

Copyright Law

Law No. 82 of 2002 Pertaining to the Protection of Intellectual Property Rights

The People's Assembly has passed the following law, and it is hereby promulgated:

Article 1:

The protection of intellectual property rights shall be governed by the attached law.

Article 2:

The following laws shall hereby be repealed

- A) Law # 57 of 1939 pertaining to Trademarks and Commercial Data.
- B) Law # 132 of 1949 pertaining to Patents of Invention and Industrial Drawings and Designs; with the exception of the provisions of patents of inventions regarding foodstuff - related chemicals and pharmaceutical chemicals, which shall be repealed as of January 1st, 2005
- C) Law # 354 of 1954 pertaining to Copyright Protection.
Any provisions that contradict with the provisions of the attached law shall be hereby repealed.

Article 3:

Upon recommendation of the competent Ministers, the Cabinet shall issue the implementing regulations, within a term not exceeding one month as from the date of enactment of the law herein.

The competent Ministers shall issue, according to their jurisdiction, the decisions required for implementing the provisions of the attached law.

The Ministers, according to their jurisdiction, shall adopt measures necessary to protect the public health and nutrition; or to promote sectors of vital importance to the socio-economic and technological development; within the limits specified by the provisions of the attached law.

The Ministers, according to their jurisdiction, may undertake the procedures necessary, within the limits of the law herein, to prevent the misuse of intellectual property rights by right holders or to resort to practices, which unreasonably restrain trade or adversely affect the international transfer of technology, in accordance with the attached law.

Article 4:

This law shall be published in the Official Gazette and shall come into force as from the date following the publication date.

However provisions for patents of inventions concerning foodstuff - related- chemicals, pharmaceutical chemicals and microorganisms and products that were not previously subject to protection, before the issuance of the law herein, shall come into force as from January 1st, 2005; without prejudice to articles 44 and 45 of the attached law.

The law herein shall hold the seal of the State, and shall come into force as one of the laws thereof.

Issued in the Presidency of the Republic on Rabia'a 1st 21, 1423 H
(concurrent with June 2; 2002 A.D.)

Hosni Mubarak

The section included below contains the part about copyrights within the above law.

Part III

Copyrights and Neighboring Rights

Article 138:

The following terms shall in the application of the provisions of the Law herein, be deemed to have the following meaning: -

1- Work:

Any innovated work, in the literary, artistic or scientific domain whatever the type, manner of expression, significance or purpose of classification thereof is.

2- Creativity:

The element of innovation that bestows authenticity upon the work.

3- The Author:

The person who creates the work. Any person citing his name on the work or attributing same thereto, upon publication, as the author thereof, shall be deemed the author of such work; unless otherwise has been proven.

Any person publishing an anonymous or pseudonymous work shall be deemed the author thereof; provided that no doubt is raised in respect of the true identity of the author; otherwise the publisher or producer whether a natural or juridical person, shall be deemed a representative on behalf of the author in exercising his rights; until the true identity of the author is recognized.

4- Works of collective - authorship:

The work made by more than one author under the guidance of a natural or juridical person, who shall undertake publishing the work in his name and under his supervision. The works of such authors shall be incorporated in such work, for the general purpose aimed by such person, such that the works of each author may not be separated or distinguished independently.

5- Works of Joint - authorship:

The work that may not be listed under the works of collective - authorship, and which is made by more than one person, whether the share of each person may be separated or not.

6- Derivative work:

The work that originates from a preexisting work, such as translations, musical distributions, collections of works, including data bases which are legible either from the computer or elsewhere, and groups of folklore expressions, so long as such expressions are innovated in respect of the arrangement or choice of the contents thereof.

7- National folklore:

Any expression represented in distinctive elements reflecting the conventional cultural heritage originating from or remaining in A.R.E; particularly the following expressions:

- i) Verbal expressions including: Tales, riddles, puzzles, folk poems and other kinds of aphorisms.
- ii) Musical expressions including: Folk songs accompanied with music.
- iii) Bodily action expressions: including: Folk dances, plays, artistic forms and rituals;
- iv) Tangible expressions including: Plastic folk art, particularly; drawings and paintings, carvings, sculptures, pottery, terracotta, wooden works, and the various plastic inlaying therein included, mosaic, metal, jewelry, hand weaved bags, needlework, textiles, carpets, costumes; Musical instruments; and Architectural forms.

