

Terms of Use the Private Version of Protected Works Comparative Study

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Abstract

The authorities deem that for the author to make his/her work exclusive and yield full benefit from it the following terms used in the version must be complied; the scope of the works must be permitted by the law and the works should not be banned because of being criminal. These terms imply that other people will require author's permission for compiling the work or for making a copy of his work.

When it comes to the personal use of the work or by the domestic-user version of the workbook that is contained by the framework these conditions are applicable only. Both the French and Egyptian lawmakers broadcast the predictability of predisposition in normal use for the workbook, as the cloning process of workbooks that are of special nature cause massive losses that is why they are not included in the scope of the exception personal version to prevent others from getting a copy of it unless the controls and conditions for use of these works are taken into consideration. This legislation is applicable to the works of art; notepad based musical works, computer programs and databases. The personal versions when of legitimate size they cannot damage the author's privilege but when the copy exceeds the confines of the legitimate size huge loss to copyright is incurred. If the workbook in is being used for friendly collective of the work as mentioned by the framework it sanctions

the use if it is not targeted for purposes like commercial purposes, making profit from it and to compete for economic purposes.

Key words: Copyright; Private version; Protected works; Copyright law of Egypt; Copyright law of France

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INTRODUCTION

As it has been mandatory to mention the request of the author about his permission regarding reproduction of his work owing to prevent indictment traditions, and was practicing exemption as individual description are not near to get that consent, the tradition of crime is not a list as far as dedicated addict of the workbook sheltered, associated to exclusion the legal formalities likewise the description of these circumstances are very significant, clearly, because the scope of legality and permissibility cannot cover the work; thus, it becomes a criminal liability as it is not allowed and punishable according to tradition¹, all of these conditions is needed by the paragraph 2 of Article 122/5 L in accordance with French legalization of intellectual property when predetermined "No author may – when publication of his work – that prevents copying, or re-copying, which is the private use of the copier, without targeting the versions to use mass copy, as required by paragraph (ii) of Article 171 of the Egyptian

¹Barrawi, H. (2004). The Protection of Literary and Artistic Works (Protection Subject and Conditions) Working Paper Submitted to the World Intellectual Property Organization (WIPO) Seminar Specialized National Judicial Authorities of Jordan, Organized by WIPO in Cooperation with the Jordanian Judicial Council and King Abdullah II Center for Intellectual Property, p. 6.

Law of Intellectual Property Rights “the author after the publication of his work cannot prevent others from the work of a single copy of the workbook for the use of the copyist purely personal, and provided it does not disrupt this copy the normal exploitation of the work or unjustified damage to the legitimate interest of the author”.

Several questions have been raised by the advanced legal texts and it will be attempted by this study to answer these questions as:

Is the same individual use is like the private utilization?

How can be the damage to the author evaluated or whether it is physical or moral or how many sufferers are there?

Is it allowable to get a copy of any intellectual works or some works have been excluded from the exception of individual version?

METHODOLOGY

The purpose of the study is to concentrate on the topic of “state on the exercise of their version of secured works copyright only in French and Egyptian legal, where out of the scope of the study of owners rights connected to copyright, as out of the scope of investigation into whether ownership workbooks intellectual is legitimate or not”. However, the researchers will mention study workbooks battered keeping in view “the mind” and not as physical body.

During the study of this subject, the researchers have chosen the analytical method and contrasting by recognition the obtainable solution according to the French law in contrast with European laws,² and on the protection of copyright of 1954 the Egyptian law which has been amended through the act of Intellectual Property Rights No. 82 of 2002 as example for Arabic laws because the initial Arab law began regarding protection of copyright during the current era, after that grasp evaluate the stipulation to satisfy the questions emerged through these study to fulfil the remaining deficiencies regarding the subject body of the research.

