

**IMPLEMENTING REGULATIONS for Law No. 82 of 2002 on the Protection of  
Intellectual Property Rights**

EGYPT

**IMPLEMENTING REGULATIONS**

for Law No. 82 of 2002 on the Protection of Intellectual Property Rights Books One,  
Two and Four

**BOOK ONE**

**Patents and Utility Models, Layout-Designs for Integrated Circuits, and  
Undisclosed Information**

**Part I**

**Patents and Utility Models**

**Article 1.**

For the application of the provisions of this Part, the following terms and expressions shall have the meaning here-below attributed to each, unless otherwise provided:

- (a) **Law**: Law No. 82 of 2002 on the Protection of Intellectual Property Rights.
- (b) **Regulations**: Implementing Regulations for Law No. 82 of 2002 on the Protection of Intellectual Property Rights.
- (c) **Office**: Office for Patents and Utility Models.
- (d) **Patent**: Patent for invention or patent for utility model.
- (e) **Patent Register**: Register established by the Office, in which patent applications and related decisions and acts are recorded.
- (f) **Gazette**: Patent and utility model gazette issued by the Office for the publication of accepted applications, related issued decisions and related acts.
- (g) **Committee**: Appeal Committee provided for by Article 36 of Law No. 82 of 2002 on the Protection of Intellectual Property Rights.

### **Article 2.**

Applications for patents and utility models shall be filed with the Patent Office on the form established to that effect.

On filing an application, a fee shall be payable as indicated under the corresponding category of the schedule attached to these Regulations.

Applications filed by students registered with educational institutes, regardless of the grade level of the institute, shall be exempt from such fee.

### **Article 3.**

The patent application shall be accompanied by:

1. A fully detailed description, in Arabic, of the invention or utility model, prepared in a clear manner, using correct technical terms, including a statement on prior art and shortcomings therein, the novel element in the invention or utility model and the best way known by the inventor, to enable a person of expertise to execute it, showing also, in a precise and clear manner, the new elements for which protection is sought, and indicating any chemical equations or formulae or illustrative drawings.
2. The applicant shall furnish, on the form established to that effect, full data and information on applications filed abroad for the same invention or utility model or any relevant information, the fate of such applications, and resulting decisions.
3. An abstract describing the invention or utility model in the Arabic and English languages, with chemical formulae, if any, using the form established to that effect.
4. Where the application relates to an invention or utility model involving plant or animal biological material, traditional medicinal, agricultural, industrial or handicraft knowledge, or cultural or environmental heritage, it shall be accompanied by documentation proving that the inventor has accessed the source from which the material was obtained in a legitimate manner, according to the legislation applicable in the Arab Republic of Egypt.

5. Where the invention involves microorganisms, the applicant shall disclose such organisms according to conventional scientific rules, including all necessary information for the identification of the nature, characteristics and uses of such organisms, shall deposit a live culture thereof with a laboratory authorized by decision of the competent minister for scientific research affairs, and shall furnish a certificate to the effect that such deposit was made.
6. Where the applicant is a legal entity, an extract from the commercial register or an official copy of the constitution act or decision shall be furnished.
7. Documentation establishing the quality of the applicant.
8. Documentation establishing, where applicable, the assignment by the right holder of the invention or utility model.
9. Certificate of temporary protection for the invention or utility model, if any.
10. Receipt of payment of the application fees.

#### **Article 4.**

Documentation mentioned under items 3, 4, 5, 6 and 7 of Article 3 of these Regulations may be furnished within four months from the filing date of the application. The Arabic translation of the document provided for by item 1 of the same Article, where furnished with the application in a foreign language, may be furnished within six months from the same date.

If the documents provided for by the first paragraph are not furnished in due time, as the case may be, the application shall be considered as non-existent.

#### **Article 5.**

Where, in the case provided for by Article 38 of the Law on the Protection of Intellectual Property Rights, the application is filed with the Patent Office of the Arab Republic of Egypt, the applicant shall furnish, in addition to the documentation provided for by Article 3 of these Regulations, an official copy of the detailed description of the invention or utility model, of the drawing thereof, if any, and any other documents filed together with the patent application filed with a foreign country

or entity; any such documentation shall be authenticated by the industrial property authority of that country or entity, accompanied by a translation into the Arabic language and furnished with the application or within three months from the filing date of the application; failing which, the priority right shall lapse.

The date at which the application was first filed in a foreign country or entity shall be taken into account, for the determination of priority, upon fulfillment of the requirements therefor; the period of protection shall start from the date at which the application was filed in Egypt in accordance with Articles 9 and 30 of the mentioned Law.

#### **Article 6.**

Applications for patents and utility models shall be allotted serial numbers according to the date and time of receipt, starting from the first of January of each year. The applicant shall be given a receipt indicating the serial number of the application, which shall be, together with annexes, sealed with the seal of the Office; the serial number and date and time of receipt shall be marked on the application.

#### **Article 7.**

Applications shall be recorded in the Patent Register which shall contain the following data:

1. Serial number of the application.
2. Date and time of receipt of the application.
3. Name of the inventor.
4. Name, surname and address of the applicant, or, if the applicant is a legal entity, name and address of that entity, and an address for service.
5. Name and surname of the agent, if any.
6. Where the application for a patent or utility model was filed according to the provisions of Article 38 of the Law, name of the foreign entity or country with which the application was filed and the filing date of the application.
7. Acts relating to the patent application.

8. Date at which the decision granting the patent for the invention or utility model, was issued, the patent number, and the name of the right holder.
9. Acts and procedures relating to the ownership or right of exploitation, of the patent.
10. Actions of seizure carried out in relation with the patent.

#### **Article 8.**

An alphabetical index of the applications received by the Office shall be established and shall contain an indication of the name of the applicant, name of the inventor, title of the invention or utility model, serial number of the application and date and time of receipt. The confidentiality of the application and its annexes shall be maintained until the acceptance of the application is published after, at least, one year from the date of receipt. The index shall be made available to the public at the Library of the Patent Office.

#### **Article 9.**

The description of the invention or utility model shall contain only such chemical equations or the like as necessary.

Where required for the clarity of the description of the invention or utility model, a diagram shall be made on a sheet in accordance with the following Articles and shall accompany that description.

#### **Article 10.**

The drawing of the invention or utility model shall be executed on clear, white, strong and smooth drawing sheets, of good quality and medium thickness, without any coloring and capable of being clearly reproduced by photography or the like.

### **Article 11.**

The size of the sheets used shall be 21 cm x 29.5 cm, and all margins shall be 2.5 cm. Consecutive numbers shall be allotted to different figures of the drawing of the invention, and sufficient space shall separate a figure from another. If necessary, more than one sheet may be used for the drawing of the invention.

### **Article 12.**

In the execution of the drawings of the invention or utility model, the following rules shall be complied with:

1. Dark black ink shall be used for the lines of the drawing.
2. Lines shall be apparent and uniformly thick.
3. A minimum of hatching and shade lines shall be used without any interlineation or overlapping that would cause confusion.
4. The thickness of the shade lines shall not be significantly different from that of the main lines.
5. Parts or shades of the drawing shall not be emphasized in bold or by colorings.
6. The scale of the drawing shall be sufficient to show the invention or utility model in a clear manner; the drawing shall show such parts of the invention or utility model that would accomplish such purpose; The scale of the drawing of the invention or utility model shall be determined in numbers.
7. The title of the invention or utility model or parts thereof shall not appear in the drawing itself.
8. Figures shall be executed in an upright position with respect to the drawing sheet.
9. Letters and numbers used to indicate parts of the drawing shall be placed in a clear manner; their height shall not be less than 3 mm; the same letters and numbers shall be used in the different positions of the drawing; thin arrows shall be used to connect any letters or numbers appearing outside the drawing to the corresponding parts of the drawing.
10. Such letters and numbers shall be identical to those used in the detailed description of the invention or utility model.

11. The drawing sheet shall not be folded; it shall be free from creases and cracks so as to admit reproduction by photography or the like.

### **Article 13.**

The following data shall be indicated on the drawing sheet:

1. Word "original".
2. Name of the applicant.
3. Number of sheets containing the drawing and the consecutive number of each sheet.
4. Serial number and date and time of receipt, of the application.
5. The signature of the applicant or agent.
6. Such data shall be presented, according to their order of succession, in a table to the bottom right of the drawing sheet.

### **Article 14.**

When necessary, the Office may require that the applicant furnishes, as the case may be, two samples or models of the invention or utility model.

### **Article 15.**

The Office may require that the applicant for a patent for an invention or utility model for chemical products relating to foodstuff, pharmaceuticals and agriculture furnishes two samples of such products.

The applicant shall establish a list of the samples and their nature, which shall be included in or attached to, the detailed description.

The applicant shall indicate, at the top of the detailed description of the invention or utility model, that such samples are furnished. The Office shall include such indication in the publication of the acceptance of the application, in the Gazette.

### **Article 16.**

Samples referred to under Article 15 of these Regulations shall be furnished in flasks of a maximum height of 8 cm and external diameter 4 cm. The flasks shall be tightly sealed with red wax and labeled with a card indicating the relationship between the sample and production referred to in the description of the invention. Such card shall be affixed to or suspended on the flask; in which case, it shall have a length not exceeding 10 cm and width 8 cm.

### **Article 17.**

If the invention relates to a colorant, a sample thereof shall be furnished in accordance with Articles 15 and 16 of these Regulations. Such sample shall be accompanied by specimens of products printed or colored by that colorant. Such specimens shall have, to the extent possible, an even surface, and shall be fixed on cards of 33 cm x 21 cm. Such cards shall contain a detailed statement describing the printing or dyeing process and, particularly, the composition of various solutions, degree of concentration, temperature, time required for each process, and capacity of color absorption by the dye. The said cards shall also indicate the percentage of colorant fixed in the dyed material, the composition of the printing paste, and a statement indicating the relation between the colorant used for printing or dyeing, and the relevant particulars in the description of the invention or utility model.

Where the sample contains toxic, caustic, explosive or inflammable substance, an indication to that effect shall be made on the label.

### **Article 18.**

If the Patent Office finds that the invention or utility model can be exploited in a prejudicial manner to national security, in contradiction with public order or morality, or in causing serious damage to the environment or damage to the life or health of humans, animals or plants, the decision by the Office to accept the application shall be



subject to a waiver by the person concerned to use the invention in any such sort of exploitation.