8- Public domain

The domain into which all works that are principally excluded from protection or that the period of protection of monetary rights granted thereto has been terminated, shall fall pursuant to the provisions of the present chapter.

9- Reproduction

The making of one or more reproductions of a work or phonogram in any manner and in any form, including permanent or temporal electronic storage of the work or phonogram.

10- Publication

Any act that may, in any manner, lead to making the work, phonogram, broadcast, or performance available to the public.

The work shall be made available to the public, upon consent from the author or the right holder. However, phonograms, broadcasts or performances shall be made available to the public upon consent from the producer thereof or his successor.

11- Producer of audio or audio - visual work:

Natural or juridical person who produces the audio or audio-visual work and assumes the responsibility of such production.

12- Performers:

Actors, singers, recitalists, chanters, musicians or dancers in protected literary and artistic works that are protected pursuant to the provisions of the law herein, or that have fallen into public domain; or such persons who perform in any manner; including folklore expressions, in such works.

13- Producers of phonograms:

Natural or juridical person who first records a phonogram or a performance made by a performer, without fixing the sound to the image, upon preparing an audio - visual work.14-

Broadcasting:

The audio or audio-visual transmission of work, performance, phonogram or the work or performance recording, to the public by wireless means. Transmission via satellites is also deemed broadcasting.

15- Public performance:

Any act that may make the work available to the public, in any manner, including acting, reciting, playing or broadcasting; such that the work shall be directly communicated to the public through performance of sound, visual or audio recording.

16- Public communication:

Wire or wireless transmission of images, sounds or the images and sounds of the work; performance or phonogram; or broadcasting in a manner that enables receiving thereof through transmission alone to persons other than the family members and close friends, in any place other than the place of transmission. No regard shall be given, in this respect, to the time and place of receiving, including the time and place selected by the receiver alone through the computer or any other device.

17- Broadcasting organization:

Any person or party authorized to or responsible for audio or audiovisual broadcasting by wireless means.

18- The Competent Minister:

Shall be The Minister of Culture; the Minister of Information shall be the competent Minister for broadcasting organizations; and the Minister of Communication and Information shall be the Competent Minister for computer programs and data bases.

19- The Competent Ministry:

Shall be The Ministry of Culture; the Ministry of Information shall be the Competent Ministry for broadcasting organizations; the Ministry of Communications and Information shall be the Competent Ministry for computer programs and data bases.

Article 139:

The protection stipulated for copyrights and neighboring rights shall include Egyptians and foreigners, either natural or juridical persons, belonging to one of the member States of the World Trade Organization and nationals thereof.

The following shall be deemed nationals of the member states:

A) For copyright:

1- Authors whose works have been first published in one of the member States of the Organization, or otherwise, simultaneously published in a non member State of the Organization and in a member State of the Organization. The work shall be deemed as having been published simultaneously in several States, if it has been published in two or more States within thirty days as of the date of first publication.

The following shall not constitute publication:

The performance of a dramatic, dramatico- musical, cinematographic, or musical work; the public recitation of a literary work; the communication by wire, or the broadcasting of literary or artistic works; the exhibition of a work of art; and the construction of a work of architecture.

2- Producers and authors of cinematographic works, the maker of which has his head quarters or habitual residence in a member State of the Organization.

3- Authors of works of architecture erected in a member state of the organization or of other artistic works incorporated in a building or other structure located in a member State of the Organization.

B) For neighboring rights:

1- Performers, provided that any of the following conditions is fulfilled:

i) The performance has taken place in one of the member States of the World Trade Organization;

ii) The performance has been produced in phonograms the producer of which is a national of a member State of the World Trade Organization; or the sound thereof has been first fixed in a

territory of a member State of the Organization.

iii) The performance has been transmitted through a broadcasting organization having its headquarters in a member State of the World Trade Organization; and the broadcasts have been transmitted from a transmitter situated in a member state.

2- Producers of phonograms if the sound has been first fixed in a member State of the Organization.

3- Broadcasting organizations, if their headquarters are situated in a territory of a member State of the World Trade Organization; and the broadcasts that have been transmitted from a transmitter situated in a territory of a member State of the Organization.

