

Intellectual property and New Tools for the Dissemination of Knowledge Workshop

Place: Cairo, IDLO premises

Date: 26-28 May 2007

Place: Alexandria, Bibliotheca Alexandrina

Date: 29-31 May 2007

Course description

The course had an introductory nature for each topic, the experts started from the foundations before reaching more complicated and advanced issues.

Workshop style

It was a participative workshop, with a mix of interactive sessions, exercise and discussions aimed to provide maximum impact for all.

Participants

The workshop included 30 participants from the following: lawyers, (private or from the relevant ministries and institutions), judges, academics, researchers, diplomats, librarians and IT engineers. The workshop addressed young and middle career practitioners

Language

The official languages of the workshop were Arabic and English.

Full description

Day 1 of workshops

Giulio Zanetti - IDLO

The session started talking about the basics of Intellectual Property. Giulio introduced many terms and concepts central to the international Intellectual Property system. The discussions were characterised by dense interactions from participants who obviously possess significant knowledge and expertise and come from diverse backgrounds.

Later on, the subject moved to Trade Marks. Giulio explained the characteristics of trade marks and many examples relevant to the local context were provided. Afterwards, Patents were explained followed by Industrial Design. Participants then learned about Geographical Indication and the discussion took a very interesting development perspective, and how GI may be exploited by developing countries to protect products such as crops and traditional industries.

In the third session, concepts and ideas presented earlier were reviewed briefly before the discussion moved to the topic of Copyright. Discussions of copyright started with an exercise to illustrate the automatic nature of copyright protection. Copyright laws aim to provide protection of ideas and originality. Giulio indicated that adding the copyright symbol and notice is irrelevant (even though it may scare away potential pirates) as any creative work is automatically protected by appropriate copyright laws as soon as it is finished. However, the copyright law in Egypt requires the deposit of the work before it can be protected, because if the work was not deposited, proving ownership in cases of dispute can be complicated. Interestingly, the Egyptian law imposes fines on publishers or producers who fail to deposit the creative works they publish (which range from 1000 – 3000 LEs per work).

A distinction was also made between countries with civil law and those with common law in relation to the expression of ideas. Civil law countries do not require expression in tangible format, while common law countries mandate recording of the materials before it can be protected.

The day was concluded by an interactive exercise about what falls within the protection of copyright laws and what is not.

Day 2 of workshops

Dr. Sherief El-Kassas - AUC

Mr. Mohamed Hegazy - ITIDA

Mr. Ahmed Abdelatif – MFA

The session started with Dr. Sherief ElKassas, speaking of databases. He mentioned in the beginning that copyright laws exclude unoriginal databases from protection. And speaking of the arguments supporting the database protection. And he introduced the Sui Generis Database Protection, and the arguments regarding it from researchers, software developers, internet companies, publishers point of views, stating that Sui generis protection will raise the cost of research and in all likelihood will make it even more prohibitive for developing countries, and he highlighted how dangerous detracting from the public domain and thus significantly reduce the availability of free information and data. And his session was finalized by raising the debate about whether we should worry about unoriginal database protection, and the technical measures that should be settled for protection, and of course regarding the Egyptian law in such kind of protections.

The second speaker was Mr. Mohamed Hegazy, and spoke of the intellectual property rights and its role in supporting and developing information and communication technology industry. He started with a short introduction about the history of IPR, and about its definition. And he spoke about the different categories of intellectual property rights, and the of the neighbouring rights, stating some realistic examples of how much it is so much involved in our daily lives. And that IPRs in considered to be chances; as providing new employment opportunities and challenges; as being a huge part in legal issues. And he spoke of the previous session, and raised the question, of how can we manage to make a cost estimate of software and databases. And he defined the internet piracy, and how much of danger it cause.

And Mr. Mohamed mentioned that the new economy components are:

1. Software
2. Databases
3. Knowledge
4. Data transfer protocols

Explaining each, and the role IPR play in each.

And he finalized by introducing the Intellectual Property Intellectual Office, and his missions and visions.

The third session was about the “Copyright Law and Exceptions and Limitations for the purpose of Education and Access to Knowledge” introduced by Mr. Ahmed Abdelatif. Started speaking of the copy right protections and it’s aims, introducing the three international conventions: Bern Convention (1886), the TRIPS Agreement (1994) and the WIPO Copyright Treaty (1996), and speaking of Egyptian national law; Law 82 (2002). And he introduced the limitations and exceptions of the copyrights. And mentioning that Countries must abide by international agreements and by their international obligations and that there is a “margin of interpretation” that countries can use when doing that And he concluded with that the ultimate goal of copyright is the cultural enrichment of society, and if the society cannot benefit from the author’s work in a satisfying degree –because the author charges excessive prices – this would disturb the mutual exchange between them. This could justify the authorization of third parties to reproduce the copyrighted materials without the author’s consent. And in order to balance both This requires a delicate balancing test between the competing interests of the public and the author.

The day was a real firing debate, and conversation, due to the different perspectives and backgrounds of the audience, which made it so fruitful, and enriched.

Day 3 of workshops:

Mr. Anas Tawileh – Founder, Arab Commons

Session one was about a brief overview of free and open source software And its agenda included introducing the participants to:

1. Software, Hardware and Programming
2. A little bit of history
3. The GNU Project
4. Free Software Foundation
5. Linux
6. The Open Source Initiative
7. Open Source vs Free Software

Session two spoke of an introduction of creative commons known as “CC”. He started by explaining the building on past, and that all of the new innovations are stones in the huge building already existed. Then briefing the copy right laws since 1710 till present, with describing some cases. And showing a very ironic figure, of books that already in public domain, but once they are digitalized, they are back under protection. Then speaking of the concept of fair use, and how to disseminate it. And a quick comparative glance between knowledge channels past, present and future. And Mr. Anas mentioned that what we really need is flexibility, tractability, and more freedom to tinker around and learn. And his suggested solution for above raised issues was to use the Creative Commons “CC”. Expressed in 3 different formats:

1. Lawyer-readable
2. Human-readable
3. Machine-readable

And there are a lot of initiatives under CC now.

Finalizing with the third session, as a kind of practice of the day, a presentation entitled: How to Use The Creative Commons Licenses? The session was about a full detailed speak about Creative Commons, and how to use them. Beside a general knowledge about licenses and their mode of use. The session concluded with a hand on work, practice of how to use the different licenses, and how to get them collectively to create a license.

Then the third day finalized the workshops, and with a cheerful distribution of the attendance certificates.

Workshop Objectives

After a successful completion, participants of the workshop:

- Obtained proper understanding of the fundamental concepts of Intellectual Property Rights.
- Identified the differences between Copyright, Industrial Design, Geographical Identifiers and Trademarks and defined the unique characteristics of each.
- Realized the different rights protected by IPR legislations.
- Identified the limitations and exceptions to current copyright law and the conditions for their applicability.
- Understood the implications of the international IPR system for developing nations.
- Recognized the practical aspects of protecting software and Databases in Egypt.
- Demonstrated sound understanding of new tools for the dissemination of knowledge, including Free and Open Source Software (F/OSS) and Creative Commons.
- Understood the rationale and legal basis and implications of the General Public License (GPL), Open Source Licenses and Creative Commons licenses.
- Were able to select and apply the most appropriate license for creative works.