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PROTECTION OF ANCIENT EGYPTIAN ANTIQUITIES WITHIN THE FRAMEWORK OF INTELLECTUAL PROPERTY LAW "CHALLENGES & SOLUTIONS"

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The article addresses the issue of protecting Egyptian heritage through intellectual property tools, employing a comprehensive methodological structure. It first reviews contemporary challenges, particularly digital ones, facing Egyptian antiquities. It then evaluates the current legislative framework and its suitability for these challenges. Subsequently, the article delves into proposing practical protection mechanisms under IP systems, such as copyright and database rights, trademarks, geographical indications, and patents, while providing local and international applied examples. Finally, the article concludes by listing a set of challenges and proposed solutions at the national and international levels, aiming to present a comprehensive vision that achieves a balance between preserving cultural identity and realizing the economic benefit from this unique human heritage.

Egyptian antiquities represent a unique human heritage, embodying the genius of Egyptian civilization and its rich history. They are not merely silent stones or architectural structures, but living testaments to remarkable engineering prowess and deep-seated faith, narrating the journey of the people of the Nile Valley with life and nature. Their true value is not measured by their material returns alone, but extends to the moral and cultural value that can be protected under the provisions of intellectual property laws.



Ancient Egyptian monuments are like a book recording pivotal historical moments. The pyramids are not merely tombs, but are edifices bearing witness to astonishing engineering brilliance, meticulous planning, and a profound belief in the afterlife. The temples are not just halls of columns where rituals were performed; they were also educational hubs where sciences were taught and platforms for thought.

The knowledge of the ancient Egyptians in many fields, such as medicine, engineering, astronomy, and literature, contributed to shaping knowledge for all of humanity. On this basis, protecting this vast heritage is an international human responsibility. The loss of any ancient artifact is a loss for all humanity and the erasure of a bright page from the record of human development. For Egyptian antiquities truly represent a bridge connecting the past and the present. They are a perpetual reminder of human antiquity and its capacity for creativity and innovation, reminding us that civilizations perish, but their eternal legacy and impact remain as a witness to their greatness.

Interest in Egyptian antiquities dates back to later periods, beginning with the Old Kingdom itself around 2600 BCE. Indeed, the Egyptians themselves cared for the restoration of their ancestors' monuments and carried out their rehabilitation. This concern for restoring and preserving antiquities continued into the Late Period during the 26th Dynasty in 664 BCE. Subsequently, interest in Egyptian antiquities persisted through the Greek, Roman, Coptic, and Islamic eras, with the emergence of numerous scholars and travelers such as Al-Masudi, Al-Idrisi, and Ibn Battuta. Then later, specifically with the French campaign in Egypt at the end of the 18th century, the Institute of Egypt was established and the Rosetta Stone was discovered, events which had a profound impact on the interest in antiquities.

Furthermore, foreign missions, which began with the establishment of the Egyptian Antiquities Service in 1858, bolstered global interest in ancient Egyptian civilization. However, during that period, there were no clear regulations governing the trade of antiquities or protecting the associated intellectual property rights, which facilitated excavation, excavation work, and the smuggling of artifacts abroad.⁽¹⁾

(1) Dr. Ahmed Said Ezzat Amer, Member of the Intellectual Property Rights Protection Committee, Supreme Council of Culture - Egyptian Ministry of Culture. Excerpts from one of the seminars of the Intellectual Property Rights Protection Committee.



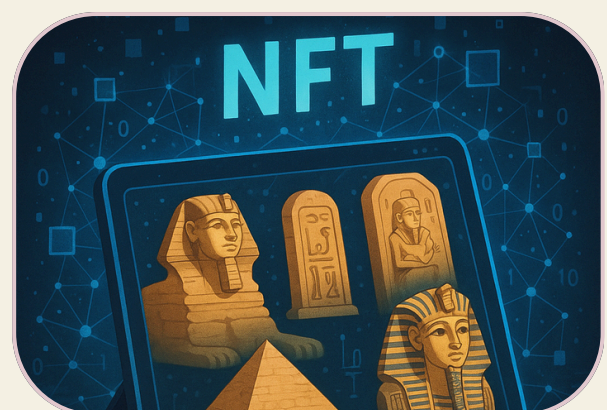
However, the first legislative steps towards protecting antiquities were taken in the mid-19th century, specifically during the era of Khedive Muhammad Ali Pasha in 1835, when he issued a decree prohibiting the export and trade of Egyptian antiquities. This decree stipulated the establishment of a repository for preserving heritage, which is considered an initial move towards regulating this sector. Over time, Egyptian laws concerning antiquities evolved continuously, with the issuance of the Antiquities Protection Law No. 117 of 1983, amended by Law No. 61 of 2010 and Law No. 91 of 2018, to strengthen the legal protection of Egyptian antiquities against theft, illicit trafficking, and vandalism.