With regard to the protection of intellectual property, any advantage, favor, privilege or immunity granted by any other law for the nationals of any state in the Organization shall be accorded to the nationals of all the member States of The World Trade Organization. Exempted from this obligation are any advantage, favor, privilege, or immunity originating from:

1. International agreements on judicial assistance and law enforcement of a general nature;
2. Intellectual property rights - related agreements, which became effective before January 1st, 1995.

Article 140:

The rights of the authors to their literary and artistic works shall be protected by the law herein, and particularly the following works:

- 1- Books, pamphlets, articles, brochures and other written works.
- 2- Computer software.
- 3- Databases which are either legible by computer or by any other device.
- 4- Lectures, speeches, recorded sermons, and any other verbal works, provided that such are being recorded.
- 5- Dramatic or dramatico- musical works, and pantomime.
- 6- Musical compositions with or without words.
- 7- Audiovisual works.
- 8- Architectural works.
- 9- Works of drawing, painting, sculpture, lithography, printing on textiles, and any similar works of fine arts.
- 10- Photographic works and analogous works.
- 11- Works of applied arts and plastic arts.
- 12- Illustrations, geographical maps, plans, sketches, and three- dimensional works relative to geography, topography or architecture.
- 13- Derivative works, without prejudice to the protection granted to the works from which it has been derived.

Protection shall include the title of the work, provided that such title is innovated.

Article 141:

Protection shall not include mere ideas, procedures, methods of process, manners of operation, concepts, principles, explorations, and data; even if expressed, described, illustrated or included in a work.

Protection shall not include:

First:

Official documents, whatever the source or target language thereof, including legal texts, regulations, decisions, international agreements, judicial rulings, arbitral awards, judgments issued by administrative committees of judicial competence.

Second:

News of incidents or current events having the character of mere items of press information. Nevertheless, the above items shall be protected if characterized by innovation in order, display or by any personal effort eligible for protection.

Article 142:

National folklore is deemed public domain. The Competent Ministry shall exercise the moral and financial copyrights on folklore; and shall assume the protection and support thereof.

Article 143:

The author and his successors shall enjoy, in respect of the work, permanent moral rights which are not liable for prescription or assignment. Such rights include:

First:

The right to first make the work available to the public.

Second:

Right to claim authorship.

Third:

Right to object to any amendment which is deemed by the author as distortion or mutilation to the work.

Amendment of translation is not deemed infringement, unless the translator has omitted the citation of the places of cancellation or changes; or has prejudiced to the honor and reputation of the author by his translation.

Article 144:

The author may solely request, if serious reasons have occurred, the First Instance Court to issue a ruling of preventing the circulation of his work, withdrawing it from circulation or of entering substantial amendments thereon; in spite of such author's disposal of the financial exploitation rights. In which case, the author shall offer fair compensation in advance to the party ascribed the financial exploitation rights, which shall be paid within a period to be specified by the court; otherwise such ruling shall be null and void.

Article 145:

Any disposal of a moral right provided for in articles 143 and 144 of the law herein shall be deemed absolutely null and void.

Article 146:

The competent Ministry shall undertake the moral rights provided for in articles 143 and 144 of the present chapter, in the case that no heir or bequeathed does exist, after the lapse of the period therein prescribed for the protection of financial rights.

Article 147:

The author and his successors shall enjoy exclusive right in granting licenses or preventing any exploitation of his work, in any manner, particularly, reproduction, broadcasting, re-broadcasting, public performance, public communication, translation, modification, rental, leasing, or making available to the public, including providing such through computer, internet, information or communication networks or any other means.

Exclusive rights to rent shall not apply to:

- i) Computer software, unless such are the subject of rental; and
- ii) Audiovisual works, so long as such rental does not lead to the dissemination of copies thereof, in a manner that causes financial injury to the relevant holder of the exclusive right.

The author and his successor shall enjoy the right to follow up the acts of disposal of the original copy of the work thereof. Such right shall entitle the author and his successor to obtain a particular percentage, not exceeding 10 percentile on the increase achieved by each act of disposal of such copy.

The right of the author to prevent third parties from importation, usage, sale or distribution of his protected work, pursuant to the provisions of the law herein shall terminate, if the author exploited and marketed such work in any State or licensed or authorized third parties in this respect.

