

Opposition systems

Egypt

A pre-grant opposition procedure before the Egyptian Patent Office is provided in Egypt. Article 16 of the Law on the Protection of Intellectual Property Rights¹ provides that any party may submit to the Patent Office a written notice opposing the grant of a patent and stating the reasons thereof within 60 days from the publication of the application acceptance in the Patent Gazette. Such an opposition is the subject to the payment of a fee which will be reimbursed in case the opposition is accepted.

In cases where the application relates to defense, military production, security or has health significance, the relevant Ministry may oppose the grant of the patent within 90 days from the date of publication of the application.²

After the acceptance of the opposition request, the Office will notify the applicant by transmitting a copy of the opposition request within 7 days from the date of its receipt by the Office. The applicant may respond to the arguments contained in the opposition request within 15 days from the day he was notified about it. The Office then transmits to the opposing party a copy of the response of the applicant within 7 days from the date of its receipt by the Office.³

The opposition is examined by a Committee which is composed of a chairman who is a judge from the appeal courts, or a person of the same rank from the members of the judicial system, an associate judge from the State Council (administrative tribunal) as well as three other members who have relevant expertise. The Law does not provide for the mandatory representation of the Patent Office in the work of the Committee. In certain cases, the Committee may decide to seek an advice of an expert who can be an official of the government or any other external expert.⁴ The Committee delivers the decision within 60 days from the date of the filing of the opposition notice.⁵ The Office will then notify the parties about the decision taken on the opposition, stating the reasons of the decision within 10 days from the date of its issuance.⁶

The decision of the Committee may be appealed either by the Patent Office or any interested party to the Administrative Tribunal within 60 days from the date of notification of the decision.

¹ Law on the Protection of Intellectual Property Right 82 of 2002.

² Article 17 of the Law on the Protection of Intellectual Property Right 82 of 2002.

³ Rule 24 of the Regulations of Law 82 of 2002.

⁴ Rule 27 and 28 of the Regulations of Law 82 of 2002.

⁵ Article 36 of the Law on the Protection of Intellectual Property Right 82 of 2002.

⁶ Rule 29 of the Regulations of Law 82 of 2002.