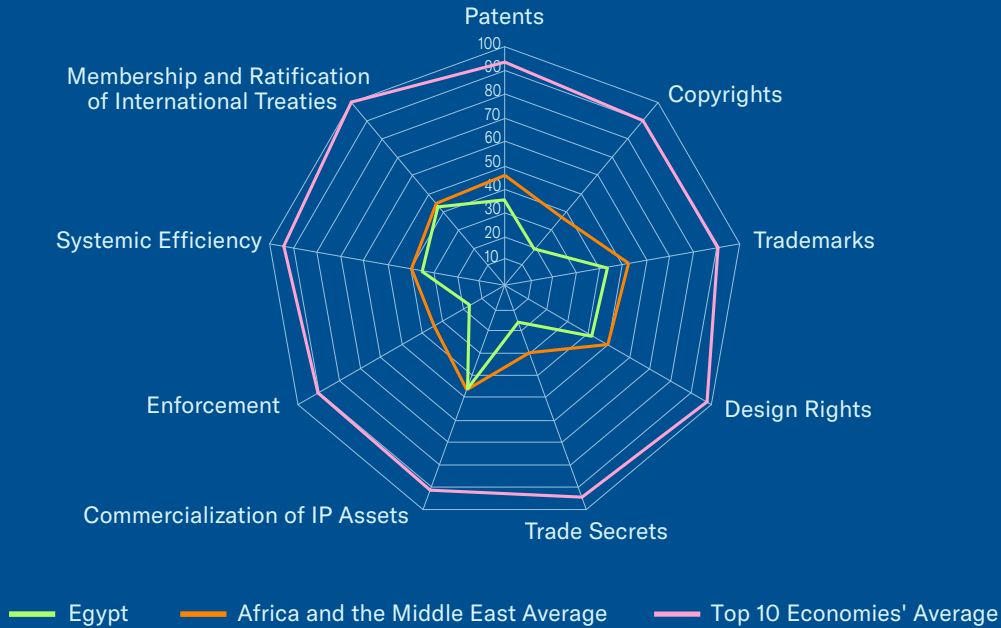
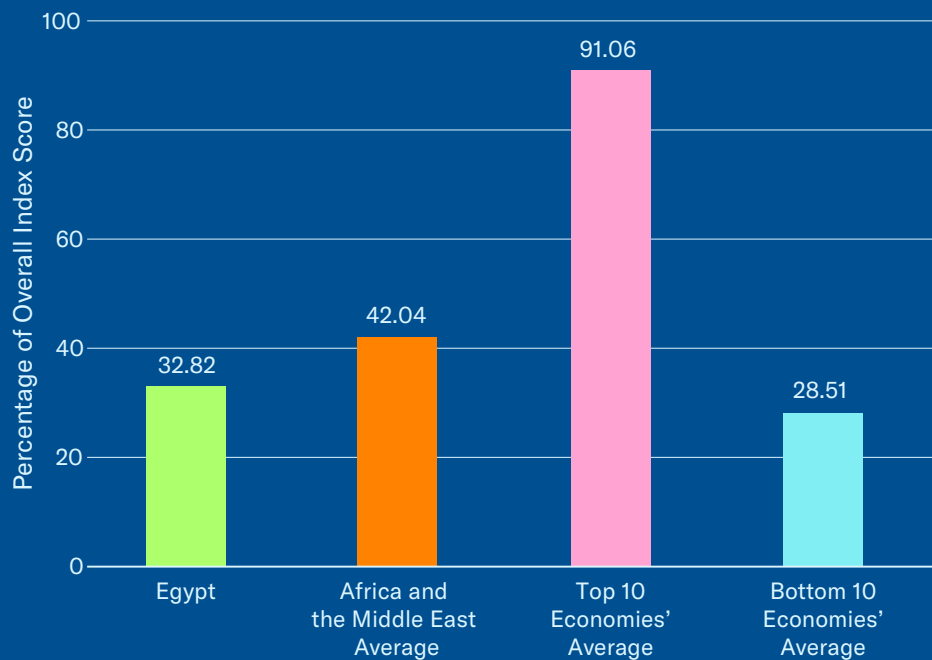
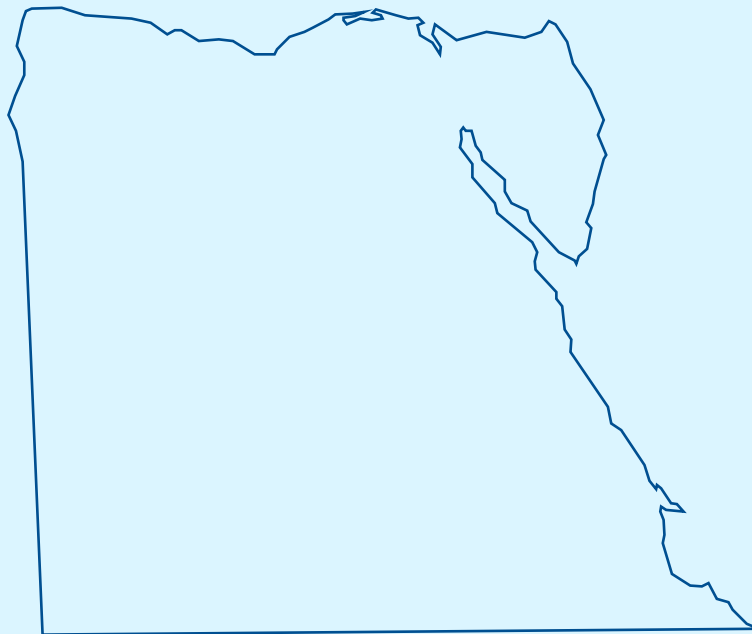