Article 148:

Protection granted to the copyright and the right of the translator of the work thereof into another foreign language, with respect to the translation of such work into the Arabic language shall terminate; unless the author or the translator assume such right directly or through an intermediary, within three years calculated from the date of first publication of the original or translated work.

Article 149:

The author may transfer some or all of the financial rights thereof as defined by the law herein to third parties.

Disposal of such rights shall be established provided being conducted in writing and each right that has been subject of disposal is explicitly and determined in details, and the scope, purpose, period and place of exploitation are illustrated.

The author shall be the owner of all the financial rights that have not been explicitly assigned. The license granted by the owner for exploitation of one of such rights shall not be deemed a license to exploit any other financial right enjoyed by the author in respect of the work itself.

Without prejudice to the moral rights of the author provided for in the law herein, the author shall not undertake any act that is liable to hinder the exploitation of the disposed right.

Article 150:

The author may receive financial or in kind fair compensation in return for the transference of one or more of the financial exploitation rights of his work to third parties. Such compensation shall be in the form of percentage participation in the income generated by exploitation. The author may further conduct contracts based on randomly estimated sums of money or based on a combination of both the percentage participation and the randomly estimated sums of money.

Article 151:

If it appears that the agreement mentioned in article (150) of the law herein or developed to be unfair to the copyrights due to certain conditions that occurred after contracting, the author or his successor may resort to the Court of First Instance, requesting to re-evaluate the compensation that has been agreed upon, without prejudice to the rights of the contracting party.

Article 152:

The author's disposal of the original copy of his work, whatever the kind of such disposal, shall not result in transferring the financial rights thereof.

However, the receiver of such disposal may not be ordered to enable the author to reproduce, transfer or display the original copy; unless otherwise agreed upon.

Article 153:

The author's disposal on all future intellectual production thereof shall be deemed absolutely null and void.

Article 154:

The financial rights of authors to their works that have been published or offered for circulation may be sequestrated. Works whose owner has died before publication may not be sequestrated; unless it has been proven that such author was willing to publish the same before his death.

Article 155:

Performers and their successors shall enjoy a permanent moral right, which is not liable for assignment or prescription. Such right entitle the performers and their successors to the following:

1- Right to attribute the live or recorded performance to the performers in the manner thus created.

2- Right to prevent others from modifying, distorting or mutilating their performance.

After the lapse of the period prescribed for protection of financial rights provided for in the law herein, the competent Ministry shall exercise such moral right, if no heir or bequeathed does exist.

Article 156:

Performers shall enjoy the following financial exclusive rights:

1- Communicating their performance to the public and grant licenses for making available to the public, rental or leasing of the original recording of the performance or copies therefrom.

2- Preventing exploitation of their performance in any manner, without previous written authorization therefrom. The recording of such live performance on a medium or rental thereof, for the aim of acquiring direct or indirect commercial revenue, or broadcasting same to the public shall be deemed prohibited exploitation.

3- Renting or leasing the original performance or copies therefrom to achieve direct or indirect commercial purpose; regardless of the ownership of the original or rented copies.

4- Making a registered performance available to the public through broadcasting computers or any other means, for the aim of being separately received in any place or at any time.

The provision of the present article shall not apply to the recording of performance made by the respective performers within an audiovisual recording, unless otherwise agreed upon.

Article 157:

Producers of phonograms shall enjoy the following exclusive financial rights:

1- Preventing any exploitation of their phonograms, in any manner, without having previous

written authorizations therefrom. In this sense, the reproduction, rental, broadcasting or making available of such phonograms through computers or any other means shall be deemed prohibited exploitation.

2- Making phonograms available to the public through wire or wireless means, computers or any other means.

Article 158:

Broadcasting organizations shall enjoy the following exclusive financial rights:

1- To grant license for exploitation of the recordings thereof.

2- To prevent any communication of the televised broadcasts thereof to the public, without a previous written authorization therefrom. It shall be deemed prohibited exploitation, the recordation, reproduction, sale, rental, re-transmitting, distribution or communication of such broadcast to the public in any manner, including removal or distortion of any technical protection granted to such broadcasts, such as encoding or otherwise.

Article 159:

Provisions relating to the author's assignment of the financial rights thereof pursuant to the law herein, shall apply to the holders of neighboring rights. Performers and broadcasting organizations shall only have the right, without prejudice to the exclusive rights thereof provided for in the law herein, to acquire equitable financial consideration only once in return for direct or indirect usage of broadcasts that have been published for the commercial purposes of broadcasting or communication to the public; unless otherwise agreed upon.

