

Legal Guide

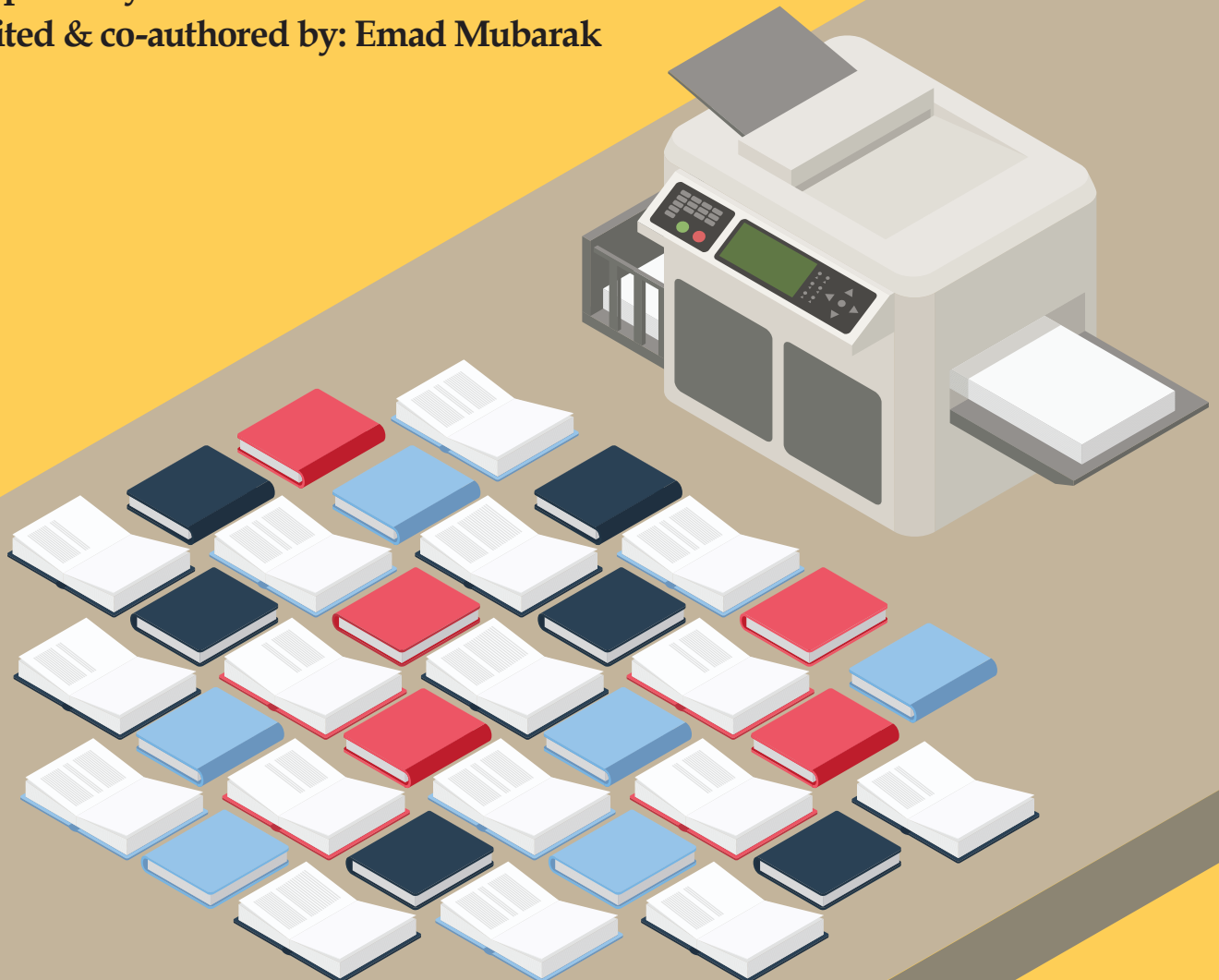
Publishing between constitutional  
protection and legal challenges

Part I

# A Guide for Publishers & Authors

Prepared by: Asmaa Naim

Edited & co-authored by: Emad Mubarak





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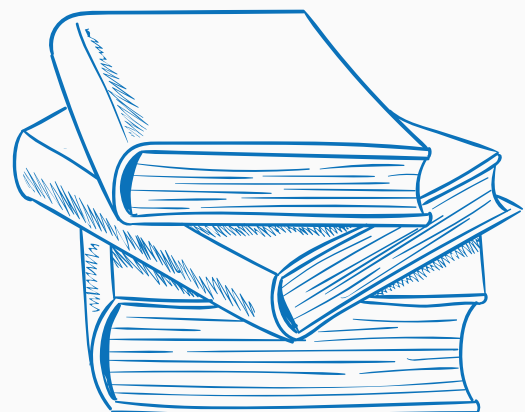
# Introduction

*“Freedom of thought and freedom of scientific research are of no substance without the freedom to issue, circulate and possess publications in all their forms, as they are still the basic means of disseminating the results of thought or scientific research so that they can be placed under the microscope of criticism and objective controversy to reach more accurate perceptions and results.”<sup>1</sup>*

Freedom to publish is not just a political decision by governments or a legal privilege granted to writers and publishers, but a fundamental right associated with freedom of expression and access to information. This freedom is the basis for intellectual and cultural creativity, as it enables writers to present their ideas freely, and allows the reader to access a wide diversity of knowledge. When this freedom faces any restrictions, the harm is not limited to publishers and writers, but extends to society as a whole, resulting in shrinking space for public debate and weak critical thinking.

Freedom of publication cannot be separated from the paradigm of fundamental rights, as it is one of the pillars of free expression and the circulation of knowledge without fear of repression or confiscation. In societies that protect it, culture grows and ideas interact freely, while restrictions lead to a closed and limited cultural environment. In Egypt, the publishing sector faces challenges related to legal complexities and administrative procedures that hinder the production and distribution of publications. Some laws, such as the Press Law and the Penal Code, contain broad terms such as “national security” and “public order,” sometimes used to justify restrictions on published content, giving authorities broad powers to ban without clear criteria.

These challenges are not limited to direct censorship, but extend to licensing policies and bureaucratic procedures, where publishers are required to obtain multiple approvals, imposing indirect restrictions that limit the free circulation of ideas. Publishers are also under economic pressure as a result of legal restrictions, with bans or confiscations leading to financial losses, making some publishers more reticent in choosing their content.



Restricting freedom of publication not only harms the book industry, it affects the cultural fabric and society as a whole. It reduces opportunities for intellectual interaction, weakens collective awareness, and limits the ability to discuss contemporary social and intellectual issues. In contrast, societies that allow wider freedom of publication have a greater capacity for innovation and creativity, which enhances their intellectual and cultural development.

Ultimately, freedom of publication remains an essential element in building a more aware and open society, playing a key role in transmitting knowledge, documenting events and shaping public opinion. The greater the space for freedom, the greater the capacity of society to develop, while its restriction leads to a decline in critical and creative thinking, affecting the overall cultural and intellectual landscape.



## Who is this guide for?

This guide is the first in a series of legal guides dealing with various aspects of freedom of publishing in Egypt, and is aimed primarily at publishing houses. This section focuses on clarifying the legal framework that regulates publishers' work, and aims to enhance their understanding of their legal rights, helping them to exercise their pivotal role in disseminating thought and knowledge without facing unjustified barriers.

While this guide is intended for publishers, the second part of the series deals with the legal protection of the media, focusing on laws regulating press and media freedom, providing a more comprehensive picture for actors in the field of publishing and media.

This guide not only explains the theoretical rules but also provides practical guidance to help publishers deal with the legal challenges they may face in their day-to-day work. This includes tips on how to protect their rights, and to act following proper legal procedures when faced with potential restrictions or constraints, which contributes to a more secure and stable publishing environment.



## Section I

# Freedom of publication between constitutional protection and legal restrictions



### First: Constitutional Protection of Freedom of Publication

Successive Egyptian constitutions have paid great attention to protecting freedom of opinion and expression, including freedom of printing and publishing, as the cornerstone of any democratic society. Egypt's current constitution clearly enshrines this obligation in article 65, which states that “freedom of thought and opinion is guaranteed, and everyone has the right to express his opinion verbally, in writing, in photography, or by other means of expression and publication.” This text reflects the fundamental importance of these rights as an integral part of the constellation of fundamental freedoms aimed at promoting freedom of information and ensuring the flow of ideas without arbitrary restrictions.