#### **Article 19.**

The Office shall notify the applicant or agent, by registered mail with acknowledgement of receipt, of any reasoned decision requiring amendments or complements to the application.

If the applicant fails to make the required amendments or complements within three months from the date of notification, the application shall be considered as withdrawn.

#### **Article 20.**

The applicant may appeal against the decision of the Office before the committee provided for by Article 36 of the Law, within thirty days from the date of notification of the decision, against payment of the fee fixed in the schedule attached to these Regulations. The appeal shall be made, in two copies, using the form established to that effect.

The Office shall notify, by registered mail with acknowledgement of receipt, the person making the appeal, of the date at which the committee will be convened to consider the appeal, and summon that person to attend the hearing of the committee. Such notification must be received, at least seven days, before the date of the hearing.

A representative of the Office may attend the hearing convened for the consideration of the appeal, and shall be entitled to respond to the objections made by the person making the appeal.

The person making the appeal shall be notified, by registered mail with acknowledgement of receipt, of the decision made by the committee with the reasons therefor.

### **Article 21.**

The applicant may introduce amendments to the application before the acceptance of the application is made public, provided that:

If the application is based on Article 38 of the Law, the amendment shall not go beyond the subject-matter of the precedence.

The modification shall not affect the subject-matter of the invention or utility model, in the fully detailed description, technical problem, new elements for which protection is sought or drawings and chemical equations.

### **Article 22.**

Subject to Article 17 of the Law, the Office shall, upon acceptance of the application,

**I.** Publish the application in the Gazette, within ninety days from the date of issuance of the acceptance decision, provided that such publication includes:

1. Name, nationality and occupation of the applicant and, where the applicant is a legal entity, name, address and headquarters, and nature and purpose of establishment.
2. Name, surname, nationality and occupation of the inventor.
3. Title of the invention or utility model.
4. Where the application is based on Article 38 of the Law, date at which the application was filed abroad.
5. Serial number of the application.

**II.** Enable any person in the public, who so wishes, to access, in the Office, the file of the patent or utility model, containing the application, description, drawing and relating samples, of the invention, and all relating documentation and recordings in the Register. Any person may obtain a copy of the above against payment of the fee fixed in the fee schedule attached to these Regulations.

If the invention relates to microorganisms, a sample shall be given, throughout the period of protection, to the person of the public, who so wishes, only if the following conditions are satisfied:

1. That person shall have the capacity to store such microorganisms.

2. The purpose of obtaining the sample shall be use in research and development activities or experiments.
3. That person shall not leak such microorganism to third parties.
4. The preceding conditions shall not limit the grant of a sample of the microorganism to a beneficiary of a non-voluntary license.

**III.** Notify the applicant, by registered mail with acknowledgement of receipt, within three months from the date of publication of the acceptance of the application, that the applicant shall furnish, at the applicant's expense, within a period not exceeding three months from the date of notification, five copies of the fully detailed description and five copies of the abstract describing the invention or utility model, in a manner acceptable by the Office; failing which, the application shall be considered as non-existent.

**IV.** Deposit, with the Library of the Patent Office, one printed copy of the fully detailed description and one of the abstract describing the invention or utility model.

### **Article 23.**

Opposition to the grant of a patent shall be made, within sixty days from the date of publication of the acceptance of the application in the Gazette, by a notification addressed to the Office in two copies, using the form established to that effect. An opposition shall be acceptable only upon payment of the fee fixed in the schedule attached to these Regulations. If the opposition is accepted, such fee shall be reimbursed.

### **Article 24.**

The Office shall communicate, by registered mail with acknowledgement of receipt, within seven days from the date of opposition, a copy of the opposition to the applicant. The applicant may respond to the opposition within fifteen days from the date of communication. The response shall be submitted to the Office, in two copies, using the form established to that effect.

The Office shall send to the opposing party, by registered mail with acknowledgement of receipt, a copy of the response, within seven days from the date of receipt by the Office of the response.

**Article 25.**

A hearing shall be fixed by the chairman of the committee provided for by Article 36 of the Law, for that committee to consider the opposition. The applicant and the opposing party shall be informed, by registered mail with acknowledgement of receipt, of the date of such hearing at least ten days before such date.

**Article 26.**

Where the committee decides to designate an expert, such decision shall contain:

- (1) Precise statement of the mandate of the expert.
- (2) Deadline for the submission of the expert report.
- (3) Date of the hearing during which the report will be discussed.

**Article 27.**

If the expert is a government officer or employee of a governmental authority, the committee shall inform such expert of the designation decision through the authority with which the expert is attached. If the expert is not such an officer or employee, that expert shall be informed by registered mail with acknowledgement of receipt.

**Article 28.**

If the opposing and responding parties agree on the designation of an expert, the committee shall approve such designation.

**Article 29.**

The Office shall notify the opposing and responding parties, by registered mail with acknowledgement of receipt, of the decision rendered regarding the opposition and reasons therefor, within ten days from the date at which such decision is rendered.

**Article 30.**

If no opposition is made against the grant of a patent or an opposition was made and a decision refusing the opposition is rendered, the Office shall proceed with the grant of the patent.

**Article 31.**

If the applicant assigns, in whole or in part, prior to the grant of the patent, the right in the patent, the assignee may request from the Office that the patent be issued, as the case may be, in the name of the assignee or jointly with third parties.

The request shall be made on the form established to that effect and accompanied by the assignment act or a true copy thereof.

In all cases, the invention shall be attributed to the inventor.

**Article 32.**

The decision granting the patent shall contain the following data:

1. Patent number.
2. Name of the inventor.
3. Name, nationality and domicile or, where the patent owner is a legal entity, name, address and headquarters, of the patent owner.
4. Title of the invention or utility model.
5. Period, starting date and expiration date of protection.
6. Particulars relating to precedence.

**Article 33.**

The decision granting the patent for an invention or utility model shall be published in the Gazette.

Such decision shall be recorded in the Register which shall include the data provided for by Article 32 of these Regulations.

**Article 34.**

A progressive annual fee shall be paid as of the second year until the expiration of the patent protection period, as indicated under the corresponding category in the schedule attached to these Regulations. The Office shall notify the person concerned, by registered mail with acknowledgement of receipt, thirty days before the due date for the payment of the annual fees, of that date. If the applicant fails to pay in due date, a surcharge shall be imposed, amounting to seven percent of such fees, to be calculated as of the day following the due date. Failure to pay annual fees or surcharges for a period of one year from due date shall cause the rights conferred by patents for inventions or utility models to lapse and fall into the public domain.

The notification referred to in the preceding paragraph shall be made at the most recent addressed communicated to the Office by the person concerned.

**Article 35.**

The annual fee shall be reduced to 10% of the prescribed fee for students registered with educational institutes, regardless of the grade level of the institute, and half for individuals and individual establishments with a maximum staff of ten persons.

**Article 36.**

A request for a non-voluntary license for the exploitation of an invention or utility model shall be submitted, in application of the provisions of the Law, to the Office, on the form established to that effect.

**Article 37.**

A Secretariat shall be established, by decision of the President of the Academy for Scientific Research and Technology, within the Office, and shall be responsible for receiving requests for issuing or obtaining non-voluntary licenses, recording such requests in a special register according to the date of receipt, and processing such requests for consideration by the Office.

**Article 38.**

The Office shall examine non-voluntary license requests to verify whether formal and substantive conditions are complied with, and shall transmit to the ministerial committee provided for by Article 23 of the Law, by virtue of a notice accompanied by an opinion, such requests as it finds acceptable for issuing non-voluntary licenses.

**Article 39.**

In the case provided for by Article 23 (iii) of the Law, the grant of a non-voluntary license shall require that the applicant proves that negotiations with the patent holder have been held for a reasonable period of time and serious attempts have been made to obtain a voluntary license under appropriate conditions.

In the appreciation of the extent to which conditions are appropriate, the following shall be taken into account:

1. Nature of the invention.
2. Remaining period of the prescribed period of protection.
3. Remuneration offered for the voluntary license.

**Article 40.**

A non-voluntary license shall be granted only to a person capable of seriously exploiting the invention through an establishment carrying out activities in the Arab

Republic of Egypt, within the scope and period and under the conditions, fixed by the decision granting the license.

#### **Article 41.**

The holder of a patent in respect of which a non-voluntary license is granted shall be entitled to a fair remuneration for the exploitation of the patented invention, which shall be evaluated by an *ad hoc* committee to be formed by decision of the President of the Academy of Scientific Research and Technology. In the appreciation of the remuneration, the committee shall take into account, in particular, the following:

1. Remaining period of the period of protection.
2. Volume and value of the licensed production.
3. Ratio of the price of the product to the average gross *per capita* income.
4. Volume of investment required for market studies.
5. Volume of investment required for production.
6. Availability of similar products in the market.
7. Prejudice caused by abusive or anti-competitive practices by the patent holder.
8. The appreciation, by the committee, of the remuneration, shall be submitted to the ministerial committee referred to under Article 23 of the Law, to decide, in application of the provisions of that Article, for the purposes of the non-voluntary license to be issued, on the economic rights of the patent holder.

#### **Article 42.**

The Office shall notify the patent holder of the decision granting the non-voluntary license and the decision appreciating the remuneration. Such notification shall be made, by registered mail with acknowledgement of receipt, promptly in cases under Article 23(1)(i) and (iii) and (2) and as soon as reasonably practicable in cases under Article 23(1)(ii).



#### **Article 43.**

The patent holder may appeal, before the committee provided for by Article 36 of the Law, against the decision by the Office to grant a non-voluntary license to a third party or the decision appreciating the remuneration, within thirty days from the date at which the patent holder is notified of the decision granting the non-voluntary license or appreciating the remuneration.

The appeal shall be made using the form established to that effect. The Office shall notify the person making the appeal, seven days before the date of the hearing which will be held to consider the appeal, of the date of that hearing, and summon that person to attend the hearing; it shall also notify the said person of the decision rendered regarding the appeal. In all cases, notification shall be made by registered mail with acknowledgement of receipt.

#### **Article 44.**

The Office shall publish, in the Gazette, the decision revoking the patent in application of the provision of Article 23(5) of the Law. Any person concerned may challenge, within thirty days from the date of publication, such decision before the committee provided for by Article 36 of the Law.

The challenge shall be made using the form established to that effect. The procedure and time-limits applicable under Article 43 of these Regulations shall apply with respect to the notification to the challenging person of the date of the hearing of the committee which will consider the challenge and the decision rendered by that committee.

