



المعهد القومي للملكية الفكرية

The National Institute of Intellectual Property  
Helwan University, Egypt

## المجلة العلمية للملكية الفكرية وإدارة الابتكار

دورية نصف سنوية محكمة يصدرها

المعهد القومي للملكية الفكرية

جامعة حلوان

العدد الخامس

ديسمبر ٢٠٢٢



**الهدف من المجلة:**

تهدف المجلة العلمية للملكية الفكرية وإدارة الابتكار إلى نشر البحوث والدراسات النظرية والتطبيقية في مجال الملكية الفكرية بشقيها الصناعي والأدبي والفني وعلاقتها بإدارة الابتكار والتنمية المستدامة من كافة النواحي القانونية والاقتصادية والإدارية والعلمية والأدبية والفنية.

**ضوابط عامة:**

- تعبر كافة الدراسات والبحوث والمقالات عن رأى مؤلفيها ويأتي ترتيبها بالمجلة وفقاً لإعتبارات فنية لا علاقة لها بالقيمة العلمية لأى منها.
- تنشر المقالات غير المحكمة (أوراق العمل) فى زاوية خاصة في المجلة.
- تنشر المجلة مراجعات وعروض الكتب الجديدة والدوريات.
- تنشر المجلة التقارير والبحوث والدراسات الملقاه في مؤتمرات ومنتديات علمية والنشاطات الأكاديمية في مجال تخصصها دونما تحكيم في أعداد خاصة من المجلة.
- يمكن الاقتباس من بعض مواد المجلة بشرط الاشارة إلى المصدر.
- تنشر المجلة الأوراق البحثية للطلاب المسجلين لدرجتى الماجستير والدكتوراه.
- تصدر المجلة محكمة ودورية نصف سنوية.

**ألية النشر فى المجلة:**

- تقبل المجلة كافة البحوث والدراسات التطبيقية والأكاديمية في مجال حقوق الملكية الفكرية بكافة جوانبها القانونية والتقنية والاقتصادية والإدارية والاجتماعية والثقافية والفنية.
- تقبل البحوث باللغات (العربية والانجليزية والفرنسية).
- تنشر المجلة ملخصات الرسائل العلمية الجديدة، وتعامل معاملة أوراق العمل.
- يجب أن يلتزم الباحث بعدم إرسال بحثه إلى جهة أخرى حتى يأتيه رد المجلة.
- يجب أن يلتزم الباحث باتباع الأسس العلمية السليمة في بحثه.
- يجب أن يرسل الباحث بحثه إلى المجلة من ثلاثة نسخ مطبوعة، وملخص باللغة العربية أو الانجليزية أو الفرنسية، فى حدود ٨ - ١٢ سطر، ويجب أن تكون الرسوم البيانية والإيضاحية مطبوعة وواضحة، بالإضافة إلى نسخة إلكترونية Soft Copy، ونوع الخط Romanes Times New ١٤ للعربى، و١٢ للانجليزي على B5 (ورق نصف ثمانيات) على البريد الإلكتروني: [ymgad@niip.edi.eg](mailto:ymgad@niip.edi.eg)
- ترسل البحوث إلى محكمين متخصصين وتحكم بسرية تامة.
- في حالة قبول البحث للنشر، يلتزم الباحث بتعديله ليتناسب مع مقترحات المحكمين، وأسلوب النشر بالمجلة.



مجلس إدارة تحرير المجلة	
أستاذ الاقتصاد والملكية الفكرية وعميد المعهد القومي للملكية الفكرية (بالتكليف) - رئيس تحرير المجلة	أ.د. ياسر محمد جاد الله محمود
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سكرتير تحرير المجلة	أ.د. وكيل المعهد للدراسات العليا والبحوث
أستاذ الهندسة الانشائية بكلية الهندسة بالمطرية بجامعة حلوان - عضو مجلس إدارة تحرير المجلة	أ.د. جلال عبد الحميد عبد اللاه
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رئيس مجلس إدارة جمعية الامارات للملكية الفكرية - عضو مجلس إدارة تحرير المجلة	اللواء أ.د. عبد القدوس عبد الرزاق العبيدلي
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أستاذ القانون التجارى بجامعة نيوكاسل - بريطانيا - عضو مجلس إدارة تحرير المجلة	Prof Dr. Andrew Griffiths