Freedom of opinion and expression is not limited to being an individual right, but represents the pillar from which many other intellectual and cultural rights emanate, such as freedom of the press, printing, publishing, and literary and artistic creativity. The Supreme Constitutional Court affirmed the principle of complementarity between the provisions of the Constitution, stressing the need to interpret them in their general context to ensure the achievement of its basic constitutional objectives, noting that:

*"The basic principle of constitutional texts is that they are interpreted on the assumption that they are complementary, considering that each of them is not isolated from the other, but rather organically linked by the matrix from which its goals are derived, and therefore it must be reconciled, in a way that removes the suspicion of its contradiction and ensures the connection of its meanings and approaches, as well as the coherence of its orientations and support, so that the claim of its non-complementarity would be null and void, and the statement that it is eroded in vain."*<sup>2</sup>

In the same context, the Supreme Constitutional Court affirmed that:

*"Freedom of expression is the cornerstone of building a democratic society and an essential tool for ensuring transparency and accountability in the public sphere. Restricting this freedom, whether by the imposition of prior restrictions or subsequent sanctions, violates the guarantees of the free flow of ideas and information".*<sup>3</sup>

The Court stresses that this freedom is not limited to expressing opinions that are in line with the general trend or that are of practical benefit, but also includes dissenting and uncommon

opinions, as part of intellectual diversity that enriches public debate and promotes community participation. This was stated in its judgment where the court stated that:

*"Freedom of expression is not limited to expressing opinions that are in line with the mainstream or that are of practical benefit, but extends to dissenting or uncommon opinions, as an essential element in the richness and diversity of thought within society."*<sup>4</sup>

This judicial trend reflects the Egyptian Constitution's commitment to guaranteeing freedom of opinion and expression, as an inherent right that may not be restricted without legitimate justification. It also places an obligation on the legislature to ensure that no arbitrary restrictions are imposed on the exercise of this right, in conformity with constitutional principles guaranteeing the protection of fundamental freedoms.<sup>5</sup>

## Role of the Constitutional Court in protecting freedom of publication



The Supreme Constitutional Court plays an essential role in protecting freedom of publication, ensuring that laws regulating this right do not conflict with constitutional principles. The Court has established clear principles prohibiting any legislative regulation that may deprive the right to freedom of publication of its content, based on an integrated interpretation of constitutional provisions. This trend emphasizes that freedom of publication is not a privilege granted by the State, but an inherent right that requires that any restrictions of it be kept to a minimum and imposed by legitimate societal imperatives.

These constitutional controls for the regulation of rights and freedoms are as follows:



### Inviolability of the essence of the right or freedom

Any legislative regulation should remain within the limits of preserving the essence of the right, without leading to its suspension or abolition under any pretext.



### Non-derogation of the right or freedom

The legislator is obligated not to reduce or weaken constitutional rights when drafting legislation regulating them.



### Being subject to judicial oversight

Any restrictions on freedom of publication should be subject to the control of the Constitutional Court to ensure that they do not violate constitutional rights.



### Avoid obstructive restrictions

Restrictions may not be imposed that make the exercise of the right almost impossible or impractical, such as complex procedures that impede or limit freedom of publication or make it exclusive to certain parties.



### Consistency with constitutional principles

All laws issued must conform with and not breach the constitutional framework, so as not to undermine the constitutional protection of freedom of expression.



## **(Final Thoughts) Constitutional protection as a fundamental guarantee of freedom of publication**

The Egyptian constitution is the cornerstone of guaranteeing freedom of opinion, expression and publication, as it places clear restrictions on the authority of the legislator to prevent any violation of these rights. However, legal and regulatory challenges remain that require strengthening constitutional protection mechanisms by activating legal texts and ensuring their respect in practice, ensuring a free and stable environment for the exercise of freedom of publication without arbitrary restrictions. In this context, there is a need to review existing laws to ensure their compatibility with the constitution, as well as to strengthen judicial oversight to prevent any attempt to undermine the right to freedom of expression and publication through overly broad legal provisions or strict interpretations that do not comply with constitutional standards. Ensuring the effective implementation of the Constitutional Court's rulings regarding freedom of publication remains a crucial factor in establishing this protection and ensuring its continuation as one of the cornerstones of democracy in Egypt.



## Second: Legal restrictions on freedom of publication

Egypt's publishing houses and their administrators face multiple legal and procedural restrictions, as well as economic and political pressures. Egyptian legislation regulating the process of issuing and circulating publications includes many procedural and punitive restrictions that lead, in practice, to strict control over freedom of expression, publication and circulation of information. These restrictions start from the moment of printing and continue until the distribution stage, creating a restrictive environment for creativity and freedom of expression.

### A Legal Framework Restricting Freedom of Publications



The Publications Law No. 20 of 1936 is the main legislation regulating the censorship of periodicals and non-periodical publications, while newspapers are subject to additional laws that will be covered in the next part of this guide. Decades after the law was passed, its provisions are still frequently used to restrict rather than support freedom of publication.

### Censorship of printing: restrictive administrative procedures



Article II of the Publications Law No. 20 of 1936<sup>6</sup> obliges anyone wishing to establish a new printing press to notify the authorities in writing, including accurate data about the printing press and its owner. The law also requires that this data be updated within eight days in the event of a change, which represents prior administrative control over printing activity. In addition, Article 5<sup>7</sup> of the law obliges owners of new publications to deposit ten copies with the competent administrative authorities, which constitutes an additional obstacle to ease of publication.

### Censorship of Distribution: advance authorizations and administrative restrictions



Article 4<sup>8</sup> of the Publications Law requires prior authorization from the Ministry of Interior before distributing any publications in public places, regardless of their content or the existence of a legal violation, which constitutes an explicit form of prior censorship. The law also obliges individuals involved in the distribution of publications to register with the competent authorities.

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## Procedures of banning, obstruction, cancellation, seizure and confiscation

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Egyptian laws impose multiple restrictions targeting publications themselves and not just those responsible for them, including:

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### A- Banning circulation of publications

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#### **Banning foreign publications by a decision of the Prime Minister**

Article 9 of the Publications Act<sup>9</sup> gives the Prime Minister the authority to ban the entry and circulation of any publication issued abroad, while prohibiting its republication or local printing under the pretext of protecting public order.



#### **Banning foreign publications by a decision of the Minister of Interior**

Article 21 of the same law<sup>10</sup> allows the Minister of the Interior to prevent certain numbers of foreign newspapers from entering the country on similar grounds.



#### **Banning circulation of local publications**

Article 10<sup>11</sup> gives the cabinet the power to ban the circulation of local publications described as “erotic” or offensive to religions, which is vague language that allows for arbitrary restriction of freedom of expression.





## Regulations of publications: broad powers without adequate safeguards



### First: Regulations in accordance with the Publications Law

#### Administrative control of publications

The Publications Law No. 20 of 1936 gives the administrative seizure authorities broad powers to confiscate publications without a judicial order, thereby increasing the potential for arbitrary censorship.

#### Mandatory seizure

The law stipulates the seizure of publications in specific cases such as:

- ◆ Publications issued abroad are prohibited by a decision of the Prime Minister (Article 9).
- ◆ Local publications described as erotic or offensive to religions (art. 10).

#### Permissible seizure

The law allows seizure authorities to assess other cases of seizure of publications, such as distribution without prior authorization, or violation of the stipulated publishing and printing rules.



### Second: Seizure in accordance with the Penal Code

Article 198 of the Penal Code expands the powers of administrative authorities, grants judicial officers the right to confiscate publications if they are considered a crime according to the law, and obliges them to take special and strict measures with newspapers.



### Third: Confiscation according to the Publications Law

#### Mandatory confiscation

The law requires in articles 9, 10, and 21 to confiscate certain publications in specific cases, such as banned foreign publications and local publications that are described as erotic or offensive to religions.

#### Permissible confiscation

Laws give courts broad discretion to confiscate publications, which can be used arbitrarily.



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## Fourth: Criminal Restrictions on Freedom of Publication and Circulation

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Despite the constitutional provision for freedom of publication, the penal code<sup>12</sup> places several restrictions on published content, especially in the case of incitement or advocacy for criminalized acts, including:



### 1 Public incitement

The law punishes incitement to commit a crime by using overt means such as writing, pictures, gestures, or even speech in public places.<sup>13</sup>

If incitement actually leads to the commission of a crime, the instigator shall be punished with the same penalty, and if the crime does not occur, he shall be punished as if he attempted to commit it.