#### **Article 45.**

Transfer of ownership, mortgage, determination of usufruct or seizure, of patents shall be published in the Gazette. An indication to that effect and to the minutes of the auction, if any, shall be made in the Patent Register upon a request to be made by the person concerned using the form established to that effect, and accompanied by supporting documentation.

**Article 46.**

The same criteria as those provided for by Article 41 these Regulations shall be used for the appreciation of the fair remuneration on the basis of the prevailing economic value at the time when the decision of expropriating the patent is issued in the cases provided for by Article 25 of the Law.

**Article 47.**

Patents in respect of which the rights of the holders have lapsed in application of Article 26 of the Law shall be published in the Gazette. Publication shall include the serial number of the patent, and the date when and reason for which rights of the holders have lapsed. An indication to that effect and to the minutes of the auction, if any, shall be made in the Patent Register.

**Article 48.**

A person concerned may request from the Office, using the form established to that effect, that an indication of the following data be made in the Register:

1. Any change in the name, surname, nationality, occupation or address of the patent owner; if the owner is a legal entity, such owner may request the recording of any change in the name, nationality, address and nature, and purpose of establishment or headquarters, of the legal entity.
2. Any change in the address for service.

**Article 49.**

The holder of an invention or utility model, who wishes to benefit from temporary protection for the invention when displayed in a national exhibition held in Egypt or an international exhibition, in accordance with Article 3(ii), second paragraph, of the Law, shall notify the Office of such wish, prior to the display. The notification shall be made on the form established to that effect and shall be accompanied by a brief statement of

the description and drawing of the invention. The Office may require from the applicant to furnish such other indications as it deems necessary to understand the elements or purpose of the invention or utility model.

#### **Article 50.**

Notifications referred to under Article 49 of these Regulations shall be recorded in a register held by the Office, containing the following data:

1. Date at which the notification was made.
2. Name of the person making the display.
3. Title, venue, official opening date and duration, of the exhibition.
4. A denomination indicating the subject-matter of the invention or utility model.
5. Date at which the invention or utility model is to be displayed at the exhibition.

#### **Article 51.**

If the procedure and indications provided for by Articles 49 and 50 of these Regulations, are completed, the Office shall grant the holder of the invention or utility model a certificate of temporary protection for the invention, which shall guaranty the possibility to file an application for a patent within a maximum period of six months from the date at which the invention or utility model has entered the exhibition.

#### **Article 52.**

A person concerned may appoint an agent to file a patent application or make the notification for opposing the grant of a patent or any procedure provided for under Book One, Part I, of the Law or these Regulations.

If the person concerned or agent is not a resident in the Arab Republic of Egypt, an Egyptian patent agent shall be appointed, to whom all notifications, documentation and submissions provided for under the Law or these Regulations shall be sent.

In all cases, the power of attorney shall be special, authenticated and maintained with the Office together with the relevant documentation.

**Article 53.**

If, upon filing the application with the Patent Office of the Arab Republic of Egypt, the person concerned wishes to obtain, abroad, a patent for the same invention or utility model, such person may obtain from the Office a certificate to the effect that an application was filed with it.

Such certificate shall contain an indication of the purpose for which the certificate was delivered, accompanied by a copy of the application and its annexes. The Office may, before delivering the certificate, require from the applicant to furnish a true copy of the annexes of the application.

**Article 54.**

In the case where a patent is lost or destroyed, the owner may request from the Office, using the form established to that effect, that a true copy be delivered.

**Article 55.**

The patent holder may request from the Office, using the form established to that effect, that a material error in the patent application, description of the invention or utility model, decision granting the patent, or any other indication made in the Patent Register, be corrected.

**Article 56.**

A library shall be attached to the Patent Office and contain studies, works and publications on intellectual property matters relating to the work of the Office; those relating to various sciences, arts and skills; and descriptions of inventions and utility models for which patents were issued by foreign countries and acquired through exchange. Documentation and indexes to be made available to the public shall be deposited with the library.

All the forgoing elements shall be accessible by the public.

#### **Article 57.**

The Office shall issue a monthly Gazette entitled "Patent and Utility model Gazette", in which indications the publication of which is prescribed by the Law and these Regulations shall be published. The Office shall also issue, in the first month of each year:

- A bulletin containing brief statements describing inventions and utility models for which patents were issued in the preceding year.
- A bulletin containing the names of the persons who obtained patents in the preceding year, arranged in alphabetical order.
- A bulletin containing the patents numbers for inventions and utility models, issued in the preceding year, with an indication of the subject-matter of each patent, according to the technical classification of inventions and utility models, applied by the Office.

#### **Article 58.**

The competent Minister for scientific Research Affairs, on a proposal by the President of the Academy of Scientific Research and Technology and in conformity with the legal provisions prescribed with respect to the two members of the Judiciary, issue a decision forming the appeal committee provided for by Article 36 of the Law.

Appointment of the chairman and members shall be for a renewable period of one year. The decision shall include the financial treatment fixed for the chairman and members of the Committee and the constitution of a technical secretariat which shall be responsible for the processing of appeal files brought before it, including annexed submissions and documentation, and the minutes of the hearings of the Committee, and the execution of the decisions rendered by it.

**Article 59.**

The appeal shall be brought before the Committee referred to under Article 58 of these Regulations, on the form established to that effect, against payment of the fee fixed in the schedule attached to these Regulations.

**Article 60.**

The chairman of the Committee shall fix the hearing during which the appeal is to be considered. The number of hearings held by the Committee shall be, at least two per month. A hearing may be held in the absence of an expert member of the Committee. The notification of the person making the appeal of the fixed hearing shall be addressed to that person or the agent or by registered mail with acknowledgement of receipt, at the address indicated in the appeal or, if no such address is indicated in the appeal, the address indicated in the file.

If the person making the appeal fails to attend two consecutive hearings, despite a legally made notification, the Committee shall deem the appeal as non-existent; in which case, that person shall not be entitled to file a new appeal.

The Committee may invite any person having expertise in the art to express an opinion regarding appeals brought before it, without the right to vote in the deliberations.

The Committee shall render its decisions upon hearing the person making the appeal and the representative of the Office, by absolute majority; In case of equal votes, the vote of the chairman shall prevail.

## Part II

### Layout-Designs for Integrated Circuits

#### Article 61.

The application for the registration of a layout-design for integrated circuits shall be filed with the Patent Office, using the form established to that effect. The application shall contain a single layout-design only.

The application shall be subject to the payment of the fee under the corresponding category of the schedule attached to these Regulations.

#### Article 61.

The application shall be accompanied by:

1. The drawing reflecting the three-dimensional design, illustrating the parts of the design for which the applicant seeks protection.
2. A sample of the integrated circuit in respect of which protection of the layout design is sought.
3. Information explaining the electronic function of the integrated circuit in respect of which protection of the layout-design is sought.
4. Where the applicant is a legal entity, an extract from the commercial register or an official copy of the constitution act or decision.
5. An authenticated certificate of a first exploitation of the application in a foreign country.
6. An authenticated certificate of a first application filed in a foreign country for the registration of the design.
7. A receipt of payment of the application fees.
8. Documentation establishing the quality of the applicant.
9. Documentation establishing assignment of the layout-design, if any.

### **Article 63.**

A special register shall be established with the Office, in which applications for the registration of layout-designs for integrated circuits shall be recorded, and shall contain the following data:

1. Serial number and filing date of the application.
2. Name, surname, nationality and occupation of the applicant, whether the applicant is a natural person or legal entity.
3. Name and surname of the agent, if any.
4. Name of the country or countries in which the design was first exploited and date of such first exploitation.
5. Name of the country or countries in which the application for registration was filed for the first time.
6. Date at which the prior decision granting the certificate was issued, and number of such certificate.

### **Article 64.**

In the absence of a special provision, layout-designs for integrated circuits shall be governed by provisions relating to patents under these Regulations.

## **Part III**

### **Undisclosed Information**

### **Article 65.**

The competent authority which receives, at its own request, undisclosed information necessary for authorizing the marketing of chemical, pharmaceutical or agricultural products, shall indicate, in a special register established to that effect, the date at which the information was furnished, and shall take such measures as would be appropriate, having regard to the nature of such information, to secure protection for that information,



until it is no longer confidential or for a period not exceeding five years, whichever comes first, against any disclosure that would lead to unfair commercial use.

#### **Article 66.**

The competent authority, which receives the information, shall fix the handling and steps taken in respect, of the information, during examination, analysis and tests.

All mentioned indications shall be recorded in the register provided for by Article 65 of these Regulations.

#### **Article 67.**

The competent authority, which possesses undisclosed information, shall take the necessary measures to preserve the confidentiality of the information, by preventing access to that information by any person other than those who, by virtue of their function, may handle such information. It shall also establish a restriction system that limits such handling to those who are under legal obligation to preserve such information and prevent leakage to third parties.

#### **Article 68.**

Where necessary for the protection of the public, the competent authority, which receives undisclosed information, may disclose such information.

Cases where such disclosure is deemed necessary and related guiding principles shall be determined by decision of the competent minister.

**Fee Schedule for Patents for Inventions and Utility Models, and Layout Designs  
for Integrated Circuits**

Type of Service	Fee in Egyptian Pounds
Application to obtain a patent for an invention 1.....	150 per application
Application to obtain a patent for a utility model 2.....	100 per application
Application to register a layout design for an integrated circuit.....	1,000 per application
Access to or obtaining a true copy of, a patent application.....	100
Appeal before the committee provided for by Article 36 of the Law.....	250
Request for objecting the grant of a patent.....	500

Stamp value to be added, according to the legislation on stamps. <sup>1 and 2</sup> Applications filed by students of any kind of educational institutes shall be exempt of such fees.

**Schedule for Annual Progressive Fee Starting from the Second Year from the Filing Date of the Application Until the Expiration of the Period of Protection**

Due Date	Fee in Egyptian Pounds
Beginning of first year	20
Beginning of second year	40
Beginning of third year	80
Beginning of fourth year	100
Beginning of fifth year	150
Beginning of sixth year	200
Beginning of seventh year	250
Beginning of eighth year	300
Beginning of ninth year	350
Beginning of tenth year	400
Beginning of eleventh year	500
Beginning of twelfth year	600
Beginning of thirteenth year	700
Beginning of fourteenth year	800
Beginning of fifteenth year	900
Beginning of sixteenth year	1,000
Beginning of seventeenth year	1,000
Beginning of eighteenth year	1,000
Beginning of nineteenth year	1,000
Beginning of twentieth year	1,000

Stamp value to be added, according to the legislation on stamps.