### المراسلات

ترسل البحوث إلى رئيس تحرير المجلة العلمية للملكية الفكرية وإدارة الابتكار بجامعة حلوان  
جامعة حلوان - ٤ شارع كمال الدين صلاح - أمام السفارة الأمريكية بالقاهرة - جاردن سيتي

ص.ب: ١١٤٦١ جاردن سيتي

ت: ٢٠٢ ٢٥٤٨١٠٥٠ + محمول: ٢٠١٠٠٠٣٠٥٤٨ + ف: ٢٠٢ ٢٧٩٤٩٢٣٠ +

<http://www.helwan.edu.eg/niip/>

[ymsgad@niip.edu.eg](mailto:ymsgad@niip.edu.eg)





## **Internet governance and IPR challenge**

**Nadia Sayed**



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### **Introduction :**

all Internet technological standards are developed and set by the group consisting of the Internet Society (ISOC) and the units operating under the auspices of ISOC: the Internet Architecture Board (IAB), the Internet Engineering Steering Group (IESG), the Internet Engineering Task Force (IETF), the Internet Research Steering Group (IRSG), the Internet Research Task Force (IRTF), and the (RFC )Editor. It is important to note that, while these units are responsible to (ISOC), allows them a large degree of independence in their technical work.

### **ISOC :**

In 1991, the large growth of the Internet, including its commercial sector, and the Internet community's need for a formal organization to provide a legal home for the standards bodies of that time (IETF, etc.) led to the formation, under the auspices of the Corporation for National Research Initiatives (CNRI), of the Internet Society.

**It's goal** : to assure the open development, evolution and use of the Internet for the benefit of all people throughout the world.

As one of its most important tasks, it facilitates open development of standards, protocols, administration and the technical infrastructure of the Internet" , and so it is the organizational and legal home for most of the groups that are responsible for developing Internet technical standards.

**IETF :**

The Internet Engineering Task Force (IETF) held its first meeting in 1986.

It is a loosely self-organized, large, grass roots technical group consisting of network administrators, designers, researchers, vendors, users, etc.

The IETF is not a formal body, and has no board of directors,

It operates as an activity of ISOC and is responsible to it.

There is no formal membership and it's open to all volunteers.

**It's goal :** concerns itself with the engineering and architecture of the Internet. It is the principal body that develops, tests and implements new Internet technological standards, including protocols.

**IESG :**

It's an organization formed in 1989, the Internet Engineering Steering Group (IESG) is the management group of the (IETF).

**It's goal :** approves IETF standards, and generally manages the standards process according to the policies and procedures ratified by the ISOC Trustees.

**IRTF :**

Formed in 1989, the Internet Research Task Force (IRTF) is a self-organized research group.

**It's goal :** investigates Internet topics that are too uncertain or too advanced to be standardized at the moment.

**IRSG :**

Formed in 1989, the Internet Research Steering Group.

**It's goal :**

The IRTF chair manages the IRTF in consultation with the IRSG.

**IAB :**

In June of 1992, the Internet Society chartered the Internet Architecture Board.

ISOC has jurisdiction over the IAB but allows it a large degree of independence in its operations. With respect to technology.

**It's goal :** oversee the architecture of the Internet, including its protocols and other standards.

**RFC editor :**

initiated by UCLA's Steve Crocker in 1969.

It's goal:

edits, manages, publishes and maintains the authoritative archive of the Request For Comments (RFC) documents, which are the Internet's documents of record

**ICANN :**

(established 1998) is an international multi-stakeholder organization with US government oversight responsible, at the overall level, for the administration of three sets of unique identifier systems for the internet: domain names, numerical Internet Protocol (IP) addresses, and a third type that serves to identify so-called port and parameter numbers.

**It's goal :**

to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

stands for the Internet Corporation for Assigned Names and Numbers. They manage the allocation of IP addresses as well as the domain name system (DNS), which keeps track of all domain names and translates

them into IP addresses. And they are also an organization responsible for coming together to govern the Internet.

The internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

Privacy is a valuable aspect of any human personal life and data or information protection safeguards the rights of a person to privacy.

Data protection accords legal protection to a person in cases where his or her personal information is to be collected, stored, used or communicated by a third party.

