



Intellectual Property Rights Guide

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Introduction to Intellectual Property Rights

The creative intellectual practice is one of the noblest human practices, and from these practices the cultures of nations crystallize and civilizations build. Therefore, its individuals deserve honor, appreciation, and protection for all their production including literary; artistic and industrial, and enabling them to exploit their intellectual rights resulting from this production. That is to preserve their rights and surround them with a stimulating and reassuring environment that helps create and develop creativity.

From this point of view, the need to protect intellectual property and take care of the copyright and publisher's rights arose their interests.

Definition of Intellectual Property

It is all the inventions and artistic creations produced by the human mind, which include patents, literary and artistic works, trademarks, models and industrial drawings.

Types of intellectual property

Intellectual property is divided into two categories:

- 1- **Industrial property**, which is the product of an individual's creative activity in the field of industry and commerce, and includes inventions (patents), trademarks, industrial designs and geographical source.
- 2- **Literary and artistic intellectual property**, which is the copyright that includes literary and artistic works, dissertations, scientific research and engineering designs.

World Intellectual Property Organization (WIPO)

The most important international agreements for the protection of intellectual property:

Most of the Arab countries that participated in the Ottoman copyright law issued in 1906 are members of the three most important international agreements for the protection of intellectual property. These are: the Paris Convention on Industrial Property in 1883, the Berne Convention on Literary Property in 1886, and the Convention for the Establishment of the World Intellectual Property Organization (IPO), which was signed in Stockholm on July 14, 1967 and amended on September 28, 1979, and it is one of the sixteen agencies specialized in The United Nations system, headquartered in Switzerland, manages 23 international treaties concerned with various

aspects of intellectual property protection, and includes 181 member states. The Diplomatic Conference held on December 20, 1996 adopted some amendments to copyright in the WIPO Treaty to keep pace with Global development, especially with regard to computer programs.

Intellectual property rights agreement within the framework of the GATT TRIPS session:

According to the author, the beginning of the agreement was: (After the meeting of world trade ministers in Marrakech, Morocco. Appendices I-C included in it the trade agreement related to aspects of intellectual property rights, and 118 countries signed this agreement, including Egypt.) Protection also extends to any invention, as well as computer programs, and the agreement allows a transitional period for developing countries of up to five years to adhere to it.

Types of Intellectual Property Rights

1st Industrial Property Rights: -

Patent

It is the legal protection granted by the project to the inventor on his invention, which proves his ownership and financing without starting his account from the date, but it is limited to a certain period lasting to twenty years eternally other and this right is not a right to file an application for a patent and at the end of the patent protection period the ownership of the patent expires and falls into the public domain of humanity, and a third party may use the invention or exploit it in any way and without the inventor paying any Financial consideration without the consent of the patent owner for the expiry of the term of protection. The protection established by law for the patent owner includes that the invention cannot be manufactured, used, distributed or sold for commercial purposes without the consent of the patent owner.

It is worth mentioning that the patent owner may sell the patent or license it to others to use or dispose of it in any way, because the patent has a financial value. They are sold and bought and the right of usufruct is determined on them, and the patent may be mortgaged, and it is permissible to license others to exploit it.

Conditions for obtaining a patent:

It is required to obtain a patent in various legal systems that the invention has three conditions:

1. The invention must be new
2. It involves a creative step
3. To be industrially exploitable

2nd Literary and artistic intellectual property rights: -

Literary and Artistic Intellectual Property Rights

Copyright and Related Rights

Copyright

It is a legal term that describes the rights granted to creators with regard to their literary and artistic works and covers a wide range of works of books, music, oil paintings, computer sculptures, databases, advertisements, geographical maps and technical drawings.

What are related rights?

It is the set of rights granted to some persons or bodies that help make the work available to the public.

Mechanisms and places for the protection of intellectual property rights

How long is copyright protection?

The term of copyright protection is for the life of the author and lasts fifty years after his death.

What are the works excluded from protection?

