

Intellectual property

Definition: It is rights resulting from intellectual creativity .The emergence of these rights was addressed the impact of a myth and has been credited in saving the great innovators, authors and researchers from theft and looting of their rights in public, after having been so in the past. These rights were not uncommon and couldn't find any protection.

Intellectual property is divided to:

1 - Literary and artistic property.

The term literary and artistic property is refer to all the work in the field of literature, science and technique, whatever the method or form of expression and whatever its value or purpose of this work is the property of the author.

2 - Industrial property.

Types of literary and artistic property.

The rights of literary and artistic property are those designated by the legislature as the author copyright and related rights.

Author: is the person or entity who is the self -creator of the work.

According to this concept it gives the author's moral rights and the exclusive right to exploit his work. Copyright is divided into:

1 - **Moral right**

2 - **Financial right**

The moral right of the author: The moral right of the author focused on the protection of the personal copyright creator of the work, and to protect the workbook as something of intrinsic value regardless of the author. Here invoked moral rights to protect the integrity of intellectual ideas as the public interest even after the death of the author and fits into a workbook in a counter public property.

The financial right of the author: It means the financial right of the author, to give each owner a monopoly on the production of his mind to use this production with the return of the benefit or profit to him.

Exclusive rights to the author:

1. Copy right: It is not limited to the reproduction or production of all the work, but enough to breach the right to copy or quote a very small part of the work in some cases (such as pages of a book). Also this includes developing record from the work (electronic storage of the work or sound recording).
2. Derivation right: this means the production of a new work depending on the original work, such as translation of the book, turning work into audible book, or assembly of quotations from various works and put them in a single work.
3. The right of representation: for example, delivering a lecture and intervention within which there are broadcasting rights and as providing research at a conference.
5. Publication or distribution: provide copies of the work commercially or distributing to the public in a non-commercial form.
6. Moral rights: means to put the author name on the work, and work cannot be attributed to another author, and not subjected to distortion or change.

Related rights: It is the rights of the person or company who is responsible for distribution of the work and makes it available for public. Because it may be difficult to achieve this by the author himself, so he had to resort to those who is eligible to help him to spread his copy rights to the public. At the same time those who play that role need some sort of protection similar to that enjoyed by the authors. They so-called owners of rights related to copyright or related to it.

The importance of intellectual property rights is due to:

- Protection of the intellectual output of authors and creators especially after the great developments of computer technology and innovations. This resulted in

the emergence of new and sophisticated means for the exchange of knowledge through an easy and effective way.

- Consideration from different countries to the role of intellectual property in the revitalization of the world economy and achieving significant financial income from it .
- The attention that is given to it by scholars of economics, politics and sociology, education and law.
- Therefore, the attention to intellectual property rights has become an urgent national need, especially in the time where sophisticated machine driven and governed by technology.

It is clear that the disparity between the countries to acquire the intellectual property rights, has led to the division of countries of the globe to different groups. Determination of their level depends on possession of rights of intellectual property, disparity in the possession of these rights among nations, resulting in considerable variation in the degree of production and quality and the level of national income, as well as the standard of living of the individual. It is noted that the growing importance of intellectual property rights, may have prompted countries around the globe to enact laws regulating these rights have even become the newest branches of law.

Legal protection of intellectual property :Law No. 82 of year 2002 protects the rights of authors particularly:

1. Written works as books ,brochures, articles , pamphlets, scientific research, lectures and speeches.
2. Computer programs.
3. Workbooks, audio and video. Lectures and speeches are processed for its audio or visual forms or both, and any other oral works if they are registered.
4. Databases, whether written or seen from the computer.

5. Works of art.

Right to Copy or public broadcast: the author and his successor have the exclusive right of licensing or prevention copying his work, broadcasting, translating, editing, loaning or making it available to the public through the hardware or through networks or the internet information networks, telecommunication networks and other means.

Without prejudice to the rights of the author's literary and provided that the name of the author and title of the work is written, it is allowed to others to do the following acts:

1 - The performance of the workbook in an educational institution without collection of money directly or indirectly.

2 - Taking a single copy of the workbook for purely personal use.

3 - Use short sections of the workbook for teaching purposes (to clarify or explain).

4 - Copy an article or short work or an extract from a workbook for the purposes of teaching for a single time where the name of the author and title of the work are mentioned.

The author (or the institution in charge) should express his unwillingness to copy his work or to resort to encryption, and so he will have the legal right to prosecute after that.

Collective or shared workbook: If more than one person sharing in an intellectual property and cannot be separated so that, they are considered all authors unless agreed in written procedure. In this case, one may not engage in copyright monopoly except only by written agreement. If the participation of each of the authors falls under a different kind of art, each had the right to exploit that part without harm the joint exploitation of the work unless otherwise agreed in writing procedure. Each of the authors has the right to bring claims in the event of

an attack on any of the copyright. If he dies without successors: his rights will be shared by other authors or their successors, unless there is written procedure.