## Category Scores



## Overall Score in Comparison





## Key Areas of Strength

- Joined the 1991 UPOV agreement in 2020
- Since 2015, a PPH has been in place with the JPO
- Relative freedom to patent CILs and support from government agencies
- Relatively strong push from the government to raise awareness of counterfeit products, particularly medicines
- New electronic patent filing system becomes operational, improving Egypt's technical capacity and quality of service

## Key Areas of Weakness

- 2020 data protection law will potentially impose new localization requirements
- Limited framework for the protection of life sciences IP rights
- Gaps in copyright law and framework, particularly regarding protection of content online
- High levels of piracy—BSA estimated a 59% software piracy rate
- Challenging enforcement environment and lack of border measures

Indicator	Score
<b>Category 1: Patents, Related Rights and Limitations</b>	<b>3.25</b>
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent opposition	0.00
<b>Category 2: Copyrights, Related Rights, and Limitations</b>	<b>1.38</b>
10. Term of protection	0.38
11. Exclusive rights	0.25
12. Injunctive-type relief	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.25
16. Government use of licensed software	0.00
<b>Category 3: Trademarks, Related Rights, and Limitations</b>	<b>1.75</b>
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights and trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
<b>Category 4: Design Rights, Related Rights, and Limitations</b>	<b>0.85</b>
21. Industrial design term of protection	0.60
22. Exclusive rights and industrial design rights	0.25
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>	<b>0.50</b>
23. Protection of trade secrets (civil remedies)	0.25
24. Protection of trade secrets (criminal sanctions)	0.25
25. Regulatory data protection term	0.00

Indicator	Score
<b>Category 6: Commercialization of IP Assets</b>	<b>2.75</b>
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
<b>Category 7: Enforcement</b>	<b>1.18</b>
32. Physical counterfeiting rates	0.27
33. Software piracy rates	0.41
34. Civil and precedural remedies	0.25
35. Preestablished damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.00
38. Transparency and public reporting by customs	0.00
<b>Category 8: Systemic Efficiency</b>	<b>1.75</b>
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.25
<b>Category 9: Membership and Ratification of International Treaties</b>	<b>3.00</b>
44. WIPO Internet Treaties	0.00
45. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
46. Patent Law Treaty and Patent Cooperation Treaty	0.50
47. Membership of the International Convention for the Protection of New Varieties of Plants, ct of 1991	1.00
48. Membership of the Convention on Cybercrime, 2001	0.00
49. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
50. Post-TRIPS FTA	0.00

**Total: 16.41**



# Spotlight on the National IP Environment

## Past Editions versus Current Score

Egypt's overall score remains unchanged at 32.82% (16.41 out of 50).

## Area of Note

In a positive development for rightsholders and inventors both in Egypt and across the world, in 2022, the Egyptian Patent Office's (EGPO) new electronic patent filing system became operational. Applicants and existing patent rightsholders will now be able to conduct most of their patent-related business with the patent office electronically. The initiative grew out of a bilateral cooperation project between South Korea and Egypt. EGPO has, over the past decade, focused on improving its technical capacity and the quality of the services offered to its users. Since 2013, the office has, under the Patent Cooperation Treaty, been an International Searching Authority. It has also put in place several cooperation and capacity-building programs with other leading patent offices, most notably with the Spanish Patent Office. As essential as these administrative and operational improvements are, changes to the existing legal framework should also be part of these reform efforts. Egypt has not seen substantive changes to its IP laws, including for patents and related rights, since the early 2000s. As the economic data and analysis in this Index's accompanying *Statistical Annex* and the experiences of other economies show, IP rights and incentives are the fundamental building blocks for innovation and advanced economic development to take place. For all economies, emerging and developed alike, what drives innovation, technological advances, and ultimately economic development and growth is the creation of new forms of intangible assets and IP. In a further positive development, in September 2022, Egypt's Prime Minister announced a new National IP Strategy that will hopefully drive reform

and alignment with international standards.