- The legal regulations and rulings, decisions of administrative bodies, international agreements, and other official documents, as well as official translations of these texts, taking into account the provisions for the circulation of these documents.
- Ideas, procedures, methods of work, concepts of mathematical sciences and abstract principles and facts.
- What is published by newspapers, fields, periodicals, and broadcasts from daily news, or incidents of a news nature.

Legal copyright:

The author's right to his innovative intellectual production is a fundamental and financial right, not an abstract right.

(Article 13/9 of the French Property Code) issued in 1985 indicates that a program placed by one or more workers in the course of their work, the work proves all copyright, on this program.

In America, the American scientist, Charlesman, published research in which he stated, "Intellectual property is that knowledge or that expression that someone owns, and it is customary that it has three fields: copyright, patent and the trademark"; and sometimes a fourth form is added to it, which is trade secrets.

Rights granted by law to the author:

These rights fall under two main categories:

a) Financial Copyright

They are the rights that are given to the author on his/her work and enter into his financial disclosure and his enjoyment of these rights leads to the preservation of the financial returns resulting from the author's choice to exploit his work in the way he deems appropriate without crowding out jealousy, so the financial returns resulting from this exploitation shall belong to him/her, alone. The financial rights of the author are exclusive rights, that is, he is the only person who has the right to dispose of his work or license others to exploit it. These rights include:

1. The right to copy, print and register the work and publish it by all available methods
2. The right to perform publicly, and to transmit the work to the public in a wired or wired manner
3. The right to change from one form to another
4. Right of translation
5. Copyright

b) Moral rights of the author:

1. The right to attributing the author to his work, whether under his personal name or to choosing a pseudonym:

- The author's right to attribute the work to him and to mention his name on all copies produced for the public in any form and in every copy or edition of the work.
- If more than one author of the work, they all have the right to have their names on the work equally.

2. The right to respect work and respect its rights:

The right to the unity and distinction of the work, the unity of the ideas and their sequence, maintaining the special and distinctive character of the work, withdrawing the work from circulation according to special conditions, protecting the work from any distortion or modification that loses the work its distinctiveness or harms the author's reputation.

Cases of Piracy and Copyright Infringement

Copyright infringement is considered when a person performs some work that is considered to be the Exclusive right of the author without reference to him or his consent to do so the author can

refer to the judiciary to demand the cessation of infringement and to demand fair compensation for acts of infringement.

Copyright protection conditions

Formal conditions:

That the work has been emptied in a physical form in which it emerged into existence and not to be just an idea. The idea itself does not protect, but rather protects the form of expression or the framework in which it was developed. Provided that this work is not copied or imitated, and has a degree of innovation

Substantive conditions:

The most important objective element is innovation, which requires the author to give the work something of his personality.

Shared Rights for Authors

Definition of the common workbook

A common workbook is a work that is created by several creative people who differ among themselves in several ways of the forms of participation and the right of each of them to acquire copyright and his right to financial returns resulting from the workbook exploitation.

The forms of joint workbooks:

A joint work produced by two or more authors and which cannot be separated from the participation of any of them is a collective work is that is jointly developed by a group under the guidance of a natural or legal person.

Crimes against intellectual property require the previous provisions:

- 1) The crime of selling or renting a work without the permission of its owner.
- 2) the crime of imitation of a protected workbook.
- 3) The crime of publishing through the information network without the permission of the owner of the work.

Intellectual Property and Scientific Research

The intellectual property policy for scientific and research institutions has been developed so that they can achieve the following:

- 1) Publishing and marketing scientific research.
- 2) Developing the performance of scientific institutions by improving their financial situation.

- 3) Increasing the relationship between these scientific and research institutions and the industrial sector.
- 4) Encouraging researchers to invent and innovate.
- 5) Increase the number of registered patents.

Patents

What is a patent?

It is an exclusive protection document granted to those who have reached an invention.

What are the conditions for obtaining a patent?

- The invention must be new.
- It involves an innovative step.
- Industrially applicable.

How long does patent protection last?

The term of patent protection is twenty years from the date of applying.

What subjects are not considered inventions?

