



**Arab American University**

**Faculty of Graduate Studies**

**The status of intellectual property protection in Palestine  
and its impact of Economic Growth from a Strategic  
Planning and Legal Perspectives**

By

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**This thesis was submitted in partial fulfillment of the  
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I

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This thesis was defended successfully on 11-feb-2019, and approved by:

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Three handwritten signatures in blue ink, each followed by a dotted line for a name.

### **The Declaration**

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**Safa Mazen Hajjeh**



## Dedication

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَرْفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

صَدَقَ اللَّهُ الْعَظِيمُ

This thesis is dedicated to my parents, Mazen and Sarab, who have always loved me unconditionally and whose good examples have taught me to work hard for the things that I aspire to achieve. Also, to my sisters (Marwa, Halema), brothers (Ahmed, Baraa, Yusuf, Abdul-hameed) and aunts to whom I am truly grateful for being part of my life.

This work is also dedicated to my best friends (Saja, Laila, Maha, Salam, Sarah, Shaima) who have always been a constant source of support and encouragement during the challenges of my whole college life.

To you all I dedicate this

Safa Mazen Hajjeh

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To all my friends, thank you for your understanding and encouragement in many moments of crisis. Your friendship makes my life a wonderful experience.

Thank God, for always being there for me

This thesis is only the beginning of my journey

## **Abstract**

The objective of this research is to analyze the status of intellectual property protection in Palestine and its impact of Economic Growth from a Strategic Planning and Legal Perspectives. The researcher used theoretical and practical analysis; this include mainly interviewing the officials in the Intellectual Property Department at the Ministry of Economy. In addition, interviewing legal advisors specialized in intellectual property and Officials in Talal Abu-Ghazaleh Organization in Jordan. On the other hand, questionnaire was used as a tool for collecting information, 157 Questionnaires has been distributed. The results of the research showed that there is a positive correlation between intellectual property protection and Palestinian economic growth. Thus, the more we commit to Intellectual Property Protection, the more valuable intellectual wealth will be guaranteed in order to increase the economic growth. The awareness of Palestinian citizens towards Intellectual Property is very low. Also, the media and educational institutions are not doing enough to raise awareness among the Palestinians people. The results indicate that Palestinian intellectual property law lack of modernization and development to keep up with intellectual property issues of our time. It was also recognized that there is more than one body responsible for supporting and promoting intellectual property, the most important of which is the Ministry of Economy and the Ministry of Culture. But it must be the responsibility of the individual and the government at all levels. In addition, the results showed that there are several obstacles to the improvement of intellectual property protection in Palestine, the most important of which; the lack of awareness, the absence of a modern and integrated intellectual property law, Intellectual property is not considered a priority for the Palestinian government, the dependence of the Palestinian economy on Israel and lastly, Palestine has not officially joined the WTO and WIPO. The results showed that there is a positive correlation between Strategic Planning and Palestinian awareness of intellectual property. There is a positive correlation between Strategic Planning and Palestinian economic growth. Finally, there is a positive correlation between Strategic Planning and Palestinian Intellectual Property Law.

**Keywords:** Intellectual Property, Strategic Planning, Economic growth

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<b>List of Abbreviations</b>	
WIPO	World Intellectual Property Organization
SWOT	Strength, Weaknesses, Opportunities, Threats
TOWS	Threats, Opportunities, Weaknesses, Strength
SMART	Specific, Measurable, Attainable, Realistic, Tangible
KPIS	Key Performance Indicator
TRIPS	The Agreement on Trade-Related Aspects of Intellectual Property Rights
GDP	Gross Domestic Product
NGO	Non-Governmental Organization
WTO	world Trade Organization
TAG-Org	Talal Abu-Ghazaleh Organization
ICT	Information and Communications Technology

## **Chapter One: Introduction**

### **1.1 Chapter Overview**

### **1.2 Background**

### **1.3 The Research Problem**

### **1.4 Aim and objective of the research**

### **1.5 Research Questions and Hypotheses**

### **1.6 Research Hypothesis**

### **1.7 Research Variables**

### **1.8 Thesis Structure**

## Chapter One

### Introduction

#### 1.1 Chapter Overview

This chapter displays the background of the research and discusses the problem of the study. It also sets the aim, objectives, questions and hypotheses of the research. Finally, the structure of the thesis is outlined.

