

## تقرير حقوق الملكية الفكرية باللغة الانجليزية

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### **Guide to Protecting Intellectual Property Rights**

Prepared by the Quality Assurance Unit

2016/2017

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## Introduction :

## مقدمة

There is no doubt that creative intellectual practice is among the noblest of human endeavours. Intellectual or mental rights stand uncontested at the top of all rights, occupying a prominent place within property rights. While material production is an essential element in building nations and advancing their progress, intellectual production is no less important. It establishes the foundations for all forms of advancement, and the degree of a people's progress is measured by their level of education and culture, as well as by the extent of protection provided for national intellectual creativity.

The concept of intellectual property emerged as a general tool to serve social, economic, and political interests, stemming from the rise of printing and publishing during the industrial age. However, as societies transitioned into the post-industrial age—often referred to as the “information age”—the goals and components of the intellectual property system have required renewed study and evaluation. In our era, dominated by information and communication technologies, this concept refers to the legal rights arising from intellectual activity in the fields of industry, science, literature, and the arts. Intellectual property laws grant individuals the right to protect their inventions and give them the authority to prevent others from using their creations without permission.

## Definition of Intellectual Property    تعريف الملكية الفكرية

The World Trade Organization has defined intellectual property rights as “the rights granted to people over the products of their intellectual creations.” The Egyptian Center for Intellectual Property and Information Technology has defined them as “everything produced and created by the human mind and intellect—ideas that are transformed into or embodied in tangible forms that can be protected. These include intellectual and mental creations and innovations such as inventions, trademarks, drawings, models, integrated circuit designs, plant varieties, and authors’ rights.”

The World Intellectual Property Organization (WIPO) classifies the forms of intellectual property as follows:

1. Books, booklets, research papers, scientific and cultural articles, translations, and other written works.
2. Computer programs, applications, databases, and similar works.
3. Patents for inventions and discoveries.
4. Artistic works, such as dramatic and musical works, designs, fine arts, painting, sculpture, engraving, and similar creations.
5. Architectural works, drawings, and engineering designs.
6. Photographic works, maps, films, and television and radio programs, and similar works.
7. Trademarks, industrial designs and models, and copyrights.

## Importance of Protecting Intellectual Property

The ability of any state or company to preserve the unique nature of the product it offers is the key and essential means of successful competition. This ability depends on the extent to which the ownership of the idea—or the integrated ideas embodied in the product or the method used in the production process—is maintained and safeguarded.

Hence lies the importance of protecting intellectual property, as appropriate and sufficient protection can enhance the capacity of institutions and organizations to succeed in markets through the following ways:

- Protecting technological methods and core business activities.
- Encouraging further inventions and innovations in the fields of technology and culture.
- Supporting the effectiveness of research and development.
- Anticipating changes in technology and the market.
- Assisting in the dissemination of knowledge.
- Driving economic progress.
- Creating job opportunities and new industries.

## Types of Intellectual Property Rights انواع حقوق الملكية الفكرية

The types of intellectual property rights are divided into:

### 1) Industrial property rights

The most important forms include patents, utility models, industrial drawings and designs, trademarks, trade names, and geographical indications.

### 2) Literary and artistic property rights

These include copyright and neighbouring rights, divided as follows:

- **Literary works**, including reference works, computer programs, and databases.
- **Artistic works**, including architectural works, geographical maps, and technical drawings.

## Copyright    حق المؤلف

Copyright is a legal term that describes the rights granted to creators over their literary and artistic works. It is considered one of the most important forms of intellectual property rights.

Copyright is divided into two main categories:

- **Moral rights.**
- **Financial (economic) rights.**



## **Moral Rights of the Author**    حقوق المؤلف المعنوية

### **1. Right of Attribution**

- The author has the right to have their works attributed to them under their real name or a pseudonym.
- The author has the right to have their name mentioned on every copy produced for the public, regardless of the format, in every edition or printing of the work.
- The author has the right to publish the work under their name or use a pseudonym.
- If a work has multiple authors, they all share the right of having their names included equally on the work.

### **2. Right to Respect for the Work**

- The author has the right to maintain the unity and coherence of their work, ensuring the ideas and sequence remain intact. This right protects the work from any deletions that could affect its substance.
- The author has the right to preserve the unique and distinctive character of the work.
- The author has the right to withdraw their work from circulation under specific conditions.

## Financial Rights of the Author      حقوق المؤلف المالية

These are the rights granted to the author over their work, enabling them to maintain financial returns resulting from their choice to exploit the work in the manner they deem appropriate. The author's financial rights are **exclusive rights**—meaning the author alone has the authority to use the work and to grant licenses to others for its exploitation.

The original creator of a copyrighted work, and their heirs, enjoy certain fundamental rights, which allow them either to prohibit or authorize the following:

- Reproduction of the work in all forms, such as printing, publishing, or audio recording.
- The right of public performance and communication of the work to the public.
- Making recordings of the work on CDs, audio tapes, or video tapes.
- Translating the work into other languages.
- Publishing the work.

