Arbitration was - and still is - the most important legal tool or means for settling commercial and international disputes since the last decade of the twentieth century until now, and its importance has extended and expanded to include the field of intellectual property in the current era. Disputes that may arise between the author and the publisher of the work, or the producer in some types of works, the arbitration requirement contained in the publishing or production contract exempts the contracting parties from resorting to the courts. Has The Qatari legislator has taken upon itself - in serious and persistent attempts - to codify the legal provisions and rules adopted by international conventions in settling domestic and international disputes by peaceful means - on top of which of course comes the means of arbitration - with the aim of reconciling the parties to the conflict even if their nationalities differ without going into the procedures and formalities of the legal system For each of them. His efforts were successful when he issued the long-awaited law on arbitration, Law No. 2 of 2017, which is a great positive step towards progress and strengthening international relations between Qatar and other countries in various fields.

Introduction
Intellectual property rights include two types of rights, namely: literary and artistic property, including copyright and related rights holders such as performers, producers of sound and audiovisual recordings, as well as broadcasting organizations. Intellectual property rights also belong to the rights arising from industrial property, which are represented in the rights aimed at protecting industrial and commercial activity in all its forms and fields, the most important of which are the protection of patents, industrial designs and designs, as well as the protection of trade names, marks, commercial data, plant varieties, layout designs of integrated circuits and domain names.

Literary property rights also relate to literary and artistic property rights by stating the works worthy of legal protection and the powers of literary and property rights and the provisions relating to some works organized by independent rules such as collective and joint works and digital works, as well as the powers that are granted by the financial right and the literary right of the author and the owners of neighboring rights. It is taken into account that only the performer, and no one other than the holders of neighboring rights, is the one who enjoys the literary right, while the rest of the owners of neighboring rights participate with him to enjoy the powers of the financial right. The literary and artistic property rules also include an indication of the term of protection for the author's or related rights holders. If a dispute arises between the owners of rights to exploit one of the previous rights and the contractor with him, or between publishers or producers, for example, the need may arise to resort to arbitration to expedite the settlement of this dispute, especially as it is related to technical and technical issues that require experience and knowledge in the field of this dispute, whether industrial, commercial or civil.

From the above, we can see that the development in the industrial, commercial and creative fields has led to the birth of new rights, namely intellectual golden property rights, which necessitated the creation of modern and appropriate legal systems to settle these disputes, especially since the counterfeiting of products has become commonplace, especially in many countries, which is a violation of the provisions of international and national rules. Which governs intellectual property rights and warns of the original producer that respects these rules of heavy losses, especially in the field of medicines And electronic devices, where he incurs huge sums in order to obtain the necessary licenses in this regard.

And if the international and national legislator has also been interested in drafting the rules how to protect this type of rights and laying down the criminal and civil penalties to be applied in case of violation thereof. Whereas the developed countries were able to impose their will, they sought and still is to unify the rules governing intellectual property rights and ensure their protection and find the necessary means to expedite the settlement of disputes that may arise in their regard, including arbitration, conciliation and reconciliation.

