

Kluwer Copyright Blog

Egypt's National Strategy for Intellectual Property – What Impact on Copyright?

Zyad Loutfi (Cornell Law School) · Thursday, October 20th, 2022

On 21 September 2022, Egypt officially launched its first-ever National Intellectual Property Strategy (NIPS) in a ceremony held in the New Administrative Capital and in the presence of Daren Tang, the World Intellectual Property Organisation (WIPO) Director-General (See [here](#), [here](#) and [here](#)). The Strategy reflects Egypt's renewed interest in the field of IP, which can play a vital role in boosting the economy, encouraging investment, and achieving sustainability in line with the [WIPO Development Agenda](#), the UN's Sustainable Development Goals and Egypt's Vision 2030.



In the wake of this event, one cannot help but wonder if Egypt is finally set to overhaul [law no. 82 of the year 2002](#) on the Protection of Intellectual Property Rights, otherwise known as Egypt's first IP Code. For the uninitiated, it is important to note that the current copyright framework has not been significantly amended or updated for the past two decades. This renders it somehow obsolete and calls for the adoption of a more appropriate set of governing rules for the digital economy.

Four major strategic goals were announced by the Executive, which this blog post showcases. The post then endeavours to highlight what this Strategy entails for the current governing copyright framework.

Overview of the Four Major Strategic Goals of the National Intellectual Property Strategy

1. Governance of the IP Institutional Structure

Primarily, the NIPS aims at revamping the current institutional structure which features nine independently operating institutional bodies affiliated with different ministries and public bodies.

As recognized by the Strategy, due to poor coordination and frequent conflicts of powers – sometimes between competent departments within the same ministry – these institutions were in fact inhibiting the role of IP in the economy. Egypt aims at addressing this major weakness, which has plagued the development of IP rights, by the creation of the Egyptian National Authority for Intellectual Property. Its establishment is in line with [Article 69](#) of the 2014 post-revolution Egyptian Constitution which foresees the creation of a competent State body aimed at achieving harmony and integration in the Egyptian IP ecosystem. Undoubtedly, the creation of the Authority is welcomed and will ensure the development of effective policies at the national level and enhance the coordination between all ancillary administrative and State bodies.

2. Configuring the Legislative Environment for IP

One of the key goals of the NIPS is to tackle the rather rudimentary and obsolete IP legislative body currently in place to make way for better enforcement. The Strategy recognises that the IP field is characterised by continuous innovation which, evidently, requires the current laws to be in line with the global development of the IP multilateral system and the international standards of protection. Therefore, in the short term, the NIPS proposes urgent work on solving the core problems of the existing IP system. Some of the tasks put forward include the promotion of the usage of technological means in the registration of IP rights, the re-evaluation of the registration fees set by certain IP offices and, most importantly, amending and revising the present IP-related executive regulations. However, in the long term, the NIPS aims at working on a comprehensive review of all IP-related legislation. In other words, Egypt is finally set to revise law no. 82 of the year 2002 on the Protection of Intellectual Property Rights.

3. Optimising the Economic Return of IP in Achieving the Sustainable Development Goals

The NIPS also focuses on Egypt's Sustainable Development Goals set for various sectors of the economy. The goals set therein aim at encouraging the commercial exploitation of IP assets according to the latest international standards; maximising the use of IP in scientific research and linking it to the needs of the national industry; implementing balanced IP policies in the field of public health and access to medicine; maximising the economic value of medium and small enterprises; amplifying the economic returns of the tourism and heritage sectors; and regulating access to biological resources and related traditional knowledge to ensure a better sharing of their benefits. It is worth noting that the Egyptian National Authority for Intellectual Property is set to overlook the development of IP in these different sectors, which should set in motion a better, stronger and a more coordinated institutional framework.

