

EGYPTIAN PATENT OFFICE

AS

DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEX

Fees Annex EG.I

List of abbreviations:

Office: Egyptian Patent Office

Law: Egyptian Law No. 82 of 2002 on the Protection of Intellectual Property Rights

Regulations: Implementing Regulations of Law No. 82 of 2002 on the Protection of Intellectual Property Rights

SUMMARY**Designated
(or elected) Office****SUMMARY****EG****EGYPTIAN PATENT OFFICE****EG****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	Arabic
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Egyptian pound (EGP) For patent: Filing fee: ¹ EGP 150 0 ² Annual fee for the second year: EGP 20 10 ³ 2 ² Annual fee for the third year: EGP 40 20 ³ 4 ² Examination fee: ¹ EGP 7,000 0 ² For utility model: Filing fee: ¹ EGP 100 0 ² Annual fee for the second year: EGP 20 10 ³ 2 ² Annual fee for the third year: EGP 40 20 ³ 4 ²
Exemptions, reductions or refunds of the national fee:	Reductions of the national fee are indicated under "National fee" above.

*[Continued on next page]*¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).² Applicable in case of filing by students.³ Applicable in case of filing by individuals.

SUMMARY**Designated
(or elected) Office****SUMMARY****EG****EGYPTIAN PATENT OFFICE****EG***[Continued]*

Special requirements of the Office
(PCT Rule 51*bis*):⁴

Name and address of the inventor if they have not been furnished in the "Request" part of the international application⁵

Translation of the international application to be furnished in three copies⁶

Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)

Instrument of assignment of the international application if the applicant has changed after the international filing date

Appointment of an agent if the applicant is not resident in Egypt

Who can act as agent?

Any patent attorney or patent agent registered before the Office

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter*.2)?

Yes, the Office applies the "due care" criterion to such requests

⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁶ Must be furnished within six months from the date of the invitation by the Office.

THE PROCEDURE IN THE NATIONAL PHASE

- EG.01 **FORMS FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase. This form should preferably be used.
- PCT Art. 46 EG.02 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).
- EG.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex EG.I.
- Law Art. 6
7
8 EG.04 **INVENTOR.** The indication of the name and nationality of the inventor is required and must be furnished, at the latest, at the time of entry into the national phase. Where the invention is part of the activities of the public or private establishment to which the inventor is attached, the employer shall have the choice either to exploit the invention or to acquire the patent against a fair compensation paid to the inventor, provided that the choice is made within three months from the date of notifying the grant of the patent. In all cases, the invention shall be attributed to the inventor.
- Law Art. 16 EG.05 **REQUEST FOR EXAMINATION.** No special form is needed to request substantive examination, but substantive examination will not take place before full payment of the examination fee. The Office shall examine the patent application and its accompanying documents in order to ascertain that the invention is new, involves an inventive step, is industrially applicable and is in conformity with the provisions of the law.
- Regulations Art. 52 EG.06 **POWER OF ATTORNEY.** An agent must be appointed by means of a separate power of attorney. If the applicant is not resident in Egypt, an Egyptian patent agent shall be appointed to whom all notifications, documentation and submissions shall be sent.
- PCT Art. 28
41
Regulations Art. 19
20
21 EG.07 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The Office may request the applicant by notification, by registered mail with an acknowledgement of receipt, to amend or complete the application to comply with the provisions of the Law and the Regulations. If the applicant fails to comply within three months from the notification, the application will be considered withdrawn. An appeal against the decision that the application has been considered withdrawn may be filed within 30 days from the notification of the decision before a special committee established to examine appeals against decisions made by the Office. The applicant may amend or correct the international application before the publication of acceptance of the application according to the provisions of the law, provided the scope of the subject matter is not thereby broadened.
- Law Art. 11
Regulations Art. 34 EG.08 **ANNUAL FEES.** An annual fee shall be paid as of the second year until the expiration of the patent protection period (see Annex EG.I). The Office shall notify the person concerned 30 days before the due date for payment of the annual fee. If the applicant fails to pay by the due date, a surcharge shall be imposed, amounting to 7% of such fees. Failure to pay annual fees or surcharges for a period of one year from the due date shall cause the rights conferred by patents for inventions to lapse and the invention to fall into the public domain.
- Law Art. 13
Regulations Art. 3.3 EG.09 **DECLARATION OF ORIGIN.** Where the application relates to an invention involving plant or animal biological material, traditional medicinal, agricultural, industrial or handicraft knowledge, or cultural or environmental heritage, it shall be accompanied by documentation proving that the inventor has accessed the source from which the material was obtained in a legitimate manner according to the provisions of national law.