A:
The extent of the possibility of resorting to arbitration to settle intellectual property disputes* There is no doubt that the speed of resolving intellectual property disputes achieves the interests of developing countries and their developed counterparts, as rights and legal centers are settled in an appropriate time. Finding quick and economical mechanisms for settling this type of disputes helps the circulation of goods and services between countries, which serves the interests of developed countries that produce most of these goods and services, as well as the interests of developing countries that seek to obtain modern technology to complete operations, development and development. This also helps facilitate the rapid and easy flow of investment to developing countries, which leads to raising their economy International organizations related to intellectual property have been keen on finding modern means to help speed up the settlement of disputes related to intellectual property. The World Trade Organization and the World Intellectual Property Organization (WIPO) came on top of these organizations. For its part, the Egyptian Intellectual Property Law No. 82 of 2002 explicitly stipulated the permissibility of resorting to arbitration as a means of settling intellectual property disputes. Article 182 of the law affirmed this by stating that “In the event that the parties to the dispute agree on arbitration, the provisions of the Arbitration Law shall apply in the articles. Civil and Commercial Law promulgated by Law No. 27 of 1994, unless otherwise agreed upon. in addition"7 In terms of the extent of the permissibility of resorting to arbitration and the effectiveness of that, an aspect of jurisprudence believes that although the arbitration system is possible in the matter of intellectual property disputes, resorting to the judiciary will bring greater benefit to the injured or the aggressed. If the common image of the violation of intellectual property rights is imitation, then resorting to the ordinary judiciary achieves the protection of a lion for the victim, through the intervention of the Public Prosecution. In addition, the criminal penalties imposed by the judge achieve a deterrent for the offender, and the publication of the conviction rulings entails informing the consumer and warning him to avoid counterfeit goods and products, as well as publishing such a ruling constitutes free publicity for the offender. Another question arises about the scope of resorting to arbitration in the field of intellectual property disputes. This question is due to the fact that the text of Article 182 of the Intellectual Property Law relating to arbitration is included in Book Three in Book Three that regulates the provisions of copyright and related rights. Perhaps this is what led some to believe that the scope of arbitration is limited to all forms of mental rights, including industrial property rights and plant varieties, as this was explicitly stated in the sites related to these Rights. While acknowledging the merits of this opinion, it is worth noting that all disputes that fit to be the subject of arbitration, including disputes arising from an infringement of industrial property rights and others, are subject to arbitration in accordance with the general rules contained in the arbitration law to which Article 182 explicitly referred. So resorting to arbitration in industrial property disputes is at least a matter of analogy as a matter of priority, because it is more deserving of the speed of adjudication, specialization and efficiency of those who adjudicate them.

B: The WIPO Expedited Arbitration and Arbitration System

The efforts of WIPO in the field of searching for modern means of resolving intellectual property disputes have resulted in the creation of an arbitration system and an expedited arbitration system, and we will explain the most important provisions of them very briefly as follows:

B1: The WIPO Arbitration System

According to this system, the parties may agree to submit all or some of the disputes that arose or might arise between them to the WIPO arbitration system. And what is meant by the plaintiff in light of this system. The party who initiates the arbitration while the defendant is the party against whom the arbitration initiative is directed. The most important provisions of this system are summarized as follows.†

1- Deadlines, Notices and Request for Arbitration:
Notifications of arbitration must be in writing and sent to the WIPO Arbitration Center by mail, fax, telex, or any other means of communication. The grace periods and periods stipulated in this system start from the day following the receipt of the risks. The last known place of residence or work of one of the parties shall be considered a valid address, and notifications and other documents shall be sent to him. The arbitration procedures begin by sending the plaintiff a request for arbitration to the center and to theThis request must

---

* Intellectual property disputes between international commercial arbitration and the judiciary: a comparative study / Fakhri Mahmoud Khalil. Cairo: [Publisher not specified], 2017
† syria-news.org/dayin/mosah/printpage.php?id=4383 2/3
contain several data, the most important of which are: a request to refer the dispute to arbitration based on the WIPO arbitration system, the names of the parties, their addresses, representatives, phone numbers, telex, fax or other means of rapid contact with them, a copy of the arbitration agreement and any clause related to applicable law when necessary. A brief statement of the nature of the conflict, its circumstances, the rights and funds involved in the dispute and the technology involved, a brief statement of the subject matter of the lawsuit and the amounts subject to the claim. The defendant must respond to the request for arbitration within 30 days from the date of receiving the request for arbitration from the plaintiff. This response is directed to the WIPO Arbitration Center. The defendant has the right to comment on all or some of the elements of the arbitration request and to express whatever he wants from the corresponding requests or request a set-off.

