until the expiry of the patent protection period.

Working of patents is compulsory in Egypt. In the event that the owner of a patented invention does not satisfy the stipulated working requirements within 3 years as of the date of the grant, or within 4 years from the filing date, which of the two periods is longer, or if working ceases for one year without an acceptable reason, then the patent will be subject to compulsory licensing under the provisions of the law. If within 2 years as of the grant of the compulsory license, the licensee does not exploit the patented invention, any interested party may apply to the Patent Office demanding the cancellation of the subject patent for non-working.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.

Which languages can be used?

Arabic only

What are the registration requirements?

A patent application must contain the following:

1. a signed power of attorney, if the application is filed through an agent;
2. the deed of assignment, if the applicant is not the inventor;
3. the name, address, nationality and profession or nature of business of the applicant(s) and the inventor(s);
4. the specification in English or French for preparing the Arabic translation. The specification must be subdivided as follows:
 - a. Prior art
 - b. Drawbacks of the prior art
 - c. What is new about the invention (improvements)
 - d. Detailed description
 - e. Mode of exploitation of the invention

- f. Claims of the invention.
- 5. a summary of the invention (abstract) in English and Arabic (about 100 words);
- 6. one set of the formal engineering drawings;
- 7. an extract of the entry of the applicant company in the commercial register, or a copy of the certificate of incorporation. The document in either form should be duly legalised by the Egyptian Consulate;
- 8. a certified copy of the priority document must be submitted within three months, in case it is claimed.

Notes:

Items 1, 2, and 7 must be available within 4 months from the filing date; otherwise the application will lapse irrevocably, and the specification in English or French must be filed with the application. The Arabic translation must be submitted within 6 months.

Item 8 must be filed within 3 months from the filing date.

For PCT applications, items 2, 7 and 8 are not required, unless the name of the applicant filed for the Egyptian national phase is different from the applicant in the PCT publication then items 2 and 7 are needed.

How much does it cost?

Administrative fees to apply for a Patent are about 150 USD per class. The average market price of professional support for Patent filing is about 900 USD per class.

More information is available at: <http://www.egypo.gov.eg/page.aspx?id=16&lang=en>

3.3 Industrial Designs:

What is the legal framework for Industrial Designs?

Industrial designs and models are protected in Egypt through registration with ITDA. The International Classification for Industrial Designs under the Locarno Agreement is applied in Egypt. A registration is effective with novelty examination.

Egypt is a member on Paris Convention for the Protection of Industrial Property.

Any infringement or unauthorised use of a registered design or industrial model is punishable under the current law.

More information is available at: <http://www.itda.gov.eg/>

What are Industrial Designs in Egypt?

An industrial design is registrable if it is new. It must clearly identify novel features of the design in terms of:

- Shape;
- Configuration;
- Pattern and/or ornament.

It may consist of three-dimensional or two-dimensional features.

What are the registration procedures?

Industrial designs are protected through registration with ITDA. Designs are examined as to compliance with formal requirements. A substantive examination is not carried out.

A registration of an industrial design is subject to cancellation in the event any interested party requests such a cancellation before the competent tribunal, on the grounds that the design was not novel at the time of filing the relevant application.

The registration, assignment and cancellation of industrial designs are published in the Official Gazette and entered in the register.

Opposition of the registration of an industrial design is permitted by Intellectual Property Law No. 82 of 2002, and can be submitted within 2 months from the publication date of the industrial design.

How long does registration take?

The approximate time frame for completing the registration process of a design in Egypt is 15-18 months from the filing date.

How long does protection last?

An industrial design is valid for 10 years from the filing date and can be renewed once for a further 5 year term.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.

Which languages can be used?

Arabic

What are the registration requirements?

1. Name and address of the applicant including nationality, domicile and the address of the place of business.
2. A signed power of attorney, if the application is filed through an agent.
3. Certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.

4. Three copies of the design representation. Required at the date of filing.
5. Description of the design. Required at the date of filing.
6. The deed of assignment if the applicant is not the proprietor.
7. A certified copy of the priority document, if priority is to be claimed. May be submitted within three months from the date of filing.

How much does it COST?

Administrative fees to apply for Industrial Designs are about 50 USD per class. The average market price of professional support for Industrial Designs filing is about 300 USD per class.

More information is available at: <http://www.itda.gov.eg/>

3.4 Copyrights and related rights

What is the legal framework for Copyright?