<sup>1</sup> The period of protection shall be seven years for utility model patents and twenty years for invention patents.

<sup>2</sup> The annual fee shall be reduced to 10% for students.

<sup>3</sup> The annual fee shall be reduced to half for individuals or establishments with a maximum staff of ten persons.

<sup>4</sup> A surcharge of 7% shall be due for each year of delay.

**BOOK TWO**

**Marks, Tradenames, Geographical Indications and Industrial Designs Definitions**

**Article 69.**

For the application of the provisions of this Book, the following terms and expressions shall have the meaning here-below attributed to each:

1. **Law:** Law No. 82 of 2002 on the Protection of Intellectual Property Rights.
2. **Department:** Department of Trade Registry.
3. **Authority:** General Authority for Trademarks and Industrial Designs.
4. **Gazette:** Trade mark and Industrial Design Gazette.

**Part I**

**Marks, Tradenames and Geographical Indications**

**Article 70.**

The Department of Trade Registry - General Authority for Trademarks and Industrial Designs - shall be competent for the registration, in the register established to that effect under the provisions of the Law and these Regulations, of trademarks and related acts.

**Article 71.**

An application for the registration of a trademark or request for making a related recording or modification shall be filed, using the form established to that effect, with the General Authority for Trademarks and Industrial Designs, Department of Trade Registry, by the person concerned or a person representing that person concerned by virtue of a special power of attorney.

The registration application shall be filed with respect to one or more class or products. In all cases where the application is accepted, a single registration certificate shall be issued for that application.

An application shall be subject to a fee. Similarly, all other procedures related to a mark shall be subject to fees under the corresponding category of the schedule attached to these Regulations.

### **Article 72.**

The registration application shall be accompanied by:

1. Four copies of a picture of the mark, which shall be identical to the picture of the mark as in the application form for registration.
2. Name, quality, surname, nationality, address for service and, if any, elected domicile in the Arab Republic of Egypt, of the applicant; where the applicant is a legal entity, name and address for service of that entity; where the application is filed through the intermediary of an agent, name, surname, address and an authenticated power of attorney.
3. Mark in respect of which registration is applied for.
4. Indication of the products in respect of which the registration of the mark is applied for, with the number of class or classes to which such products belong.
5. Place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.
6. Where priority is claimed, documentation establishing that the applicant has filed an application with a country or entity member of the World Trade Organization or that applies reciprocity to Egypt.
7. Document delivered for securing temporary protection for the mark, if any.

Where furnished in a foreign language, documents provided for by this Article shall be accompanied by a translation into the Arabic language.

### **Article 73.**

Documents required under Article 72 of these Regulations shall be submitted within six months from the filing date of the application for registration; failing which, the application shall be considered as non-existent.

#### **Article 74.**

An application for the registration of a mark shall enjoy the right to priority if the following conditions are complied with:

1. The earlier application must be filed with a country or entity that is member of the World Trade Organization or applies reciprocity to Egypt, in respect of priority rights.
2. The earlier application must be the first application filed for the registration of the mark in respect of the same products for which the application is filed in Egypt.
3. The Applicant must indicate the date at which the first application was filed.
4. A priority right must be claimed within six months from the filing date of the first application; failing which, such priority right shall lapse.
5. The date at which the first application was filed shall be taken into account for the determination of priority, upon fulfillment of the requirements therefor.

#### **Article 75.**

Applications for registration shall be recorded in a special register with the Authority, arranged using serial numbers according to filing dates. The applicant shall be given a receipt which shall contain the following data:

1. Serial number of the application.
2. Name of the applicant.
3. Filing date and time of the application.

#### **Article 76.**

A page of the trademark register shall be assigned for each registered mark and shall contain the following data:

1. Serial number and filing date of the application.
2. Date of registration of the mark.

3. Name, surname, nationality and elected domicile in the Arab Republic of Egypt, of the person in whose name the mark is registered.
4. Products in respect of which the mark is registered, with the number of class or classes to which such products belong.
5. Place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.
6. Requirements on the basis of which the mark was registered, if any.
7. Modifications or recordings made following registration.
8. Transfer of ownership, usufruct, or license.
9. Mortgage or termination of mortgage, of the mark, or renewal or cancellation of registration.
10. Seizure or termination of seizure relating to the mark.

**Article 77.**

A mark shall be registered in the colors in which it was deposited. Where a mark is deposited without colors, the Authority may require from the applicant to indicate, prior to the publication of the acceptance of the application, the color or colors of the mark or any parts thereof.

**Article 78.**

Any related marks, numbers and evidence of such relation with a mark shall be recorded in the page assigned to that mark.

**Article 79.**

Identical or similar marks owned by the same person for products of identical or similar kind shall be considered as related marks.

**Article 80.**

The Authority shall hold manual and electronic indexes arranged in alphabetical order and shall maintain various figurative elements of registered marks.

**Article 81.**

In the case where serious doubts exist as to the correctness of data of or documentation annexed to, an application, the Head of the Department or person designated by the Head of the Department may invite the applicant or agent of the applicant, by a registered mail with acknowledgement of receipt, to be sent at the address for service indicated in the application, for discussion, either face-to-face or by indicated means, and summon the applicant or agent to furnish, within a period not exceeding three months from the date of the invitation, evidence proving the correctness of those data or documentation.

**Article 82.**

The Authority shall issue, in the first week of each month, a monthly gazette entitled "Gazette of Trademarks and Industrial Designs", in which it shall publish such information and drawings as prescribed for publication under the Law and these Regulations.

**Article 83.**

The owner of a mark, who wishes to obtain temporary protection for that mark, in a national or international exhibition, according to the provision of Article 72 of the Law, shall notify the Authority of such a wish, prior to the display. Notification shall be made using the model established to that effect or contents of that model, and shall be accompanied by an illustrative drawing of the mark. The Authority may summon the owner to furnish such other indications relating to the mark as it finds necessary.



#### **Article 84.**

Requests for temporary protection shall be recorded, in the manner provided for by Article 15 of these Regulations, in a register which shall contain the following data:

1. Date at which the request has been made.
2. Name of the person making the display.
3. Title, official opening date and duration, of the exhibition.
4. Products bearing the mark.
5. Date of entry of the products bearing the mark, to the exhibition.

#### **Article 85.**

Where conditions and requirements provided for by Article 83 of these Regulations are complied with, the Authority shall grant the person making the request a certificate of temporary protection for the mark, which shall guaranty the possibility to file an application for the registration of the mark within a maximum period of six months from the date at which the products bearing the mark have entered the exhibition.

#### **Article 86.**

Where a mark includes an element or indication devoid of any distinctive characteristic or consists of a mere generic name, drawing or picture of a product, the Head of the Department or person designated by the Head of the Department may require, for the acceptance of the registration, that that element or indication be waived.

#### **Article 87.**

Prior to the publication of the acceptance of the registration, the Department may require from the applicant to furnish a cliché or a reproduced picture of the mark, fixed by such means as the Department deems appropriate.

Where publication includes a group of marks, the Department shall require from the applicant to furnish, with respect to each of the marks of which the group or

reproduction is composed, the cliché or reproduction referred to in the preceding paragraph.

Such cliché or reproduction shall comply with the conditions and requirements fixed by the Department, and be accompanied by three copies of the mark identical to the picture in the application form for registration.

The cliché or reproduction shall be maintained, for a period of one year; following which, it shall be returned, upon request, to the applicant, or, if no such request is made, destroyed by the Department.

### **Article 88.**

The decision accepting the application for the registration of a mark shall be published in the Gazette and shall contain the following data:

1. Name, surname, nationality and, if any, elected domicile in the Arab Republic of Egypt, of the applicant.
2. A true copy of the mark in respect of which registration is applied for.
3. Serial number and filing date of the application.
4. products in respect of which the registration of the mark is applied for, with the number of class or classes to which such products belong.
5. Place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.
6. Requirements by the Authority for the registration of a mark, if any.
7. Any other indications deemed necessary by the Department.

### **Article 89.**

Any person concerned may bring an opposition against a mark in a respect of which a decision of acceptance of the application has been published. Such opposition shall be submitted, within sixty days from the date of such publication, to the Head of the Department or person designated by the Head of the Department, in an original and a copy, using the form established to that effect or contents thereof, together

with documentation establishing the quality of the person making the opposition and serious reasons for making such an opposition.

The Head of the Department or person designated by the Head of the Department shall communicate to the applicant, by registered mail with acknowledgement of receipt, within thirty days from the date of notification, a copy of the opposition.

#### **Article 90.**

The applicant shall submit, to the Head of the Department or person designated by the Head of the Department, within thirty days from the date of communication of the opposition, in two copies, a written reasoned response; failing which, the application for the registration of the mark shall be deemed abandoned.

A copy of the response shall be communicated, by registered mail with acknowledgement of receipt, within ten days of receipt, to the person making the opposition.

#### **Article 91.**

The Head of the Department or person designated by the Head of the Department, at the request of the applicant or person making the opposition, shall convene a single hearing for the parties to present their arguments, prior to rendering a decision, upon payment of the prescribed fee.

#### **Article 92.**

The Department shall notify the parties, by registered mail with acknowledgement of receipt, of the decision rendered regarding the opposition, within ten days from the date at which the decision is rendered.

Where a decision rejecting the opposition is rendered, the applicant shall be allowed ninety days from the date of notification of the decision, to complete the registration procedure; failing which, the application shall be deemed abandoned.

**Article 93.**

If no opposition is made, within sixty days from the date of publication, against the registration of a mark, the Department shall notify the applicant, by registered mail with acknowledgement of receipt, within ten days from the date at which the decision accepting the application for the registration of the mark is issued, of that decision.

**Article 94.**

Rejection of the registration of a mark or making such registration conditional shall be the subject of a reasoned decision rendered by the Head of the Department or person designated by the Head of the Department.

In all cases, the applicant or agent shall be notified of such decision, by registered mail with acknowledgement of receipt, within thirty days from the date at which the decision is rendered.

The notification shall include an indication of the right of the applicant to appeal before the committee referred to under Article 78 of the Law, with the time-limits and procedure for submitting the appeal.