It is permissible for the representatives of the parties to belong to the nationality of a country other than that of each of them, and both of them have the right to seek assistance from experts who specialize in the subject of the dispute.\textsuperscript{11}

2- Composition of the arbitration committee:

The arbitration team or panel, according to the WIPO system, consists of a single arbitrator or an appropriate number of arbitrators. The parties may agree on the sole arbitrator. If this does not happen within 30 days from the date of submitting the request for arbitration, the WIPO Center shall appoint this arbitrator. When there are many arbitrators, each party chooses one arbitrator on its behalf. The plaintiff appoints his arbitrator in the request for arbitration, while the defendant is obligated to appoint his court within 30 days of receiving the request for arbitration. The arbitrators of the two parties shall select. The arbitrator must fulfill the legal conditions, the most important of which are independence and impartiality. The arbitrator is obligated to keep all the secrets that he contacted by virtue of his work as an arbitrator.\textsuperscript{12}

3: Duration of consideration of the dispute and the term of judgment:

The WIPO Arbitration System has the advantage of setting the deadline for completing arbitration procedures to nine months from the date of receiving the statement of defense or the establishment of the arbitration court, whichever is later. The ruling that terminates the litigation must be issued within the following three months, so that the hearing of the case and the issuance of the judgment in it takes a period not exceeding one year.\textsuperscript{13}

4: The arbitrator’s response:

The WIPO system is consistent with Egyptian law with regard to the provisions of the arbitrator’s dismissal. According to this system, an arbitrator may be dismissed when there are circumstances in his regard that raise justifiable doubts about his impartiality or independence. It is not permissible for one of the parties to dismiss the arbitrator who has previously chosen or participate in his choice, unless there are reasons that justify the recusal and the recusal applicant does not know them except after the arbitrator is appointed. The request for rejection shall be submitted in writing and with the reason within 15 days of the applicant being aware of the circumstances he deems to raise doubts about the impartiality and independence of the arbitrator. The application is submitted to the WIPO Arbitration Center, to a body or court, and the other party. The latter must respond to this request within 15 days of receiving the notification of response. The arbitration court may continue to hear the dispute while deciding on the recusal request, in order to gain time. If the arbitrator does not step down on his own accord, or the other party accepts the request for recusal, the arbitrator must be replaced by another. If this does not happen, the arbitration center will separate the request for recusal according to its bylaws according to a final administrative decision that does not bind the reason.

The two parties also have the right to agree to exempt the arbitrator from his mission, and they must then notify the center without delay, and the center also on its own or based on the parties’ request to exempt the arbitrator.

\textsuperscript{11} Mustafa Muhammad Kamal, Okasha Muhammad Abdel-Al, Arbitration in international and internal private relations, the status of arbitration from the overall legal system - arbitration agreement - arbitration dispute, Dr. DN, First Edition, 2018, Part 1.

\textsuperscript{12} Jalal Wafa Muhammadin, Legal Protection of Industrial Property According to the Agreement on Trade Related Aspects of Intellectual Property Rights, New University Publishing House, Cairo, Egypt, 2017.

from his mission if he is legally or financially unable to perform it properly or if he refuses to consider the dispute.  

5: Place and language of arbitration:

The Center determines the place and language of the arbitration, taking into account the observations made by the two parties. The parties may agree on another place for arbitration. The place in which the arbitration took place is the place where the arbitration award was issued. In terms of the language of arbitration, the WIPO system makes it the language of the arbitration agreement unless the parties agree otherwise. The arbitration court may order that the documents presented be accompanied by a complete or partial translation into the language of the arbitration.

With regard to the statement of the arbitration claim, the plaintiff is obligated to send it to the court and to the defendant within 30 days of receiving the center's notification of the establishment of the arbitral tribunal. The plaintiff may also submit the claim statement with the arbitration request first. The plaintiff must state the facts and the arguments on which he relies, and attach the largest possible number of documents supporting his claim that help in settling the dispute.

For his part, the defendant is obligated to declare his defense and send it to the plaintiff and to the arbitration court within 30 days of receiving the center's notification of the establishment of the arbitration court or receiving the statement of claim. The arbitration court may, upon the request of one of the parties, issue the necessary orders or temporary measures, such as those issued with the aim of preserving the goods subject to abuse, including depositing them with others if they are perishable. The court - in order to ensure the seriousness of the request to take a specific measure - may order the applicant for this measure or pro If the arbitration court's decision is issued and the two parties accept it based on the WIPO system, they are obligated to implement it and not to challenge it. And if the two parties - before the issuance of the arbitration decision - reached an amicable settlement to the dispute, the court shall end the arbitration and prove the settlement in the form of a decision by agreement of the parties, and it is not necessary to cause such a decision.cedure to provide an appropriate guarantee.