- Law Art. 13
Regulations Art. 3.4 EG.10 **DEPOSIT OF BIOLOGICAL MATERIAL.** Where the invention involves biological material, the applicant shall disclose such biological material according to conventional scientific rules, including all necessary information for the identification of the nature, characteristics and uses of such biological material, shall deposit a live culture thereof with a laboratory authorized by decision of the competent minister for scientific research affairs, and shall furnish a certificate to the effect that such deposit was made.
- Law Art. 13
Regulations Art. 3.1 EG.11 **INFORMATION ON EARLIER APPLICATIONS.** The applicant shall, in all cases, provide full data and information on any applications relating to the same invention or its subject matter that he previously filed abroad, including any decisions concerning the status of such applications.
- Regulations Art. 14 to 17 EG.12 **SAMPLES.** Depending on the kind of invention, the Office may request that the applicant furnish samples.
- PCT Art. 25
PCT Rule 51 EG.13 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
- PCT Art. 24(2)
48(2) EG.14 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- Law Art. 36
37 EG.15 **APPEALS.** A committee established by a decision of the competent minister is empowered to examine appeals against decisions made by the Office in the application of the provisions of the Law. The decision of the committee may be subject to an appeal by the Office or any interested party before the Administrative Tribunal within 60 days from the date of notification of the decision.
- Law Art. 27 EG.16 **TRIBUNAL.** The Administrative Tribunal shall be competent to consider claims relating to patent decisions.
- Law Art. 29
30
31 EG.17 **UTILITY MODEL.** The applicant chooses, upon entry into the national phase, whether to apply for a utility model or for a patent. The choice is made by checking the appropriate box on the national phase entry form.
- Law Art. 29 EG.18 **CONVERSION.** If the Office finds that an invention is novel but lacks inventive step, it must ask the applicant whether the latter wishes to convert the application for a patent to one for a utility model. If the Office finds that an application for a utility model possesses inventive step, it may convert the application to one for a patent.

FEES**(Currency: Egyptian pound)**

Filing fee for a patent application		150 ¹
Filing fee for a utility model		100 ¹
Substantive examination fee		7,000 ¹
Access to or obtaining a true copy of a patent application		100
Appeal fee		250
Request for objecting the grant of a patent		500
	Patent ²	Utility model ²
Annual fees:		
— for the 2 nd year	20	20
— for the 3 rd year	40	40
— for the 4 th year	80	80
— for the 5 th year	100	100
— for the 6 th year	150	150
— for the 7 th year	200	200
— for the 8 th year	250	250
— for the 9 th year	300	-
— for the 10 th year	350	-
— for the 11 th year	400	-
— for the 12 th year	500	-
— for the 13 th year	600	-
— for the 14 th year	700	-
— for the 15 th year	800	-
— for the 16 th year	900	-
— for the 17 th year	1,000	-
— for the 18 th year	1,000	-
— for the 19 th year	1,000	-
— for the 20 th year	1,000	-

A surcharge of 7% shall be due for each year of delay.

Fee for restoration of the right of priority:

— individuals and research institutes	800
— companies with less than 10 employees	1,000
— companies with over 10 employees	1,500

How can payment of fees be effected?

The payment of fees must be effected in Egyptian pounds in cash or by check.

¹ Students are exempted from paying this fee.

² The annual fee shall be reduced to 10% for students and it shall be reduced to 50% for individuals or establishments with a maximum staff of 10 persons.