**Article 95.**

The committee referred to by Article 78 of the Law shall be constituted, taking into account that:

1. One member shall be expert in the subject-matter of the appeal.
2. Membership of the committee shall exclude the examiner of the mark subject of the appeal.
3. The committee shall consider the appeal in the presence of the Director General of the Authority or person designated by the Director General in order to respond to the objections of the person making the appeal.
4. The committee shall render a reasoned decision regarding the appeal, whenever possible, within one year from the date of submission of the appeal.

5. The Department shall notify the person making the appeal, within fifteen days from the date at which the decision of the committee is rendered, of that decision. Notification shall be made by a registered mail with acknowledgement of receipt, to be sent at the most recent address for service indicated by that person before the committee.

#### **Article 96.**

The appeal shall be submitted, in two copies, using the model established to that effect or contents thereof. The Department shall notify the person making the appeal of the date of the hearing fixed for the consideration of the appeal and summon that person to attend the hearing and submit any evidence or documentation supporting the appeal.

Notification shall be made, by registered mail with acknowledgement of receipt, at least fifteen days prior to the date of the hearing.

#### **Article 97.**

Registered marks shall be published in the Gazette; publication shall be limited to an indication of the serial number, date of registration of the mark, name of the owner, and number and date of the Gazette issue in which acceptance of the registration has been published.

The owner of the mark shall have the right to prevent third parties from using the mark without authorization.

#### **Article 98.**

If the owner of a mark wishes to cancel the registration of the mark, that owner, or person representing that owner by virtue of a special power of attorney, shall submit to the Head of the Department or person designated by the Head of the Department, a written request to that effect. The Department shall decide on that request within thirty days from the date of submission. The decision canceling the registration shall be effective as of the submission of the request.

**Article 99.**

The owner of a registered mark or person representing that owner by virtue of a special power of attorney, may request that the mark be modified or a relating data be recorded, provided that such modification or recording shall not affect the identity of the mark. Such request shall be submitted by the owner or person representing that owner, for that purpose, by virtue of a special power of attorney.

The request shall be accompanied by supporting documentation which shall be certified or authenticated, as the case may be. It shall be submitted in four copies of the mark with the relevant modification or recording. Where that modification or recording concerns products in respect of which the mark is registered, it shall be by way of deletion without any addition.

The procedure applicable to initial applications for registration shall apply to requests for modification or recording.

**Article 100.**

Where the data to be modified or recorded in the register concerns related marks, a single request for such modification or recording shall suffice.

**Article 101.**

The Authority shall record, in the register, data relating to the cancellation or modification of the mark, or recording of related data. Such recording shall be published in the Gazette. Publication shall include the serial number of the mark, name of the owner, recordings and modifications made, together with an indication of the number and date of the Gazette issue in which the registration of the mark has been published.

### **Article 102.**

Any request for the recording, in the register, of a transfer of the ownership of a mark or disposal of any right therein shall be made upon a request by the transferee or agent appointed by the transferee by virtue of a special power of attorney.

The request shall be made using the established model and shall include the following data:

1. Serial number of the mark.
2. Names, surnames, tradenames and elected domiciles in Egypt, of the person making the request and transferor; where any of the person making the request and transferor, or both, is a legal entity, name, address and purpose of establishment shall be also indicated.
3. Residence and nationality of the person making the request.
4. Name, surname and address of the agent, if any.
5. Date of transfer of ownership or disposal of right.
6. Authenticated or certified document establishing transfer of ownership.
7. Products for which the mark is intended, with the number of class or classes to which such products belong.
8. Place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.

### **Article 103.**

The request for recording shall be accompanied by official or certified documentation establishing transfer of ownership or disposal of right. Where the person making the request is a legal entity, the request shall be accompanied also by an official extract of the constitution act or statute.

### **Article 104.**

The Authority shall record, in the register, the transfer of ownership or disposal of right, with an indication of the name, occupation and address of the new owner, right holder

or the person in whose interest the seizure is made, the reason for such transfer or disposal, and the date of recording.

The Department shall notify the person making the request or agent, of such recording, by registered mail with acknowledgement of receipt, within ten days from that recording.

#### **Article 105.**

Recording, in the register, of a mortgage or seizure of a mark or of a determination of any material right therein, and of a disposal of a license, shall be made according to the procedure applicable to the transfer of ownership. Publication of mortgage, any other material right, or seizure of the mark, shall include the same data provided for by Article 102 of these Regulations.

#### **Article 106.**

Transfer of ownership of a mark or disposal of any right therein shall be published in the Gazette. Publication shall include the following data:

1. Serial number and filing date of the application for registration.
2. Date of registration and number and date of the Gazette issue in which registration has been published.
3. Name, surname, nationality and elected domicile in Egypt, of the person in whose name the mark is registered.
4. Products in respect of which the mark is registered, with the number of class or classes of such products.
5. Name, surname and nationality of the person benefiting from a transfer of ownership of the mark or disposal of any right therein.
6. Date of transfer of ownership or disposal of right and date of recording in the register.
7. Place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.



8. Place where the commercial enterprise or exploitation project benefiting from a transfer of ownership of the mark or disposal of any right therein.

#### **Article 107.**

Cancellation of a mortgage of a mark shall be recorded upon a request submitted to the Head of the Department or person designated by the Head of the Department, by the owner of the mark, together with documentation establishing the expiration of the mortgage.

Cancellation of a mark license shall be recorded upon a request submitted to the Head of the Department or person designated by the Head of the Department, by the owner of the mark or licensee, together with supporting documentation.

In both cases, the recording of cancellation shall be published in the Gazette, with an indication of the number and date of the Gazette issue in which the mortgage or license has been published.

#### **Article 108.**

The period of protection conferred by registration under Article 90 of the Law shall be renewable. Requests for renewal shall be submitted within prescribed time-limits and subject to payment of the due fees under the corresponding category of the attached schedule.

Requests for renewal shall be made using the model established to that effect or contents thereof.

#### **Article 109.**

The Authority shall indicate, in the register, the renewal of the period of protection and, upon request, grant the person making the request a certificate of renewal, upon payment of the prescribed fee under the corresponding category of the attached schedule. The request shall be made using the model established to that effect or contents thereof.

**Article 110.**

Renewal of the period of protection shall be published in the Gazette. Publication shall include the following data:

1. Serial number of the mark.
2. Name of the owner.
3. Date of registration and number and date of the Gazette issue in which registration has been published.
4. Date of the request for the renewal of the period of protection.

**Article 111.**

Cancellation of the registration of a mark shall be recorded in the register. The recording of such cancellation shall be published in the Gazette. Publication shall include the following data:

1. Serial number of the mark.
2. Name of the owner.
3. Date of registration and number and date of the Gazette issue in which registration has been published.
4. Reason for and date of cancellation.

**Article 112.**

Any person may request access to registered marks and obtain extracts or copies of the register.

The request shall be made using the model established to that effect or contents thereof, against payment of the prescribed fee under the corresponding category of the attached schedule.

**Article 113.**

Requests, correspondences, submissions and documentation shall be submitted to the Department in the Arabic language.

Where submitted by a foreign person or entity, or made in a foreign language, they shall be accompanied by a translation into the Arabic language, signed by the applicant or agent.

Where a translation concerns transfer of the ownership of a mark or disposal of any right therein, such translation shall be authenticated or certified.

**Article 114.**

Requests provided for by this Book shall be accompanied by receipts establishing payment of the prescribed fees indicated in the attached schedule.

**Article 115.**

Where a mark in respect of which registration is applied for, includes a geographical indication, provisions of Articles 104 to 111 of the Law shall apply.

**Part II**  
**Industrial Designs**

**Article 116.**

The Department of Trade Registry - General Authority for Trademarks and Industrial Designs - shall be competent for the registration, in the register established to that effect under the provisions of the Law and these Regulations, of industrial designs.

**Article 117.**

An application for the registration of an industrial design shall be filed with the Authority, by the person concerned or a person representing that person concerned by virtue of a special power of attorney, using the model established to that effect or contents therein. The application may include up to fifty industrial designs, provided that such designs form together a homogeneous unit. For each application, the prescribed fee shall be payable in accordance with the categories of the schedule attached, taking into account the number of designs.

**Article 118.**

The application for registration shall include the following data:

1. Name, quality, surname, nationality, residence, address for service and, if necessary, elected domicile in the Arab Republic of Egypt, of the applicant.
2. Where the applicant is a legal entity, the application shall indicate the name, address, address for service in the Arab Republic of Egypt, and legal statute of that entity, and country in which it is established.
3. Where the application is filed through an intermediary, the application shall indicate the name, surname and address of that intermediary.
4. Number of industrial designs in respect of which registration is applied for, with an indication of products for which the designs are intended, if any.
5. Where the application for the registration of an industrial design involves a priority right, name of the foreign country in which that application has been filed, and filing date of the application, together with an indication of the person in whose name the application has been filed in that foreign country.
6. Where the applicant has obtained a certificate of temporary protection, exhibition at which the design has been exhibited or made public and official opening date of the exhibition.
7. Signature of the person concerned or person designated by that person concerned; where the person concerned is a legal entity, signature by the person entitled to sign.

### **Article 119.**

The application for registration shall be accompanied by:

1. Four copies of each industrial design; however, if capable of being maintained, a specimen of the article for which the design is intended may be submitted.
2. Where the applicant is a legal entity, the application for registration shall be accompanied by an extract of the page of the commercial register where the entity is recorded, an official extract of the constitution act or a reproduction of the statute.
3. Where the application is filed under Article 132 of these Regulations, the application shall be accompanied by a copy of the design deposited with the application for registration filed with a foreign country; Such copy shall be certified by the industrial property authority of that country and submitted with the application or, upon a written request by the person concerned, within a period not exceeding six months from the filing date of the application with the Industrial Design Authority. The industrial design applied for shall be the same industrial design deposited with the foreign country.
4. In case of display in exhibitions, where the application for registration involves a priority right, it shall be accompanied by a certificate of temporary protection.

### **Article 120.**

The page assigned for the picture of the industrial design shall contain the following data:

1. Name of the applicant.
2. At the right top of the page, serial number of industrial designs attached to the application for registration.
3. At the right bottom of the page, signature by the applicant or agent.
4. The page shall not contain any indication regarding the industrial design or articles for which the design is intended.

