

Protection of the Undisclosed Information in the New Egyptian Patent Law ... "Petition de Principe"

By
Judge: Sh. M. Affify
Court of Appeal,
Beni-Swef, Egypt

Undisclosed information like undeclared industrial, commercial information and know-how, whatsoever their nature, are protected by the patent law (art. 56), as follows:

- (1) Secrecy covers the whole information or the identity of each category as long as these information are unknown to public and not in hand for a man specialized in the art.
- (2) Information which accepts its commercial values from its secrecy.
- (3) Information which depends in its secrecy on positive measurements for keeping it *by its owner*
- (4) Protection also covers undeclared information which is the output of great efforts of the specialized organizations and establishments that needs permission for its commercialization as pharmaceutical or agricultural products. These specialized organizations are obliged to protect these undeclared information from the date of filing these information till the end of its secrecy or for a period not more than 5 years.
- (5) Experimentation for realization of the nature of the product aiming to protecting health of the people or using the information obtained to estimate analogous products (art. 57).
- (6) He who has legally undisclosed information is responsible for taking all the measurements to keep it away from circulation by non-specialized workers, and co-workers in his establishment. The secrecy of the undisclosed information and *the rights related with, it continued as aforementioned in (art. 56).*

The following acts are considered illegal competition, misrepresentation and contrary to honest commercial practices:

- a) Bribing the workers to obtain the information (bugs and bribes are popular tools).
- b) Delivery for the undisclosed information via the workers of the establishment or other contracted party (break and enter, technological espionage, like electronic transmitters concealed inside ball-point pens, pocket calculators or taping cables attached to fax machines, etc.
- c) Getting the undisclosed information by stealing or fraudulency (white collar crimes) (art. 59).

While obtaining the undisclosed information from literature, patent offices and the registered governmental data studies, or via personal efforts or via scientific research, innovation, invention, developing the bases in hand and their evolution, modification, and improvement or using the information prevailing in the industrial art at that time ... not considered illegal competition or misrepresentation (art. 60).

Due to the increase in the sources of information, it will be easy to justify the origin of novelty in any undisclosed information, hence (art. 60) nullifies art. 56, 57, 58 and 59.

Actually it is "Petition de Principe", more details will be explained in the future.