4. Raising Awareness in the Egyptian Society About IP

As the NIPS rightfully points out, Egypt enjoys a great wealth of intellectual output, national heritage and knowledge. Nonetheless, the lack of awareness about general IP concepts in Egyptian society has been curbing the optimal utilisation of the economic opportunities available to the State to activate the role of IP in different sectors. Therefore, this fourth Strategic Goal aims at promoting public awareness in matters related to IP. The NIPS promises to integrate IP courses in

the Egyptian educational system in an attempt to encourage the youth to create, innovate and produce more works.

Impact of the National Intellectual Property Strategy on Egyptian Copyright

Following the announcement of the NIPS, we can safely assume that a novel legislative ecosystem on IP will be implemented in the future. This will, unquestionably, impact the current Egyptian copyright framework (for an overview of the latter, see [here](#)). As mentioned earlier, the Strategy provides for the comprehensive review of all IP-related legislation and promises substantial changes to the governing copyright laws in order to bring them in line with international standards of protection.

Therefore, we expect Egypt to ratify more WIPO-administered treaties including, but not limited to, the [WIPO Copyright Treaty \(WCT\)](#), the [WIPO Performances and Phonograms Treaty \(WPPT\)](#) and the [Beijing Treaty on Audio-visual Performances](#), the [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled](#). This will guarantee closer proximity between national copyright laws and the multilateral copyright framework with which Egypt aligned itself since the ratification of the Berne Convention in 1977. In other words, this will allow the novel copyright framework to be in line with the international standards of protection set in these treaties that Egypt is yet to follow.

Furthermore, the NIPS highlights the importance of setting in place a framework dealing with both civil and criminal responsibility of online platforms in matters pertaining to IP in general and copyright in particular. A year ago on this blog, we examined Egypt's need for a comprehensive platform liability regime (see [here](#)). In addition, we discussed the dire need for improving online copyright enforcement and the need to employ dynamic injunctive measures when it comes to the online infringement of any protected work (see [here](#)). It is therefore recommended that the legislator follow the footsteps of its European counterpart by adopting similar legislation to the [Copyright in the Digital Single Market directive \(CDSM\)](#) and the newly approved [Digital Services Act](#), labelled as a "gold standard" for content and platform governance in the European Union (see [here](#), [here](#), [here](#)).

In addition to setting up a novel framework for online platforms, the legislator should also reconsider the overall balance between rights holders and end users – meaning, the balance between the exclusive rights accorded to the former and the exceptions granted to the latter.

Updating the current bundle of exclusive rights accorded to rights holders and the applicable exceptions granted to users is not only recommended but also expected from the legislator in order to align the new copyright framework with the demands and practices of the digital economy. For instance, following the path taken by the EU, a new exception for the use of copyrighted works as part of "digital and cross-border teaching activities" could be envisaged alongside a copyright exception for text and data mining (TDM) for the purposes of scientific research.

In conclusion, the unveiling of Egypt's first ever National Intellectual Property Strategy should get every copyright aficionado excited about the future. Lest the reader forget, two decades ago, Egypt's first ever IP Code guided many Middle East and North Africa (MENA) region countries in updating their IP legislations. Thus, it may not be long until other neighbouring countries follow the

trend. However, for now, Egypt finds itself under the headlights and is expected to deliver on these promises, to put in place not only a stronger institutional IP system, but also a more comprehensive set of governing laws for the digital economy.

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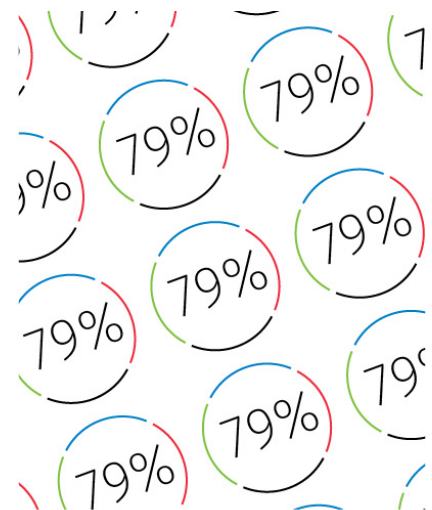
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