Law No. 117 of 1983 on the Protection of Antiquities focused on protecting archaeological models, pieces, and sites belonging to ancient Egyptian civilizations or those related to Egypt's civilizational identity, whether they are immovable antiquities, movable antiquities, manuscripts, or documents. The law emphasized the necessity of preserving the state's rights in managing antiquities and countering attempts to reproduce or disseminate them through illegal means. It also prohibited any disposition by owners or possessors of antiquities without written approval from the Ministry of Antiquities. This prohibition enhances the protection of associated intellectual property rights by preventing exploitation or handling that could harm their integrity or their ability to represent cultural heritage.

Given the value of ancient Egyptian antiquities on both the local and international levels, the loss or damage of any of them constitutes an irreplaceable loss to human memory.

In this context, numerous challenges emerge, particularly with the accelerating rapid development and technological progress, most notably the precise digital replication of antiquities. The unregulated use of these technologies produces a virtual heritage detached from its civilizational roots, stripping it of its authentic cultural value and violating Egypt's intellectual property rights.

The danger of these violations lies in converting archaeological properties into virtual properties not subject to national sovereignty, with negative effects that surpass those of traditional physical theft methods.



This necessitates the development of integrated legal protection mechanisms, especially given the escalating challenges imposed by technological advancement on Egyptian heritage, such as the threat arising from the precise digital replication of antiquities.

The unregulated use of these technologies results in the production, dissemination, and copying of heritage in virtual form, which strips it of its cultural value and disregards Egypt's intellectual property rights. This is particularly evident when Egyptian heritage is converted into a digital commodity accessible to all, exploited through advanced technologies like 3D scanning, 3D modeling, and virtual reality. These technologies enable the production of identical replicas of archaeological artifacts with high precision, ease, and convenience.

These practices not only strip heritage of its material value but also threaten its cultural identity, as it is reproduced and circulated without controls or recognition of Egypt's rights as the original source of this legacy. This results in irreparable harm, the negative effects of which surpass those of traditional physical theft, transforming heritage into a common virtual property

outside the scope of national sovereignty and legal protection frameworks. It goes without saying that Egypt has witnessed, throughout the ages, a growing interest in its antiquities, from the early attempts at caring for Egyptian monuments to the contemporary systems through which we seek to provide comprehensive protection for our heritage.



It is also worth noting that modern digital technologies, from 3D imaging to virtual reality modeling, are regulated by the provisions of intellectual property law. However, in the absence of sufficient controls and a legislative gap concerning the protection of ancient Egyptian antiquities from exploitation via modern digital technologies, a question arises: Are intellectual property laws, designed primarily to protect modern creations, suitable to form an effective legal framework for protecting ancient Egyptian cultural heritage that spans thousands of years?



This inquiry opens the door to a legal dilemma that requires a re-examination of traditional concepts and their adaptation to align with the exceptional nature of Egyptian cultural heritage. The literal application of prevailing legal theories reveals methodological and substantive gaps that hinder effective protection, as several challenges emerge:

The first challenge lies in the expiration of the protection period under traditional intellectual property laws: The most prominent challenge in protecting Egyptian antiquities through intellectual property provisions is the expiration of the protection term under current IP laws, which typically specify a time period after which rights expire and works enter the public domain.

The second challenge arises from the difficulty in determining the moral and material rights associated with shared cultural heritage, especially given the impossibility of identifying the original author of ancient artifacts. Ancient Egyptian civilization is the product of cumulative, collective work over thousands of years, making it difficult to identify an individual creator in many cases.

The third challenge, however, lies in the disparity between modern legal concepts of intellectual property and the ancient creative methods of past civilizations. This creates legal complications when attempting to apply contemporary laws to the creations of the past, necessitating the development of effective institutional cooperation frameworks to address these intertwined challenges.

Despite the existence of these challenges, they do not preclude the protection of Egyptian antiquities within the framework of intellectual property. Instead, they open the door to exploring innovative legal solutions based on flexible intellectual property systems, such as copyright, trademarks, geographical indications, and patents, which together can form an effective protection for Egyptian cultural heritage without being constrained by the time limitations imposed by intellectual property laws.