**Article 121.**

Applications for the registration of industrial designs shall be recorded in a special register with the Authority, bearing serial numbers allotted according to the filing date of the application. The applicant shall be granted a receipt containing the following data:

1. Serial number of the application.
2. Name of the applicant.
3. Filing date and time of the application.

**Article 122.**

The Authority shall hold manual and electronic indexes of industrial designs applied for; such indexes shall be arranged according to international standards of classification.

**Article 123.**

The industrial design shall contain no words, letters or numbers other than substantial material which cannot be excluded from the design; any such words, letters or numbers shall be deleted.

**Article 124.**

The register in which applications for registration are recorded shall contain the following data:

1. Serial number of the application.
2. Filing date and time of the application, and date of registration.
3. Data concerning the applicant and, if any, the representative, which must be established in the application for registration.
4. Where the application for the registration of an industrial design involves a priority right, the country or entity in which the application has been filed.
5. Number of industrial designs and classes in which they have been registered and classified.

6. Requirements by the Authority for registration.
7. Modifications and recordings made following registration.
8. Acts relating to the industrial design, including transfer of ownership, mortgage or licensing.
9. Seizure or termination of seizure, of the industrial design.
10. Cancellation of a mortgage or license.
11. Renewal of registration in accordance with the Law.
12. Name and, if any, opening date, of the exhibition in which the industrial design has been displayed.
13. Certificate of temporary protection, if any.
14. Publication of the industrial design and, if any, certificate of temporary protection.

#### **Article 125.**

At the request of the person concerned, a grace period not exceeding six months from the filing date of the application, may be granted to complete the documentation required under Article 119 of these Regulations, excluding item 1, to accompany the application.

In order for the application to be acceptable, a prescribed fee shall be paid as indicated under the corresponding category of the schedule attached to these Regulations.

Where the grace period provided for by the first paragraph lapses without the required documentation being submitted, the applicant shall be deemed to have abandoned the application.

#### **Article 126.**

In the case where serious doubts exist as to the correctness of data of or documentation annexed to, an application, the Head of the Department or person designated by the Head of the Department may invite the applicant or agent of the applicant, for discussion, and summon the applicant or agent to furnish, within a period not exceeding

three months from the date of the summon, evidence proving the correctness of such data or documentation.

Such invitation shall be made by a registered mail with acknowledgement of receipt, to be sent at the address for service indicated in the application for registration.

#### **Article 127.**

Rejection of the registration of an industrial design or making such registration conditional shall be the subject of a reasoned decision rendered by the Head of the Department or person designated by the Head of the Department.

In all cases, the applicant or agent shall be notified of such decision, by registered mail with acknowledgement of receipt, within thirty days from the date at which the decision is rendered.

The notification shall include an indication of the right of the applicant to appeal before the committee referred to under Article 124 of the Law, with the time-limits and procedure for submitting the appeal.

#### **Article 128.**

The committee referred to under Article 124 of the Law shall be constituted, taking into account that:

1. One member shall be expert in the subject-matter of the appeal.
2. Membership of the committee shall exclude the examiner of the design subject of the appeal.
3. The committee shall consider the appeal in the presence of the Director General of the Authority or a person designated by the Director General in order to respond to the objections of the person making the appeal.
4. The Department shall notify the person making the appeal, within fifteen days from the date at which the decision of the committee is rendered, of that decision. Notification shall be made by a registered mail with acknowledgement of receipt, to be sent at the most recent address for service indicated by that person before the committee.



**Article 129.**

The appeal shall be submitted, in two copies, using the model established to that effect or contents thereof. The Department shall notify the person making the appeal of the date of the hearing fixed for the consideration of the appeal and summon that person to attend the hearing and submit any evidence or documentation supporting the appeal. Notification shall be made, by registered mail with acknowledgement of receipt, at least fifteen days prior to the date of the hearing.

**Article 130.**

Unless otherwise provided, industrial designs shall be governed by provisions on trademarks under Articles 86, 87, 88, 89, 90, 91 and 92 of these Regulations.

**Article 131.**

The owner of a registered industrial design shall have the right to make amendments or recordings of data without affecting the industrial design itself. A request to that effect shall be submitted by the owner or an agent appointed by a special power of attorney. Documentation supporting the request shall be authenticated or certified.

**Article 132.**

Any person desiring to take advantage of an earlier filing of an industrial design, under Article 4 of the Paris Convention for the Protection of Industrial Property, shall file, in Egypt, within a period not exceeding six months from the date of the first earlier filing in a country that is member of the World Trade Organization or applies reciprocity to Egypt, an application for the registration of the same industrial design.

### **Article 133.**

Any request for the recording, in the register, of a transfer of the ownership of an industrial design or disposal of any material right therein, shall be made upon a request by the transferee or the agent appointed by the transferee by virtue of a special power of attorney.

The request shall be made using the established model and shall include the following data:

1. Serial number of the industrial design.
2. Names, surnames, tradenames and elected domiciles in Egypt, of the person making the request and transferor; where any of the person making the request and transferor, or both, is a legal entity, the name, address and purpose of establishment shall be also indicated.
3. Residence and nationality of the person making the request.
4. Name, surname and address of the agent, if any.
5. Date of transfer of ownership or disposal of right.
6. Authenticated or certified document establishing transfer of ownership.
7. Products for which the industrial design is intended, with the number of class or classes to which such products belong.
8. Place where the commercial enterprise or exploitation project in respect of which the industrial design is or is to be used, if any.

### **Article 134.**

The request for recording shall be accompanied by authenticated or certified documentation establishing transfer of ownership or disposal of right. Where the person making the request is a legal entity, the request shall be accompanied also by an official extract of the constitution act or statute.

### **Article 135.**

The Authority shall record, in the register, the transfer of ownership or disposal of right, with an indication of the name, occupation and address of the new owner, right holder or person in whose interest the seizure is made, the reason for and date of, such transfer or disposal, and the date of recording.

The Department shall notify the person making the request or agent of such recording, by registered mail with acknowledgement of receipt, within ten days from that recording.

### **Article 136.**

Transfer of ownership of an industrial design or disposal of any material right therein shall be published in the Gazette. Publication shall include the following data:

1. Serial number and filing date of the application for registration.
2. Date of registration and number and date of the Gazette issue in which registration has been published.
3. Name, surname, nationality and elected domicile in Egypt, of the person in whose name the industrial design is registered.
4. Products in respect of which the industrial design is registered, with the number of class or classes of such products.
5. Name, surname and nationality of the person benefiting from a transfer of ownership of the industrial design or disposal of any right therein.
6. Date of transfer of ownership or disposal of right and date of recording in the register.
7. Place where the commercial enterprise or exploitation project in respect of which the industrial design is or is to be used.
8. Place where the commercial enterprise or exploitation project benefiting from a transfer of ownership of the industrial design or disposal of any right therein.

**Article 137.**

Cancellation of a mortgage of an industrial design shall be recorded upon a request submitted to the Head of the Department or person designated by the Head of the Department, by the owner of the industrial design, together with documentation establishing the expiration of the mortgage.

Cancellation of an industrial design license shall be recorded upon a request submitted to the Head of the Department or person designated by the Head of the Department, by the owner of the industrial design or licensee, together with supporting documentation.

In both cases, the recording of cancellation shall be published in the Gazette, with an indication of the number and date of the Gazette issue in which the mortgage or license has been published.

**Article 138.**

The period of protection conferred by registration under Article 126 of the Law shall be renewable. Requests for renewal shall be submitted within prescribed time-limits and subject to payment of the due fees under the corresponding categories of the attached schedule.

Requests for renewal shall be made using the model established to that effect or contents thereof.

**Article 139.**

The Authority shall indicate, in the register, the renewal of the period of protection and, upon request, grant the person making the request a certificate of renewal, upon payment of the prescribed fee under the corresponding category of the attached schedule. The request shall be made using the model established to that effect or contents thereof.

**Article 140.**

Renewal of the period of protection shall be published in the Gazette. Publication shall include the following data:

1. Serial number of the industrial design.
2. Name of the owner.
3. Date of registration and number and date of the Gazette issue in which registration has been published.
4. Date of the request for the renewal of the period of protection

**Article 141.**

Cancellation of the registration of an industrial design shall be recorded in the register for industrial designs. The recording of such cancellation shall be published in the Gazette. Publication shall include the following data:

1. Serial number of the industrial design.
2. Name of the owner.
3. Date of registration and number and date of the Gazette issue in which registration has been published.
4. Reason for and date of cancellation.

**Article 142.**

Requests provided for by this Book shall be accompanied by receipts establishing payment of the prescribed fees indicated in the attached schedule.

**Article 143.**

Requests, correspondences, submissions and documentation shall be submitted to the Department in the Arabic language.

Where submitted by a foreign person or entity, or made in a foreign language, they shall be accompanied by a translation into the Arabic language, signed by the applicant or agent.

Where a translation concerns transfer of the ownership of an industrial design or disposal of any right therein, such translation shall be authenticated or certified.

#### **Article 144.**

Any person may request access to registered industrial designs and obtain extracts or copies of the register.

The request shall be made using the model established to that effect or contents thereof, against payment of the prescribed fee under the corresponding category of the attached schedule.

#### **Article 145.**

The holder of an industrial design, who wishes to benefit from temporary protection for the industrial design in a national or international exhibition, in accordance with Article 132 of the Law, shall notify the Authority of such wish, prior to the display. The notification shall be made using the model established to that effect or contents thereof and shall be accompanied by an illustrative drawing of the industrial design.

The Authority may require from the holder to furnish such other indications relating to the industrial design as it deems necessary.

#### **Article 146.**

Requests for temporary protection shall be recorded, in the manner provided for by Article 77 of these Regulations, in a register which shall contain the following data:

1. Date at which the request has been made.
2. Name of the person making the display.
3. Title, official opening date and duration, of the exhibition.
4. Presentation of the industrial design.

5. Date of entry of the industrial design or product for which it is intended, to the exhibition.

#### **Article 147.**

Where conditions and requirements provided for by Article 145 of these Regulations are complied with, the Authority shall grant the person making the request a certificate of temporary protection for the industrial design, which shall guaranty the possibility to file an application for the registration of the industrial design, within a maximum period of six months from the date at which the industrial design or products for which the industrial design is intended, enters the exhibition.

#### **Article 148.**

A request for a non-voluntary license for the exploitation of an industrial design shall be submitted, in application of the provisions of the Law, to the Department, on the model established to that effect.

