ANNEX-3: LIST OF RELEVANT LAW AND REGULATIONS

LAWS

Constitution / Basic Law


Main IP Laws: enacted by the Legislature

- IP-related Laws: enacted by the Legislature
- Law No. 120 of 2008 Establishing Economic Courts (2008)
- Law No. 66 of 1963 on Customs Law (as amended up to Law No. 95 of 2005) (2005)
- Law No. 34 of 1976 on Commercial Register (1996)
- Law No. 118 of 1975 on Import and Export (1975)
- Law No. 131 of 1948 Issuing the Civil Code (1949)

IMPLEMENTING RULES/REGULATIONS

Intellectual Property

- Prime Minister Decree No. 497 of 2005 on Issuing the Executive Regulations for Book III of Law No. 82 of 2002 on the Protection of Intellectual Property Rights (2011)
- Ministerial Decree No.731 of 2010 of the Ministry of Agriculture and Land Reclamation (2010)
- Ministerial Decree No. 589 of 2010 of the Ministry of Agriculture and Land Reclamation (2010)
- Ministerial Decree No. 454 of 2010 of the Ministry of Agriculture and Land Reclamation (2010)
- Ministerial Decree No.8 of 2010 of the Ministry of Agriculture and Land Reclamation (2010)
- Ministerial Decree No. 1735 of 2009 of the Ministry of Agriculture and Land Reclamation (2009)
- Ministerial Decree No. 1711 of 2009 of the Ministry of Agriculture and Land Reclamation (2009)
Proposed Amendments to Law No. 82 of 2002

1. A definition of the inventive step shall be introduced. Current regulation i.e. article no. 3 of the Law No. 82 gives clear guideline what is meant by novelty. However the law gives no guideline what is understood by inventive step, and which documents shall be used for evaluation of inventive step.
2. It is necessary to introduce a whole set of provisions referring to biotechnological inventions based on regulation provided by the directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions. The applicant should be obliged to file sequence listing in electronic form. If the application is filed on paper – sequence listing shall be filed on CD or other portable memory.

3. It is necessary to introduce provisions referring to electronic filing, e-payment, and e-communication. Existing laws of Egyptian Republic regulating e-signature shall be taken into account. The applicant shall be able not only file applications, but also request any change in the patent register, and communicate with the office during examination procedure.

4. Clear regulation referring to rules of refusal shall be provided. The Egyptian Patent Office shall have the right to refuse grant of a patent not only when the invention does not meet the requirements of novelty, inventive step and/or industrial applicability but also when it is not properly disclosed.

5. Provisions referring to the unity of invention, and filing divisional applications – both voluntary, and on request of the Patent Office shall be added.

6. The applicant shall have the right to withdraw his/her application any time before patent is granted. In case of withdrawal before publication, the application shall remain unpublished, and shall not be taken into account during evaluation of novelty of other patent applications.

7. It is necessary to unify length of time limits unless their length is regulated by international agreements. Rules on time limits extensions, suspensions of proceeding, and re-establishment of rights shall be introduced.

8. New rules referring to publications shall be introduced. All patent applications shall be published 18 months after filing (or earliest priority date) unless they are withdrawn or deemed to be withdrawn. A whole text of a patent application shall be published or just the abstract – and the whole text of the specification and patent claims shall be made available at the website of the Egyptian Patent Office. Patent specifications and patent claims shall be published after patent is granted. Fees for publications shall be introduced. At the same time the law shall provide provisional protection of inventions conferred by published patent applications.

9. The Patent Register of the Egyptian Patent Office shall be made available on the Patent Office website. The experts may also consider publication of other documents filed during the examination procedure on the Patent Office website.

10. Provisions allowing third parties to present observations concerning the patentability of the invention to which the application or patent relates.

11. Opposition procedure shall be redesigned i.e. it shall take place once the patent is granted.

12. Appeal procedure shall be redesigned. First of all the Patent Office shall have the right to revise its own decisions after appeal is filed. It shall be possible to order the parties during the appeal procedure to submit all evidence within fixed time limits. E-appeal system shall be established.

13. It is necessary to redesign structure of the Egyptian Patent Office in order to adapt it to redesigned procedures. The examiners shall have the right to issue decision during examination
proceedings. An Opposition Division shall be created having authority to decide on oppositions, revocations, and invalidations of patents. E-opposition shall be established.

14. It is necessary to redesign structure of the Committee. It shall have more members, forming appeal boards consisting of three members authorized to decide on appeals.

15. Reform of utility system