The purpose of the use of the copy is private use which is verified by the legal texts (Section I) and from

the exemption no one can have benefit as private version bias normal exploitation regarding workbook and the legitimate interest of the author is harmed (second section) and these two conditions will be described as follows:

1. Identify the Version for Private Utilization

The term “special use” has been used by French legislator in Article 122/5L of French intellectual property act, and Egyptian legislator in paragraph II of Article 171 of the Intellectual Property Law expressed: “Pure personal use” what does this expression depict?

Private use and personal use are equal? The feature of personal use that is just for the requirements of the individual: however, the family background is for the private use that is the common denominator between personal use and private utilization; does it really mean that collectively all of them allow the use of the workbook⁵.

Therefore, the private use is more wider than the personal usage, the private use encompass personal use but personal use not, likewise⁴, French text is wider than the Egyptian text, whereas incomplete term personal use get ready lone copy from the workbook to be utilized for individual reasons merely like to investigate and analyze per se, he ends the term specific usage to overall duplication of a work cannot be utilized for personal purposes merely, but their utilization only for the purposes regarding group of people as inter-specific, like segment of a family; however, like sharing they do not allow general public usage, because they take for granted not for monetary purpose or related to commercial usage.⁵

In the narrow sense, if the scope of private use is not related to the individual usage, the user person is being covered through the practical usage all the people associated to this user family⁶.

If earmarked for use copyist personal or for usage within its scope family the version remain characteristic as private, The Court of Appeal of Paris ruling that ought to be allowed the possessor of the digital cylinder work reproduce them not to employ singly, but must be enlarged for employing in the scope of family it is not justifiable the recipient is a copy of the workbook and hold his family from the employment of them⁷; moreover,

² Kaid, A. O. (1992). Criminal Protection Copyright, Comparative Study (1st Edition, Dar Alnahda, Cairo) p. 4.

³ Badr, A. O. (2004). Online Workbooks Trading, (The new University House Publishers, Alexandria) p. 84.

⁴ Sayed, G. A. (2007). About a Modern Concept of The Private Version: A Comparative Study of The Concept of the Private Version as one of the Restrictions Contained on the Exclusive Rights of the Author and Holders of Neighboring Rights between the Means of Digital Copying and Technological Protection Measures, (Dar Alnahda, Cairo) p. 82.

⁵ Lucas, A. & H – G. (2006), The Treaty of Literary and Artistic Property, (3rd edition) p. 287. And Khalil, A. S. (2012), Right in Translation, (A Comparative Study between the Positive Law and Islamic Jurisprudence), (Alwafa Legal Bookshop, Alexandria) p. 310. See also Haroon J. (2006), Civil Protection of the Author’s Literary Right in Jordanian Legislation, Comparative Study, (The House of Culture of the Publication and Distribution, Amman) p. 158. And Majali A. H. (2000), Protection of the Author’s Financial Right in Jordanian Law, (Dar Wael for Publishing, Amman) p. 135.

⁶ It is also argued by some that it goes to re-establishing the amount produced for a second time as there is no assurance for the private version to be only used by the legatee. See Paul Hebert, Private copying: how far?

available at <<http://www.Juridique.Copie.privee.jusqu'ou.htm>> accessed 24th September, 2012.

⁷ Court of Appeal of Paris, 4 April 2007, M. Stephane (P)-Select UFCQUE c / UNIVERSAL Pictures Video FR, SEV, Films Alain Sarde, Studio Canal, available at <<http://www.juriscom.net/jpt/visu.php?ID=685>> accessed 24th September, 2012.

the encompassing of family-friendly controlled inside the exemption forbidden complete copyright powers, and that had been a particular performance of public⁸.

The French text is in proximity, according to the researchers, than the Egyptian text for mentioned; thus, the French legislator term "private use" has been used by Egyptian legislator rather than an expression pure personal use which has been used in paragraph II of Article 171 of the Egyptian Law on Intellectual Property Rights.