#### 1.2 Background

Socrates said "The invention of thought is the highest degree of psychological pleasure we can get in our live"<sup>1</sup>

Intellectual property in its fields is an inseparable part of the human rights of possession and procurement. There is nothing more precious to one than creative ideas and practical creations, through his labor, efforts and intellectual work.<sup>2</sup>

Intellectual property is a new phenomenon compared to other subjects that the law has dealt with since its inception. It evolved with the founding of the World Intellectual Property Organization (WIPO) in 1967, which focused on intellectual property in general and on the protection of innovation; furthermore, it was joined by more than 191 states in 2017, equivalent to 90% of the world's countries. There are three global protection systems administered by WIPO:

- 1st: Madrid system for the registration of trademarks at the international level.
- 2<sup>nd</sup>: The international registration system for industrial designs (Hague agreement).

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<sup>1</sup> طه حسين، قادة الفكر (ط1)، دار العلم، الكويت، (1983) 7

<sup>2</sup> مناف قومان، مقالة "هل تعد البلدان العربية من الدول المبتكرة والجاذبة للابتكارات؟"، (2018/5/7) (<https://www.noonpost.org/content/1946>)

3<sup>rd</sup>: The international registration system for appellations of origin in accordance with the Lisbon Agreement. <sup>3</sup>

Nowadays, regardless of where you turn, intellectual property is considered a factor for growth and development in any community. Furthermore, it has been influencing, affecting, and helping to develop cultural, moral and, economic development as well as to motivate innovation. In this regard, intellectual property has become a serious matter and one of the requirements of the new millennium.<sup>4</sup>

It is widely agreed that intellectual property is a powerful tool for economic growth and development because of that it has witnessed a wide interest in the world in recent years, due to the enormous financial losses through attacking inventions by imitation, fraud and violations.<sup>5</sup> Referring to the Arab world, in order to keep up with technological and scientific rapid development, several countries have implemented intellectual property protection procedures to support and develop their national economy; for example, Jordan has enacted legislation on the protection of intellectual property where these legislations have contributed to Jordan's entry into the majority of international agreements and that made Jordan a member of the Berne Convention since 1999, a member of the Paris agreement and a member of the World Intellectual Property Organization (WIPO).<sup>6</sup>

Turning to the Palestinian situation, it has been unanimously agreed by legal experts that there is a lack of intellectual property rights, and that is because of the massive lack of awareness about intellectual property rights in Palestine due to reasons related to the social environment and

<sup>3</sup>World Intellectual Property Organization (<http://www.wipo.int/treaties/en/>), (4/5/2018)

<sup>4</sup>David Gould and William Gruben, "the role of intellectual property rights in economic growth" (1996) Journal of Development Economics, Issue 2 (48), 26 (<https://www.sciencedirect.com/science/article/pii/0304387895000399>) (4/5/2018)

<sup>5</sup> طلال أبو غزالة، " دور الملكية الفكرية في التنمية الاقتصادية، (6/7/2018)(<https://www.alwatanvoice.com/arabic/news/2011/10/16/203842.html> )

<sup>6</sup> مها شعبان، " الملكية الفكرية وأثرها على الاقتصاد والمجتمع المحلي (9/5/2018)([www.alghad.com/articles/](http://www.alghad.com/articles/))

cultural awareness, in addition legally the intellectual property laws have not been renewed for more than 90 years.<sup>7</sup>

On the other hand, Palestine is in dire need of intellectual property protection, because it contributes to economic improvement by creating functional alternatives and by reducing unemployment and poverty ratios given that the growth rate of the Palestinian economy is very slow, as the growth rate reached almost 2.5%, in addition, unemployment rate in Palestine until the third quarter of 2017 was 29.2%, 19% in the West Bank, And 46.6% in Gaza, meanwhile the number of unemployed was 412,800, 244,000 in Gaza and 169,000 in the West Bank.<sup>8</sup>

In practical terms, the enabling of intellectual property protection is a need for local individuals and companies; however, this protection is one of the most important requirements that support the right holder to benefit from it. Moreover, the lack of an appropriate environment and a practical mechanism for applying laws, regulations and legislation to protect intellectual property rights will negatively affect the local economy, especially in the countries where economy depends heavily on attracting foreign investments, like Palestine.

