

PRIME MINISTER DECREE NO. (497) OF 2005
ON ISSUING THE EXECUTIVE REGULATIONS FOR BOOK III OF LAW NO.
(82) OF 2002 ON THE PROTECTION OF INTELLECTUAL PROPERTY
RIGHTS

The Prime Minister

After reviewing the Constitution;
Law no. 82/2002 on the Protection of Intellectual Property Rights;
Law no. 51/2004 on E-Signature and on the Establishment of the Information
Technology Industry Development Authority (ITIDA);
The Executive Regulations no. 1366/2003 of Books I, II and IV of the Law on the
Protection of Intellectual Property Rights; and
Upon the approval of the Cabinet,

Has Decreed

Article I

Book III of Law no. 82/2002 on the Protection of Intellectual Property Rights shall be governed by the provisions of the attached Executive Regulations. Any provision contrary to the provisions of the Executive Regulations shall, hereby, be repealed.

Article II

This decree shall be published in the Official Gazette, and shall be enforced as of the next date of publication.

Issued at the Cabinet on: Sa'far 18th, 1426 A.H.

March 28th, 2005 A.D.

Prime Minister
Dr. Ahmed Nazif

**EXECUTIVE REGULATIONS OF BOOK III FOR LAW NO. (82) OF 2002 ON
THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**

BOOK III COPYRIGHTS AND NEIGHBORING RIGHTS

Article 1:

For the purposes of implementing this Book the following terms shall, unless otherwise prescribed, have the meanings given thereto below:

- (a) **The Law:**
Law no. 82 of 2002 on the protection of intellectual property rights.
- (b) **The Executive Regulations:**
The Executive Regulations for Book III of Law no. 82 of 2002 on the protection of intellectual property rights.
- (c) **The Concerned Minister:**
The Minister of Culture; the Minister of Information in respect of broadcasting; and the Minister of Communications and Information in respect of computer software and databases.
- (d) **The Concerned Ministry:**
The Ministry of Culture; the Ministry of Information in respect of broadcasting; and the Ministry of Communications and Information in respect of computer software and databases.
- (e) **The Office:**
The Copyright Protection Office at the Ministry of Culture; the Computer Software and Database Protection Office at the Information Technology Industry Development Authority (ITIDA); and Broadcasting, Audio, Visual and Audiovisual Works Protection Office at the Ministry of Information.
- (f) **The Registry:**
The Registry established by the Concerned Ministry to record actions in respect of the literary, artistic and scientific works subject to the provisions of the law.
- (g) **The Computer:**
The electronic machine capable of storing, processing and retrieving data and information electronically.
- (h) **The Computer Software:**
Any form of instructions and orders expressed by a particular language, symbol or sign that could be used directly or indirectly in a computer to perform a function or achieve a result – whether such instructions and orders are in their original form or any other computer-related form.

(i) The Database:

Any storage of data featured by innovation in terms of arrangement and display or reflecting a personal effort worth protection, whether the storage is made through a language, symbol or any other form, provided that it is stored by the computer and is retrievable by the computer or any other e-means.

Article 2:

The Concerned Ministry shall – as the case may be – implement the literary rights of authors and performance artists stated in Articles (143/144/155) where the author or performance artists dies with no heir or legatee, after the lapse of the rights protection period as stipulated by the Law.

The Concerned Ministry shall take and adopt all the procedures and means necessary to be in charge of such rights in a way that ensures protecting the work and/or performance as well as the reputation of the author and/or performer.

Article 3:

The Ministry of Culture shall, without prejudice to the provisions of Item (19), Article (138) of the Law, be in charge of the literary and financial author's rights as to national folklore referred to in Article (142) of the Law and shall protect and support the said folklore. The Ministry shall, in the course of doing so, initiate records, archives and databases to register the collected and classified expressions of the said folklore – oral expressions in particular – as well as musical expressions, motion expressions, and tangible expressions stated in Item (7) of Article (138).