Article 160:

The protection term for financial rights of the Author granted by the law herein shall be the life of the author and fifty years calculated from the author's death.

Article 161:

The protection term for the financial rights of authors of a work of joint - authorship shall be the life of such authors and fifty years calculated from the death of the last surviving author.

Article 162:

The protection term for the financial rights of the authors of a work of collective- authorship - with the exception of the authors of applied art works - shall be fifty years calculated from the date of publication or of first making the work available to the public, whichever is later. Such provision shall apply if the right holder is a juridical person; however, if the right holder is a natural person, the protection term shall be in accordance with the provisions provided for in articles 160 and 161 of the law herein.

The financial rights on the works first published after the death of the author thereof shall terminate upon the lapse of fifty years calculated from the date of first publication or first making the work available to the public, whichever is later.

Article 163:

The protection term for financial rights of anonymous and pseudonymous works shall be fifty years calculated from the date of first publishing or first making the work available to the public, whichever is later. If the author of such work is defined and well known or has disclosed his

identity, the protection term shall be pursuant to the provisions of article 160 of the law herein.

Article 164 :

The financial rights of the authors of applied art works shall terminate by the lapse of twenty five years after the date in which the work has been first published or made available to the public, whichever is later.

Article 165:

In the case of calculating the protection term from the date of first publishing or first making the work available to the public, the date of first publication or first making the work available to the public, whichever is later, shall be taken as a basis for calculating the term. The repetition of publication or of making the work available to the public shall not be taken into regard; unless the author has entered substantial modifications on such work upon repetition, so as such work may be deemed novel.

If the work is composed of several parts or volumes that have been separately published on intervals, each part or volume shall be deemed independent when calculating the term of protection.

Article 166:

Performers shall enjoy exclusive financial rights in the area of their performance in the manner set forth in article 156 of the law herein, for fifty years calculated from the date of performance or registration, as the case necessitates.

Article 167:

Producers of phonograms shall enjoy exclusive financial rights in the area of exploitation of their phonograms, in the manner set forth in article 157, for fifty years calculated from the date of registration or publication, whichever is later, within the limits provided for in the law herein.

Article 168:

Broadcasting organizations shall enjoy financial exclusive rights, entitling such to exploit the broadcast thereof for twenty years starting from the date of first transmitting such broadcast.

Article 169:

Broadcasting organizations may broadcast the works, which are performed in public. Such organizations shall announce the name of the author and the title of the work, and provide fair compensation in kind or in cash to the author. Such organizations shall pay any other compensation as necessary.

Article 170:

Any person may demand the competent Ministry to grant such person a personal license for reproducing and /or translating any protected work pursuant to the stipulations of the law herein, without having the author's permission, for the purposes set forth in the following paragraph. The grant of such license shall be against payment of fair compensation to the author or his successors. Such license shall not contradict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author or the copyright holders.

Licenses shall be granted, pursuant to a justified decision in which the time and place limits thereof are specified; and for the purposes of fulfilling the requirements of all kinds and levels of education.

The executive regulations of the law herein shall define the conditions and terms stipulated for granting licenses, as well as the categories of the due fees, which shall not exceed one thousand Egyptian pounds for each work.

Article 171:

Without prejudice to the moral rights of the author, pursuant to the provisions of the law herein, the author may not prevent third parties, after the publication of his work, from undertaking any of the following acts:

First:

Performance of a work in meetings with family members or pupils in an educational institution, so long as such performance has been without direct or indirect financial consideration.

Second:

Reproducing one single copy of the work to be used by the reproducer himself, provided that such reproduction does not contradict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author or the holders of copyrights. Nevertheless, the author or his successors may prevent third parties, after the publication of his work, from undertaking any of the following acts, without permission therefrom:

- Reproducing, photographing or copying fine, applied or plastic arts, unless existing in public, or is an architectural work;
- Reproducing or copying all or a substantial part of a musical note.
- Reproducing or copying all or a substantial part of computer database or software.

