

# CU Intellectual Property Policy (V1)

## First: Introduction

Nations develop by exerting efforts to promote different forms of production. In addition to material production, which is the central element in the processes of construction and progress, there comes intellectual production, which is as important as material production regarding its role. Undoubtedly, the progress nations have made - in the fields of literature, arts and sciences - is attributed to writers, scientists, inventors, and people with great brains. Thus, their thought should be appreciated and protected.

Based on the previous facts, Cairo University (CU), as an enlightening institution, upholds intellectual creativity and property rights through the university's endeavours to encourage the practical application and economical use of research findings produced by its faculties, institutes, centres, and units to help serve the society.

Therefore, the Community Service and Environmental Development Sector has prepared a policy on respecting intellectual property rights at Cairo University, which is stipulated herein, aiming primarily to make clear who owns intellectual property rights and how to make use of such rights that result from scientific research activities carried out by the university, whether by itself or in cooperation with others. This document also establishes the rights of researchers, such as teaching staff members, employees, or students, to own, protect and commercially invest in intellectual property resulting from the activities related to their work and duties inside Cairo University. Further, this document specifies the rules set by Cairo University for cooperation with industrial and commercial agencies. It provides guidelines on establishing a clear framework for the mechanisms of sharing the economic returns achieved through the commercial exploitation of intellectual property.

The Community Service Sector, when preparing this document, was keen on respecting the applicable laws regarding intellectual property rights in Egypt, the most important of which are Law No 82 of 2002, concerning the protection of intellectual property rights, and Law No 23 of 2018, concerning incentives to science, technology, and innovation.



Moreover, the international agreements the Arab Republic of Egypt has entered into are an integral part of the Egyptian legislative system. It should also be noted that the preparation of this document was guided by the model of intellectual property policy in universities and research institutions issued by the World Intellectual Property Organisation (WIPO).

### Second: Definitions

**Cairo University Community:** means the teaching staff members, employees, students, and graduates who prepared their research during their studies, as well as research partners who participate in research supervised, guided, or funded by the Cairo University's faculties, institutes, centres, or units.

**Intellectual Property:** means intangible creative works of thought whose creator is entitled to own and protect its outcomes, including, for example, inventions, trademarks, utility models, geographical indications, industrial designs, literary, artistic, and scientific works, and plant varieties.

**Intellectual Property Rights:** mean the rights of Cairo University or its staff to literary, artistic, scientific, technical, or commercial production to benefit from its academic and financial outcomes, along with the freedom to dispose of, assign, and invest them. Such rights include, for instance, the right of the author to his/her books' copyrights, the publisher's right to his/her publishing copyrights, the painter's right to his/her artistic creativity, drawings and photographs, the engineer's right to his/her schemes, maps, and created software, and the inventor's right to his/her inventions.

**Intellectual Property Rights Protection Office:** is the office established under this policy to supervise all aspects of intellectual property at Cairo University. It consists of a director and a sufficient number of members and is affiliated with the Community Service and Environmental Development Sector.

**Commercial Marketing:** means any form of exploitation of intellectual property rights, including their assignment, licensing, internal exploitation inside Cairo University, and marketing through any entity affiliated with Cairo University.



**Researcher: means:** 1- Teaching staff members and employees at Cairo University, 2- BA or BSc, postgraduate, and graduate students of the various faculties and institutes of Cairo University, 3- Any person, including visiting scholars who use Cairo University's resources, perform any research in Cairo University, or participate in any research project managed by the university, including projects not funded by Cairo University.

**Cairo University's Resources:** mean any form of funding (facilitations, resources, etc), including devices, machines, equipment, consumables, and human resources Cairo University provides directly or indirectly.

**Research Agreement:** means a research services agreement, a collaborative research agreement, a privacy agreement, a research consultations agreement, or any other type of agreement related to applied research, which lays down the governing framework for dealing with the rights to intellectual creativity in research.

**Subsidiaries:** mean any company, business incubator, centre, unit, or other entities Cairo University establishes to make use of the intellectual property rights based on the creative practices of the Cairo University community.