### 1.3 The Research Problem

The organization and coordination through coherent and interrelated bodies of any issue is the primary reason for achieving its objective, but intellectual property in Palestine usually refers to individual interests and that is because of the lack of governmental support which leads to weakening and limiting the intellectual property empowerment in the Palestinian society.

Violations of intellectual property rights in Palestine are a wide phenomenon with serious negative consequences on creativity and production. It can also force creators and innovators to migrate from home to seek places that could protect their creations.

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محمود الفطافطة، " الملكية الفكرية في فلسطين خصوصية مستباحة وعقول مهاجرة وقانون مغيب، 7 (2/6/2018)(<https://www.alhadath.ps/article/600/>)

نصر عبد الكريم، " أداء الاقتصاد الفلسطيني، الاقتصادي، 8 (3/5/2018)( [www.aliqtisadi.ps/article/](http://www.aliqtisadi.ps/article/))

Fraud and violations are common violations of intellectual property rights in Palestine, due to the absence of clear and renewed legislation, and also due to the lack of a specialized judiciary and a strong executive authority in the Palestinian society. Furthermore, the lack of workshops and seminars that could discuss the status of intellectual property in Palestine increased the gap of knowledge of intellectual property rights.

The existence of very old legislation on intellectual property rights and the lack of effective application thereof have led to many obstacles for authors and inventors in Palestine, where agreements are signed with companies to give up the creator, programmer or author of intellectual rights. There are also a number of IT companies that require employees to register their innovations on behalf of the company without having any right to do so!<sup>9</sup>

Finally it's important to know that the existence of laws is important but the most important is moral education, which must focus on that the violations of the product or intellectual work is no different from stealing money.

## 1.4 Aim and objective of the research

Intellectual property is the commercial application of innovation and creativity in order to improve our lives and enrich them from both sides (practical and cultural) and also intellectual property supports inventors and stimulates economic growth and promotes the development of human resources. In addition, Intellectual property can only be deployed in a culture that recognizes its importance and protects it under strictly enforced laws. Thus, this study intends to explore the impact of intellectual property protection on the Palestinian economic growth. Also, this study aims to link the impact of intellectual property protection on Palestinian economic growth from a strategic perspective.

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<sup>9</sup>محمود الفطافطة، " الملكية الفكرية في فلسطين خصوصية مستباحة وعقول مهاجرة وقانون مغيب، (8/6/2018) (<https://www.alhadath.ps/article.php?id=8b4e8y570600Y8b4e8>)



## 1.5 Research Questions and Hypotheses

The research project consists of two phases of analysis: the first phase is an exploratory research question, and the second is hypothesis testing.

**Phase one: The research questions are:**

- *Is there a relationship between intellectual property protection and economic growth?*
- *Will Palestinian economic growth increase when intellectual property protection is activated?*
- *Does the Palestinian society have sufficient awareness of the basics and fields of intellectual property?*
- *Is there an integrated legal system that protects all intellectual property issues?*
- *Who are the official organizations that are responsible for enabling intellectual property in Palestine?*
- *What are the challenges that face intellectual property in the Palestinian society?*

**Phase two: the research main hypothesis is:**

*“Strategic planning of intellectual property may affect Palestinian economic growth”*