- Discoveries, scientific theories, and mathematical methods.
- Business schemes, rules and methods, or mental activity Pure, or play a game of games.
- Plants, animals, and most vital processes used to produce plants or animals, excluding microorganisms and abiotic processes, and microbiology processes.
- Methods of treating the human body or animal surgically or therapeutically, and methods of diagnosing the disease applicable to the human or animal body, except products used in any of those ways.

This includes computer programs and any other works that fall within literary works.

Objectives of granting patents

The first primary objective of the granting of patents is to support the technological obsolescence.

From this basic goal, other goals of the industrial civilization are branched, some of which can be shared without. Granting a patent to a manufacturing enterprise is a support of its economic position, and a reward for its innovation, this applies to every innovative individual or group.

Achieving an invention may cost great effort and huge financial spending, as it requires conducting research, testing, close contact with the practical life of the means of use, production, etc., and ensuring its effectiveness and realizing its shortcomings. For this reason, the leading industrial institution employs highly qualified technicians and engineers who have received Their education and training in universities and academic and applied technical institutes, and who have proven competence in practical life and innovation.

Therefore, granting patents to the innovative enterprise cuts the way in front of the imitators, and preserves for the industrial enterprise, its expenditure and position in the industrial field. This leads the leadership in Industry not only for capital, but for technological progress, and for innovation as well.

Hacking and Internet Crime

Software piracy and its danger to the computer software industry

The danger of software piracy and its threat to the computer software industry is as follows:

Illegally copying or distributing copyrighted software is considered piracy, as you may not be aware that owning illegally copied software is also piracy. There are actually many distinct types of software piracy, and knowing them can protect you from any connection, even if inadvertently to intellectual property theft.

Types of software piracy

User piracy: When users copy software without obtaining a license suitable for every version. This includes unauthorized copying and distribution between individuals and companies, which did not strictly monitor the number of software licenses installed and did not acquire enough licenses to cover installations of its software.

Pre-installed software: When a computer manufacturer copies a program and illegally installs the copy on more than one computer. Consumers should look for the correct licensing documentation when they purchase a new computer, to make sure they are getting the same value for which they paid.

Online piracy: When unauthorized copies are uploaded over the Internet. If a copy download is available online, make sure the publisher has authorized such distribution.

Counterfeiting: When illegal copies of software are made and distributed in packages that act as a copy of the package provided by the manufacturer. These packages often include fake registration cards with an unauthorized serial number.

Important policies that educational institutions must adhere to

The most important procedures for preserving intellectual property rights are as follows:

1. Prohibition of the use of unlicensed ready-made programs on the computers in the institution.
2. Not allowing the institution's employees to copy works, which constitutes an infringement on copyright to protect artistic and literary works.
3. Setting guidelines for visitors to the library to take into account their commitment to the controls stipulated in the Law on the Protection of Intellectual Property Rights with regard to photocopying books and scientific theses.
4. Holding seminars and open educational meetings to discuss intellectual property rights, their importance and the need to abide by them.
5. Activating the agreement concluded between Microsoft and the Supreme Council of Universities and benefiting from the software provided by the company in accordance with the signed agreement.
6. Setting items in the strategic plan for the purchase of software applications that are not included in the agreement between Microsoft and the Supreme Council of Universities.
7. Obliging faculty members and the assisting body to the importance of joining capacity development programs and with regard to the importance of correct documentation in writing research and practical theses.

Controls for maintaining copyright, authorship, and scientific research within the college

1. The departmental councils should activate the role of the University Textbooks Review Committee to ensure the protection of the rights of Intellectual Property and Professional Ethics within the College.
2. The college must provide the latest scientific references and scientific periodicals in the various disciplines of the college.
3. If more than one member participates in an author or research so that the share of each of them in the work cannot be separated unless otherwise agreed in writing, all partners shall be considered authors of the work.

In this case, no one of them may exercise the copyright unilaterally unless there is a written agreement between them.