The Minister of Culture shall issue a decree to set the rules and implementing procedures of the provisions of the preceding paragraph, including the recording rules and procedures in the registries, archives and databases.

Article 4:

Acquiring a license to copy and/or translate a protected work in accordance with the provisions of Article (170) of the Law without the author's permission shall be subject to fulfilling the requirements of all kinds and levels of education, and provided that the applicant files the application for license with the Protection Office at the Concerned Ministry, using the form made for this purpose or what includes the data thereof.

Article 5:

Granting the license referred to in Article (4) above shall be subject to the following conditions:

- (a) The author has not withdrawn all the copies of his work from circulation.
- (b) The license is not be eligible to be assigned by the licensee to any other party.
- (c) The license does not prevent issuing a license to anyone other than the licensee, unless the license is for translating the work into a cerian language, if the translation is published in this language
- (d) The name of the author and the title of the work, or an certified translation thereof are mentioned on each copy.

Article 6:

The application for license must include the following information:

- (1) The applicant's name, status, and address or chosen address.
- (2) The title of the work and the name of its author, successor or the legal representative of either of them.
- (3) The name of the publisher of the work and the place of publication.
- (4) The number of the copies that require licensing and the means of copying.
- (5) Time and place limit of license validity in the Arab Republic of Egypt.

The application shall be accompanied by whatever proves that the license is required for the purpose of fulfilling the requirements of any kind of education or levels whether universities, institutes, training centers, scientific research, etc. The application shall, also, be accompanied by whatever indicates that it has been difficult to reach the author, his/her successor or the legal representative of either of them; what indicates that negotiations were held with any of them, and a reasonable negotiation period lapsed without reaching an agreement; or that the author, his/her successor or the legal representative of either of them did not make enough copies adequate to answer the said requirements at a reasonable price.

Article 7:

The Appropriate office shall examine the application for license and verify that all the conditions required to grant licenses are met.

The license shall be issued by virtue of a provisional decree by the Concerned Minister or his/her authorized deputy, including setting the time and place limit of the license within 30 days as of the date of completing the required documents and paying the due

fees in accordance with the categories stated in the table attached hereto, provided that each work does not exceed L.E. 1000.

Article 8:

The licensing decision must include a fair remuneration to the author or his/her successor for using the license. The remuneration shall be determined by a specialized Committee of experts formed by virtue of a decision by the Concerned Minister.

The Committee shall, in the course of determining the remuneration, consider the following:

- (1) The protection remaining period.
- (2) The purpose of the license.
- (3) The type of the work.
- (4) The remuneration offered during negotiation for copying or translating.

The license may not be used except after paying the said remuneration.

Article 9:

Any person desires to obtain a license for the commercial or professional use of the work, audio recording, performance or radio program that entered the public domain according to the provisions of Article (183) of the Law may file an application with the Office using the appropriate form prepared for this purpose or what includes the data thereof. The license shall be issued in return for paying the fees due in accordance with the categories stated in the table attached hereto, provided that they do not exceed L.E. 1000 for the license.

Article 10:

Others may, following the publication of the work by the author, adapt the Computer software, even if such adaptation exceeds the extent necessary for the use of the said program as long as it is within the limits of the licensing purpose—for non-commercial purposes, or education or training requirements provided that such adaptation does not harm the legal interests of the author of the program, and that it – in all cases – includes a reference to the adapted-from-software.

Article 11:

The Concerned Ministry shall, pursuant to the provisions of Article (185) of the Law, establish a registry of the acts concerning the works, performances, sound recordings and radio programs that the Law stipulates the recording thereof in the registry.

Article 12:

The recordation application (of any acts) in the registry mentioned in Article (11) of these regulations shall be filed by the person concerned with the Office, using the form prepared for such purpose or what includes the information thereof.

Article 13:

The recordation application must include the following data:

- (1) The applicant's name, status, and address or chosen address.
- (2) The work name, data and filing number (if any).
- (3) The kind of action and the data related thereto and to the parties thereof.