When the case negated the employment version in its private use, use it collectively⁹, this RODEZ first example ruling of court that works copying by program p2p¹⁰ longer copies private until employed cooperatively, and according to the French judiciary be inclined the case of school children of the national Supreme Telecom¹¹ "LECOLE Nationale Superieure des Telecommunications" Who is responsible to download from the internet pages their musical under protection works through the copyright and without getting permit by the company gives its monetary rights operation of a work of music, which is the copying of the work secured and permit for utilization in a combined way for every individual using internet by visiting the site and its related websites, and started copying without any difficulty, and argued the defence the act was legal because he was doing it for personal use only and not cooperative usage, and those students who numbered the works had taken it easy in website profile without any desire to communicate it to public, and in this regard paragraph 2 of Article 122/5L¹² regarding permitting this type of personal version; however, the grounds of the ruling of court's arguments have been the probability of unassociated internet visit their pages personal, it will unavoidably obtain a copy; therefore, they have been permitted the utilization of the collective whatever they copy¹³.

It is beyond the scale of their private version to publish the workbook on the internet; moreover, it is under the tradition to be punished criminally as the reproduction

in this theory is not totally devoted for the utilization of reproducer but to employ the collective perception of the huge numbers of users of this network and identified the public has not been specified as users of network¹⁴.

2. Without Being Biased to the Normal Utilization of the Work and Harm the Legal Interests of the Author

Thus, it has been force into the legality of the exemption and not for to ascertain the quantity of harm that occur to the author and not its presence, it means the harm is not temporary, as the way of encompassing unavoidably engages a scale of harm, if its volume is small it is legal, then accessibility to specific version is allowable, where the financial outcomes of reproduction exhibits a huge irreparable loss to the author, then the reproduction is not acceptable and thus punishable and forbidden if the feature of the opposition regarding the sources which would cause financial exploits to his work.

The author has the interest to get the inclusion of the harm not only financial but also moral interests¹⁵, in the Egyptian legislature this is stipulated expressed in Article 171, where stated that "Without prejudice to the rights of the author's literary ...". However, unavoidably regarding making these interest legal which shows that the author cannot attach to the harm regarding the interests if the interest is legal for exclusion an exemption private version.

The burden of evidence falls on the author owing to violation of normal utilization related to the workbook and the influence of reproduction on marketing, spread and on the workbook, and the judge has to evaluate whether exercise exemption harm exploiting or not, and thus the judge has to look into the financial setback clearly just because of the volume of the harm happened through the exploitation of the work, can implement special considerations such as: 1. The type of the protected work 2. Type and purpose of usage of the work, whether for educational objectives or commercial profit

⁸ Article 171 of the Egyptian Law on the Protection of Intellectual Property provides that: "Without Prejudice to the Author's Literary Rights Accordance with the Provisions of this Law, not for the Author after Publication of his Work that Prevents others from Doing any Work of the Following Acts: First: The Performance of the Work in the Community Within the Framework of Family or Private Club or an Educational Institution, as long as it is Without Directly or Indirectly Financial Collection".

⁹ Sayed, G. A., note 4 above, p. 80.

¹⁰ The Internet unlike the P2P Program has a Separate Client and Server. The P2P Program however carries out the Exchange of Data and Files over a Network through a Technical System Transferring Files from One Person or a Computer. The System in P2P the Software Acts as Guide Callers to the Internet Generating a List of Files that can be shared. In P2P System the Data and Files Flanked by Computers and other Deliverers are transferred through the Internet with the Help of a Central Server, Nonetheless every Computer is Independent as the Client and Server. See Al-Awadhi, A. (2007). The Legal System of a Private Protected Copy of Works, (Dar Alnahda, Cairo) p. 129.

¹¹ Court of First Instance of Rodez, 13 octobre 2004, notes Larrieu, Dalloz 2004 Cases, p. 3132.

¹² Paragraph 2 of Article L5/122 of French Intellectual Property Provides that «If the Work was published, the Author may not Ban ... Reproduction or Re-User Production only in the Private Use and does not targeted for use Collective.

¹³ Court of First Instance of Paris ordonnance, Reference August 14, 1996, Juris-filing periodic general issue, No. 22727.