The term of financial rights lasts for the **lifetime of the author plus 55 years after their death**, in accordance with WIPO treaties. After this period, the work becomes public domain and may be used by anyone in any form.

## Comparison between Moral and Financial Rights

- Moral rights cannot be waived, as they are inseparable from the author's personality. Financial rights, however, may be partially or wholly transferred to others, whether for compensation or free of charge.
- Moral rights do not expire; they last as long as the work exists. Financial rights, on the other hand, are time-limited and legally protected only for a specific duration.
- Moral rights cannot be subject to seizure. Financial rights, however, may be seized as collateral for a debt or guarantee.

## Exceptions and Limitations to Copyright

The law provides certain exceptions that allow the public to use copyrighted works without seeking the author's permission. These include:

1. Use of the work for purely educational purposes.
2. Making a single copy of the work for non-commercial personal use.
3. Broadcasting, publishing, or reproducing speeches, lectures, talks, and articles relating to political, economic, scientific, or religious discussions of public concern.

## Infringement of Copyright

## التعدي على حق المؤلف

- ☐ Copyright infringement occurs when a person undertakes actions that fall under the exclusive rights of the author without seeking their permission or obtaining their consent.
- ☐ The author has the right to resort to the judiciary to request the cessation of the infringement and to claim fair compensation for the infringing acts.

## Conditions for Protecting Copyright    شروط حماية حق المؤلف

### Formal Conditions

1. The work must be embodied in a tangible form that has come into existence; it cannot remain a mere idea.
2. Ideas in themselves are not protected; what is protected is the form of expression or the framework in which the idea is embodied.
3. The work must not be copied or imitated; it should demonstrate a degree of originality.

### Substantive Conditions

1. The most important substantive element is originality. Originality requires the author to impart something of their own personality into the work.
2. Originality is the element protected by law. If a person produces a work that is merely a repetition of an earlier one, it is not considered original and does not deserve protection.

## Joint Rights of Authors

## الحقوق المشتركة للمؤلفين

A joint work is one created by several authors, each contributing in varying degrees. Every contributor has the right to acquire copyright and to share in the financial returns resulting from the exploitation of the work.

### Forms of Joint Works

1. A work produced by two or more authors where the individual contributions cannot be separated.
  2. A work produced by two or more authors where the individual contributions can be separated.
  3. A collective work prepared by a group under the direction of a natural or legal person.
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### Neighbouring Rights in Literary and Artistic Property

The author's exclusive right to exploit their work—or to authorize another party to do so—is the essential element of copyright. This right, once recognized, is also considered important for beneficiaries of rights known as **neighbouring rights**, which include:

- Rights of performing artists.
- Rights of producers of sound recordings.
- Rights of broadcasting organizations.
- Rights of publishers in the typographic arrangement of their books.

Through the author's exclusive right, they can prevent others from exploiting the work. However, the true value of this right lies in ensuring that works are exploited in ways consistent with the interests and objectives of the rights holder.

The author can exercise this exclusive right to the fullest extent possible, maintaining control over the distribution of the work, personally making decisions regarding the financial terms of its use, and closely monitoring the proper application of their moral and financial rights.

Neighbouring rights resemble copyright but differ from it in scope and beneficiaries.

## Copyright in Software      البرمجيات في قانون حماية الملكية الفكرية

The use of pirated or unlicensed software constitutes an offense under Law No. 82 of 2002 concerning the protection of intellectual property and its executive regulations. Computer programs also enjoy legal protection as literary works under the **WIPO Copyright Treaty (WCT) of 1996**, as well as under Article 20 of the **Berne Convention**. This protection applies to computer programs regardless of the manner or form of their expression.

The main forms of software infringement can be summarized as follows:

- **Piracy** by copying computer programs onto disks.
- **User infringement** by purchasing a single original copy of a program and using it on more than one computer—thus using the program multiple times without a license authorizing such use.
- **Internet infringement**, where some websites make software available for copying without authorization, after which users download and install these programs on their devices, and similar practices.



## اتفاقية ميكروسوفت مع المجلس الاعلى للجامعات

### Microsoft Agreement with Supreme Council of Universities

A contract agreement known as the **MSDN Academic Alliance** was signed between Microsoft and the Supreme Council of Universities. This agreement grants the right to use the latest programs and technologies produced by Microsoft within certain universities.

It includes the right to use the **MSDN Academic Alliance program** in computer labs within faculties, as well as granting faculty members and students of the Faculties of Engineering and Computers the right to use these programs in their educational projects on their personal computers.