Protection of Ancient Egyptian Antiquities within the Framework of Copyright Law:

Although protecting ancient Egyptian antiquities under the copyright system faces a major obstacle represented by the expiration of the protection period stipulated by national legislation and international agreements—usually the life of the author plus fifty years after their death—there are some alternative means through which protection can be provided for this cultural heritage, which are as follows:

- According to Article 2 of the Berne Convention, photographic works enjoy protection under copyright provisions in the member states. Furthermore, Article 7, paragraph (4) of the convention stipulates that the legislation of the Union countries shall determine the term of protection for photographic works to the extent they are protected as artistic works. Based on this, the Egyptian state, through relevant institutions such as the Ministry of Antiquities and national museums in cooperation with the Egyptian Intellectual Property Authority, can create an official archive of high-quality photographs of Egyptian antiquities and subject the use of these images to a paid licensing system, similar to the successful models implemented by major global museums.

A clear example of this is the media company responsible for managing the "National Geographic" channel contracting with the Egyptian Ministry of Antiquities. This contract granted the company the rights to photograph Egyptian antiquities in exchange for agreed-upon financial fees, while prohibiting unauthorized publication.



- Derivative works inspired by ancient antiquities can be protected under copyright provisions. The reproduction of archaeological artworks in modern forms, such as 3D models or replicas, can be considered eligible for this protection. This protection does not cover the antiquity itself but rather safeguards the creative and technical effort invested in producing the derivative work. This enables the Egyptian state to oversee official reproduction processes and impose fees for their use. This applies to all archaeological replicas, including architectural designs like the Luxor Hotel in Las Vegas, USA.



It is worth noting the existence of certain electronic applications that incorporate ancient Egyptian symbols and motifs, along with designs inspired by ancient Egyptian inscriptions, decorations, and statues—used as icons or backgrounds—in their interactive interfaces. This also includes 3D models of landmarks such as the Pyramids or the Karnak Temples.

This usage often occurs without regard for the intellectual property rights associated with these heritage elements. Many developers treat these symbols as public domain, freely available for use, while they actually represent a cultural heritage that entails moral and material rights for the Egyptian state. The legal issue lies in the fact that these applications sometimes present exact replicas of archaeological elements without adding an independent creative element, placing them within the scope of unlawful reproduction that violates cultural heritage protection provisions.

- Protecting digital databases of antiquities constitutes a third mechanism through which the investment effort expended in creating, compiling, and verifying them can be safeguarded.

Regulating digital databases of Egyptian antiquities under the database protection systems stipulated in numerous national legislations and international agreements enables the Egyptian state to control access to accurate archaeological information and derive financial benefit from any commercial use of this data.

Although the Ministry of Tourism and Antiquities, in cooperation with UNESCO, launched a digital library for Egyptian antiquities in 2020—including images and 3D models licensed solely for scientific use—the absence of a digital mechanism, such as blockchain, to track violations has led to some files being copied and shared on social media platforms without oversight.



A mobile phone's front and back interface using ancient Egyptian images and selling them at different prices without any benefit returning to Egypt.

Protection of Ancient Egyptian Antiquities within the Trademark Framework:

In this context, other protection mechanisms of no less importance emerge, such as the trademark system, which offers legal flexibility compared to other types or branches of intellectual property, especially when dealing with ancient cultural heritage. It is known that trademarks are not subject to time limitations, unlike copyrights and patents, provided the conditions for their protection are met. Their protection can be renewed indefinitely as long as their use continues. It is also known that they can take a form that helps distinguish goods and services and provide broader scope protection, enabling the prevention of unauthorized use even in the absence of direct similarity. Based on this, it may be acceptable to protect certain elements of ancient Egyptian antiquities within the trademark framework, which can be achieved through several methods:

- The first method involves the Ministry of Antiquities and national museums, in cooperation with the Egyptian Intellectual Property Authority, registering archaeological symbols under trademark provisions at the national and international levels. This includes registering images such as the Sphinx, the mask of Tutankhamun, the bust of Nefertiti, or other symbols as trademarks that can be used to designate certain products or services, with the registration being in the name of the Egyptian state.

Should any company wish to use these archaeological symbols as trademarks for its products, it must contract with the Egyptian state or the relevant ministry and obtain a usage permit from them in exchange for paying the necessary financial fees.



- The second method involves creating collective trademarks specific to ancient Egyptian heritage. These could take the form of logos such as "Authentic Egyptian Heritage" or "Certified Pharaonic Design," where companies that adhere to specific criteria—according to a pre-established regulation—are granted the use of archaeological symbols. This approach allows for quality control of products inspired by Egyptian antiquities while ensuring financial returns for the state through licensing fees.

