

ANNEX: EGYPT

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2020 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Egypt needs to modernize its copyright regime, including ratifying and properly implementing the WIPO Internet Treaties—the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). The entire copyright legal regime in Egypt is in need of significant reform and modernization for the digital era, including the Intellectual Property (Copyright) Law of 2003, the Civil and Commercial Procedural Code (No. 13) of 1968, and the Evidentiary Code (No. 25) of 1968.

There were no copyright-specific legal reforms enacted in 2019. In 2018, there were two positive legal reforms. A new Anti-Cybercrime Law (No. 175) was enacted in August 2018, including a provision criminalizing unauthorized Internet access to broadcast, cable, and streaming channels of audiovisual material. This law now needs to be broadened to cover all copyrighted works. On October 18, 2018, the Egyptian Public Prosecutor reportedly issued a circular letter (it is not a public document) instructing prosecutors to enforce the Intellectual Property Law of 2003—for all IPR infringements, including copyrights and related rights.

Copyright piracy in Egypt is widespread, including unauthorized streaming websites, BitTorrent files and websites, and indexing websites. Piracy has spread in recent years, in part, because of the growth of more sophisticated piracy organizations and increases in the number of users of mobile devices and other technological advances. Most Internet Service Providers (ISPs) do not respond to takedown notices. There were reports however, that some major infringing streaming sites including *EgyBest* and *Fushaar*, were blocked by ISPs in 2019. Although some of the sites managed to re-surface, further actions to disrupt or taken them down did occur in 2019, but no criminal charges were commenced against the owners or operators of the sites.

IIPA members report that there have been no changes in the levels of piracy, or enforcement against piracy in 2019 from prior years. An ongoing problem in Egypt is the number of unlicensed satellite channels, including unlicensed broadcasts of U.S. audiovisual works. In addition, unlawful decryption of encrypted signals remains an endemic problem. Camcording is also a prevalent form of piracy in Egypt.

Enforcement generally remains a problem. Cases drag on for years without resolution (two to three years on average for civil cases), and court procedures require experts to identify infringing material even though there are few qualified experts. The industries report continued cooperation with enforcement officials, including the Public Prosecutors Office and with Customs authorities. One positive step, taken many years ago, was the establishment of an Economic Court to allow IPR cases to be heard by experienced judges (more expert than the general commercial courts). But the noted procedural hurdles and delays have hindered the effectiveness of this court. Another bright spot has been the management of the Copyrights and Artistic Works Investigation Unit of the Ministry of Interior, which undertakes *ex officio* actions against piracy. In 2019, the Ministry of Interior conducted a series of raids on unauthorized production companies and shops making hard copies of audiovisual works.

One other recommended legal reform, which has also long-been on the U.S. Government's list of improvements in Egypt, is the need to provide *ex officio* authority for customs officials to seize counterfeit and pirated goods at the border and to provide deterrent-level penalties for IP violations.

IIPA members recommend four priorities in 2020: (i) facilitate the establishment and operation of collecting societies for the music industry in Egypt; (ii) create an expeditious content review procedure for clearing book titles for sale in the market, including properly resourcing the Copyright Office in the Ministry of Culture to create a central database of cleared titles to avoid repetition; (iii) augment enforcement against signal theft; and (iv) urge the Economic Court, where appropriate, to make use of the full range of penalties available under the IPR laws in order to deter



infringements (recent practices have assessed only minimal fines and no imprisonments for commercial-scale infringements).

IIPA last filed a country report on Egypt in 2013. At that time, IIPA recommended that Egypt be placed on the Watch List. IIPA recommends that Egypt remain on the Watch List in 2020.