4. The member who directed and directed the collective work is entitled to the sole right to exercise the rights of the author, with the consent of the participants.
5. Faculty members are obligated to deposit theses and research on the college's website, provided that the member receives an access key to enable them to access the Internet for electronic access.
6. The professor writes in the introduction to his university book in a clear place: "It is forbidden to copy any part of the author and its printing without reference to the author."
7. The member or his representative shall exercise the right to protect his author or translated work.
8. A member whose intellectual work has been subjected to material exploitation by others shall submit to the Committee Competent, that is to take the following:
 - Refund of the financial return of this work to the original author in addition to a fine determined by the Committee.
 - Confiscation of all copies of the work for the benefit of the original author.
 - Depriving the exploiting member of the original work of authoring and preparing university literature for a period determined by the Committee.
 - In case of failure to pay the fine and the required amounts, the committee submits the matter to the college administration to make a decision to refer him to a disciplinary board.
9. Students are obligated to mention the sources of information they use to complete the required research or any Course-specific procedures.
10. When students participate in a work or activity, a role must be assigned to each of them before the work is completed.
11. Students are committed to the controls for the protection of intellectual property rights of the library, which are:
 - Ensure the safety and cleanliness of books.
 - Write the data of the book in detail when using a paragraph of it, so that the source is mentioned.
 - Commitment to the number of papers allowed for photocopying from the book according to the system followed by the library.

12. Students are obligated to use the original copies of books and programs by purchasing them from their known places for official sale.
13. Students resort to the Research Ethics Committee when they are infringed on one of their intellectual property rights.
14. The employee shall be prohibited from making copies of protected works for use in judicial or administrative proceedings without permission from the responsible committee.
15. The employee may copy short parts of a faculty member in the college from a work, for teaching purposes for clarification or explanation, provided that the copies are within reasonable limits, and do not exceed their purpose, and that the name of the author and the title of the work are mentioned on all copies.
16. It is prohibited to collect any financial compensation when using any work for any activities related to students or faculty members.
17. An employee who discloses information that he knows is confidential or uses without complying with its laws is subject to referral to legal affairs.
18. Library staff are committed to the controls for the protection of intellectual property rights and announce them in clear places for students.
19. The special experiences gained by the employee as a result of obtaining advanced courses and software through the college may not be granted to other parties for a fee or free of charge.
20. Setting announced accounting rules for those who deviate from laws and regulations.

Scientific Research Ethics Committee

The Committee's work is to raise awareness of the extent to which any performance of intellectual property rights protection has been violated, and to apply the rules of the Charter for the Preservation of University Values, and the Law on the Protection of Intellectual Property.

The Committee derives its resources from:

First: The Law on the Protection of Intellectual Property Rights.

Second: Controls for the protection of intellectual property rights within the college.

Third: Professional Ethics Manual.

In the event of a violation of any of the provisions of the Charter, the Committee shall take the following measures:

1. The violating member must submit a written apology for the violation in the department council (first step)

2. Submit a written apology to the College Council (second step).
3. Submit a written apology distributed to the departments (third step)
4. Provide the opportunity for the violating member to reconsider the subject of the violation, through the following:
 - Perform additional tasks in the field of violation.
 - Deprivation of tasks he was performing.
5. In case of refraining from any of the above, the transfer is made to the college administration to take the necessary action.
6. A member whose intellectual work has been subjected to material exploitation by others shall submit to the competent committee, in order to take the following:
 - Refund of the financial return of this work to the original author in addition to a fine determined by the Committee.
 - Confiscation of all copies of the work for the benefit of the original author.
 - Depriving the exploiting member of the original work of authoring and preparing university literature for a period determined by the committee.

References

1. Intellectual Property and Publishing Directory at the Faculty of Science, Benha University 2014/2015
2. <http://www.wipo.int/about-ip/ar>
3. Saudi Authority for Intellectual Property
4. Intellectual Property Protection in the Digital Environment through the Perspective of University Professors: Professors of Mentouri University as a model, Hind Alawi (Assistant Professor), University Center, Alarbi AlTebssi, Algeria cyberconscience2003@yahoo.fr
5. http://www.kfnl.gov.sa/idarat/KFNL_JOURNAL/M9-2/MagPages/13.htm
6. <http://www.cybrarians.info/journal/no12/copyright.htm>
7. Dr. Elsayed Mahmoud Al-Rubaie, Vice Dean for Graduate Studies and Research, Guide
8. Intellectual Property Rights and Protection