- The third method involves registering trademarks for distinctive architectural and decorative elements. Many ancient Egyptian ornaments and inscriptions possess a visual distinctiveness that makes them eligible for registration as trademarks, particularly in the fields of furniture, decor, and building materials. This approach would help protect Egyptian architectural heritage from imitation that distorts its original image, ensure the quality of products inspired by Egyptian antiquities by requiring manufacturers to adhere to pre-established standards, and also guarantee



financial returns for the state through licensing fees. Greece has successfully registered famous archaeological landmarks such as the Acropolis and the remains of the Temple of Olympian Zeus as trademarks, enabling it to control the use of their commercial image and impose licensing fees on tourism-related products.

Protection of Ancient Egyptian Antiquities within the Framework of Geographical Indications:

The idea of protecting ancient Egyptian antiquities within the framework of geographical indications represents a qualitative shift in the concept of heritage preservation. It moves from the traditional model based solely on conservation and prohibition to a model that recognizes the economic and cultural value of Egypt's unique identity. A geographical indication acts as a label granted to products that originate from a specific region and acquire a reputation or qualities essentially attributable to that geographic origin. When applying this concept to Egyptian heritage, the aim is not to protect the archaeological object itself—as it is a human heritage not subject to commercial ownership—but rather to protect the cultural identity, traditional knowledge, and artistic symbolism that these antiquities embody.

The benefits of protecting ancient Egyptian antiquities within the framework of geographical indications extend to establishing a solid legal protection for Egypt on the international stage, granting it the right to prevent any country from selling products that use ancient Egyptian symbols. This puts an end to the illegal commercial exploitation of Egyptian heritage and prevents foreign entities from benefiting from the global reputation of Egyptian antiquities with little to no return for the Egyptian people.

The geographical indication system is distinguished by its ability to provide long-term legal protection for elements linked to a specific region, free from the time limitations that affect other branches of intellectual property. This makes geographical indications particularly qualified and suitable for protecting cultural heritage associated with specific archaeological sites. The geographical indication system can be applied at several levels, encompassing the names of famous archaeological sites, traditional handicraft products linked to these sites, and the tourism services offered there, as follows:

- It is possible to register names such as the Pyramids of Giza, the Karnak Temple, the Valley of the Kings, or other archaeological names as geographical indications. This grants the Egyptian state the right to prevent unauthorized commercial use of these names on products or services that do not genuinely belong to these regions or do not comply with specified quality standards. There are numerous archaeological names adopted by non-Egyptian companies or factories and placed on products unrelated to Egypt, some of which violate public order or morals in Egypt.
- Specific types of handmade and artisan products linked to particular archaeological sites can also be registered as geographical indications. Examples include distinct types of jewelry, textiles, or wooden crafts produced using traditional methods in areas such as Luxor or Aswan. This type of protection not only secures the state's rights over these products but also contributes to preserving traditional crafts from extinction and grants them added value in the markets.



A gambling table design that adopts drawings from ancient Egyptian temples.

These examples are clear evidence of the possibility of combining heritage preservation with achieving economic benefits. However, their success is linked to training artisans on how to document their traditional production methods and register them as geographical indications.

International experiences offer successful models worth learning from, such as Italy's implementation of an advanced geographical indication system. This system protected the traditional Roman mosaic art in the Ravenna region and the leather products in Florence linked to its historical heritage, thereby providing legal protection for local artisans.

The Economic Aspects of Protecting Ancient Egyptian Antiquities within the Intellectual Property Framework:



Protecting ancient Egyptian antiquities within the intellectual property framework has the potential to generate substantial economic returns. Although the market value of products inspired by Egyptian heritage in the fashion, decor, and media sectors reaches billions of dollars annually, the majority of these returns are realized outside of Egypt. This necessitates the development of effective legal and operational mechanisms to ensure Egypt benefits from its financial rights through systematic intellectual property management. These resources can be transformed into a sustainable funding source that supports heritage preservation and enhances Egypt's standing on the international stage.

Furthermore, optimally leveraging these potentials will strengthen Egypt's cultural identity and reinforce its position as a global civilizational center. In addition, cultural industries can contribute to generating new job opportunities and enhancing Egypt's image as a hub for creativity and innovation internationally. Moreover, intellectual property tools add value to the tourism sector linked to archaeological sites. Major archaeological sites can be trademarked to prevent unauthorized exploitation while allowing for the development of distinctive, registered tourist services and products. This enhances financial returns, improves service quality, and grants them a competitive edge in the market.

