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TRADE MARKS AND PATENTS IN EGYPT.

THE Secretary of State for Foreign Affairs has received the following Despatch from Her Majesty's Agent and Consul-General in Egypt regarding the provisions of Egyptian law respecting the protection of Trade Marks and Patents:—

MY LORD, *Cairo, December 16, 1894.*

PREVIOUS to the receipt of your Lordship's despatch of the 3rd instant my attention had been drawn to the fact that much misapprehension prevailed as to the state of the law relating to patents in Egypt. Notably Monsieur Carton de Wiart, a Belgian lawyer who practises at Cairo, had spoken to me on the subject. At my request Monsieur Carton de Wiart wrote me a letter, of which I have the honour to enclose a copy. In this letter the deficiencies of the present law are clearly indicated.

On the 3rd instant I addressed a letter to the Minister for Foreign Affairs begging him to furnish me with an authoritative statement setting forth the nature of the existing law. I have now the honour to enclose a copy of this letter and of Boutros Pasha Ghali's reply.

Briefly, it may be stated that the Mixed Courts "have admitted a right of property in literary, artistic or industrial works, and have civilly condemned fraudulent imitators or appropriators to pay damages to the owner." I should, however, add that the damages awarded are usually small in amount.

I would invite special attention to Monsieur Carton de Wiart's statement that "it must be clearly understood that if this registration (*i.e.* registration at the Mixed Courts) facilitates the obtaining of damages against counterfeiters, it does not make English or any other European patents valid or enforceable in Egypt."

I have so far only dealt with the existing law. As regards the future, I find on enquiry that little or no progress has been made in the direction of further legislation since I addressed your Lordship's predecessor on this subject, on December 21st, 1893. I propose now to take the matter up and to see whether the negotiations cannot be pushed forward. I hope and believe that it may be possible for the Egyptian Government to arrive at an understanding with the Powers which will enable the existing law to be improved, but in view of the objections urged by the French Government it is not probable that any penal

jurisdiction in connection with this subject will be conferred on the Mixed Courts.

I have received many enquiries as to the existing state of the law. I would, therefore, suggest to your Lordship that in order that all who are concerned should be made acquainted with the facts of the case, as they now stand, it might be desirable to give publicity to this correspondence.

I have, &c.,

CROMER.

The Earl of Kimberley, K.G., &c., &c., &c.

Enclosure 1.

MY LORD, *Cairo, December 6, 1894.*

I HAD the honour of mentioning to your Lordship some days ago that my opinion had been taken in a case where the system followed at present in Egypt to secure in a certain measure the rights of inventors, &c., had led to disastrous results.

A document, described as an Egyptian patent and being a certificate of registration of an English patent in the Mixed Tribunals, had been sold for a considerable sum of money, whereas it was practically valueless.

As your Lordship expressed a wish to have particulars on the practice followed in the Mixed Tribunals about patents, trade marks, or other equivalents, I venture a few remarks on the subject.

We have neither patents nor officially protected trade marks in Egypt. The Civil Code for the Mixed Tribunals has a provision to the effect that when there is no law or when the law is not sufficient or sufficiently clear the Judge shall follow the principles of natural right and the rules of equity. (Art. 11.)

A ting in virtue of the power thus given to them to supplement in a certain way the deficiencies of the law, the Mixed Tribunals have awarded damages to the owners of patents or trade marks duly entered in any of the European countries when their goods were counterfeited in Egypt. The Tribunals had no power to prevent any one from manufacturing, selling, or using in Egypt any patented article, but they obtained a somewhat similar result by granting damages for the injury done and stating that further damages would be granted for any further trading in the particular articles about which action was taken.

Among many other objections raised by the defendants in various cases, they pleaded that nothing in Egypt had made known to the public