### 2 Incitement to overthrow the government

Anyone who calls for changing the regime of government or basic constitutional principles by means of violence or threats shall be punished by imprisonment for up to five years and a fine.<sup>14</sup>



### 3 Incitement to violate laws

Publicly encouraging refusal to comply with the law is also a crime, punishable by imprisonment.<sup>15</sup>

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## Fifth: Restrictions on Publications from the Perspective of Ethics and Public Order

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The Penal Code imposes restrictions on some types of publications to protect what is considered public morals or societal security, including



### 1 Indecent content

Selling or publishing any photographs or publications containing “indecent” material is a crime punishable by imprisonment or a fine.<sup>16</sup>



### 2 Insulting the reputation of the state

Manufacturing or circulating false images that harm Egypt's image shall be punished by a fine.<sup>17</sup>



### 3 Insulting officials or state institutions

The law criminalizes any abuse or insult to the President of the Republic, public officials, or the judiciary or any attempt to influence the course of justice.<sup>18</sup>



### 4 Contempt of religion

The law criminalizes the use of religion to incite or insult religions and sects. These provisions<sup>19</sup> are often used to criminalize freedom of expression on religious issues, which may affect intellectual diversity and limit open debate on religious and social matters.

Article 98 of the penal code stipulates that anyone who exploits religion to promote “extremist” ideas or insults monotheistic religions or religious sects is punishable by six months to five years in prison.

Article 161 also punishes with imprisonment and a fine anyone who attacks in public a religion that is performed in public, including:

- ◆ Deliberately mis-representation of texts of the scriptures.
- ◆ Imitation of religious ceremonies with the intention of ridicule.



## (Final Thoughts)

The legislative structure regulating publishing and printing in Egypt reflects a reality dominated by strict legal restrictions, which go beyond the limits of regulation to the level of full control over freedom of expression. Instead of being a means of ensuring a balance between freedom of publication and social responsibility, laws have become a tool for imposing prior censorship, tightening the grip on the circulation of information, and undermining the independence of the press and publishing houses.

Current legislation—from the Publications Law, to the Press Regulation Law, which we will discuss in detail in Part II, to the Penal Code—reflects a clear trend towards restricting freedoms, through cumbersome bureaucratic procedures, arbitrary requirements, and criminal penalties of a deterrent and restrictive nature, which constantly put publishers at risk of prosecution or administrative disruption. The fact that these laws rely on broad concepts such as “public order,” “national security,” and “public decency” gives executive authorities a wide margin to interfere with media and cultural content, and opens the door to arbitrariness and abuse.

Reforming the legislative system governing publishing and printing has become an urgent necessity, especially in light of the digital transformations that have made traditional censorship tools impractical in an open world of free flow of information. Without fundamental reforms that restore the balance between freedom of expression and legal regulation, Egypt will remain stuck in the circle of control and censorship, far from the democratic climate that is the real guarantor of the flourishing of thought and creativity.

## Section II

# Contracts and Intellectual Property

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### Frameworks of cooperation between publishing houses, authors and translators

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Contracting and intellectual property play a pivotal role in regulating the relationship between publishing houses, authors and translators. It constitutes the legal framework that guarantees the rights of all parties and contributes to fruitful cooperation that supports creativity and disseminates knowledge, by clearly defining obligations and rights.

Contracts are an essential legal tool in building the relationship between publishing houses, authors and translators, as they establish clear rules to regulate rights and responsibilities. These contracts include detailed clauses for the preservation of intellectual property rights, which are the backbone of any literary or intellectual production.

This contractual system aims to achieve a balance between the interest of the publisher in investing in the creative work and the interest of the author or translator in preserving his moral and financial rights. It also provides a reliable legal framework in the event of any disputes.



## First: Contracts

### 1 Classification of parties in publishing contracts: authors, translators and cooperation frameworks



When contracting, the publishing house must distinguish between two main types of parties:



#### Authors

- ◆ They are individuals who create original works, whether written or illustrated, such as writers, illustrators, or Graphic designers<sup>20</sup>.
- ◆ Author engagements relate to the production of creative content in line with the required literary work, whether it is writing scripts or preparing graphics.
- ◆ Contracts include the identification of aspects related to intellectual property rights, publishing, distribution, as well as promotion and marketing to ensure that all parties benefit from the work.



#### Translators

- ◆ Unlike authors, translators specialize in the process of transferring original texts into other languages, allowing the work to be published globally.
- ◆ Contracts with translators differ because they are mainly related to the translation of texts, and require clarity in defining intellectual property rights for translation.
- ◆ Contracts must include details regarding the possibility of any modifications to the translated texts and their approval by all parties concerned.

### 2 Legal Contracts



Legal contracts concluded between publishing houses and authors or translators are a key tool for guaranteeing and preserving rights. These contracts play an essential role in clearly defining mutual obligations and preventing any future disputes. Among the most important points to include are:



#### Identification of parties

- ◆ The Contracting Parties should be clearly mentioned, namely “publishing house” and “author” or “translator”.
- ◆ Contracts must contain the parties' full legal names, addresses, and any additional information such as the publishing house's commercial registration or tax identification card.



#### Definition of product

- ◆ The definition of the work is one of the most important clauses in contracts, where the nature of the agreed work must be specified, such as a book, a collection of articles, illustrations, or translation.
- ◆ This definition includes the title of the work, an accurate description of its content, and any special conditions or technical details.<sup>21</sup>

### 3 Terms of publication, distribution and marketing



#### Obligations of the publishing house

- ◆ The contract must clearly state the publishing house's commitment to publish the work within a specified time frame, specifying the number of expected initial copies.<sup>22</sup>
- ◆ The type of printing (such as paper or electronic printing) and any details related to the quality of the finished product should be mentioned.



#### Book Distribution

- ◆ Clarify the channels that will be used in the distribution of the book, whether locally or internationally.
- ◆ This includes public libraries, online stores, or major libraries, with the possibility of indicating partnerships that will help with distribution.



#### Marketing Strategies

- ◆ Contracts should include clear marketing strategies, such as traditional advertising campaigns or via social media.
- ◆ The author or translator may be asked to participate in these strategies, such as attending book signing events or conducting media interviews.

### 4 Financial obligations and rights of the parties



#### Financial System

- ◆ The mechanism to be adopted to pay financial compensation to the other party should be determined, whether it is a fixed wage upfront or a percentage of the sales profits.<sup>23</sup>
- ◆ If a percentage of profits is agreed upon, it must be clarified how they will be calculated, and whether they will be before or after deduction of costs.



#### Payment Dates

- ◆ It is preferable to set accurate dates for the payment of financial dues, which contributes to enhancing trust between the two parties.
- ◆ Installments can be divided into:
  - ◆ A down payment disbursed upon signing the contract
  - ◆ Payments related to project implementation phases, such as completion of writing or translation.
  - ◆ Continuous installments paid based on the percentage of periodic sales of the workbook.

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## 5 Termination or modification of contract

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In lawsuit No. 681/10 of the Cairo Economic Appeal, filed by an author against the legal representative of a publishing house, the court stressed the importance of specifying the conditions that allow either party to terminate the contract, such as late payment or breach of publishing obligations.

Reasons for termination of the contract also include the author's breach of his obligations, such as late delivery of the work or non-compliance with the specified conditions.

It is necessary that the contract allows for amendments with the written consent of both parties. This flexibility allows items to be updated in line with recent developments, such as the inclusion of digital copyright or any changes in the mechanisms of use of the work.

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## 6 Dispute Resolution

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It is necessary to include a clause specifying how potential disputes will be handled, whether through arbitration or recourse to the judiciary, mentioning the preferred arbitration mechanism or determining the competent court.<sup>24</sup>



## Taxes and insurance: legal obligations of publishing houses

### Tax returns and compliance with the tax system



#### Tax registration and submission of annual returns

Egyptian laws require all companies, including publishing houses that make a profit to register with the tax authority and file annual tax returns.



#### Income Tax

This tax is calculated based on the progressive bracket system, where the tax rate increases with the increase in the annual net income of the company or individual, in line with the regulating laws.



#### Digital tax system

Publishers that generate revenue are required to submit electronic invoices as part of the digital transformation to modernize the tax system.

### License by notification, printing and publication



Entities that issue licenses for the publication of books or artistic works, register such works, or advertise them online shall be obliged to notify the Tax Authority.

#### The notification shall include the following information

- ◆ Author's name.
- ◆ Title of the book or artistic work.
- ◆ Name and address of the applicant for license or publication.
- ◆ The notification must be sent within a maximum period of the end of the month following the month in which the license was issued, using the forms issued by a decision of the competent minister.



### Social Insurance Registration

Publishing houses employing workers are obliged to register with the National Organization for Social Insurance, with monthly contributions determined based on a percentage of workers' wages.



### Importance of insurances

- ◆ Providing social coverage for workers enhances job stability.
- ◆ Compliance with legislation to avoid legal fines and penalties.



### Importance of tax and insurance compliance

#### Law compliance

Compliance with tax and insurance laws indicates the commitment of publishing houses to Egyptian laws, which contributes to building of a positive professional reputation.

#### Avoidance of penalties

Failure to comply can result in significant fines, as well as disruption to publishing houses' business operations.