The definition was made by the Working Group on Internet Governance (WGIG) in 2003. During the first phase of the World Summit on the Information Society (WSIS) the UN Secretary General commissioned the multistakeholder working group, WGIG, to identify and

define the public policy issues that are relevant to Internet governance. The WGIG report proposed recommendations on the process to follow on Internet governance policies including the creation of an Internet Governance Forum (IGF).

Intellectual property rights exist to protect the works of creators and innovators from misappropriation or copying by unauthorized parties, not only of the individual creators but of wider economic development and consumer interests. Counterfeiting and piracy hamper the growth of national economies, depriving legitimate enterprises of turnover, and the state of revenues.

WIPO aims to assist governments and industry in developing effective anti-counterfeiting and piracy strategies. The focus is on awareness-raising, legislative assistance, improved coordination, improving information exchange between right holders and enforcement agencies, and capacity building.

IPR has become a major concern in Internet Governance in recent times. This is because the Internet,

in large part has aided copyright violations using simple processes such as copy paste or through P2P networks like Kazaa and Napster which allow individuals to connect and illegally share digital music and video files in a massive scale.

Counterfeiting and piracy hamper the growth of national economies, depriving legitimate enterprises of turnover, and the state of revenues.

Businesses and innovators need easy, cost-effective ways to protect their inventions, their brands, and their designs in multiple countries.

### **The types of IP :**

#### **Copyright :**

is a legal term used to describe the rights that creators have over their literary and artistic works.

#### **Patent :**

is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner



with the right to decide how – or whether – the invention can be used by others.

**Trademark :**

is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.

**industrial design :**

constitutes the ornamental or aesthetic aspect of an article, such as: the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.

**Geographical indications :**

are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin.

**Trade secrets :**

are IP rights on confidential information which may be sold or licensed.

**The problem :**

Internet is affecting thinking and attitudes of billions of people daily. We can contact other people and read their advice to find solutions to our problems and manage our projects, which are produced internationally.

**Additional costs :**

For getting the protection for the first time, it could be bit expensive particularly if the product is complex and involves methods, designs, and processes.

**Pirating :**

Even after getting the IP protection, it sometimes becomes difficult to stop someone who is copying the inventory work.

**Reduced quality:**

With the passage of time, as the rights of intellectual property reduces so does the quality of the IP decreases.

Counterfeiters are getting cleverer. They are exploiting technological advances to produce copies hardly distinguishable from the originals, in some cases even outsmarting the proprietors.

They are making extensive use of the Internet, resulting in the sale and distribution of fake goods at enormous speed and with no geographical limitations.

### **The importance :**

Internet governance refers to the rules, policies, standards and practices that coordinate and shape global cyberspace.

The Internet is a vast network of independently-managed networks, woven together by globally standardized data communication protocols (primarily, Internet Protocol, TCP, UDP, DNS and BGP).

Internet governance and not government because many issues in cyberspace are not and probably cannot be handled by the traditional territorial national institutions.

Governance implies a polycentric, less hierarchical order; it requires transnational cooperation amongst standards developers, network operators, online service providers, users, governments and international organizations if it is to solve problems while retaining the openness and interoperability of cyberspace.

IPR is prerequisite for better identification, planning, commercialization, rendering, and thereby protection of invention or creativity. Each industry should evolve its own IPR policies, management style, strategies, and so on depending on its area of specialty.

Intellectual property protection is critical to fostering innovation. Without protection of ideas, businesses and individuals would not reap the full benefits of their inventions and would focus less on research and development.

There are no extra fees connected with IP, There are no fees required whenever you wish to change or enhance your business and hence it can be done free of cost.

Competitive edge over other alike businesses, IP protection inevitably gives an ability to have a competitive edge over other similar businesses.

IP helps in enhancing the company's value, Intellectual property helps in generating more income for the business through the sale or licensing agreements of the invention.

### **Methodology :**

WIPO Member States will shortly be meeting in the Advisory Committee on Enforcement (ACE), the third session of which will be held from May 15 to 17 at WIPO headquarters.

The main objectives of the ACE are to enhance information exchange between law enforcement agencies, to assess training and education needs, and develop teaching materials and methodologies, with a view to contributing to the creation of a legal, organizational and technical framework for effective enforcement of IP rights

**The solution :**

WIPO offers a range of global services for protecting intellectual property across borders, and for resolving IP disputes outside the courts.