#### **Article 149.**

A Secretariat shall be established, by decision of the Head of the Department, within the Department, and shall be responsible for receiving requests for issuing or obtaining non-voluntary licenses, recording such requests in a special register according to the date of receipt, and processing such requests for consideration by the Department.

#### **Article 150.**

The Department shall examine non-voluntary license requests to verify whether formal and substantive conditions are complied with, and shall transmit to the ministerial committee provided for by Article 129 of the Law, by virtue of a notice accompanied by an opinion, such requests as it finds acceptable for issuing non-voluntary licenses.

### **Article 151.**

The grant of a non-voluntary license, under Article 129 of the Law, shall require that the applicant proves that negotiations with the industrial design holder have been held for a reasonable period of time and serious attempts have been made to obtain a voluntary license under appropriate conditions.

In the appreciation of the extent to which conditions are appropriate, the following shall be taken into account:

1. Nature of the industrial design.
2. Remaining period of the prescribed period of protection.
3. Remuneration offered for the voluntary license.

### **Article 152.**

A non-voluntary license shall be granted only to a person capable of seriously exploiting the industrial design through an establishment carrying out activities in Egypt, within the scope and period and under the conditions, fixed by the decision granting the license.

### **Article 153.**

The holder of an industrial design in respect of which a non-voluntary license is granted shall be entitled to a fair remuneration for the exploitation of the industrial design, which shall be evaluated by an *ad hoc* committee to be formed by decision of the Head of the Department. In the appreciation of the remuneration, the committee shall take into account, in particular, the following:

1. Remaining period of the period of protection.
2. Volume and value of the licensed production.
3. Ratio of the price of the product to the average gross *per capita* income.
4. Volume of investment required for market studies.
5. Volume of investment required for production.
6. Availability of similar products in the market.



7. Prejudice caused by abusive or anti-competitive practices by the industrial design holder.
8. The appreciation, by the committee, of the remuneration, shall be submitted to the ministerial committee referred to under Article 129 of the Law, to decide on the remuneration in the light of such appreciation.

**Article 154.**

The Department shall promptly, by registered mail with acknowledgement of receipt, notify the industrial design holder of the decision granting the non-voluntary license and decision appreciating the remuneration.

Number	Procedure	Fee in Egyptian Pounds
1	Application for the registration of a mark under one class	50
2	Application for the registration of a mark under multiple classes (a) First category (b) Each other category for the same application	50 25
3	Application for the registration of a certification mark	100
4	Application for the registration of a local mark abroad (per country)	100
5	Appeal before appeal committee against decisions by the Department, under Article 77 and 78 of the Law	100
6	Publication of the mark in case of acceptance of the application for registration	50
7	Objecting acceptance of an application for the registration of a mark	250
8	Registration of a mark under one class	60

9	Registration of a mark under multiple classes	
	(a) First class	60
	(b) Each other class for the same application	50
10	Registration of a certification mark	100
11	Recording an indication that a mark is related to one or more other marks	25
12	Publication of a registered mark	50
13	Request for cancellation of a registered mark	50
14	Request for the recording of transfer of ownership, a certification mark, transfer of ownership of related marks, or grant of right to use the mark, as follows -the request is submitted within three months from the date of transfer of ownership or right of use (for one mark)	100
	for each of the related marks -the request is submitted after three months from the date of transfer	50
	of ownership or right of use (for one mark)	125
	for each of the related marks -the request is submitted after six months from the date of transfer	60
	of ownership or right of use (for one mark)	150
	for each of the related marks	70
15	Publication of transfer of ownership or of indication of right of use (for Procedure one mark) for each of the related marks	50

16, 17, 18, 19	Request for the recording of a mortgage of a mark or related marks as follows:	30
	-the request is submitted within three months from the date of the mortgage (for one mark) for each of the related marks	50
	-the request is submitted after three months from the date of the mortgage (for one mark) for each of the related marks	30
	-the request is submitted after six months from the date of the mortgage (for one mark) for each of the related marks	60
	Publication of the mortgage of a mark	35
	Request for the cancellation of a recording of the mortgage of a mark or related marks:	100
- for one mark	50	
-for each of the related marks	50	
Publication of the cancellation of a recording of the mortgage of a mark or related marks:	50	
- for one mark	50	
-for each of the related marks	25	
20	Request for renewal of period of protection of a registered mark within the last year of that period:	
	1. for one class 2. for multiple classes:	50
	(a) first class	50
	(b) each other class for the same application	50
	(c) registered certification marks 3. Surcharge where request is submitted within six months following the expiration of the period of protection	25
		100
	200	
21	Request for registration of a mark after cancellation, within three years from the date of cancellation	1,000

22	Publication of renewal of period of protection for a mark or a group of related marks	50
23	Request for access to a registered mark or obtaining extracts or copies of the register where the mark is registered	55
24	Publication of one or more indication submitted in a single application	40
25	Request for recording an addition to or modification of a registered mark, certification mark, or all or some of the related marks registered in the name of the person making the request For each of the related marks, after the first mark	100 50
26	Publication of a mark after addition or modification	50
27	Objecting an addition to or modification of a registered mark	150
28	Submission of clichés for publication or republication of a mark	70
29	Request for amendment of statute regulating use of a certification mark	150
30	Request for an addition or change of a recording for which no fee has been fixed	20
31	Request to complete, change or correct data in any request or requests submitted by the same person for one or more marks	35
32	Request for modification of or addition to a mark or group of marks prior to registration	35
33	Request for the examination of a mark prior to the filing of the application for registration	150

34	Request for a certificate to obtain registration of a mark abroad	50
35	Request for a certificate establishing assignment of a mark	50

Stamp value to be added, according to the legislation on stamps.

Number	Procedure	Fee in Egyptian Pounds
1	Application for the registration of a single industrial design	30
	In case of multiple deposit, each industrial design after the first	15
2	Application for the registration of a local industrial design abroad	100
3	Appeal before committee under Article 124 of the Law	100
4	Publication of each industrial design	30
5	Objecting registration of an industrial design	75
6	Registration of an industrial design	75
7	Request for cancellation of an industrial design	15
8	Request for the recording of transfer of ownership, or grant of right to use the industrial design, as follows -the request is submitted within three months from the date of transfer of ownership or right of use -the request is submitted after three months from the date of transfer	75
	of ownership or right of use -the request is submitted after six months from the date of transfer	100
	of ownership or right of use	150
9	Publication of transfer of ownership, or indication of cancellation or right of use	30

10	Request for the recording of a mortgage of an industrial design as follows: -the request is submitted within three months from the date of the mortgage -the request is submitted after three months from the date of the	75
	mortgage -the request is submitted after six months from the date of the	100
	mortgage	150
11	Publication of the mortgage of an industrial design	30
12	Request for the cancellation of a recording of the mortgage of an industrial design	30
13	Request for renewal of period of protection of an industrial design -the request is submitted within the last year of the period of protection -the request is submitted within three months following the	75
	expiration of the period of protection	100
14	Publication of renewal of registration for an industrial design	30
15	Request for recording a data relating to an industrial design	15
16	Publication of one or more indications relating to an industrial design, submitted in a single application	15
17	Request for introducing one or more modification in an industrial design	15
18	Submission of clichés for publication of an industrial design of a length or width not exceeding 50 cm	30
	For any excess in length or width of 2 cm or part thereof	10

19	Request for completion, addition or change of a recording for which no fee has been fixed	15
20	Publication of completion, addition or change of a recording for which no fee has been fixed	15
21	Request for the examination of an industrial design prior to the filing of the application for registration	100
22	Request for a registration certificate to obtain registration of an industrial design abroad	30
23	Request for access to a registered industrial design or obtaining an extract or copies of the register where the industrial design is registered	30
24	Request for a copy or extract of requests, applications or documentation for each paper	30
25	Request for copy or extract of the register where an industrial design is recorded	10
26	Request for temporary protection for exhibitions, seminars, conferences or other services	50

Stamp value to be added, according to the legislation on stamps.

**BOOK FOUR**

**Plant Varieties**

**Article 155.**

For the application of the provisions of this Book, the following terms and expressions shall have the meaning here-below attributed to each:

**Law:** Law No. 82 of 2002 on the Protection of Intellectual Property Rights.

**Office:** Office of Plant Varieties Protection.

**Breeder:** Any person who develops a plant variety characterized by novelty, distinctness, uniformity and stability.

**Certificate:** A breeder's right certificate.

**Protected variety:** Any plant variety in respect of which a breeder's right certificate is granted.

**Propagating material:** Seed or slip of a plant variety, that allows multiplication.

**Gazette:** Egyptian Protected Plant Variety Gazette.

**Genebank:** location for long term maintenance of Egyptian genetic resources and plant varieties.

**Register of Plant Varieties:** Register in which applications for obtaining protection and breeder's right certificates, and denominations of protected plant varieties are recorded.

**Register of Genetic Resources:** Register in which Egyptian plant genetic resources, whether wild or domesticated, are recorded.

**Article 156.**

The Office of Plant Varieties Protection shall be competent to receive, examine and decide on applications for the protection of plant varieties, and grant protection certificates in accordance with the provisions of the Law, these Regulations and rules and procedures under the decision establishing the Office.



**Article 157.**

Applications for obtaining protection for plant varieties shall be filed with the Office of Plant Varieties Protection, using the form established to that effect, in accordance with the rules and procedures referred to under Article 156 of these Regulations.

**Article 158.**

Applications for breeder's right certificates shall be accompanied by:

1. Receipt establishing payment of fees.
2. Technical statement describing the variety, using the form established to that effect.
3. Certificate of deposit of a sample representing the variety applied for, delivered by the Genebank.
4. Authenticated copies of applications filed with any foreign countries for the protection of the same variety, with an authorized translation into the Arabic language.
5. Certificate of a recording of a genetic resource in the register.
6. The applicant may submit, with the application, any other documentation, provided that such documentation shall be authorized and translated into the Arabic language.

**Article 159.**

Documentation under Article 158.3, 4 and 5 of these Regulations may be submitted within four months from the filing date of the application for protection.

If any of the documentation referred to in the preceding paragraph is not submitted within the prescribed time-limit, the application shall be considered as non-existent.