### (Final Thoughts)

Tax and insurance commitments are keys to ensuring that publishing houses operate legally and orderly. It is always advisable to collaborate with financial and legal advisors to ensure full compliance with the laws and avoid any legal challenges that publishing houses may face.





## Second: Intellectual Property Rights

Egypt began to regulate the protection of intellectual property since the thirties of the twentieth century, with the issuance of the Trademarks and Commercial Data Law No. 57 of 1939 as the first legislation regulating rights related to trademarks. This was followed by the Patents and Industrial Designs Law No. 132 of 1949 for the protection of technical innovations and industrial designs, and then the Copyright Protection Law No. 354 of 1954, which established a framework for the protection of literary and artistic creations.

In 1995, Egypt joined the World Trade Organization (WTO) under Presidential Decree No. 72, obliging it to comply with the TRIPS Agreement. This accession was a pivotal step to strengthen the intellectual property protection system in accordance with international standards.

In 2002, the Protection of Intellectual Property Rights Act No. 82 was passed, consolidating legislation on copyright, trademarks, patents and industrial designs. The law strengthened the legal protection of creations and inventions, and provided clear definitions of basic concepts, which contributed to regulating the relationship between parties concerned with intellectual property rights.

The Intellectual Property Protection Law No. 82 of 2002 focuses on defining the rights of authors and innovators and enhancing their protection. The law stipulates that copyright covers literary and financial aspects, while ensuring the protection of creations through both hard copy and digital publishing. For example, the law added the right to make works accessible to the public via the Internet and modern technological means, reflecting the development of legislation to keep pace with the digital age.

The law also introduced new terms and concepts, most notably:



### National folklore

The law considered it the public property of the state, and the Ministry of Culture was entrusted with the responsibility of managing the moral and financial rights associated with it, with the aim of protecting Egyptian cultural heritage from illegal exploitation.<sup>25</sup>



### "Resale" right

which gives the author a percentage of the revenue when the original copy of his work is resold, a concept that is in line with the TRIPS Agreement and enhances the author's financial rights.<sup>26</sup>

In addition, the law stipulates that the Ministry of Culture exercises the author's moral rights after the expiry of the financial rights, in the absence of heirs or legatees. This text aims to preserve the moral rights of authors and protect their works from neglect or loss, even after the expiry of the period of financial protection.<sup>27</sup>



### 1 The right to attribute the work to its author "the right of patency"

The law guarantees the author the right to attribute his work to himself and to protect him from any infringement on that right. The Egyptian Court of Cassation has settled that not mentioning the name of the author on his work is a legal violation that requires compensation for material and moral damages.<sup>28</sup>

#### Example: The play: "A witness who hasn't seen a thing"

In a landmark case concerning the failure to mention the names of the authors of the theatrical script of the play "Shahid Mashfesh Haja" ("A witness who hasn't seen a thing") in advertising, the Court of Cassation ruled on January 7, 1987 to overturn the ruling of the Cairo Court of Appeal, which annulled an earlier compensation for the authors. The court relied on Article 9 of the Copyright Protection Law No. 354 of 1954 (repealed), and affirmed that the mere failure to mention the author's name is a clear violation of his right and requires compensation. The Court of Cassation explained that the Court of Appeal erred when it restricted the concept of "right of patency" by not placing the name of a person other than the author on the work, and considered not mentioning the name of the author to be a mistake only if there was an intention to omit or belittle it. The court ruled that this interpretation is incorrect and that the failure to mention the name of the author in itself is an infringement on his right and requires compensation.<sup>29</sup>



This provision is an underscore of the importance of protecting the author's rights, not only in terms of attribution to the work, but also in ensuring that his literary reputation or cultural status is not compromised.

### 2 Copyright between legal protection and technical modification requirements

"The author has the exclusive right to make amendments and modifications to his work, and third parties may not do so without the expressed written permission of him or his heirs. This right is part of the moral rights guaranteed by Egyptian law to protect intellectual property. These rights are permanent, cannot be waived, and guarantee the author the protection of his work from any modification that may distort the essence of the work or alter its essential features."

However, there are exceptions that restrict this right in special cases, such as the conversion of a work from one artistic form into another, where the nature of the new form may require necessary modifications. The Egyptian judiciary has affirmed this principle in many cases, as such amendments require compliance with the technical requirements of the new medium, provided that the essence of the work and its original identity are respected.<sup>30</sup>



### Example: Conversion of Sayed Darwish's operettas into a radio medium

In this context, the case of transforming Sayed Darwish's operettas such as “Scheherazade” and “The Good Ten” into a radio medium is a prominent example of the application of this principle. In this case, Sayed Darwish's heirs made an agreement with the Egyptian radio to turn operettas into radio works. However, the radio made substantial modifications to the works, prompting the heirs to file a lawsuit to claim compensation for material and moral damages resulting from these modifications.

The courts of first instance and appeal ruled in favor of the heirs, holding that the amendments exceeded the permissible limits. But the radio appealed the ruling to the Court of Cassation, claiming that the amendments were necessary to adapt the operettas to the radio medium. In its ruling, the Court of Cassation affirmed that Article 7 of Law No. 354 of 1954 grants the author the exclusive right to modify his work, but this right is restricting when the artwork is transformed into a new form. The court noted that if the author or his heirs agreed to the conversion, the modifications required by the new medium were implicitly considered part of the agreement.

The reasoning of the judgment (Appeal No. 533/46, session of January 16, 1979) stated that the necessary amendments to convert the work to another form, such as the conversion of an operetta into a radio work, are considered legitimate if they are made with the consent of the author or his heirs, provided that these amendments do not affect the essence of the work or distort its originality. The Court stressed the need to strike a balance between copyright and the need for artistic adaptation of the new medium.

#### **This issue raises an important legal dilemma:**

How to strike a balance between respect for copyright and the requirements of artistic modification when transferring a work to new forms? The answer depends on the extent to which the modifications respect the essence of the work, and on the existence of express or implicit consent of the author. Thus, Egyptian law reflects a clear vision to ensure the protection of copyright without hindering the development of artistic means.



### 3 Legal Use of literary products: Limits of legitimacy and permissibility

International conventions and national laws allow the use of protected works in exceptional cases. It is allowed to transfer or quote parts of works for analytical or critical purposes, and to evaluate their advantages and disadvantages without prejudice to copyright.<sup>31</sup>

The protection of literary copyrights is not just a legal matter, but an essential part of promoting cultural creativity. These rights guarantee creators freedom of artistic expression and protect their works from unwanted modifications. At the same time, legal exceptions allow the use of works in a way that enhances research and analysis. This balance contributes to the enrichment of culture and knowledge, while ensuring respect for the rights of authors.<sup>32</sup>



#### Example: The book: “Islam and the rules of government”

The Egyptian Court of Cassation confirmed this principle in the case of a university professor who used excerpts from the book “Islam and the Rules of Government” for analysis and criticism. The court decided that this work is not considered a publication of another work, but rather an analytical study in line with the laws, which makes it a legally permissible work.<sup>33</sup>



### 4 Legitimate use of a literary product that becomes public property

Originally, the owner of a new edition of an old work, whose rights have devolved into the public domain, is not entitled to claim copyright protection if the print is merely a reprint of the work. However, if a new edition contains a new innovation, arrangement or intellectual effort of the author's personal nature, the owner of the new edition has the right to legal protection as the copyright holder. The work does not necessarily have to be written by the author of the new edition; it is enough that the new work bears an innovative and personal character.<sup>34</sup>



#### Example: “Sahih Imam Muslim with the explanation of Al-Nawawi”

In a legal dispute over the reprinting of the book “Sahih Imam Muslim with Sharh al-Nawawi”, which fell into the public domain and became available to anyone for republication, the Court of Cassation addressed the legality of the new version. The court affirmed that a work derived, modified or improved may become a new work that benefits from legal protection if the new publisher or author adds to it distinct innovative elements. However, it remains up to the trial judge to assess the existence and significance of innovation in each case.

"Although the original principle is that collections of old works that have fallen into the public domain upon the expiry of their protection, if reprinted and published, shall not have be bound by copyright of the owner of the new edition, where the later edition is distinguished from the original edition by reason of innovation, arrangement or any intellectual effort of a personal nature, the owner of the new edition shall enjoy the copyright and legal protection of this right. For protection to be granted, the work does not have to be authored by the author of the new edition; rather, it is



sufficient that the work be modern and distinguished by a special personal character that gives it the description of innovation."<sup>35</sup>

In another judgment, it is stated, "If the Court of First Instance records - within its discretion - that the appellant prefaced his book with a preface by his pen that included translations of the original author and commentator derived from ancient books and had no counterpart in the original edition, and that appellant's book was distinguished by a special arrangement and an organized index, and revisions were made to it by a specialized scholar, then the court's record has achieved elements of innovation of a personal nature, which makes it entitled to legal protection of copyright."