¹⁴ Alahuane, H. K. (2000). Intellectual Property Rights Protection in the Field of Internet, Research at Intellectual Property Conference, Held at Yarmouk University - Jordan, p. 14.

¹⁵ Al-Awadhi, A., note 10 above, p. 103.

type¹⁶ 3. For uncategorized protected through the amount and substantial part user 4. And what is the impact on the potential market after the usage of the protected workbook¹⁷.

The French Court of Cassation has been ruled that the bias the normal utilization of the work which would exclude the exemption version regarding private utilization, evaluated the danger related to modern digital atmosphere and the monetary importance forwarded through the utilization of the work owing to gather the worth of generating product¹⁸.

The French law maker unavailability of bias implementation normal for the workbook, or other harmful reproduction process which may cause damage to definite workbooks, due to their specific nature, after ruling out some works from the parameters of the private version, as the text in paragraph 2 of Article 122/5L of French intellectual property “may not be the author, during his workbook publication that holds reproduction or imitation which is associated to the private utilization of the burner, have no goal for collective utilization, that with the exemption does not applicable on imitating every computer program”¹⁹, apart from the reasons of conservation need enclosed in paragraph 1 of Article 122/6 along with the cloning or imitation of electronic databases.

The similar approach has been followed by the Egyptian law maker in clause 2 of Article 171 of the Egyptian Intellectual Property Law; “not to the author

after the publication of his work that prevents others from one single copy of the workbook to use, and provided it does not disrupt the transcription normal exploitation work or damage is not justified legitimate interests of the author, however be the author – after publication of his work – that prevent others from doing without his permission any actions of the following acts: – Copy or portray works of Fine Arts or Applied or Fine what were not in a public place or architecture works – Reproduction or copying all or a substantial part of the notepad musical work – copy, copying all or a substantial part of a database or computer program, and Paragraph III of the same article, it: not the author after the publication of his work that prevents others from working single copy of a computer program knowing his holding rightful, for the purpose of conservation or replacement when the original copy is lost, damaged or non-suitability for use or quotation of the program as long as the limits authorized purpose, and must destroy the original or quoted as soon as the holding copy”.

It has been observed by the researchers the Egyptian legislation and French legislation not against for the exclusion a part of work from the scale of the exemption private version from private exploitation, thus, not have a copy of workbooks of others until obtaining authorization from their authors regarding to the works of notepad usual²⁰ work and artistic works²¹, database²² and computer

¹⁶ Evaluating the Legislation Texts at Proportional Terms Highlight that if some Student to carry out his/her Work Transfers or Copies the Book as a Whole or Clones Half a Page of the Legal Permissibility Circle Covers such a Usage Despite the Lack of Specification of the amount of Reproduction Permissible. It can be established then that it is Permissible for Private Purpose and the above Mentioned amount is within the Acceptable amount. See Belkadi, A. (1997), the Concept of Copyright and Criminal Protection, (Dar Alaman, Rabat) p. 328.

¹⁷ The text of Article 107 of U.S. Copyright Law.

¹⁸ French Court of Cassation ruling on 28/2 /2006, pointed to this provision Al-Awadhi, A., note 10 above, p. 106.

¹⁹ Jurisprudential Trend in the Interpretation of the Exclusion of Computer Programs and Databases that High Cost of Producing Software. See Issa, D. (2002), Copyright Protection on the Internet, (Legal Publications, Beirut) p. 79.

²⁰ This Category Comprises of Authorship Concerning Voices that are either supplemented by Coupled Words or Sometimes Come without them too. Most of the Times the Musical Work of an Author are produced at the Expenditure of Musical Works which are Bred through Musical note, the Radio or Performance.