Third:

Making one single copy of the computer software with the consent of the legitimate holder thereof, for the purpose of keeping or substitution in case of loss, distortion or invalidation of the original copy; or for the purpose of quotation from the program, even if such quotation exceeds the scope necessary for using such program, so long as quotation is within the licensed purpose. The original or quoted copy shall be destroyed upon the fulfillment of the holder's reasons. The executive regulation implementing the law herein, shall define the conditions and terms of quotation from such program.

Fourth:

Conducting analytic studies of the work or parts or quotations therefrom, for the purpose of criticism, discussion or media.

Fifth:

Reproducing protected works for usage in judicial or administrative procedures, within the limits prescribed by such procedures; and mention shall be made of the source and the name of the author.

Sixth:

Reproducing extracts of a work in the form of manuscripts or audio, visual, or audio-visual recordings, for the purposes of teaching for illustration or explanation, with the provision that: i) Reproduction shall be within the reasonable limits; ii) Reproduction shall not surpass the purpose thereof; and iii) mention shall be made of the name of the author and the title of the work on all

copies of the works, whenever possible.

Seventh:

Reproducing an article, short work or a derivative of a work, if necessary, for the purposes of teaching in educational institutions, with the provision that:

- i) Reproduction shall be made only once or on separate and interrupted intervals.
- ii) Mention shall be made of the name of the author and the title of the work on each copy.

Eighth:

Making one single copy of the work through the national archives; or through the non-profit libraries- either directly or indirectly - in the following cases:

- Reproduction is made for a published article, a short work or a derivative of a work, so long as the purpose of reproduction has been in fulfillment of a request made by a natural person, for using same in study or research. Such reproduction shall be made for once or on irregular intervals.
- Reproduction is made for the purpose of maintaining the original copy or of substituting a lost, destroyed or spoiled copy, where it became impracticable to obtain a substitute thereof under reasonable conditions.

Ninth:

Temporarily reproducing work subsequent to or during the digital transmission of the work; or during exercising an act aiming at receiving a digitally stored work; and within the framework of normal operation of the device used by the right holder.

Article 172:

Without prejudice to the moral rights of the author pursuant to the provisions of the law herein, the author or his successor in title shall not prevent the newspapers, periodicals or broadcasting organizations, within the limits justified by the objective thereof from the following:

First:

Publishing extracts of the works thereof that have been lawfully made available to the public and the published articles thereof relating to issues which have occupied public opinion at certain times; unless such has been prohibited by the author upon publication. Mention shall be made in this case, of the source of such selections, the name of the author and title of the work.

Second:

Publishing speeches, lectures, seminars, and address delivered in the course of public sessions of parliament, legislative and administrative organizations and public meetings in the scientific, literary, artistic, political, social, and religious domain, including judicial hearings in the public sessions. However, the author or his successor shall have the sole right to compile such works in collections attributed thereto.

Third:

Publishing extracts of an audio, visual, or audiovisual work that has been made available to the public within press coverage of current incidents.

Article 173:

The restrictions applicable to the financial rights of the author shall apply, pursuant to the provisions of the law herein, to the holders of neighboring rights.

Article 174:

In case of works of joint - authorship, in which the shares of authors may not be separated, all the joint - authors shall be deemed equal authors of the work; unless otherwise agreed upon in writing.

In which case, no author may separately undertake the copyrights; unless pursuant to a written agreement therebetween.

If the participation of each of the authors has been categorized under a different kind of art, each author may exploit the part independently offered by him in participation thereof; provided that no prejudice shall be caused to the exploitation of the joint-work; unless otherwise agreed upon in writing.

Each author may bring an action, in case of infringement upon any of the copyrights.

In case of the death of any of the joint-authors without having a successor or heir the share thereto shall be transferred to the rest of the joint-authors or the successors thereof; unless otherwise agreed upon in writing.

Article 175:

Any natural or juridical person who directed the creation of a collective work may solely enjoy the right to undertake the copyrights thereon.

Article 176:

In case of anonymous and pseudonymous works, the publisher shall be deemed to represent the author, and in such capacity, shall be entitled to exercise the rights provided for in the law herein.

Article 177:

The following shall be deemed a Joint-author of an audiovisual, audio or visual work:

First:

- 1- Author of scenario, or the intellectual creator of broadcast;
 - 2- Assimilator of an existing literary work, to make such work suitable for audiovisual manner;
 - 3- Author of a dialogue;
 - 4- Music composer if composing such music especially for the work; and
 - 5- The director, who has acted positively in the intellectual aspect to accomplish such work.
- If the work is simplified or derived from another previous work, the author of the previous work shall be deemed a joint-author of the new work.