## **5 Copyright in the financial investment in literary works**

The author is entitled to directly or indirectly financially benefit from his work. One of the means of such benefit generation is for the author to print and publish his work himself or through another party to achieve a material profit. The activity of the author - and no other - in transmitting the work to the public and exploiting it is subject to income tax.<sup>36</sup>

The author alone shall be granted the right to exploit his work financially, and no other person may exercise this right without the express permission of the author or his heirs. He shall also have the right to transfer the right to exploit the work to another party, in whole or in part, specifying the duration and conditions of exploitation. In addition, his silence on an assault on his right on a particular occasion does not mean that he waives his right in the future, and he has the right to take legal action when the assault is repeated.<sup>37</sup>

It is worth noting that the rights of financial exploitation are not limited to printing and publishing, but also include digital transformation or electronic distribution, which has become a common method in the modern era. This expansion of forms of financial exploitation requires authors to update their contracts to cover these modern aspects. Financial exploitation also includes sophisticated forms such as transforming businesses into visual or audio products, which is an increasing trend in light of technological development.

## **6 Author's Waiver of Financial Rights: Terms and Conditions**

The author's waiver of the rights to exploit his financial work requires clear and strict conditions. The assignment must be made in writing, specifying precisely the rights assigned, the purpose and duration of the assignment and the place of exploitation. According to local legislation and international conventions, a waiver is required to ensure the legal protection of the author.

A waiver is considered non-existent if it is not in writing. The legislator also restricted the assignment process by setting controls that ensure the accurate definition of rights and clarify the time period and place in which the work is allowed to be used. These rules are intended to prevent any illegal exploitation of copyright.

The author must check the clauses included in the assignment contract to ensure that they include precise details of each waived right. It is also preferable to hire a legal expert to avoid the inadvertent assignment of rights that may be of future value, such as digital distribution rights or the use of the work in derivative works such as films and series.

In addition, the assignment must include a clause specifying the remaining copyright, where it can retain certain rights such as supervising the use of the work or receiving a percentage of the proceeds. These controls ensure the balance of rights between the parties involved and prevent the exploitation of the author.

## Section III

# Legal Framework of the Printing and Publishing Stage

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The printing and publishing stage is a vital stage in the process of producing intellectual and creative content, representing the channel that transfers ideas from thinkers and authors to the general public. However, this stage carries with it many legal challenges that publishers and printers must understand and carefully address.

This section of the guide aims to provide clear and comprehensive legal guidance on the requirements and controls governing the printing and publishing process. It also focuses on protecting the rights of all stakeholders including authors, publishers, and printers, while ensuring compliance with the legal standards governing this field.

This section details the legal framework that ensures the printing and publishing process proceeds legally and regulated, starting with the required permits and continuing with the obligations of publishing houses regarding published content. It also provides practical advice on how to deal with challenges that may arise during this stage, such as legal disputes or regulatory restrictions.

Through this section, the guide hopes to enable publishers and printers to move forward with their work with confidence and deep legal knowledge, contributing to supporting freedom of publishing and promoting creativity while respecting relevant laws.



## First: Procedures for publishing a book in Egypt

To ensure compliance with laws and protect copyright, the following steps should be followed:

### 1 Obtain a deposit number



The author or publisher should go to the National Library and Archives to obtain a deposit number.<sup>38</sup>

#### Required Documents

- ◆ Two copies of the cover including (book title, author's name, publisher's name, printing press name and contact numbers).<sup>39</sup>
- ◆ Two copies of the book's abstract.
- ◆ A copy of the content index.
- ◆ A copy of the author's national ID card, or a legal permit from the publisher.

### 2 Submission of hard copies



After printing the book, 10 hard copies plus an electronic copy (CD) must be delivered to the Archive House within 3 months of receiving the deposit number.<sup>40</sup>

### 3 Documentation of legal liability



The author or publisher bears legal responsibility for the content of the book, which requires that the data of the printing press and the publisher be included on the first or last page to avoid confiscation.

### 4 Adding deposit number to printed books



In the event that the book is printed without a deposit number, the number can be later obtained and added by a stamp or sticker on the copies, with the amended copies submitted to the competent authority.





## Second: Printing in the Free Zone

Printing in Egypt's free zone offers significant economic and logistical advantages, but also presents legal and administrative challenges that can negatively affect the printing and publishing process. The following is an explanation of the most important problems associated with these areas as mentioned in the original text with improved wording:

### Complex licensing and permit procedures



Despite the economic benefits provided by free zones, such as lower printing costs, the administrative process for obtaining the necessary permits is often complex and includes many requirements:



#### Content review

Printed books require careful review by competent bodies such as the Artistic Works Authority or the Supreme Council of Culture. These reviews aim to ensure that the content complies with local laws and standards related to public morality and national security. This may delay the issuance of required permits.



#### Administrative procedures

The procedures associated with approving content can be very complex, making the printing process more difficult for publishing and printing houses operating within free zones.



#### Legal Review and Regulatory Challenges

Books printed in free zones are not exempt from strict legal review supervised by the competent authorities. These reviews are intended to ensure that the books do not contain content that violates local laws and poses a threat to public morality or public security, which leads to:

- ◆ Significant delays in obtaining approvals.
- ◆ Delay in the production and publishing schedule, especially when there are text modification requests.



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## Customs obstacles upon distribution

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Although free zones are exempt from direct taxes, the introduction of printed books from these zones to the local market requires customs procedures that can be complicated:



### Customs requirements

Printed books are subject to rigorous customs checks before being allowed to be traded in local markets. These procedures may include reviewing documents and ensuring that the content matches the authorized versions.



### Delays in distribution

Delays caused by customs procedures can disrupt book distributions, compromising the publishing plan and the book's availability on the market.



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## Final Thoughts

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While free zones provide economic benefits to publishing houses, legal and administrative challenges may limit their full utilization. These zones need regulatory reforms to facilitate procedures, which will contribute to speeding up the printing process and providing books of high quality and affordable price. In this way, publishers can make the most of free zones, while adhering to laws and protecting intellectual rights.

## Section IV

# Role of censorship bodies and publishing and writing unions

The Egyptian Constitution represents the basic legal framework that defines the rights of individuals to expression and publication, reflecting the state's obligation to protect thought and creativity as part of fundamental human rights. According to the provisions of the Constitution, every citizen is guaranteed the right to express his opinions freely using various means, including writing, photography, literary and artistic creation, while protecting these rights from any unjustified abuses.

Freedom of expression and creativity is a cornerstone of supporting cultural and intellectual diversity, as reflected in the provisions of the constitution that prohibit the confiscation of works of art or literature except upon a court ruling. The constitution also guarantees the right to access information and data, which enhances transparency and supports research and technical work.



## First: Role of censorship authorities in Egypt

There are many bodies responsible for censoring publications in Egypt, including religious, governmental, and security institutions, as well as regulatory bodies that work to implement laws and social norms. Each of these entities has specific roles and varying powers, which contribute to the regulation of the publishing sector, but may also create challenges related to freedom of creativity.

### 1 Al Azhar Institution

Al-Azhar is the main body responsible for oversight of religious publications in Egypt. Al-Azhar oversees the evaluation of works related to Islamic law and has the power to ban the publication of books it deems contrary to the teachings of Islam or that incite sectarian strife.

In 1994, Decree No. 121 of 48 was issued by the Fatwa and Legislation Committee of the State Council, which affirmed that Al-Azhar is the only body authorized to express a binding opinion on audiovisual works related to Islamic affairs.

In 2012, Al-Azhar's law was amended to become the “ultimate reference” in all matters related to Islamic affairs, cementing its powers as a highly influential religious supervisory authority.





### Example: Book “The Innocence of Prophet Joseph”

In a high-profile 2010 case, al-Azhar refused to allow the publication of the book “The Innocence of God’s Prophet Yusuf from Suspicions of Evil and Immorality” due to objections to scientific and methodological errors. However, the Court of Administrative Justice ruled in favor of the author, asserting that Al-Azhar's objection was not a sufficient reason to prevent the publication of the book, and that its role was limited to protecting the Islamic faith and not evaluating literary and intellectual works.

The court clarified that freedom of scientific research and literary and artistic creativity is guaranteed under the constitution and may only be restricted if the content contradicts religious constants. It stressed that Al-Azhar's role is limited to protecting the Islamic faith, not evaluating literary and intellectual works. Accordingly, Al-Azhar's decision was annulled, and the court affirmed the writer's right to publish his work, noting the importance of protecting freedom of thought and creativity.