## Third: Objectives and Scope of the Intellectual Property Policy

### 1 Objectives of the policy

This policy aims at:

- a. Enhancing the reputation of both Cairo University, as a well-known academic research institution, and that of the university's researchers.
- b. Encouraging and supporting scientific and academic authentication.
- c. Promoting legal awareness when conducting research activities and about the present relations with various parties inside and outside Cairo University.
- d. Introducing Cairo University's procedures that have to be followed regarding owning, protecting, and marketing intellectual property.



- e. Guaranteeing efficiency and timeliness when protecting and managing intellectual property.
- f. Facilitating the registration, monitoring and preservation of Cairo University's many intellectual property rights.
- g. Ensuring that the financial returns resulting from the marketing and exploitation of intellectual property rights are fairly and equitably distributed to the rights-holders.

## 2 Scope of the policy

- a. This policy is effective as of the date of its issuance and shall apply to all intellectual property rights related to Cairo University.
- b. This policy applies to all researchers in the Cairo University community who are committed to a legal relationship with the university. These researchers shall abide by this policy, whether through the law or an agreement, as the case may be.
- c. This policy does not apply retroactively. Therefore, it does not apply to the written agreements between researchers and CU or CU and third parties regarding intellectual property rights and the obligations arising before implementing this policy.

## Fourth: Intellectual Property Policy Management

Intellectual Property Rights Protection Office shall be established at Cairo University, and CU President shall decide its formation. The Office shall be concerned with implementing and following up on this policy. Its mission includes:

- a. Ensuring that Cairo University fulfils its obligations related to the intellectual property contained in the applicable laws or the international agreements Egypt has signed.
- b. Seeking to protecting and registering intellectual property rights and following up on the procedures and financial obligations arising therefrom.
- c. Marketing the intellectual property assets of Cairo University
- d. Maintaining complete records of intellectual property rights that are registered or disclosed.



- e. Preparing and implementing awareness programmes for Cairo University staff to bring the importance of intellectual property rights to attention.
- f. Preparing semi-annual reports to be submitted to the president of Cairo University regarding the activities of the office and the actions taken to protect intellectual property rights.
- g. Any other tasks assigned by the president of Cairo University or the University Board to the Office to ensure the protection of intellectual property interests.

However, it should be emphasised that the Office is not a competent authority to resolve disputes or issue enforceable judgments or decisions. In particular, any dispute settlement decisions and judgments must be referred to the judiciary.

## Fifth: Commercial and Industrial Property Policy

### 1 Patents

- a. The teaching staff members or employees of Cairo University shall notify the Intellectual Property Rights Protection Office in writing of any invention they learn about during or because of performing their jobs if it was the result of experiments, research, or academic studies, related to national security, or falls within the scope of their professional obligations.
- b. The subject matter of the invention shall be submitted to the Intellectual Property Rights Protection Office, which may seek the assistance of whomever it deems appropriate regarding its subject matter.
- c. The Office shall be concerned with estimating the due compensation to be paid to the inventor, provided that it is fair, except for the inventions related to national security, as this is referred to the competent authority to take the necessary action. In all cases, the invention shall be the property of Cairo University.
- d. If Cairo University assigns one of its staff, including students or researchers, to produce a given invention, all the following rights shall belong to Cairo University whenever it finances and provides



the necessary equipment, machines, and laboratories. The inventor's name shall be mentioned in the patent, while he/she shall have remuneration in all cases. If the remuneration is not agreed upon, he/she shall have the right to fair compensation, estimated by the Intellectual Property Rights Protection Office.

- e. If the invention is the joint work of several Cairo University staff, the right to the patent shall be established equally unless otherwise agreed.

## 2 Brands

- a. Trademarks produced by Cairo University and those related to products or services offered by Cairo University are its exclusive property.
- b. Cairo University shall register its trademarks associated with its products and services, ensuring that there is no similar trademark within the scope of exploitation.
- c. The Intellectual Property Rights Protection Office shall follow up on the payment of registration fees and other procedures related to the registration process.