Original works of literature, art and science, regardless of type, importance or purpose are protected in Egypt under Law No. 82 of 2002. This includes works of art expressed in writing, sound, drawings, photography and motion pictures, such as books, writings, speeches, oral works, plays, dramatic works, musical compositions, films, phonographic works, applied art, 3-D works, computer programs and national folklore. Such works are protected for the lifetime of the author plus 50 years following his/her death.

The law also provides protection for related rights, including rights of performers, producers of phonograms and broadcasting organisations.

In order for protection to be effective, the work of art has to be original and include personal efforts, innovation and new arrangement.

More information is available at: <http://www.itda.gov.eg/>

The Cultural Affairs' Supreme Council at the Ministry of Culture reserves the right to allow publication of the work of art for documentary, transitional, educational, cultural or scientific uses under certain conditions.

Egypt is a member of the Berne Convention for the Protection of Literary and Artistic Works.

More information on the Cultural Affairs' Supreme Council at the Ministry of Culture is available at: <http://scc.gov.eg/onlineservices/%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D9%85%D8%A4%D9%84%D9%81/>

What does Copyright protect?

The rights of the authors to their literary and artistic works shall be protected by the law, particularly the following works:

1. books, pamphlets, articles, brochures and other written works;
2. computer software;
3. databases which are either legible by computer or by any other device;
4. lectures, speeches, recorded sermons, and any other verbal works, provided that such are being recorded;
5. dramatic or dramatico-musical works and pantomime;
6. musical compositions with or without words;
7. audiovisual works;
8. architectural works;
9. works of drawing, painting, sculpture, lithography, printing on textiles, and any similar works of fine arts;
10. photographic works and analogous works;
11. works of applied arts and plastic arts;
12. illustrations, geographical maps, plans, sketches, and three-dimensional works relative to geography, topography or architecture;
13. derivative works, without prejudice to the protection granted to the works from which it has been derived;

Protection shall include the title of the work, provided that such title is innovated.

What are the registration procedures?

The application form must be completed, signed and submitted, with a copy of the work, to The Cultural Affairs' Supreme Council at the Ministry of Culture.

Once an application for the registration of copyrights is filed, it is examined as to form only. The Council does not carry out any examination as to the merit.

Then the Council issues the copyrights protection Certificate.

How long does registration take?

Two months from the submitted date.

How long does protection last?

Copyright protection is for the lifetime of the author plus 50 years following his/her death.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.

Which languages can be used?

Arabic

What are the registration requirements?

1. Name and address of the applicant including nationality, domicile and address of the

place of business.

2. A signed power of attorney.
3. Certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. Two copies of the Copyright.

How much does it COST?

Administrative fees to apply for Copyright are about 50 USD per class. The average market price of professional support for Copyright filing is about 300 USD per class.

More information is available at: <http://www.itda.gov.eg/>

3.5 Plant Breeder's Rights:

What is the Egyptian legal frame for Plant Variety rights?

The registration of Plant Breeders Rights (PBRs) is protected under Law No. 82 on the Protection of New Plant Varieties (June 2002) as amended in 2019.

More information on the Law can be found here:

<https://wipo.lex.wipo.int/en/text/538383>

Egypt became member of the International Union for the Protection of New Varieties of Plants (UPOV) under the Act of 1991 on December 1, 2019.

What are Plant Variety Rights in Egypt?

The definition of variety under national legislation is provided by Art. 189 and resembles the definition given in the UPOV 1991Act: 'a "variety" means a plant grouping within a single botanical taxon of the lowest known rank'.

In Egypt, protection is granted to plant varieties, derived inside or outside Egypt, whether developed through biological or non-biological means, when registered in the special register of protected plant varieties.

To be eligible for protection, the candidate plant variety must be:

- new;
- distinct;
- uniform;
- stable; and
- designated by a denomination which will be its generic designation;

Scope of protection:

According to Plant Variety Rights (PVR) legislation in Egypt, the following acts in respect of the propagating material of the protected variety require the authorization of the breeder:

- production or reproduction (multiplication);
- conditioning for the purpose of propagation;
- offering for sale;
- selling or other marketing;
- exporting;
- importing;
- stocking for any of the purposes mentioned above.

The scope of protection includes harvested material, and the legislation contains a provision on Essentially Derived Varieties.

Exceptions to breeders' rights

- acts done privately and for non-commercial purposes;
- acts done for experimental purposes;
- acts done for the purpose of breeding other varieties.

What are registration procedures?

Applications must be filed with the Plant Variety Protection Office (PVPO), established within the Central Administration for Seed Testing and Certification (CASC).

What are required information and documents for registration?