### Example: Book “Introduction to Arabic Philology”

In 1981, the book “Introduction to Arabic Philology” by Dr. Louis Awad was confiscated, after it was issued by the General Book Authority after the objection of the Islamic Research Academy. Awad told his story with censorship and Al-Azhar: "The book had been issued in early 1981 by the General Book Authority in Egypt, affiliated with the state, and until the day of its confiscation at the end of the same year nine hundred copies out of three thousand copies had been sold. In the meantime one of them wrote 13 articles in the Radio and Television magazine against the book. On the sixth of September 1981, the Islamic Research Academy sent a memorandum to the State Security Investigations demanding the confiscation of the book and holding the author accountable. State Security Investigations asked the Book Authority to prevent its circulation until the judiciary decides on its matter."

He published his testimony in the book “Intellectuals and Authority in Egypt” by the writer and critic Ghaly Shukri. “In December 1981, an officer knocked on the door of my office handing me a summons to the South of Cairo court, and I advised the lawyer to tell the court that this is a linguistic case that needs to be arbitrated by the linguistic academy and not the Islamic Research Academy. After about two years I was surprised that the judgment had been issued with final confiscation without informing me... They didn't arrest me in the September 1981 campaign, but they did worse, they arrested my book.”



## 2 Council of ministers



The Council of Ministers has broad powers in regulating the entry and circulation of publications in Egypt, especially those coming from abroad.<sup>41</sup>

### Authorities of the council

- ◆ The Council prohibits the circulation of publications that it deems threatening to public order, including works that provoke lust or offend religions in a way that may lead to the destabilization of social peace.
- ◆ These powers also include prohibiting the reprinting or distribution of controversial publications.

## 3 Ministry of Culture



The Ministry of Culture plays a pivotal role in regulating the publishing sector through its various bodies, such as the General Authority for Censorship of Publications. The Ministry reviews publications to ensure their compliance with value and social standards.



### Example: Book “Evidence of Muhammadan greatness”

On March 26, 2010, the Court of Administrative Justice issued a ruling in favor of writer Muhammad Sadat Abdel Karim against the head of the General Book Authority and the Minister of Culture, in lawsuit No. 1308 of 62 J. The author demanded the cancellation of the decision to stop the distribution of his book "Evidence of the greatness of the Muhammadan message and the positive prophecies in the books of the People of the Book", which was published on October 18, 2007 after obtaining the approval of Al-Azhar. Despite this approval, the book sparked controversy among some critics who sought to impose intellectual restrictions on it, leading to a decision to stop its distribution.

The court based its ruling on Article 49 of the Constitution<sup>42</sup>, which guarantees freedom of scientific research and literary and artistic creativity, stressing that the decision to stop the distribution of books contradicts these fundamental freedoms. The Court stressed that freedom of thought and creativity must be safeguarded and may not be restricted by administrative decisions issued without a clear legal basis.

## 4 Supreme Council for Media Regulation



The Supreme Council for Media Regulation is the official body that monitors and regulates media in all its forms, including newspapers and publications.

### Authorities of the council

- ◆ Review the content of publications to ensure compliance with legal and ethical standards.
- ◆ Suspension or withdrawal of licenses for newspapers and publications that violate the laws.

## 5 Egyptian Authority for Intellectual Property



This Authority specializes in the protection of intellectual property rights and is responsible for considering disputes related to the violation of these rights.

The Authority provides technical advice to the courts and works to establish clear rules to address intellectual property related violations.

## 6 Authority for the Censorship of Artistic Works



The Authority oversees the review of artistic works such as films, books and plays. It aims to ensure that works comply with social and religious laws and values.

### Example: Novel “That Smell”

In 1966, the first edition of the novel “That Smell” by novelist Sanallah Ibrahim was issued, a novel that continued to suffer deletions and confiscation until it was issued in full in 1986. The writer tells his story with the confiscation of the first edition, through his testimony published in the magazine “Al-Adab” in 2002, “As for the novel That Smell, I wrote it after my release from prison in May 1964, and submitted it to the July Office Publishing House, which was later called the El-Thakafa El-Gadida. The novel was issued for the first time in February 1966. Yusuf Idris wrote a preface to it, but the General Investigation Department confiscated the novel directly from the printing press before it was distributed in the market. I had to meet with one of the officials in the office of Abdelkader Hatem, who was simultaneously Minister of Culture, National Guidance and Tourism, and was responsible for censorship by virtue of this position. Thus, I met Talaat Khaled, Abdel Qader Hatem's assistant to inquire about the fate of the novel, and I found red lines filling most of the pages of the novel. Talaat Khaled asked me sarcastically why the protagonist of my novel refused to sleep with the prostitute brought to him by his friend, is he impotent? The red lines determine what should be omitted politically, sexually, socially, morally, and I found myself in the position of the protagonist of a Yevgenikozlovsky story, who faded because he violated the sanctity of common sense.”



## 7 Ministry of Interior



The ministry of interior plays a key role in censoring publications under the pretext that they may incite sedition or threaten public security. It cooperates with other bodies to confiscate banned publications and prosecute those responsible for publishing them.



### Example of security interferences

In July 2024, security forces raided the headquarters of Dar Al-Maraya Publishing House and confiscated hundreds of books and financial files. Charges such as tax evasion and printing books without deposit numbers were leveled. Despite the release of one of the workers, the case still reflects tighter censorship of publishing houses.



## Second: Egyptian Publishers Union and Egyptian Writers Union

Objectives and role of the two unions in the publishing industry:

### Egyptian Publishers Union



It was established to protect publishers' rights and defend their economic interests, while contributing to the development of the publishing industry in Egypt. The Federation plays an important role in providing legal advice and organizing events that promote the publication of books nationally. It also works to protect the intellectual property rights of its members.<sup>43</sup>

### Egyptian Writers Union



It aims to protect the rights of writers, and to defend freedom of expression and literary creativity. The Federation provides platforms to support its members in publishing and promoting their work, in addition to developing the skills of writers and providing financial support in some cases.<sup>44</sup>



#### Are the two organizations trade unions or a mere control umbrella?

Although the first article of the law establishing the Egyptian Writers Union describes it as a syndicate, interviews conducted during the preparation of this guide indicated that the union lacks the protective and regulatory role of legal syndicates. The union is sometimes seen as more of a cultural crossroads rather than a regulator with authority.

Similarly, the Egyptian Publishers Union acts as an umbrella to provide services and support to its members, but it lacks the powers to negotiate with the government or organize work effectively. However, the two unions remain essential institutions to regulate publishing and writing affairs in Egypt.



### Membership of the Egyptian Publishers Union

Membership requires the applicant to submit documents proving that the applicant owns a legally licensed publishing house. Requirements include:

- ◆ An application form that includes the basic data of the establishment.
- ◆ Addresses of its branches.
- ◆ Document of foundation, capital, commercial registration number, and importers registration number.
- ◆ Name of the responsible manager and ID number.
- ◆ List of publications issued by the publisher.

### Note

In July 2024, a legal amendment was issued that raised the minimum capital for applicants to practice the profession from EGP 2,000 to EGP 100,000.

According to the law, applications for registration must be decided within 60 days of their submission. If no decision is issued within this period, the application shall be automatically considered accepted if it meets the conditions.

However, some publishers have indicated in interviews that the time to decide may exceed a full year in some cases, because the Board meetings are not held regularly.

### Membership of the Egyptian Writers Union

- ◆ The Union requires that the applicant have a record of published works or outstanding literary contributions.
- ◆ Applications are accepted from the first to the seventh day of each month.
- ◆ The Union provides moral and material support, including financial aid, to writers in difficulty.

## Activities and services provided by the two unions to members



### Egyptian Publishers Union

It offers services including:

- ◆ Legal advice.
- ◆ Organizing conferences and seminars.
- ◆ Participation in book fairs.
- ◆ Technical support to publishers.

### Egyptian Writers Union

Provides opportunities for training and professional development, as well as:

- ◆ Financial grants to writers in emergency situations.
- ◆ Organization of cultural and creative events.
- ◆ Support writer development through workshops and training courses.



### (Final Thoughts)

While free zones provide economic benefits to publishing houses, legal and administrative challenges may limit their full utilization. These zones need regulatory reforms to facilitate procedures, which will contribute to speeding up the printing process and providing books of high quality and affordable price. In this way, publishers can make the most of free zones, while adhering to laws and protecting intellectual rights.



## Section V

# The role of book fairs in supporting freedom of publication and expression

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### Book fairs: a space for cultural expression and confronting censorship restrictions

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Book fairs are cultural events that bring together publishers, writers, readers, and related institutions, creating a space for interaction and expression of cultural and intellectual diversity. According to Egypt's constitution<sup>45</sup>, Article 65 guarantees every citizen's right to freedom of expression in all its forms, including publishing and creativity. However, this space often faces challenges associated with administrative and security controls that impose restrictions on published content.