²¹ A process of Intellectual Yields the Product Known as Artwork or the Technical Workbook it involves a Greater Part of one’s Aesthetics thus is Deeply Associated to one’s Feelings. The Artist Profile of the Artist whose Works are under the Design should Present a Manifestation of the Artist’s Personally through their Technical Workbook or Artwork to Make it of Higher Value for the Artist. Thus Design is Crucial Consider a Statue that a Sculptor has carved by himself, and the Works of a Photographer are his Expressions of himself. When Machines are applied to Facilitate Artists in their Artwork they do not Influence the carrying out of the Artist Personally into his Work the Machines help with Colour, Templates, and a Paintbrush. The Machine Play a Secondary Role in the Implementation that is Programmed Mechanically Instead by a Person as a Result hence cannot be deemed as the Artwork and is exempted from Protection under the Provisions of Copyright. To be Precise the Machines help the Artist in the Aesthetic Sense which at some Point can have a Bearing on the Feeling. Nevertheless, when it comes to Literary and Scientific Versions of Works it has a Propensity to Influence the Reality through Impacting the Thinking Patterns. See Canaan, N. (2004), Contemporary Models of Copyright Protection, (3rd edition, Culture House for Publishing, Amman), pp. 219-220.

²² The Data Banks are the same as the Databases together they can be defined as “A Set of Data and other Materials, whatever form, if Constitute Intellectual Creations by Selecting Arrangement of their Contents, are not Included in this Concept any Database is not an Innovation of this kind or are”. In other words it is A Set of Information that Consists of Data and Facts, etc., Whether in print or Groups Computer Memory or in another form Combination of Algorithm and Mathematical Symbols Existing in an Organisation of Files, Records and Fields. The Databanks Work to Function out and Yield a Discrete outcome of an Intellectual Venture. See Ibrahim, A. I. (1994), The International Protection of Computer Programs, Research Entitled at GATT and the International Protection of Computer Programs, Copyright in the Arab Countries, (Haiba House, Cairo) p. 42. See also Canaan N., note 21 above, p. 248.

programs²³ and considering the limitations regarding the utilization of this kind of work according to the detail which is follows:

A. Artistic

The text of paragraph 2 of Article 122/5L for the legalization of French intellectual property outlines in determining the artistic works excluded from the exception copy private copy, meaning that the exception copying applies to all works of art if it is not the purpose of reproduction used for the same purpose prepared his original work.

The norms for the exclusion of these works through exclusion of private version which is the target of cloning thus unlawfully when it has been projected to use for the targets regarding get readiness for him the original work, even if it is not displaying a reproduction of a painting in the exhibition of paintings, or if the motive of copying painting is to study or research scientifically, no reservation can be raised for lawfulness of this reproduction; however, without having the consent of the author even if the art work has been imitated for the cause of commercial utilization likewise there are various reservations of the unlawfulness of such reproduction and considering burner emulator.

Quite the opposite the inventory of Egyptian legislature particularly in paragraph II of Article 171 of the Egyptian Law about the Protection of intellectual Property artistic works disqualified from the reproduction range of private version, and the reproduction forbidden explicitly; Fine Arts, Fine or Applied compilations that are not exhibited to public or architectural works or all encompassing artistic works is related to the exemption private version, thus they can take advantage from them without seeking the consent of authors for private usage

It has been suspended by the Egyptian legislator the legal reproduction articulated works which have been exhibited on public place mean original work; therefore, the project of reproduction in case the original work is being imitated on a public place, if not it will be a tradition carrying a punishment of any.

B. Notepad Musical Works

French lawmakers did not rule out notepad musical works from reproduction range of private version, whereas the lawmakers of Egypt forbidden cloning

complete or a segment of the notepad musical work, sits in the prohibition to be musical work accompanied or unaccompanied words, when it is installed on a support material the musical work will be forbidden, as hard protection is the base of musical business which has been mentioned in Egyptian legislator in text in paragraph II of Article 171 Intellectual Property Protection Act, which depicts that musical work is under protection of law but after having observed the material that is written in the musical note; therefore, in the French Law it is not a tradition to utilize your notepad musical work to the work of a reproduction of it, in contrast in Egyptian law this work is a tradition.

C. Computer Programs

In paragraph 1 of Article 122/6-L for the French legalization of intellectual property which has been chosen by the French legislator, from the private version condition should be dissimilar, from the requirements of a private version the conditions are different, "backup" is this version in expectancy which can add the original copy of the harm.