The application shall be accompanied by the act instrument or a certified copy thereof in addition to all the documents necessary for the examination thereof.

Article 14:

The Appropriate Office shall examine the recordation application and the attachments thereto, and shall take the necessary procedures in that regard, after the payment of the due fees in accordance with the categories stated in the tables attached hereto, provided that the single recordation does not exceed L.E. 1,000.

Article 15:

A page in the registry shall be assigned to each classification. Such page shall include the following information:

- (1) The serial number of the recordation application and the submission date of such application.
- (2) The title of the work and the data of its depositing, if any.
- (3) The information related to any action and date in addition to the documents proving the rights of the parties.
- (4) The sum of the collected fees and the number of the payment receipt.

- (5) Any other information deemed necessary according to the nature of the work or the action.

Article 16:

Any person may, in accordance with the provisions of Article (186) of the Law, obtain from the Concerned Ministry a deposit certificate of a work, registered performance, sound recording or a deposited radio program, in return for the due fees in accordance with the categories stated in the tables attached hereto, provided that the sum does not exceed L.E. 1,000 for each certificate.

Article 17:

All stores that offer for circulation by sale, lease, lending, or licensing, recording equipment, sound recordings or radio programs shall be obliged to pay the due fees according to the categories stated in the tables attached hereto, provided that such fees do not exceed L.E. 1,000 to obtain the license referred to in Item (1) of Article (187) of the Law.

**Table of
Fees in Respect of Copyright and Neighboring Rights**

Service	Appropriate Office	Fees in Egyptian Pound
Obtaining a personal license for copying and/or translating any work protected under the Ministry of Culture according to the provisions of Article (170) of the Law and Article (7) of the Executive Regulations	The Copyright Protection Office, Ministry of Culture	L.E. 400/work
Obtaining a personal license for copying and/or translating any work protected under the Ministry of Information according to the provisions of Article (170) of the Law and Article (7) of the Executive Regulations	The Broadcasting and Audio, Visual and Audio-Visual Work Protection Office, Ministry of Information	L.E. 400/work
Obtaining a personal license for copying and/or translating any computer software work and database according to the provisions of Article	The Computer Software and Database Protection	L.E. 250/work

(170) of the Law and Article (7) of the Executive Regulations	Office, the Information Technology Industry Development Authority (ITIDA)	
Obtaining a personal license for copying and/or translating any computer software work and database according to the provisions of Article (170) of the Law and Article (7) of the Executive Regulations	The Copyright Protection Office, Ministry of Culture	L.E. 400/work
Obtaining a license for the commercial or professional use of the works that entered the public domain, and whose IPR are under the supervision of the Ministry of Culture according to the provisions of Article (183) of the Law and Article (9) of the Executive Regulations		L.E. 1,000/work
Obtaining a license for the commercial or professional use of the work, sound recording, performance or broadcasting that entered the public domain according to the provisions of Article (183) of the Law and Article (9) of the Executive Regulations First: Audio Works: (1) All kinds of interviews, symposiums and comments as well as political analyses and religious stuff.	The Broadcasting and Audio, Visual and Audio-Visual Work Protection Office, Ministry of Information	L.E. 500/work
(2) Poetry, lyrics, short stories, dramatic works and the elements thereof as well as singing and music and the elements thereof.		L.E. 600/work
Second: Audiovisual Works: (1) celebrations, occasions, evening shows, documentary films, shows, cartoons and graphics.		L.E. 800/work
(2) TV series, sevenfold TV series, plays, as well as short and/or long movies.		L.E. 1,000/work
Obtaining a license for the commercial or professional use of computer software works and database that entered the public domain, and	The Computer Software and Database	L.E. 500/work