## Sixth: Literary and Artistic Property Policy

### 1 E-Publishing and Digital Works Rights

- a. Whenever Cairo University acquires the copyright of a collective work, which it invites, under its supervision, to prepare and publish under its name, it is the only party to exercise its literary and financial rights, including making this work accessible by e-means. The contributors are not entitled to object to the exercise of any of these rights by means of their efforts in this collective work.
- b. In the event that any faculty, institute, centre, unit, or library at Cairo University intends to purchase educational content to be published electronically via digital platforms, the contract with the copyright holder regarding this content shall be in writing, expressly and in detail specifying the limits of dealing, whether in terms of temporal or spatial scope or purpose, while agreed upon limits shall not be exceeded.



- c. Cairo University's entities, referred to in the previous clause, shall effectuate the means of technical protection and information security to ensure that the rights to the educational content are not abused and that this content is not available to the public or non-students so that illegal reproduction of this content can be prevented.
- d. Cairo University's entities should make it clear through their websites that any educational contents, articles or research papers published in scientific journals are the property of their producers and express their points of view, not that of these entities, in any way, denying the responsibility of the administration or editorial board of these scientific journals in case of law violation or infringement of intellectual rights.

## 2 Limitations and Exceptions to Cairo University Author's Copyrights

Considering the moral rights of the authors, Cairo University's teaching staff members, after having their work published, cannot prevent others from performing any of the following acts:

- Compiling their work in student meetings inside Cairo University's faculties or institutes, as long as this is done without direct or indirect financial compensation.
- Making a single copy of their work for purely personal use provided that such a copy does not prejudice the normal exploitation of the work or cause unjustified damage to the author's legitimate interests.
- Carrying out analytical studies of the work or excerpts or quotations therefrom for the purpose of criticism, discussion, or information.
- Copying short parts of their work in a written or recorded (audio or visual) form for teaching purposes, aiming at clarification or explanation, provided that the copying shall be within reasonable limits, does not exceed its purpose, plus that the name of the author and the title of the work are mentioned on all copies, whenever possible.

## 3 Controls on Quoting and Translating Works

- a. Academic honesty is an inherent duty of the Cairo University Community. A researcher must neither attribute the work of others,



in whole or in part, to himself/herself, nor neglect the references to the source, location and name of the citation holder. It is also prohibited to impersonate or benefit from anonymous or unpublished studies or research.

- b. Translating work from its original language into a target language is the right of its author. Cairo University Community cannot translate any work from its language into another except after obtaining the author's permission. Nevertheless, the copyright of foreign language work to be translated into Arabic shall terminate if the author does not exercise this right by himself/herself or through others within three years as of the date of the first publication of the original work.
- c. Translation of works should not result in any prejudice to the reputation, dignity, or scientific, literary, or artistic standing of the author of the original work. The translation should not cause a breach of the original content of the work, whereas it is required to refer to the deletions or changes, wherever they are, without distorting the original work.

#### 4 The Rights of People with Disabilities to Use Educational Works

- a. Considering the rights of people with disabilities to rehabilitation, training, and education, and for the disabled to join the community through participating in the cultural life of Egyptian society, Cairo University affirms its keenness to activate the rules for the unrestricted use of educational works available through Cairo University's libraries.
- b. b. Cairo University shall provide copies of available educational works for people with disabilities of its staff for their use or translations thereof in Braille or with amplification of letters or audio recordings to meet the needs of the visually disabled. Further, Cairo University shall provide copies of these works or any translation thereof in analogue photography to meet the needs of hearing-impaired persons or those with speech difficulties.