The right to make a copy to keep them for use when the original copy damage is given to the legal holder of the original copy of a computer program by Article L-122-6-1, which instructs this article "the legitimate holder computer of a program that may make a reproduction to maintain using program when it is essential, specifically, for this time of utilization".

Under a particular version of the reproduction conservation in paragraph III of Article 171 of the Egyptian Law on the Protection of Intellectual Property through the Article 10 of Regulations No. 2202 of 2006 the council of Egypt has approved the copyrighting of works, computer programs. Under that legislation it is indicated that "may not – after a published of the work – quote from a computer program, pursuant to the provisions of subsection III of Article 171 of the law, Getty that exceeded this quote what is necessary to use this program, as long as the limits of purpose authorized, and required to be this quote for the purposes of non- or to the needs of business education or training, and only hurts the legitimate interests of the author of the program, and that includes – in all cases – the reference to the program quoted from it"²⁴.

²³ We can define computer programs as a set of instructions that once are transferred to a pillar become readable by the machine then they carry out a certain assigned task by processing information on the machine. (Lexicon enhancers copyright and neighbouring rights, World Intellectual Property Organization (UNESCO) Geneva, 1980, p. 55. The concepts such as one wide and one narrow come from the jurisprudence. the program by default comprises of three elements that are: a constricted version of the program i.e. a set of instructions yielding the reference or verification for the attainment of particular objectives yielded through machine based information processing, Description of the content to feature the operations in detail it is intended to classify the instruction set problem for a computer program and define the interconnection (it may be in oral, written or any other form), the attached documents that are targeted to facilitate the application and comprehension of the computer programs. The narrow definition of computer software can be deemed as a human-to-machine set of instructions that enables them to perform a particular task. See Lotfi, M. H. (1987), the Legal Protection of Computer Programs. (The House of Culture for Printing and Publishing, Cairo) pp. 16-18.

²⁴ Egyptian Gazette, No. 48, 30/11/2006.

The paragraph II of Article 171 Egyptian Intellectual Property Protection Act proscribes that “the heirs or the author once a work is published can inhibit open usage of the work”. Copying of works of an author for acts such as copying, imaging, all or a substantial part of the computer program should be done with permission only cloning however does not come under it.

After conducting researches to explore this phenomenon we can establish that the Egyptian legislator have a purpose behind this version that is the conservation and substitution. The version is used for personal use but contained by the parameters of the program. Thus it is declared that the position of Egyptian legislator is better than that of the French legislature in this matter.

The French legislature through the expression “when it is necessary to maintain the use of the program”²⁵ declare that the backup in French law has been devised for personal use of the legitimate holder so that the righteous use of the original program is maintained through license only.

The backup can be retained by using the related presence of the legitimate possession of the original copy. That includes the misuse of the original version that brings about the expiry of the misuse of the backup too.

Clearly, only linked backup can be retained, the legitimate possession’s presence of the original copy, for the utilization of the original version for instance, which involves the running out time for the utilization of the backup.

Certain conditions have been specified by the researchers which both the Egyptian and French lawmakers deem necessary for laying the backup of the private version with the concession of the copyright. These conditions are: having the proprietorship of copyist for version original for the attainment of legitimate Ban it is approved to the right holder, version should be different from the original program, and the copy is made to ensure the conservation and replacement of the original if some destruction to the backup happens like in the case of the expiry of the exploitation program that ultimately terminates the right to use the backup created originally. The private copy entails a number of provisions that does not permit general people any person or the public to rear the use of private. However, maintaining a copy of a computer program is permissible to the legitimate holder of the program. Thus, the backup copy for the most part of programs of Computer databases is not preferred by French scholars²⁶.

In continuation of the exceeding text we can deem the act of copying as unlawful and punishable if the program

is being copied for commercial utilization, or for the purpose of bequeathing to others. The conservation of the program for the purpose of getting the backup is it for conservation or some other reason may be subject to the judgement of the trial judge that is based on the particular state of affairs²⁷.