which is used for the purpose of being used in different kinds and levels of educational aspects according to the provisions of Article (183) of the Law and Article (9) of the Executive Regulations	Protection Office, the Information Technology Industry Development Authority (ITIDA)	
Obtaining a license for the commercial or professional use of computer software works and database that entered the public domain, and which is used for non- educational purposes according to the provisions of Article (183) of the Law and Article (9) of the Executive Regulations	The Computer Software and Database Protection Office, the Information Technology Industry Development Authority (ITIDA)	L.E. 1,000/work
Obtaining a license for establishments that put in circulation works, recorded performances, sound recordings or broadcast programs through sale, rent, loan or licensing, according to Article (187/1) of the Law and Article (17) of the Executive Regulations	The Broadcasting and Audio, Visual and Audio-Visual Work Protection Office, Ministry of Information	L.E. 1,000/work
Obtaining a license for non-profit establishments that put in circulation computer software works or databases through sale, rent, loan or licensing, according to Article (187/1) of the Law and Article (17) of the Executive Regulations	The Computer Software and Database Protection Office, the Information Technology Industry Development Authority (ITIDA)	L.E. 500/work
Obtaining a license for for-profit based establishments that put in circulation computer software works or databases through sale, rent, loan or licensing, according to Article (187/1) of the Law and Article (17) of the Executive Regulations	The Computer Software and Database Protection Office, the Information Technology Industry Development Authority (ITIDA)	L.E. 1,000/work
Obtaining a license for establishments that put in circulation through sale, rent, loan or licensing, according to Article (187/1) of the Law and Article (17) of the Executive Regulations the following works: First: cinematography/TV/video/ Cassette/plays/ magic lantern/circus games/holding musical and/or singing concerts/cartoons/marionette/artistic	The Copyright Protection Office, Ministry of Culture	L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one

<p>performances/computer works (CD's – Floppy disks) and the like.</p>		<p>activity for one year.</p>
<p>Second: Displaying directly or by using any display or broadcasting device any of the following works: cinematography/TV/video/ cassette/plays/ magic lantern/circus games/holding musical and/or singing concerts/cartoons/marionette/ artistic performances /computer works (CD's – Floppy disks) and the like.</p>		<p>L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one activity for one year. L.E. 1,000 for each 3-year license for a first-class theatre. L.E. 400 for each 1-year license for second and/or third class theatres. The license is annually renewed for free except for the fiscal stamp.</p>
<p>Third: Offering for sale/or renting/or distribution any of the following works: cinematography/TV/video/ cassette/plays/ magic lantern/circus games/holding musical and/or singing concerts/cartoons/marionette/ artistic performances /computer works (CD's – Floppy disks) and the like locally and abroad.</p>		<p>L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one activity for one</p>

<p>Fourth: Sound recording at the recording studios or where such activity is held in respect of any of the following works: Cinematography /TV/video/ cassette /plays / magic lantern/circus games/holding musical and / or singing concerts / cartoons/marionette/artistic performances/ computer works (CD's – Floppy disks).</p>		year. L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one activity for one year.
<p>Fifth: Transferring the work from one technology to another, adding sound and image effects to the original work or undertake artistic processes to prepare the audio or audiovisual works.</p>		L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one activity for one year.
<p>Sixth: Copying or duplicating the copies needed for displaying or being circulated in respect of any of the following works: cinematography/TV/video/ cassette/plays/ magic lantern/circus games/holding musical and/or singing concerts/cartoons/marionette/ artistic performances /computer works (CD's – Floppy disks).</p>		L.E. 250 for each license for practicing one activity for one year; and L.E. 1,000 for each license for practicing more than one activity for one year.
<p>Seventh: Cinema and television cinematography/video/and the like.</p>		L.E. 250 for each license for practicing one activity for one year; and