## **Seventh: General Policy of Marketing and Exploiting Intellectual Property**

Considering the provisions of Universities Organisation Law No 49 of 1972 and its amendments, Government Contracts Organisation Law No 182 of 2018, and Science, Technology, and Innovation Incentives Law No 23 of 2018,

- a. Cairo University has the right to exploit its intangible intellectual property assets, either individually or in partnership with another party.
- b. Cairo University may exploit the material assets of intellectual property by itself or through a company specialised in this field.
- c. Cairo University administration entrusts the Intellectual Property Rights Protection Office to follow up on the work related to the exploitation and marketing of the intellectual property.
- d. Cairo University may market the intellectual property through an exclusive or non-exclusive licence or via establishing marketing or exploitation companies, with the possibility of owning shares by the innovator and Cairo University with any third party (investor) at the rates to be negotiated later.

## **Eighth: Funded Research Projects**

- a. Cairo University supports and finances internal research projects, using its resources, whether submitted individually or collectively by the teaching staff members and their assistants, according to the rules set by the Research Projects Department at Cairo University. Also, Cairo University supports the projects, externally funded by the teaching staff members and their assistants and external institutions, affirming its keenness that the Intellectual Property Rights Protection Office, in coordination with the Graduate Studies and Research Sector, shall review the research agreements. This is to preserve the rights of the principal researcher and the research teams participating in these projects to ensure the fair distribution of exploited returns.



- b. Cairo University, individually or jointly with the Science, Technology, and Innovation Funding Authority or with third parties, shall establish companies that exploit the outputs of research projects solely or jointly financed. Cairo University Board can approve the participation of researchers in these companies at a percentage to be determined in return for using the outputs of research projects used or exploited by the companies. These companies may not dispose of their capital except after referring the matter to Cairo University Board. The Intellectual Property Rights Protection Office shall take the procedures for establishing these companies, taking into account the provisions of Law No 23 of 2018 regarding the science, technology, and innovation incentives and Law No 150 of 2019 regarding the establishment of the Science, Technology, and Innovation Funding Authority, in a manner that does not conflict with the requirements of national security.

### **Ninth: Business Incubators and Innovation Supporting and Talents Sponsoring Centres**

- a. Cairo University realises the importance of supporting the establishment of business incubators, as they represent an appropriate societal tool for achieving economic development in Egypt. This is achieved by helping business organisations and small and medium enterprises to grow and continue.
- b. To incubate businesses and encourage the establishment of private companies to create job opportunities for the wishing-to-be successful entrepreneurs, and to find commercial marketing outlets that contribute to dealing with major companies that support incubated projects, Cairo University administration has entrusted the Intellectual Property Rights Protection Office with the provision of legal services associated with the establishment and registration of such projects. The Office shall also provide the necessary advice regarding protecting their trademarks and other intellectual property rights.
- c. Innovation Supporting and Talents Sponsoring Centres, affiliated with Cairo University, aim to discover innovators and talents and create a suitable climate for them to develop their capabilities, refine their



talents, and meet their needs in a way that pushes the wheel of community development forward. From this standpoint, this policy ensures adequate intellectual property protection for the talented by documenting their ideas and inventions, granting patent certificates, and supporting efforts to register them.

### Tenth: Protection of Plant Varieties

- a. Cairo University, or any affiliated entities or staff, has the right to enjoy the protection stipulated in Volume Four of the Intellectual Property Law No 82 of 2002 regarding plant varieties.
- b. The Intellectual Property Rights Protection Office assists in preparing the applications submitted to the Plant Varieties Protection Office, established by the decision of the Prime Minister, to obtain a certificate for protecting these varieties and the breeder's right after examining and deciding thereon, following the established rules and procedures.
- c. Whoever obtains the breeder's right certificate enjoys an exclusive right that authorises him/her to exploit the protected plant variety in any commercial way. It is not permissible for a third party to produce, propagate, trade, sell, market, import, or export the breeding materials without the written consent of the breeder.

### Eleventh: Violating the Provisions of this Policy

Violations of the provisions of this policy shall be dealt with within the scope of the usual actions taken by Cairo University following the provisions of the Universities Organisation Law No 49 of 1972, its amendments and executive regulations, and according to Cairo University's traditions and customs, and codes of conduct.



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