Second:

Author of a scenario, assimilator of literary work, author of a dialogue and director, shall jointly have the right to display the audio, visual or audiovisual work; in spite of the objection made by the author of the original literary work or music composer, without prejudice to the rights of the objecting party which result from joint- authorship.

Third:

The author of the literary or musical part may publish the work thereof in a manner other than that specified for publishing the joint - work; unless otherwise agreed upon in writing.

Fourth:

If one of the joint-authors of an audiovisual, audio or visual work abstained from completing the part thereof, the rest of the joint-authors shall not be subsequently prevented from using the part

accomplished by each of them; without prejudice to the rights of the abstaining party resulting from being a joint- author of the work.

Fifth:

The producer shall be deemed, during the exploitation of an audiovisual, audio or visual work that has been agreed upon, a representative of the authors of such works and of the successors thereof in conducting agreements on the exploitation of the work; without prejudice to the rights of the authors of quoted or assimilated literary or musical works; unless otherwise agreed upon in writing. The producer shall be deemed the publisher of such work and shall have the rights entitled to the publisher regarding such work and the reproduction thereof, within the scope of commercial exploitation thereof.

Article 178:

Any person taking a photograph of another, may not publish, exhibit or distribute the original or copies thereof, without permission therefrom or from all persons appearing in the photograph, unless otherwise agreed upon. Nevertheless, the photograph may be published:

- i) In an incident that has publicly taken place;
- ii) If the photograph is related to official, public characters, or national or international celebrities;

or

- iii) If the competent Public Authorities have permitted such publication for the public welfare; Provided that the exhibition or circulation of the photograph, in such cases, shall not be prejudicial to the honor, reputation or recognition of such person.

The person appearing in such photograph may authorize the publication thereof in press and other publication means, even if the photographer did not permit such publication; unless otherwise agreed upon.

Such provisions shall apply to photographs, whatever the manner of taking such photographs, including drawing, engraving or any other manner.

Article 179:

The Head of the Court of jurisdiction may order, upon request of the interested party, and pursuant to an injunction that one or more of the following or other relevant provisional measures be taken, if infringement has taken place on any of the rights provided for in the present chapter:

- 1- Conducting detailed description of the work, performance, phonogram or broadcast.
- 2- Ceasing the publication, of the work, performance, phonogram or broadcast, and ceasing the display, reproducing or making thereof.
- 3- Sequestering the original or copies of the work, phonogram or broadcast, as well as the articles that has been used in re-publishing or reproducing such work, performance, phonogram or broadcast; provided that such materials are invalid except for re-publishing the work, performance, phonogram or broadcast.
- 4- Proving the incident of infringement on the protected right.
- 5- Calculating revenues resulting due to the exploitation of the work, performance, phonogram or broadcast, and sequestering such income in all cases.

The Head of the Court may, in all cases, order the delegation of one or more experts for assisting the process server charged with execution; and order the applicant to post a relevant guarantee. The applicant shall refer the dispute to the Court within fifteen days calculated from the date of issuing the order; otherwise the order shall be deemed null and void.

Article 180:

The interested parties may lodge a petition to the Head of the relevant Court, within thirty days,

as of the date of issuing or announcing the order, as necessary. The Head of the Court may either confirm or revoke the order in whole or in part; or appoint a trustee charged with re-publishing, exploiting, displaying, making or reproducing the work, phonogram or broadcast. The generated revenue shall be posted in the treasury of the court, until a decision is issued in the dispute.

Article 181:

Without prejudice to any severer penalty provided for in any other law, any person committing one of the following offences shall be penalized by imprisonment for not less than one month and a fine of not less than five thousand Egyptian pounds, and not exceeding ten thousand Egyptian pounds, or either of both penalties: -

First:

Selling or renting a work, phonogram, or broadcast protected pursuant to the provisions of the law herein, or offering same for circulation, in any manner, without a previous written permission from the author or the holder of the neighboring right.

Second:

Counterfeiting, selling, or offering for sale, circulation or rental, a work, phonogram or broadcast, while being aware that the same is a counterfeit.