## Examples of IP Rights Violations نماذج لانتهاكات حقوق الملكية الفكرية

- Publishing a work without written permission or a contract from the author or their heirs.
- Publishing a work while falsely claiming ownership.
- Modifying the content, nature, subject, or title of a work without the author's prior written consent.
- Reprinting a work by a producer, publisher, or printer without prior written authorization from the rights holder allowing reprinting.
- Commercial use of intellectual works, such as using pirated software or intercepting encrypted broadcasting programs through illegal means.
- Copying or reproducing parts of a book, collection of books, or any work without written approval from the rights holders.
- Importing counterfeit, forged, or pirated works.
- Possessing non-original works within an institution, whether directly or indirectly.

## Faculty Procedures for Preserving IP Rights

### Faculty of Computers & Informatics – Benha University

The Faculty seeks to adhere to integrity and ethics in all its policies, decisions, and practices. For this reason, the Faculty has established an Intellectual Property Protection Committee, responsible for reviewing all matters related to intellectual property rights. Among its tasks is the study and formulation of a set of procedures that the Faculty must follow to ensure integrity and ethical compliance. These are as follows:

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#### First: Procedures for Commitment to Protecting and Preserving Intellectual Property and Publishing Rights

1. The Faculty, through all its departments and affiliated libraries, is committed to applying all the provisions of **Law No. 82 of 2002** on the protection of intellectual property and publishing rights.
2. Raising awareness of the rules and laws governing the preservation of intellectual property and publishing rights among faculty members, teaching assistants, students, and administrators, by distributing this guideline and posting it on the Faculty's website.
3. It is prohibited to use unlicensed ready-made computer programs on devices in the Faculty's computer labs or in scientific and administrative departments.
4. Staff members are not permitted to copy works protected by the rights of the author and/or publisher (books, works, references, etc.), as this constitutes infringement.
5. Students may photocopy **10%–20%** of any book or reference protected by a local or international ISBN number for the purposes of study and research. These copies are strictly for personal use and may not be circulated, whether in paper or electronic form.

6. Faculty members and teaching assistants may use educational materials extracted from specific parts of scientific references, international journals available in the library, electronic resources, or television programs in classrooms for educational purposes, provided the author's name and the title of the work are cited.
7. Faculty libraries may reproduce a single copy of any work solely to preserve a lost or damaged original copy that cannot be replaced.
8. Guidelines shall be posted in the library for visitors, ensuring compliance with the provisions of **Law No. 82 of 2002**. Libraries must also prohibit copying more than one chapter from books, or more than 40 pages from theses. The copier's name and national ID must be recorded to ensure they do not repeatedly copy works from the same author. These rules must be announced clearly within the library.
9. Organizing seminars and open meetings to spread awareness of the importance of intellectual property rights and the necessity of adhering to them.
10. It is prohibited to sell or distribute textbooks or study notes bearing an author's name inside the Faculty unless they are protected by a local or international ISBN number. Study notes prepared by lecturers or the Faculty for students may be distributed free of charge for educational purposes, provided they are not directly copied or entirely reproduced from references.
11. Faculty members and teaching assistants are required to publish in specialized, refereed, and indexed local and international journals to ensure the protection of their rights and publishing rights.
12. The author has the right to dispose of their original work and determine the form, method, and timing of its availability to the public.
13. No work in the library or book distribution centers may be copied without the author's written permission. However, the author cannot object to copying for educational purposes within institutions, analytical studies for criticism, discussion, publicity, or use in judicial and administrative procedures, provided copying remains within reasonable limits and the author's name and the title of the work are cited.

14. Approval of the Head of Department is required for textbooks, after review by a committee formed from members of the department council, in accordance with a decision of the scientific council.
  15. Copying or reproduction outside the Faculty's library or department library is not permitted.
  16. Faculty members are obliged to deposit their works in the National Library.
  17. Faculty members must cite all sources used in preparing works distributed to students.
  18. In cases of non-compliance with these procedures and regulations, the Dean of the Faculty has the authority to impose appropriate penalties, such as warnings, reprimands, denial of bonuses under the Dean's authority, or deductions from salary not exceeding three days. Matters beyond the Dean's authority shall be referred to the University President.
  19. The Dean shall notify the relevant authorities if any library outside the University reproduces and distributes works belonging to Faculty members without their written permission.
  20. The Faculty shall prioritize the protection of intellectual property in original works in which the Faculty is the sole owner or co-owner.
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## **Second: Procedures for Promoting the Culture of Intellectual Property Protection and Maintaining Professional Ethics**

1. Preparing a charter for the preservation of university values and a guide for the protection of intellectual property and publishing rights, in light of **Law No. 82 of 2002**.
2. Posting the charter and guide for intellectual property and publishing protection on the Faculty's website.
3. Distributing the charter and guide to all departments within the Faculty.
4. Printing and posting special posters with instructions on library and lab usage, in line with the provisions of the Intellectual Property Protection Law.

5. Organizing training courses and workshops to spread the culture of intellectual property protection among faculty members, students, and all Faculty staff.
6. Conducting surveys among faculty members regarding the effectiveness of the measures adopted to preserve intellectual property and publishing rights.
7. Emphasizing the importance of having ISBN registration numbers for all books published for circulation within the Faculty.

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