This event aims to highlight the importance of book fairs in supporting the publishing industry and promoting freedom of expression, while highlighting the legal framework governing participation in them, and the challenges facing publishing houses in light of legal and administrative constraints.

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## The most prominent book fairs and their roles

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### 1 Cairo International Book Fair

It is one of the largest book fairs in the Middle East and the most influential on the Egyptian cultural scene. The event attracts thousands of publishers and readers annually and serves as a platform for showcasing new releases and exchanging ideas between intellectuals from different countries.

### 2 Alexandria International Book Fair

This book fair focuses on spreading culture and knowledge in the city of Alexandria and the Delta governorates, contributing to expanding access to cultural content outside the capital.

### 3 University Book Fair

It targets the academic community of students, researchers and university professors, and enhances the production of specialized knowledge and contributes to meeting scientific and research needs.

### 4 Children's Book Fair

It aims to encourage reading among children by providing age-appropriate picture books and stories. This exhibition is in line with Article 80 of the Constitution<sup>46</sup> which guarantees the rights of the child to education and knowledge.

### 5 Luxor International Book Fair

Held in Luxor, it contributes to strengthening the cultural movement in Upper Egypt, supporting the principle of cultural justice enshrined in the Sustainable Development Goals.

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## Legal framework and procedures required for participation

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To participate in local book fairs, publishers are required to follow a set of procedures to ensure that these events are well organized, both legally and professionally:

### Pre-registration

Registration is done through electronic platforms or regulatory offices of the exhibition. This procedure requires the submission of detailed data about the publishing house and the books to be displayed.

### Payment of fees

A fee is required based on the size and location of the requested booth within the exhibition.

### Obtaining permits

Holding events such as book signatures or launching new titles requires permits from organizers, to ensure that all activities comply with the legal framework.

### Adherence to content standards

The exhibition requires compliance with the content standards set by the event management, ensuring that no material is displayed that contradicts local laws or societal values.

## Challenges associated with local book fairs



Despite the importance of these cultural events, censorship poses challenges that affect the role that exhibitions can play in promoting freedom of expression and publication.



### Example: Book “History of Zionism and its organizations”

The removal of the book “History of the Zionist Movement and its Organizations” from the booth of “Dar Al-Muntada” sparked wide controversy during the activities of the Cairo International Book Fair in 2023. Although the book was not officially confiscated, the publishing house came under security pressure that led to its temporary withdrawal. The publishing house later returned to display the book as a result of widespread solidarity from readers on social media.



### Example: Banning of other books

Books such as “Taming Tyranny” and “The New Dictatorship” were banned without clear official decisions, violating Article 67 of the constitution<sup>47</sup>, which guarantees freedom of artistic and literary creation and prohibits confiscation except based on a court ruling.



### Example: Excluding publishing houses:

Publishing houses such as Dar al-Kutub Khan and Dar Tanweer were excluded from participating in the fair in 2024 without giving reasons. The 2025 fair also witnessed bans, where the publishing house “Al-Maraya” was prevented from participating, as the director of the publishing house, "Dina Kabil", told Mada Masr

"At first, they were surprised by the closure of the house's account on the exhibition website, and thus did not receive permission to pay the fees allocated for the rent of a booth like other publishing houses, despite registering for the scheduled date and paying all financial obligations towards the exhibition throughout the years of their participation since 2017.

She pointed out that “Al-Maraya” did not receive reasons for deleting the account or an explicit order to prevent them from participating in the book fair.<sup>48</sup>

This raises questions about the criteria for selecting participants and the extent to which publishers' rights are respected.





## Importance of international exhibitions

International fairs such as the Frankfurt International Book Fair and the London Book Fair are an opportunity for Egyptian publishing houses to expand their business, promote Egyptian literature in international markets, and build relationships with international publishers.



## Procedures required for participation

### 1 Online Registration

International platforms provide electronic portals that allow pre-registration, with data on participating books and planned activities.

### 2 Obtaining approvals

This requires coordination with the Ministry of Culture to obtain permits to export books and ensure their compliance with local and international laws.

### 3 Customs clearance

This is one of the most important procedures that require dealing with customs to ensure the passage of books without legal or administrative complications.



## Challenges facing international participation

### High cost

Fees for booking pavilions at international exhibitions are very high, which is a barrier for small publishers who rely on limited resources.

### Censorship restrictions

In some countries with strict censorship, books on political or religious topics are restricted, exposing publishers to financial losses as a result of book bans.



## Towards Promoting Freedom of Publishing in Cultural Exhibitions

Although book fairs represent a key opportunity to support publishing and creativity, legal, administrative and regulatory challenges continue to hinder the achievement of their goals. To ensure an enabling environment for publishing houses to achieve their cultural mission, it is necessary to strengthen compliance with the Constitution and laws regulating freedom of expression and publication, while improving regulation and supporting small publishers, thus contributing to building a diverse and balanced cultural landscape.

# Conclusion

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The issue of freedom of publication in Egypt is inseparable from the broader issues of freedom of expression and fundamental human rights. Through publication, spaces for community dialogue are created, horizons of thought are widened, and everyone has the opportunity to freely exchange and discuss ideas. However, this freedom still faces legal and administrative challenges that weaken the ability of publishers and authors to carry out their vital roles.

This guide represents a step in a long way towards strengthening the protection of the rights of publishers and creators. It not only provides legal information, but also seeks to stimulate reflection on public policy reform related to publishing and cultural expression in Egypt. Experience has shown that restricting publishing only enriches inertia, while supporting freedom of expression opens up space for creativity that nourishes society with new ideas and limitless capabilities.

Through this guide, we call for a review of laws and policies related to publishing in Egypt, to ensure that they are in line with the Egyptian constitution and international conventions that protect freedom of opinion and expression. We also stress the importance of building effective partnerships between civil society, government institutions, and regulators, with the aim of achieving a real balance between protecting freedom of publication and respecting constitutional and social values.

Empowering publishers and authors is not a luxury, but a necessity to ensure a more diverse and democratic society. Every idea freely published and every book made available to readers is a step towards a transparent and just future. Let us make this guide a tool to support change, and let us all participate in building a publishing system based on freedom, diversity, and responsibility.

# Endnotes

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- 1 Ahmed Seif El-Islam, "Preventing Publications from Circulating as an Obstacle to Freedom of Thought and Scientific Research," published in the book "Terrorism of Thought and Freedom of Creativity," Proceedings of the Second Intellectual Forum, Center for Legal Studies and Information for Human Rights, Cairo, 1996.
- 2 Supreme Constitutional Court Ruling No. 2 of the 16th Judicial Year, Constitutional Session, February 3, 1996.
- 3 Ibid.
- 4 Supreme Constitutional Court Ruling No. 43 of the 16th Judicial Year, Constitutional Session of January 6, 1996.
- 5 See the ruling of the Supreme Constitutional Court in Case No. 44 of the 7th Constitutional Judicial Year in the session of May 7, 1988.
- 6 Article 2 of Publications Law No. 20 of 1936, published in the Egyptian Gazette, Issue No. 23, March 2, 1936: "Before opening a printing press, every printer must submit written notification to the governorate or directorate within whose jurisdiction the printing press is located. The notification shall include the printer's name, surname, nationality, and place of residence, as well as the headquarters and name of the printing press."
- 7 Article 5 of Law No. 20 of 1936 states: "When issuing any publication, ten copies thereof must be deposited in the governorate or directorate within whose jurisdiction the publication is located. A receipt for such deposit shall be issued."
- 8 Article 4 of Law No. 20 of 1936: "The name and address of the printer, the name and address of the publisher if other than the printer, and the date of printing must be mentioned on the first page of any printed material or on the last page."
- 9 Article 9 of Law No. 20 of 1936, published in the Official Gazette, No. 23, dated March 2, 1936: "In the interest of public order, publications issued abroad may be prohibited from entering and circulating in Egypt. This prohibition shall be imposed by a special decision from the Council of Ministers. This prohibition shall result in the reprinting, publication, and circulation of these publications within the country."
- 10 Article 21 of Law No. 20 of 1936: "In order to maintain public order, a specific issue of a newspaper published abroad may be prohibited from entering and circulating in Egypt by a decision of the Minister of the Interior."
- 11 Article 10 of Law No. 20 of 1936: "The Council of Ministers may also prohibit the circulation in Egypt of publications that incite lust, as well as publications that attack religions in a manner that is likely to disturb the public peace."
- 12 Penal Code No. 58 of 1937 published in the Official Gazette No. 71 on August 5, 1937.
- 13 Article 171 of the Penal Code, as amended by Law No. 147 of 2006: "Whoever incites one or more persons to commit a felony or misdemeanor by word, shouting, or declaring it publicly to the people, or by an act or gesture issued by him publicly, or by writing, drawings, pictures, photographs, symbols, or any other method of representation that makes it public, or by any other means of publicity, shall be considered an accomplice in its commission and shall be punished with the penalty prescribed for it if this incitement results in the actual commission of that

felony or misdemeanor.” If the incitement results in merely attempting to commit a crime, the judge shall apply the legal provisions for punishment for the attempt. A statement or shout is considered public if it is spoken aloud or repeated by mechanical means in a public gathering or any other frequented place, or if it is spoken aloud or repeated in a manner that can be heard by those in such a gathering or place, or if it is broadcast by wireless or by any other means. An act or gesture is considered public if it occurs in a public gathering, on a public road, or in any other frequented place, or if it occurs in a manner that can be seen by those in such a gathering or place. Writing, drawings, pictures, photographs, symbols and other forms of representation are considered public if they are distributed indiscriminately to a number of people or if they are displayed in a way that can be seen by anyone on a public road or any frequented place or if they are sold or offered for sale in any place.