Required information to be submitted with the application form are established by Article 158 of the Executive Regulation. The regulation also contains the fees for the different services. It can be found at the following link: <https://wipo.lex.wipo.int/en/text/190181>

A form is available through WIPO Lex website, in Arabic. It can be found at the following link: <https://wipo.lex.wipo.int/en/legislation/details/8403>

The competent Office to receive the applications is the PVPO, based in:

8, Elgamaa Street, 12211 Giza.

Contact points available on UPOV Website are:

Ms. Mahasen Gad, PVPO General Manager:

Tel. +201066951509 (mob.)

Ms. Shymaa Aboshosha, PVPO:

Tel. +201006825230 (mob.)

More information on the contact points is available here: https://www.upov.int/members/en/pvp_offices.html

How LONG does legal protection last?

The term of protection for plant varieties is 20 years and 25 years for trees and vines, from the date of the granting of the breeder's right certificate (provisional protection from the date of filing to the grant).

Annual fees for the maintenance of the protection are due. Failure to pay fees and expenses to keep his right in force can lead to the cancellation of the right.

WHO can register?

The breeder of the candidate variety may apply for protection.

The breeder is defined in Art. 189 of the PVR legislation as:

- the person who bred, or discovered and developed, a variety,
- the employer of the aforementioned person or who has commissioned the latter's work,

or

- the successor in title of the first or second aforementioned person, as the case may be.

The applicant may be (Art. 191): 'any natural person or legal entity, Egyptian or foreign, belonging to, domiciled or active in a country, an entity or an organization that is a member of the World Trade Organization, a member of the International Union for the Protection of New Varieties of Plants (UPOV) or that applies reciprocity to Egypt'.

The applicant may also file the application through an agent (art. 161).

Which LANGUAGES can I use?

Arabic. The form available through the WIPO Website is in Arabic and the Executive regulation mentions that supporting documents to the application can be admitted only if translated in Arabic before submission.

SECTION 4: ENFORCING YOUR IP

Under Egyptian laws, an owner of an Intellectual Property Right (IPR) is entitled to prevent others from using and/or economically exploiting their right without their consent. There is a legal framework for the protection and enforcement of IP rights. IP legislation provides for four types of legal actions:

- Protective measures: preventive measures are in place to prevent infringement and also to preserve relevant evidence related to an alleged infringement, so as to use it in a judicial proceeding to claim compensation for the damages caused by the infringement.

- Civil actions: actions include confiscation of offending goods and payment of damages caused by the infringement.
- Criminal actions: sanctions include substantial fines and the possibility of imprisonment.
- Border measures: Customs officers have the authority, ex officio or at the right holder's request, to prevent the customs clearance of certain IP-infringing goods.

The judicial process is not expeditious and decisions can be disappointing for applicants. Infringements are still widespread and affect several sectors. Enforcement measures are generally slow and ineffective, especially in the case of provisional court measures when they are urgent. Moreover, there is a lack of deterrent effect in sanctions and condemnations.

SECTION 5: USING CUSTOMS TO BLOCK COUNTERFEITS

The Egyptian Customs Authority undertakes the task of monitoring the movement of goods and funds within the country and across the borders. In this context, it ensures:

- prevention of smuggling (smuggling of goods, drugs, jewellery and foreign currency);
- protection of endangered livestock and plants;
- monitoring the illegal export of works of art and antiquities;
- consumer protection from materials that do not comply with health standards.

There are laws in place regarding counterfeit goods and the suspension of customs procedures. In this regard, the holder of a patent registration certificate, the designer of the graphic design, the owner of a protected industrial model drawing, the owner of a registered trade mark, may submit a written request to suspend the Custom procedures when importing counterfeit products.

Who submits the complaint?

Personally, or through a duly authorised legal representative.

Where to file a complaint?

Area Customs Authority.

The complainant and the competent customs shall notify the Agreements Sector at the Ministry of Foreign Trade and Industry of the complaint.

When to file a complaint?

Before the arrival of the goods concerned to the customs office or within 3 days of the arrival of the goods in certain cases.

What is required to file a complaint?

1. Name and address of the applicant including nationality, domicile and the address of the place of business.
2. IP registration certificate

What happens after a complaint is filed?

The customs department shall seize the goods if, after inspection, they find that they conform to what is included in the complaint, and when necessary, after reviewing the applicant.

The customs services shall immediately inform the complainant and supplier of the detention process.

The customs department may, on its own, suspend the customs procedures relating to goods suspected of being counterfeits.

View the latest cases of counterfeit goods seized by the Egyptian customs authorities here: <https://www.customs.gov.eg/Media/News/Smuggle?newscat=2&culture=ar>