		L.E. 1,000 for each license for practicing more than one activity for one year.
Recording the following actions as to works, performances, sound recordings and broadcast programs according to the provisions of Article (185) of the Law and Article (14) of the Executive Regulations. First: the author's disposal of using a written, joint or derived text (song, scenario, play of one act or more, book, booklet, short stories, long novel, etc.)	The Copyright Protection Office, Ministry of Culture	L.E. 100 for each entry
Second: the author's disposal of works related to applied or plastic arts, architecture and drawing (by lines, colors, engraving and printing on stones, photographs, illustrations, plans and geographical maps or by any other three-dimensional means or the like in the field of applied arts).		L.E. 100 for each entry
Third: deleting an entry, based on a final judicial judgment.		L.E. 100 for each entry
Fourth: suspending or re-enforcing actions recorded in the registry, based on a temporary or non-final judgment until a final judgment is made as to the dispute.		L.E. 100 for each entry
Fifth: approving to transfer the ownership to another person due to inheritance or for any other legal reason.		L.E. 100 for each entry
Recording actions as to the following works according to Article (185) of the Law and Article (14) of the Executive Regulations. First: Audio Works: All kinds of interviews, symposiums and comments as well as political analyses and religious stuff.	The Broadcasting and Audio, Visual and Audio-Visual Work Protection Office, Ministry of Information	L.E. 500 for each entry
Poetry, lyrics, short stories, dramatic works and		L.E. 600 for

the elements thereof as well as singing and music and the elements thereof.		each entry
Second: Audiovisual Works: Celebrations, occasions, evening shows, documentary films, shows, cartoons and graphics.		L.E. 800 for each entry
TV series, sevenfold TV series, plays, as well as short and/or long movies.		L.E. 1,000 for each entry
Recording the following actions in respect of the computer software works and databases according to Article (185) of the Law and Article (14) of the Executive Regulations First: deleting the entries of some actions, based on a final judicial judgment.	The Computer Software and Database Protection Office, the Information Technology Industry Development Authority (ITIDA)	L.E. 200 for each entry
Second: suspending or re-enforcing actions recorded in the registry, based on a temporary or non-final judgment until a final judgment is made as to the dispute.		L.E. 200 for each entry
Third: disposal		L.E. 300 for each entry
Fourth: approving to transfer the ownership to another person due to inheritance or for any other legal reason		L.E. 300 for each entry
Fifth: Entries for other actions		L.E. 500 for each entry
Obtaining a certificate for a deposited work according to the provisions of Article (186) of the Law and Article (16) of the Executive Regulations in respect of the following works: First: a certificate for a deposited written text of a work of plastic arts	The Copyright Protection Office, Ministry of Culture	L.E. 200 for each certificate
Second: a deposit certificate of the performance of a deposited audio or audiovisual work belonging to the same unit or series.		L.E. 200 for each certificate, but the fees increase based on the number of episodes, provided that

		they do not exceed L.E. 1,000
Third: a certificate for the performance of a deposited recorded work that does not exceed one hour.		L.E. 200 for each certificate
Fourth: a certificate for the performance of a deposited recorded work that does not exceed four hours.		L.E. 500 for each certificate
Fifth: a certificate for a deposited episode of a radio or TV program.		L.E. 200 for each certificate, but the fees increase based on the number of episodes, provided that they do not exceed L.E. 1,000
Obtaining a certificate for the following deposited works according to Article (186) of the Law and Article (16) of the Executive Regulations. First: Audio Works: All kinds of interviews, symposiums and comments as well as political analyses and religious stuff.	The Broadcasting and Audio, Visual and Audio-Visual Work Protection Office, Ministry of Information	L.E. 200 for each certificate
Poetry, lyrics, short stories, dramatic works and the elements thereof as well as singing and music and the elements thereof.		L.E. 300 for each certificate
Second: Audiovisual Works: Celebrations, occasions, evening shows, documentary films, shows, cartoons and graphics.		L.E. 400 for each certificate
TV series, sevenfold TV series, plays, as well as short and/or long movies.		L.E. 500 for each certificate
Obtaining a certificate for the following deposited works according to Article (186) of the Law and Article (16) of the Executive	The Computer and Software Database Protection	L.E. 250 for each certificate

Regulations. First: educational computer software and databases used in all kinds and levels of education.	Office, the Information Technology Industry Development Authority (ITIDA)	
Second: the computer software and databases not related to education.		L.E. 500 for each certificate

(*) Value of the fiscal stamps are to be added in accordance with the Stamp Law.

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