Yet, as noted this year and over the course of the Index, Egypt's national IP environment lacks many fundamental rights and incentives. Patentability standards continue to be outside of international norms, and many sector-specific IP rights are absent, especially for biopharmaceuticals. As noted here, the protection of copyright remains underdeveloped and ill-suited to the challenges of the internet era. Levels of physical and online counterfeit goods remain high, but relevant enforcement mechanisms are weak and largely non-deterrent. Similarly, Egypt's participation in international IP treaties could be more extensive. Being a contracting party to key IP treaties reflects a given economy's broader participation in the international IP community and embracing of the highest IP standards. As such, treaty participation is a strong signal of the extent to which an economy both chooses to participate in the international IP system and adheres to established standards and best practices.

As noted in past editions of the Index, although Egypt's score in Category 9: Membership and Ratification of International Treaties has increased substantially from a score of 0 in the fifth edition of the Index (the first year Egypt was included) to now achieving a score of 3, or 42.86%, of the total available score, Egypt is only a contracting party to four of the nine IP treaties included in the Index. Furthermore, Egypt has not concluded a post-TRIPS FTA with substantive IP provisions. Covering 50 indicators across nine separate categories, the Index has for a decade provided a clear model for the type and strength of IP rights that international innovators, creators, and rightsholders need to be able to fully develop to commercialize their ideas and products. As EGPO and the Egyptian government continue to pursue their reform program, we encourage them to use the findings

of the Index and accompanying Statistical Annex as a guide to IP reforms in 2023 and beyond.

## Copyrights, Related Rights, and Limitations

**11. Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 12. Expeditious injunctive-style relief and disabling of infringing content online; and 15. Technological protection measures (TPM) and digital rights management (DRM) legislation:** As has been noted in past editions, rightsholders face significant challenges in protecting their content in Egypt. The existing legal copyright framework has major gaps, and enforcement remains inadequate. Book 3 of Law 82 “Pertaining to the Protection of Intellectual Property Rights” provides standard exclusive rights. The law does not provide specific remedies or rights within an online or digital context. For example, the law does not include any notification-and takedown system for online infringement, and Article 181 of the law contains only rudimentary TPM and DRM protection measures with, for instance, distribution not listed as an offense. With respect to injunctive-style relief and the disabling of access to infringing content, access to individual websites can be ordered disabled by the relevant Egyptian authorities. For example, access to several websites was disabled in 2019, including “EgyBest,” a streaming site. However, the government issued no official explanation or announcement on what basis the access was disabled. As such, no established mechanism or pathway (judicial or administrative) is in place that rightsholders can use to combat online piracy and infringement.

The 2018 Anti-Cyber and Information Technology Crimes Law provides direct authorization for the Egyptian government to order disabling of any website or web-based activity. However, the law deals primarily with cybercrime related to national security and terrorism, not copyright infringement.

Civil remedies, criminal standards, and mechanisms for determining damages are in place in existing law but are relatively low and are not consistently applied or enforced. Basic civil remedies are in place for the infringement of all IP rights, including the issuing of injunctions and the seizure of profits from infringing goods, but judicial enforcement is difficult because Egypt’s court system is overburdened. Litigation in Egypt is common and largely paper-based, which has resulted in a large backlog of cases and court proceedings; it can take years to reach a verdict in a given case. Criminal sanctions are available under existing copyright and trademark laws, but these sanctions are relatively lenient; for example, businesses engaging in infringement can be ordered closed but only for a maximum period of six months.

The levels of physical counterfeiting and online piracy are high. The BSA estimates that Egypt’s software piracy rate is 59%; this has remained virtually unchanged since 2009. Looking at global customs data, the OECD and the European Union Intellectual Property Office (EUIPO) found in the 2021 report *Global Trade in Fakes: A Worrying Threat, Illicit Trade* that Egypt was a major source of counterfeit goods, including leather articles and handbags, fake footwear, and fake jewelry. Similarly, the U.S. government has for years highlighted the high prevalence of copyright piracy, including signal piracy, in Egypt.

Some positive developments occurred in 2022. Specifically, in June, an international rightsholders’ coalition, the Alliance for Creativity and Entertainment, announced that, together with local Egyptian law enforcement, it had successfully disabled access to a significant source of pirated sports content in Egypt. Several streaming sites were reported to have been disabled, domain names were seized, and arrests were made. Considering the many enforcement challenges in Egypt, these are positive developments, and the Index will continue to monitor this activity in 2023.