- 14 Article 174 of the Penal Code, as amended by Law No. 147 of 2006: “Whoever commits, by any of the aforementioned means, any of the following acts shall be punished by imprisonment for a period not exceeding five years and a fine of not less than five thousand Egyptian pounds and not more than ten thousand Egyptian pounds: First: Inciting the overthrow of the established governmental system in Egypt. Second: Promoting doctrines that aim to change the basic principles of the Constitution or the basic systems of the social body by force or intimidation. The same penalties shall be imposed on anyone who encourages, through material or financial assistance, the commission of any of the crimes stipulated in the two preceding paragraphs without intending to directly participate in its commission.
- 15 Article 177 of the Penal Code, as amended by Law No. 147 of 2006: “Anyone who incites another person, by any of the aforementioned means, to disobey the laws shall be punished with the same penalties.”
- 16 Article 178 of the Penal Code, as amended by Law No. 147 of 2006. “Whoever publishes, manufactures, or possesses, with the intent to trade, distribute, rent, post, or display, printed matter, manuscripts, drawings, advertisements, engraved or carved images, hand-drawn or photographic drawings, symbolic signs, or other objects or images in general that are indecent shall be punished by imprisonment for a period not exceeding two years and a fine of not less than five thousand pounds and not more than ten thousand pounds, or by either of these two penalties.”
- 17 Article 178 bis Article 178 m Second: “A fine of not less than ten thousand pounds and not more than thirty thousand pounds shall be imposed on anyone who publishes, manufactures, or possesses, with the intent to trade, distribute, rent, post, or display, false images that are likely to harm the country’s reputation. This penalty shall also be imposed on anyone who intentionally imports, exports, or transfers, either personally or through others, any of the above for the aforementioned purpose, and anyone who advertises it, displays it to the public, sells it, rents it, or offers it for sale or rent, even in a non-public manner, and anyone who presents it publicly, directly or indirectly, even for free, in any form, and anyone who distributes it or delivers it for distribution by any means. If the crimes stipulated in this article are committed through newspapers, the provisions of the previous article shall apply to them.”
- 18 For more details, see Articles 179, 184, 186, and 189 of the Penal Code: Article 179: “Anyone who insults the President of the Republic in any of the aforementioned ways shall be punished by a fine of no less than ten thousand pounds and no more than thirty thousand pounds.” Article 184: “Anyone who insults or curses in any of the aforementioned ways the People’s Assembly, the Shura Council, any other regular bodies, the army, the courts, the authorities, or public agencies shall be punished by imprisonment and a fine of no less than five thousand pounds and no more than ten thousand pounds, or by one of these two penalties.” Article 186: “Anyone who, in any of the aforementioned ways, undermines the standing, dignity, or author-



ity of a judge in connection with a lawsuit shall be punished by imprisonment and a fine of no less than five thousand pounds and no more than ten thousand pounds, or by one of these two penalties.” Article 189: “Whoever publishes, by any of the aforementioned methods, what occurred in civil or criminal cases that the courts have decided to hear in a closed session shall be punished by imprisonment for a period not exceeding one year and by a fine of not less than five thousand pounds and not more than ten thousand pounds, or by one of these two penalties. There shall be no penalty for merely publishing the subject of the complaint or merely publishing the judgment. However, in cases in which it is not permissible to establish evidence of the matters claimed, the announcement of the complaint or the publication of the judgment shall be punished by the penalties stipulated in the first paragraph of this article, unless the publication of the judgment or complaint occurred at the request of the complainant or with his permission.”

- 19 See Articles 98 and 161 of the Penal Code.
- 20 Article 138 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 21 Article 138 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 22 Article 149 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 23 Article 150 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 24 Article 151 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 25 Article 138 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 26 Article 14 bis of the Berne Convention for the Protection of Literary and Artistic Works, which Egypt signed in 1977.
- 27 Article 155 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 28 Article 143 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 29 From the ruling of the Court of Cassation No. 1352 of 53 Q, session of January 7, 1987, Technical Office No. 38, No. 21, p. 78.
- 30 Article 147 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 31 Articles 171-172 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 32 Article 10 of the Berne Convention for the Protection of Literary and Artistic Works of 1886, and Article 13 of the TRIPS Agreement
- 33 Court of Cassation Ruling No. 244, Issue 30 Q, Session of February 25, 1965
- 34 Article 165 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 35 Court of Cassation Ruling No. 13 of 29 Q, issued on July 7, 1964, Technical Office S15.
- 36 Court of Cassation Ruling No. 472 of 30 Q, Session of December 7, 1966, Technical Office S17.



- 37 Article 149 of the Intellectual Property Rights Protection Law No. 82 of 2002, published in the Official Gazette No. 22 bis, dated June 2, 2002.
- 38 Article 2 of Law No. 20 of 1936 regarding publications, published on February 27, 1936.
- 39 Article 4 of Law No. 20 of 1936 regarding publications, published on February 27, 1936.
- 40 Article 5 of Law No. 20 of 1936 regarding printed materials and publication dated February 27, 1936.
- 41 Article 10 of Law No. 20 of 1936 regarding publications, published on February 27, 1936.
- 42 Article 49: The State is committed to protecting and preserving antiquities, caring for their areas, maintaining them, restoring them, recovering any seized antiquities, and regulating and supervising excavations. It is prohibited to gift or exchange any such antiquities. Attacking or trading in them is a crime that is not subject to statute of limitations.
- 43 The Egyptian Publishers Union was established by Law No. 25 of 1965.
- 44 The Egyptian Writers Union was established by Law No. 65 of 1975.
- 45 Article 65: Freedom of thought and opinion is guaranteed. Every person has the right to express his opinion verbally, in writing, through photography, or by any other means of expression and publication.
- 46 Article 80: "A child is anyone who has not reached the age of eighteen. Every child has the right to a name, identification papers, free compulsory vaccination, health and family care or alternative care, basic nutrition, safe shelter, religious education, and emotional and cognitive development. The State guarantees the rights of children with disabilities, their rehabilitation, and their integration into society. The State is committed to caring for the child and protecting him or her from all forms of violence, abuse, mistreatment, and sexual and commercial exploitation. Every child has the right to early education in a childhood center until the age of six. It is prohibited to employ a child before he or she has completed basic education, as well as to employ him or her in work that exposes him or her to danger. The State is also committed to establishing a special judicial system for child victims and witnesses. A child may not be held criminally accountable or detained except in accordance with the law and for the period specified therein. Legal assistance shall be provided to him or her, and his or her detention shall be in appropriate places separate from those of adults. The State shall endeavor to achieve the best interests of the child in all actions taken regarding him or her."
- 47 Article 67 states: "Freedom of artistic and literary creativity is guaranteed. The State is committed to promoting the arts and literature, nurturing creators, protecting their creations, and providing the necessary means of encouragement for this purpose. Lawsuits may not be filed or initiated to suspend or confiscate artistic, literary, or intellectual works or against their creators except through the Public Prosecution. No penalty depriving freedom may be imposed for crimes committed due to the publicity of artistic, literary, or intellectual production. As for crimes related to incitement to violence, discrimination between citizens, or defamation of individuals, the law shall determine their penalties. In such cases, the court may oblige the convicted person to pay punitive compensation to the person harmed by the crime, in addition to the original compensation due to him for the damages he suffered as a result of the crime, all in accordance with the law."
- 48 An interview with the director of Al Maraya Publishing House on Mada Masr, titled "Dina Kabil: If we are not active in politics, then we have culture," published on February 1, 2025.