Additionally, protecting the intellectual property of ancient Egyptian antiquities encourages the growth of local industries based on cultural creativity. This includes the production of historical films and series, the design of fashion linked to archaeological heritage, and the development of electronic games inspired by Pharaonic civilization. This, in turn, creates new job opportunities and enhances the global perception of Egyptian heritage.



It is noteworthy that the French company Ubisoft, in 2017, released the video game "Assassin's Creed Origins," which utilizes precise models of Egyptian landmarks such as monuments in Alexandria and the Sphinx, without providing financial compensation to Egypt. Consequently, the Ministry of Antiquities demanded financial compensation for the use of these Egyptian models. However, the French company defended its position by claiming that the models were inspired by the public domain and that intellectual property laws could not be applied due to the expiration of the protection period. This case thus revealed a gap in international law that permits the exploitation of ancient heritage without compensation.



Consequently, achieving economic benefit from Egyptian heritage does not conflict with making it available for scientific research and cultural use. A balanced model can be applied, involving the issuance of commercial licenses for a fee to companies that invest antiquities in their products, while allocating a portion of these returns to the maintenance of archaeological sites and the support of scientific research. Simultaneously, limited-resolution digital models can be made available free of charge for academic and educational purposes, alongside the development of a national platform that provides high-quality archaeological data through mechanisms that preserve intellectual property rights. This approach ensures the realization of financial returns while preserving the civilizational role of archaeological knowledge and enhances Egypt's status as a center of cultural and scientific influence internationally.

Challenges and Proposed Solutions:

The protection of ancient Egyptian antiquities through intellectual property provisions faces several challenges, foremost among them being the difficulty of enforcing national laws beyond territorial borders and the conflict between certain protection mechanisms and the principle of free access to cultural heritage. Additionally, the technical inadequacy in monitoring and tracking digital violations of antiquities constitutes one of the most pressing challenges. Current systems are unable to detect and track unlicensed copies proliferating across global internet platforms. This necessitates collaboration with tech giants like Google, Meta, and other major technology companies to develop effective monitoring mechanisms for protecting the digital intellectual property of Egyptian heritage.

Simultaneously, another legislative challenge arises concerning the compatibility of national legislation with the provisions of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The existing legislation remains confined to a traditional perspective focused on protecting tangible antiquities like temples and statues, leaving the protection of certain types of living heritage, including traditional crafts and cultural practices, unaddressed. This necessitates an urgent and comprehensive legislative review.

To address the legislative gaps, we propose some solutions that can be implemented at the national and international levels to activate the protection of Egyptian antiquities within the intellectual property framework. These solutions will enhance the legal protection of Egyptian antiquities under the Intellectual Property Rights Protection Law and secure Egypt's rights to its heritage:

First: At the International Level:

- Hold meetings at the level of Ministers of Antiquities or the ministries concerned with antiquities and the bodies responsible for intellectual property protection in Egypt and the Arab world as a first preliminary step. This would pave the way for inviting various countries to an expanded meeting to place antiquities as a main item within international agreements for the protection of intellectual property, ensuring that the antiquities of any country are not traded without referring to it as the owner of the antiquity.
- Demand an amendment to the UNESCO convention prohibiting and preventing the import, export, or transfer of ownership of cultural property through illicit means. Including antiquities in the texts of the UNESCO convention constitutes strong grounds for claiming all smuggled antiquities taken out of the country, which nations refuse to repatriate despite legal demands for their return, foremost among them being the head of Queen Nefertiti.

Second: At the National Level:

- Establish a specialized department for the intellectual property of antiquities, affiliated with the Ministry of Antiquities and operating in coordination with the Egyptian Intellectual Property Authority. This department would be responsible for developing a digital database and documenting protectable archaeological elements, while balancing economic interests with the preservation of the cultural character of antiquities.
- Establish a dedicated fund to finance protection activities from the revenues of licenses granted to third parties for the exploitation of Egyptian heritage. It is essential to provide an advanced legislative environment aligned with international standards, and to coordinate with relevant international organizations to enhance legal understanding of the importance of intellectual property in protecting antiquities. Commitment to the actual implementation of relevant laws is fundamental, as it represents the cornerstone for ensuring the sustainability of Egyptian heritage for future generations.
- Carry out large-scale awareness campaigns targeting the general public and specialists, such as archaeologists, lawyers, and university students, to clarify the importance of protecting antiquities through intellectual property tools and how to contribute to this protection. This awareness should be conducted using traditional and digital media, workshops, and specialized seminars.
- Include a clause in educational curricula (especially at the basic education levels) that explains the value of Egyptian archaeological heritage and methods for its protection within the framework of the Intellectual Property Rights Protection Law, to foster a sense of belonging and awareness from an early age.

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