D. Databases

The legislature of Egypt interdicts the act of copying a considerable amount of the databases. And the copying of that amount is deemed as a cloning prejudice that is the normal exploitation of the work which becomes the basis of gratuitous harm to the interests of the author. The French legislator may prohibit the reproduction of not just the a considerable amount of a work’s databases but any part of it through the paragraph 2 of Article L5/122 for the French legalization of intellectual property.

For the complete workbook the necessary part determined and is subject evaluate that the judge of trial in every personal case and the offense and its concept, the segment is mandatory from the database within the reproduction range private version; thus, this type of imitation if it is done systematically and continuously may cause with a complete reproduction of database workbook, subsequently we will be in the process of imitation which is necessary for database, in Egyptian law which leads to way out this copying of the range of the legal permission and entry in forbid castigatory.

CONCLUSION

The author is secured for his/her exclusive work by the law which decrees that no one can exploit the works of the author and take advantage of others but to yield this protection under the law the adherence to the terms used version is essential the terms are; to be the beneficiary of an exception personal version it has to be permissible, legal and not criminal only then one is exempted from having to get the permission to use by the author for his permission for uses like making a copy of his work. If that is not the case any use of the authors work without seeking permission first will be deemed as an attack on the right of the author which is vested to him by the law.

The French legislature does not but the Egyptian legislature declares that cloning of more than one copy of a workbook is not permissible. Carrying out a special version of any work that as to be monitored for personal use like limited cloning for one copy of the workbook and

²⁵ Ahmed, H. A. (2007). Legal Protection for Works in the Modern Electronic Publishing, Comparative Legal Study in the Light of the Law on the Protection of Intellectual Property, Legal Library, Mahalla al-Kubra, Egypt, p. 180.

²⁶ HAUSER, M. (1996). To Balance the Interests of Authors and Users, p. 437.

²⁷ Ferjani, A. A. (2005). Criminal Protection Against Counterfeit Computer Software Distribution and Violations Relating to the Use of the Internet in Various activities, Economic Law Journal, A Scientific Journal issued by the Faculty of Law, University of Zagazig, p. 112.

helping out researchers by using modern technology for copying the intellectual works come as the benefits that include the supposed personal version exception of the nonexpanding copyright. Nonetheless, the Egyptian and French legislators both can devise a structure that limits the exclusion to benefit from the personal version that will not be used by anyone besides the copyist.

The researchers have come so far in their research and declared the above mentioned figures. These researchers not only deduce the results but also give recommendations for a considered “personal” version. Cloning in frame family and confined to personal use is considered punishable by the Egyptian legislator to try to be like French legislator regarding the “private use instead of” “personal use the term purely”. The paragraph (ii) of Article (171) of the Egyptian intellectual property rights law states the above mentioned law. Keeping back the copyist Profile for the use regarding the family, so that cloning can be practiced for the reason that cloning Profile extends practically to the frame family.

The exception is not applicable to a scenario where the workbook is used regarding the framework being applied to the use of a workbook for communal purposes. Along with using it for personal reasons is advisable if the content is laying open on the Internet to be exploited by the general public on the network was also established together with other findings.

Both the Egyptian and French legislators with their inexorableness towards the prejudice for the workbook in its normal use is sure to yield massive loss because of the cloning process of the workbooks. The scope of the private version exception is not included in it as it does not involve copying unless the suggested course of action and state of affairs pertaining to the use of the works or the art works including notepad musical works, computer programs and databases is not abided. On the contrary, a private version of the workbook requires a certification for bringing it to use of breach normal exploitation for the workbook as it will cause significant impairment to the legitimate interests of the author. The exception to all cloning of the work is not included in this scope in case it is intended for making profits or the exploration for commercial purposes. An act is deemed verboten and punishable for the exception of private version breach normal of exploitation id it is being utilised for distressing the author financially, competition for economic benefits, exploitation of copyrights and cloning for private use unless the cloning is done according to the framework as per the legitimate limits of size.

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