Patent protection in Egypt:

It is exclusive right granted for any one as a result of invention of a device or a new technical solution. It becomes the property of the owner / the applicant to the concerned authorities to save and preserve their rights in certain period of time that may extend up to 20 years. He can sell the idea, manufacture or dispose it .

- Location: Academy of Scientific Research and Technology - a patent office

101 Kasr Al-Aini St., Cairo, Egypt

Tel.: +202-27921272-27921274- 27921291

Fax: +202- 27921273 E-mail: patinfo@egypo.gov.eg www.egypo.gov.eg

- How to obtain a patent / utility model patent: filing a patent application with the National Bureau or the International Bureau includes the following:

- Name of the invention and the technical field data.
- Description of the invention ,a clear and sufficient details to any person with average knowledge in the field that enable him to use or reproduce the invention.
- Graphics and designs, if any,
- Elements of protection of any information that identifies the scope of protection granted by the patent.

- Formal examination

- Substantive examination

- Patent grant or refuse the request,

-There is also an international patent application

A patent does not granted to the following:

1 - Inventions of which would prejudice exploitation of national security or disturb public order or morals, or of serious damage to the environment or damage to life or health of human, animal or plant.

2 - Discoveries and theories, mathematical methods, process and software schemes.

3 - Methods of diagnosis and treatment and surgery, human or animal.

4 - Plants and animals, whatever the degree of rarity or peculiarity, as well as roads which are essentially biological processes for the production of plants or animals other than micro-organisms and non-biological and microbiological processes for the production of plants

5 - Organs, tissues and living cells and biological materials and natural DNA and genome

• As regards medicines / drugs

Article 17 in law, allows the Minister of Health to stop the registration of any patent that was related to "health value".

But the most important provisions of the law for the purposes of this study is article 23 which allows the Patent Office, which regulates the law of work after the grant of compulsory licenses have been approved by the Ministerial Committee formed under the decision of the Prime Minister. And if necessary, pay compensation to the franchise, were determined by the Ministerial Committee and determine the amount.

The law allows the issuance of compulsory licenses by using drugs for several purposes including health (Article 23, first - item 1) or emergency or "circumstances of extreme necessity" (Article 23, first item 2). In such circumstances, may grant licenses without conducting any negotiations with the owner of the patent medicine.

Under Article 23 (II), the Minister of Health is further entitled to order the issuance of compulsory license in a number of circumstances, including cases of high prices of medicines, or where there is a need for drugs to treat "critical situations like chronic or incurable or endemic" or "products used in the prevention of these diseases.”

Article 23 also allows the issuance of compulsory licenses in case of failure of the optional commercial license (by the owner) for the manufacture and sale of drugs in Egypt or in the case of competitive practices that facet of the patent owner (high in prices, or not to sell drugs in Egypt, or to stop production or reduce the quantity of, or stop the transfer of technology).

Illustrate the articles 36 to 43 of the regulations of the law on procedures for grant of compulsory licenses, and clear procedures in general; application is by appealing to the Patent Office, which makes the recommendations of the Ministerial Committee which issued the license. The original owner of the patent granted appropriate compensation provisions of Article 41 of the regulations has the right to appeal all decisions of the Committee of Ministers before the Complaints Commission is the text of Article 36 of the Act.

Code/ Penalties: Without prejudice to any severer penalty in the other laws, he shall be punished by imprisonment for not less than a month and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or both for anyone who committed one of the following acts:

- The sale or rental of a workbook or audio recording protected in accordance with the provisions of this law or put into circulation in any manner what so ever without prior written permission of the author or owner right next door.
- The tradition of a workbook or audio recording, selling or offering for sale or circulation, or rent with the knowledge to emulate.
- Publish a workbook or audio recording or performance is being protected in accordance with the provisions of this law through the hardware or networks or the internet information network, telecommunication

networks or other means without prior written permission of the author or owner of the right neighbor.

- The removal of, or fault finding, or bad faith of any protection technology used by the author or owner of the related rights.
- The attack on the moral right or financial rights of copyright or related rights stipulated in this law.
- In case of repetition, the punishment shall be imprisonment for a term of not less than three months and a fine of not less than ten thousand pounds and not exceeding fifty thousand pounds.

In all cases, the court shall order the confiscation of copies subject of the crime or received them as well as equipment and tools used in the commission. The court shall publish a summary sentence imposed in a daily newspaper or more at the expense of the convicted person.

Religious point of view in this phenomenon this act is undoubtedly prohibited and considered to combines several crimes together, they are:

- Theft: they are more dangerous than stealing money, since the money may be compensated, but when the idea has been stolen, it has become in the possession of other person with no return to its owner.
- Plagiarism: When a scientist uses or passes off someone else's ideas, inventions, writing or so as one's own.
- The exploitation of the science students.
- Deceive people and readers.

References:

1 - Law No. 82 of 2002 promulgating the Code of Intellectual Property Rights.

2 - The development of intellectual property laws Dr. Mahboobi Dr. Mohammed rights.

3- <http://www.alamalnet.com/vb/showthread.php?t=115473>- article about plagiarism - Magazine ambassadors .

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Professor of Journalism, Cairo University.

The axis of credibility and ethics