**Article 160.**

Applications for protection shall be allotted serial numbers according to the date and time of receipt, starting from the first of January of each year. The applicant shall be given a receipt which shall be, together with annexes, sealed with the seal of the Office, and shall contain the following data:

1. Serial number of the application.
2. Name of the applicant.
3. Date and time of receipt of the application.

**Article 161.**

Applications shall be recorded in a special register with the Office, which shall be called "Register of Plant Varieties" and shall include the following data:

1. Serial number of the application.
2. Date and time of receipt of the application.
3. Name of the breeder.
4. Name, surname and address for service of the applicant or agent, or, where the applicant is a legal entity, name, address and address for service.
5. Deposit number, with the Genebank, of a sample representing the variety applied for, for maintenance and conservation purposes, and particulars or official copy of corresponding certificate.
6. Acts relating to the application.
7. Number and date of the ministerial decision granting the breeder's right certificate, certificate number, and name of the right holder.
8. Acts relating to the protected variety or right of exploitation.
9. Approved designation of the variety, in addition to other designations under which the variety is known in one or more other countries.
10. Genus, specie and botanical taxon to which the variety belongs.
11. Brief description of the variety.

**Article 162.**

The Office shall hold manual and electronic indexes, arranged in alphabetical order, which shall include data concerning applications for protection. The confidentiality of data relating to applications and annexes thereof shall be maintained until the acceptance of the grant of protection is made public.

**Article 163.**

The Office may, by reasoned decision, require from the applicant or agent to modify or complete the application. The applicant shall be notified of such decision by registered mail with acknowledgement of receipt. If the applicant fails to make the required modification or completion within three months from the date of notification, the application shall be deemed abandoned.

**Article 164.**

The variety shall be deemed to be stable if its basic characteristics remain unchanged after repeated propagation for two consecutive years or agricultural cycles, whichever is shorter, or, in the case of a particular cycle of propagation, at the end of that cycle.

**Article 165.**

Any new plant variety shall be the subject of a single designation, approved by the Office upon proposal by the breeder. The variety shall be identified and made available under that designation. Such designation

1. shall consist of, at most, three words easy to pronounce and use.  
In addition to words, the designation may include, at most, four numbers or letters.
2. shall be different from that of existing variety(ies) of the same plant species
3. shall not be identical to the designation of another variety, notified to any country or entity that is member of a convention for the protection of new plant

varieties, to which the Arab Republic of Egypt is party, or that applies reciprocity to Egypt.

#### **Article 166.**

The designation of a plant variety shall not contain any element contrary to public order or morality, liable to cause confusion or that hampers free use or trade of the variety after expiration of the period of protection of that variety.

In all cases, the designation shall not be a generic name of the same plant genus or species to which the new plant variety belongs.

#### **Article 167.**

When a protected plant variety is offered for sale or the genetic material of such variety is marketed, the designation of the variety shall be used throughout and after expiration of, the period of protection.

#### **Article 168.**

The Office shall cancel the designation of a plant variety if

- (a) the right holder presents reasonable grounds for cancellation, or
- (b) the right holder produces an enforceable judgement prohibiting the use of the designation.

The Office shall notify the right holder, by registered mail with acknowledgement of receipt, of the obligation to choose a new designation for the plant variety, within a period not exceeding thirty days from the date of the request or submission of the judgement.

If the right holder fails to choose a new designation in compliance with Articles 165 and 166 of these Regulations, the Office may, upon a ministerial decision, terminate the breeder's right.

### **Article 169.**

If the plant variety complies with the requirements of protection, the Office shall grant a breeder's right certificate. A decision granting such protection shall be issued by the competent minister.

The certificate shall contain the following data:

- (a) Certificate number and registration date of the certificate in the Register of Plant Varieties.
- (b) Name, address and nationality of the right holder.
- (c) Name, address and nationality of the breeder.
- (d) Designation of the plant variety, and specie and genus to which the variety belongs.
- (e) Date of grant of the certificate and period of protection.
- (f) Number and date of the ministerial decision granting protection.

### **Article 170.**

The holder of a breeder's right certificate shall be under the obligation to maintain the protected variety and its hereditary components throughout the duration of the plant variety protection, and provide the Office, within a period not exceeding three months from the date of the grant of the certificate, with the appropriate information, documents and material to verify whether the variety is maintained.

### **Article 171.**

The competent minister may decide, upon a request made by the Office or any person concerned, to cancel the breeder's right certificate, if

- (a) it is established that the protected variety did not comply with the novelty requirement; or
- (b) the protected variety no longer complies with the requirement of distinctness, uniformity or stability.

The Minister of Agriculture shall fix the applicable rules and procedures for the cancellation of a breeder's right certificate and appeal against such cancellation.

**Article 172.**

Requests for obtaining non-voluntary licenses to use and exploit a protected plant variety shall be submitted to the Office, using the form established to that effect.

**Article 173.**

A technical secretariat shall be established, by decision of the head of the Office, within the Office, and shall be responsible for receiving requests for issuing or obtaining non-voluntary licenses, recording such requests in a special register according to the date of receipt, and processing such requests for consideration by the Office.

**Article 174.**

The Office shall examine non-voluntary license requests to verify whether formal and substantive legal requirements are complied with, and shall transmit to the competent minister the examination results, by virtue of a notice accompanied by an opinion, to be submitted to the ministerial committee provided for by Article 196 of the Law.

**Article 175.**

A non-voluntary license under Article 196 of the Law may be granted in cases where

- (a) the public interest so requires.
- (b) the breeder refrains from producing the protected plant variety.
- (c) the breeder refrains from providing propagating material of the protected variety.

Refraining under items (b) and (c) shall be deemed to have occurred if, upon expiration of two consecutive agricultural seasons from the date of grant of protection, the breeder has failed to provide the protected variety or propagating material in sufficient quantity to satisfy the needs of the market.

- (d) despite an offer under appropriate conditions, the breeder refuses to grant to a third party the right to exploit the variety. In the appreciation of the extent to which conditions are appropriate, the following shall be taken into account:
1. strategic importance of the variety.
  2. Remaining period of the prescribed period of protection.
  3. Remuneration offered for the voluntary license.
- (e) The breeder uses anti-competitive practices.

#### **Article 176.**

A non-voluntary license shall be granted only to a person seriously capable of producing the protected variety or propagating material, within the scope and period and under the conditions, fixed by the decision granting the license.

#### **Article 177.**

The holder of a plant variety in respect of which a non-voluntary license is granted shall be entitled to a fair remuneration for the exploitation of the plant variety, which shall be evaluated by an *ad hoc* committee to be formed by the Minister of Agriculture. In the appreciation of the remuneration, the committee shall take into account, in particular, the following:

1. Remaining period of the period of protection.
2. Volume and value of the licensed production.
3. Volume of investment required for production according to market studies.
4. Availability of similar products in the market.
5. Prejudice caused by abusive or anti-competitive practices by the plant variety holder.

The appreciation, by the committee, of the remuneration, shall be submitted to the ministerial committee provided for by Article 196 of the Law, to determine the remuneration, in the light of that appreciation.

**Article 178.**

The Office shall notify promptly, by registered mail with acknowledgement of receipt, the right holder in the protected plant variety, of the decision granting the non-voluntary license and the decision appreciating the remuneration.

**Article 179.**

A register shall be established with the Ministry of Agriculture, in which Egyptian plant genetic resource, whether wild or domesticated, are recorded.

**Article 180.**

The breeder shall be under the obligation to disclose, in the form established to that effect, the genetic source of the new plant variety in respect of which protection is applied for. Such obligation shall extend to any traditional knowledge or indigenous know-how used as a basis for developing the new variety.

**Article 181.**

The Plant Genetic Resources National Program shall be the competent administrative authority for approving manipulation of Egyptian genetic resources in order to derive new varieties.

In order to be granted a breeder's right certificate, the applicant shall be required to furnish evidence of the approval by the said authority of such manipulation.

**Article 182.**

The Minister of Agriculture, upon a proposal by the President of the Plant Genetic Resources National Program, shall issue, in application of Article 200 of the Law, a decision determining the contribution to be made by the plant variety breeder to



research efforts, share in the income resulting from the use made by the breeder of the Egyptian wild or domesticated genetic resource, and uses of such a share income.

In such determination, the following shall be taken, particularly, into account:

1. Technical precedent set by the new plant variety.
2. Egyptian traditional knowledge used in the production of the new plant variety.
3. Commercial income resulting from the exploitation of the new plant variety.

### **Article 183.**

The Office shall publish a monthly Gazette entitled "Egyptian Gazette of Protected Plant Varieties", which shall include, in particular, the following:

1. Data relating to grants of breeder's right certificates.
2. Non-voluntary licenses issued in respect of a protected variety.
3. Terminations and cancellations of certificates, and expiration of breeder's rights in a variety.
4. The Office may issue the following other bulletins in the first month of each year:
  - (a) Bulletin containing brief statements describing plant varieties in respect of which breeder's right certificates have been issued during the preceding year.
  - (b) Bulletin containing the names of the persons who have been granted breeder's right certificates during the preceding year, arranged in alphabetical order.
  - (c) Bulletin containing the breeder's right certificates numbers in respect of certificates issued during the preceding year, with an indication of the subject-matter of each certificate according to technical classes under the new plant variety classification applied by the Office and expiration of the breeder's right in the corresponding variety.

**Article 184.**

The genera of plant varieties in respect of which protection provisions are applicable may not be less than twenty genera to be determined by decision of the Minister of Agriculture.

The Minister may decide to add other genera in such a manner as to make protection provisions applicable to all available plant genera during a period not exceeding ten years from the effective date of the Law.

**Article 185.**

The fee categories provided for by Article 201 of the Law shall be as indicated in the schedule attached to these Regulations.

Fee Schedule Relating to Procedures for the grant of Breeder's Right Certificates in application of Article 201 of the Law

Service	Fee in Egyptian Pounds	
	Group A Companies with Issued Capital exceeding 50,000 Egyptian Pounds	Group B Other
Application for a breeder's right certificate	100	25
Delivery of a breeder's right certificate	750	100
Request for approval of a change or correction in the designation of plant variety	150	50
Request for challenging the refusal of an application for the protection of a plant variety	200	50
Publication costs in Gazette	50	50
True copy of a breeder's right	150	50

<b>certificate</b>		
<b>Assignment or transfer of a breeder's right certificate</b>	500	150
<b>Opposition to grant of a protection right</b>	150	50
<b>Request for a non-voluntary license (to be paid as a lump-sum for the whole license period)</b>	250 per year	250 per year

Stamp value to be added, according to the legislation on stamps.