6: Correction request:

Any party to the dispute may request the correction of written, mathematical or typographical errors in the judgment, within 30 days of receiving the arbitration award. This request is submitted in writing upon notification to the court, the center and the other party. The arbitration court may, on its own initiative, make the correction within 30 days from the date of issuance of the arbitration award. And in the event that the correction request is submitted, the errors stated in the judgment, as mentioned, shall be within 30 days from the date of receiving the notification of the correction.

If the court neglects some of the requests submitted by the litigants during its consideration of the dispute, each party may request it to issue an additional decision regarding these requests within 30 days of receiving the arbitration decision. The court is obligated to issue this additional decision within 60 days of receiving this request.

B2: The WIPO Expedited Arbitration System

The Organization has instigated the establishment of an expedited arbitration system to expedite the settlement of some disputes that may prolong the litigation period. This system takes into account the provision of time and money for the litigants, as the number of arbitrators is shortened, and the per

1: In terms of the number of arbitrators: The dispute over which the WIPO Expedited Arbitration System applies is decided by a single arbitrator, which saves time and costs. iods of time required to take action are shortened.

2: In terms of periods and deadlines: The time limit for hearing the dispute and completing the procedures is only three months - from the date of receipt of the statement of claim or the establishment of the arbitration court - in exchange for nine months in the regular system, which means shortening this period to one third. The arbitration award or decision must be issued within a month of the end of the procedures, which also means shortening this period to a third, as it is three months under the normal system.

For the appointment of the sole arbitrator: This period is only 15 days, and if the parties do not agree on it, the Center shall appoint him. If the two parties agree on an amicable settlement of the dispute before the

---


"Court of Cassation Books, Arbitration and Agreement Mediation, Center for Publishing and Judicial Documentation at the Court of Cassation, Rabat, MbArt Press, 2015, p.25.

Elham Ismail Mohamed Shalaby, Intellectual Property Rights Manual “Standard of Credibility and Ethics”, Faculty of Physical Education for Girls, Gezira Helwan University, Egypt, 2019
issuance of the arbitration decision, the arbitrator shall end the procedures and confirm the settlement in the form of an arbitration decision with the agreement of the two parties.

**Conclusion:**
If arbitration - as it is one of the alternatives to resorting to the state’s judiciary - is a type of consensual judiciary that is based on the freedom of the will of its parties to the extent that it is necessary that the arbitration agreement is the basis and the law of the body that conducts arbitration, and it is also necessary that this body enjoys great independence in its conduct of its work. All of it does not mean a complete separation and a complete estrangement between the two courts, for there are some issues - which were previously explained - that are indispensable for the arbitration board to seek assistance from the state’s judiciary, and these issues constitute a natural role for this judiciary in arbitration disputes. However, until the arbitration court comes to fruition, this role in the state’s jurisdiction must not exceed its natural limits, but rather it must stop at the frontier. The role of the arbitration board, and matters are balanced between the two judges, so that the arbitration judiciary continues to have an effective role in deciding what is presented to it.

**References:**
- Intellectual property disputes between international commercial arbitration and the judiciary: a comparative study / Fakhri Mahmoud Khalil. Cairo: [Publisher not specified], 2017.
- syria-news.org/dayin/mosah/printpage.php?id=4383 2/3
- Mustafa Muhammad Kamal, Okasha Muhammad Abdel-Al, Arbitration in international and internal private relations, the status of arbitration from the overall legal system - arbitration agreement - arbitration dispute, Dr. DN, First Edition, 2018, Part 1.
- Court of Cassation Books, Arbitration and Agreement Mediation, Center for Publishing and Judicial Documentation at the Court of Cassation, Rabat, MbArt Press, 2015, p.25.
- Elham Ismail Mohamed Shalaby, Intellectual Property Rights Manual “Standard of Credibility and Ethics”, Faculty of Physical Education for Girls, Gezira Helwan University, Egypt, 2019

**Author Information**

**Dr. Jehad Bani Yuniss**
Program Director of Intellectual Property
American University in The Emirates
College Of Law