THE APPROPRIATE MECHANISM FOR PROTECTING SOFTWARE INTELLECTUAL PROPERTY

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The intellectual property importance as a human right has increased; since successful economy requires investing new ideas, taking the lead of it, and protect them by IP under its several categories.

However, since the digital environment is enlarging, more attention should be given to software IP, because the intangible creations in the case of software is accessible by everyone in the world, where people can see the **source codes** used in creating a specific Mobile Application, or the **HTML** and **CSS** used in developing a website, and anyone can develop the same software without being considered to have committed infringement, as long as the new software has its unique source code.

consequently it can not be protected by the traditional types of Intellectual Property, whereas in many legislation as the Egyptian IP **Law 82 of 2002**, software and database IP are included in Patent, although this characterization can be criticized for many reasons, as the protection period, the high cost, and the content that patent protects.

On the other hand, other legislators dealt with the Software IP as part of the copyright such as the **Berne Convention**, considering the Source Code as a writing in a specific language by an author, however I believe that it is not true, whereas the Copyright does not protect the ideas about the code functions and the different features of software.

Therefore, a persistent need requires the legislators to put effort in understanding how software and unique source code is created and functioning, in order to provide suitable provisions, new type of the IP, or adopt an international treaty as the **WIPO treaties**.

Hopefully this research is going to be a motivation to the modern legislators to find out new ways to protect the future's main intellect work and an important asset for the new generations.

Keywords : Software Intellectual Property , Unique Codes, Source Codes, programming languages, Software Patent.