Third:

Domestically counterfeiting, selling, offering for sale, circulation or rental or exporting a work, phonogram or broadcast that has been published abroad, while being aware that the same is a counterfeit.

Fourth:

Publishing a work, phonogram, broadcast or performance protected pursuant to the provisions of the law herein via computers, internet, information networks, communication networks or any other means, without having prior written permission from the author or holder of the neighboring right.

Fifth:

Manufacturing, assembling or importing, for the purpose of sale or rental any apparatus, means or device designed or prepared for manipulating technical protection used by the author or holder of neighboring rights, such as encoding or otherwise.

Sixth:

Removing, impairing or mutilating, in mala fide, any technical protection used by the author or holder of neighboring rights, as encoding or otherwise.

Seventh:

Moral or financial infringement upon any copyright or neighboring right provided for in the law herein.

The penalty shall be diverse according to the diverse infringing of works, phonograms, broadcasts or performance subject of the crime.

In case of recurrence, the penalty shall be imprisonment for not less than three months and a fine not less than ten thousand Egyptian pounds, and not more than fifty thousand Egyptian pounds.

In all cases the Court shall order the confiscation of infringing copies or copies subject of the crime as well as the equipment, and devices used in the commitment thereof.

The Court may in case of conviction, decide upon closing the establishment used by the

convicted party in such crime for a period not exceeding six months. Closure shall be mandatory in case of recurrence in respect of the crimes provided for in clauses (second and third) of the present article.

The Court shall decide upon publishing the summary of the Court ruling of the conviction in one or more daily newspapers on the expense of the adjudged party.

Article 182:

If the parties to the dispute agreed upon arbitration, provisions of the Arbitration Law, # 27 of 1994, in respect of the commercial and civil articles shall apply; unless otherwise agreed upon.

Article 183:

The competent Ministry shall issue a license of commercial or professional exploitation of the work, phonogram, performance or broadcast, which falls into the public domain, in return for a fee specified by the executive regulations implementing the law herein not to exceed one thousand Egyptian pounds.

Article 184:

Publishers, printing press and producers of works, phonograms, recorded performances, and broadcasts shall collectively deposit one or more copies therefrom, not exceeding ten copies. The competent Minister shall issue a decree determining the number of copies or equivalents thereof, subject to the nature of each work as well as the depositary party.

No prejudice shall be caused to the copyrights or neighboring rights provided for in the law herein, in case of failing to deposit.

The publisher, printing press and producer, in case of violating the provisions of the first paragraph of the present article, shall be penalized by a fine not less than one thousand Egyptian pounds and not exceeding three thousand Egyptian pounds for each work, phonogram or broadcast, without infraction to the commitment to deposit.

Works published in newspapers, magazines and periodicals shall be exempted from deposit unless the work is separately published.

Article 185:

The competent Ministry shall establish a register for recording disposals on the works, performances, phonograms, and broadcasts that are governed by the provisions of the law herein. The executive regulations shall define the method of recording in such register in return for a fee not exceeding one thousand Egyptian pounds for each recordation.

Disposals shall not be effective towards third parties, unless after the recordation has been completed.

Article 186:

Any person may obtain a certificate of depositing a work, recorded performance, phonogram, or broadcast, from the relevant Ministry in return for a fee defined by the executive regulations implementing the law herein, not exceeding one thousand Egyptian pounds for each certificate.

Article 187:

All shops that offer for circulation through sale, rental, leasing or granting licenses of exploitation of works, recorded performance, phonograms or broadcasts, shall undertake the following:



EGYPT

1- Obtain a license to this end from the competent Minister, in return for a fee to be defined by the executive regulations implementing the law herein, not exceeding one thousand Egyptian pounds.

2- Maintain regular books for recording the data of each work, phonogram or broadcast, as well as the year of offering same to circulation.

Without prejudice to any severer penalty stipulated in any other law, violation of the provisions of the present article shall be punishable by a fine not less than five thousand Egyptian pounds and not exceeding ten thousand Egyptian pounds.

In case of recurrence, the penalty shall be a fine not less than ten thousand Egyptian pounds and not exceeding twenty thousand Egyptian pounds.

Article 188:

The Minister of Justice shall issue, upon agreement with the competent Minister, a decree determining the law officers entitled to execute the provisions of the law herein