**The International Patent System:(WIPO–PCT)**

Seek patent protection in multiple countries by filing one international application. The PCT system:

- postpones the major costs associated with international patent protection.
- provides you with a strong basis for patenting decisions.
- is used by the world's major corporations, research institutions and universities.

**The International Trademark System : (WIPO–MADRID)**

Register your trademarks in multiple countries by filing one international application. The Madrid System:

- saves time and money
- includes members representing over 80% of world trade

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## **The International Design System :( WIPO–HAGUE)**

Register industrial designs in multiple countries with a minimum of formalities and expense:

- replaces multiple registrations with just one
- register up to 100 industrial designs with one form

## **The International System of Geographical Indications:(WIPO–Lisbon)**

The Lisbon system provides a means of obtaining protection for appellations of origin in several countries through a single registration procedure in one language, with one set of fees in one currency.

Our international Alternative Dispute Resolution services enable to resolve IP disputes outside the courts, saving time and money.

There are flexible and cost-effective service for solving IP and technology disputes outside the courts include:

**Mediation:** the mediator helps two or more parties in dispute reach a mutually acceptable agreement between themselves.

**Arbitration:** the arbitrator here makes the final and binding decisions.

**Expert determination:** the parties agree to submit a specific issue (such as a technical question, or the valuation of an IP asset, or royalty rates) to one or more experts who make a determination.

**Article 64 of Telecommunications Regulation Law No. 10 of 2003:**

Article (64) stipulates that

telecommunications companies are obligated to provide all technical capabilities and equipment to the national security agencies and the armed forces, allowing them to exercise their jurisdiction, allowing federal security agencies to monitor internet users without judicial permission.

Law No. 10 of 2003, service providers are obligated to the following:



1- Saving and storing a record of the information system or any means of information technology for a period of one hundred and eighty days. The data is to be saved and stored as follows:

- Data that enables the identification of the service user.
- Data is related to the content of the dealing information system whenever it is under the service provider's control Considering.
- Data relating to traffic.
- Data relating to communication terminals.
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- Any other data specified by order of the Board of Directors of the NTRA.

2- Maintaining the confidentiality of the data that has been saved and stored, and not disclose it without a reasoned order from one of the competent judicial authorities, including the personal data of its users, or any data or information related to the websites and private accounts that these users or individuals access, and who they communicate with.

3- Securing data and information in a manner that maintains its confidentiality and does not hack or damage it.

**The Combating Information Technology Crimes Law. 175 of 2018, Article (2):**

stipulates the obligations and duties of service providers to keep and store the information system record for six months.

**Article 138, law no.82 of 2002 :**

**Derivative work:** A work which is derived from an existing one, such as translations, musical re-arrangements, compilations of works, including readable databases, from the computer or otherwise, and collections of expressions of folklore, which by reason of the arrangement and selection of their contents, are considered as created works.

**National folklore :** Any expression which consists of distinctive elements reflecting the traditional popular heritage, which originated or developed in Egypt, including in particular:

- Oral expressions such as folk tales, poetry and charades.
- Musical expressions such as popular songs.
- Motion expressions, such as popular dances, plays and artistic forms.
- Tangible expressions such as:  
Products of popular plastic art, particularly drawings with lines and colours, engravings, sculpture, ceramics, pottery, woodwork and any inlaid designs, mosaics, metal or jewellery, hand-woven bags, needlework, textiles, carpets and clothes.

**Article 140, law no,82 of 2002 :**

Derivative works, without prejudice to the protection prescribed for the works from which they have been derived. Protection shall cover also the title of the work if it is inventive.

**Article 142, law no,82 of 2002 :**

National folklore shall be considered part of the public domain of the people. The competent ministry shall

exercise the author's economic and moral rights and shall protect and support such folklore.

### **Conclusion :**

Working jointly with Member States, industry representatives and other stakeholders, WIPO aims to assist governments and industry in developing effective anti-counterfeiting and piracy strategies.

The focus is on awareness-raising, legislative assistance, improved coordination, improving information exchange between right holders and enforcement agencies, and capacity building.

### **Chapters outline :**

**1– Internet governance:Challenges in regulating the internet transactions**

**2–IP rights Challenges of regulation and enforcement online**

**3–IP internet governance bodies**

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**Law no.82 of 2002 on the protection of  
Intellectual property rights**

**Article (138) Law no.82 of 2002**

**Article (140) Law no.82 of 2002**

**Article (142) Law no.82 of 2002**