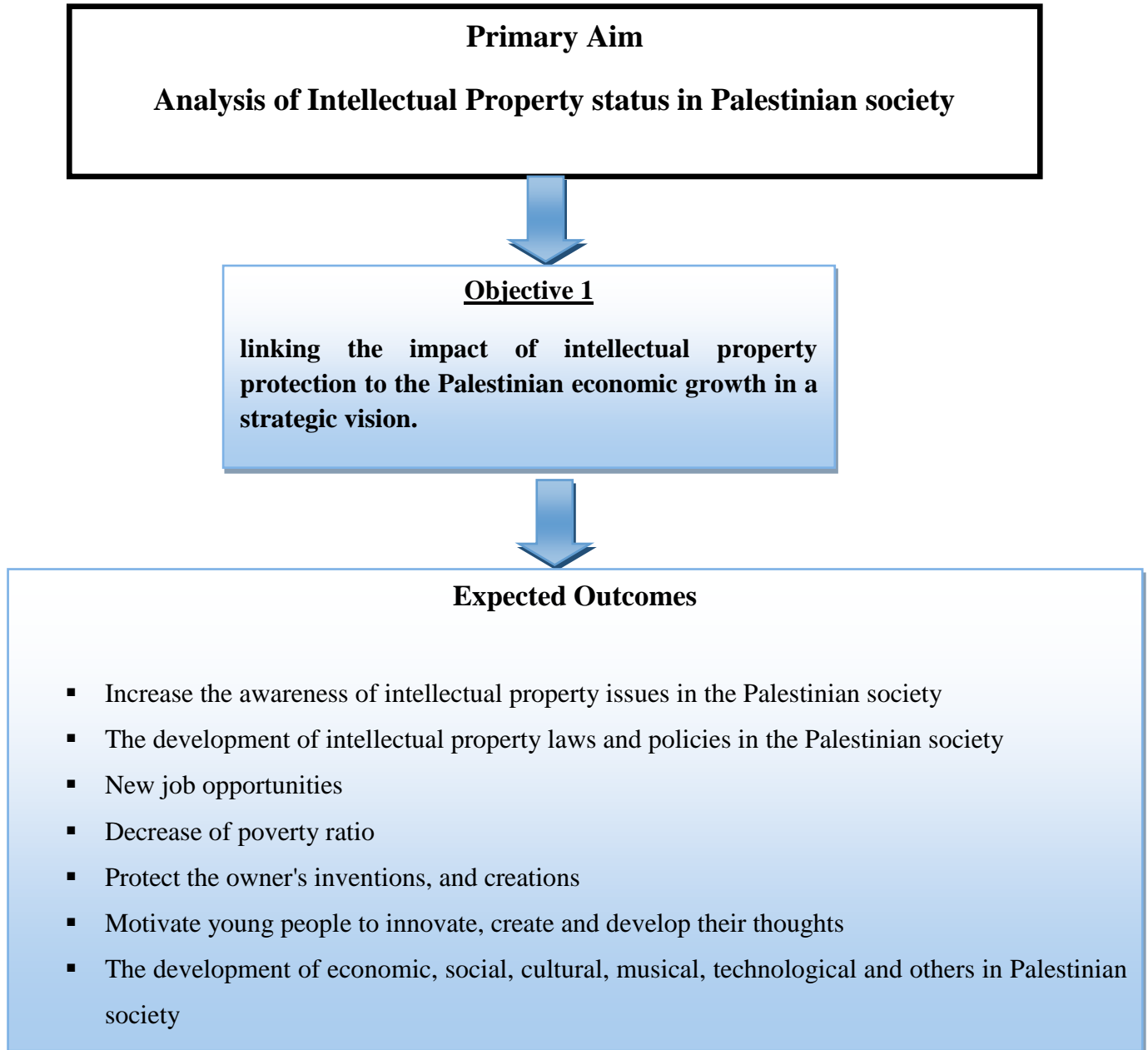


Figure (1): Aim, Objectives & Expected Outcomes of the Research

## 1.6 The research Hypothesis

1. Strategic planning of intellectual property may affect Palestinian economic growth.

Sub Hypothesis: The awareness of Intellectual Property may contribute to the Palestinian economic growth.

2. Laws of Intellectual Property may have a positive relation with the awareness of Intellectual property in Palestine.

Sub Hypothesis: Educational level may correlate positively with the awareness of Intellectual Property.

3. Intellectual Property as a strategic option may affect laws of Intellectual Property.

Sub Hypothesis: Intellectual Property as a strategic option may raise the awareness of Intellectual Property in Palestine.

## 1.7 Research Variables

### Independent Variables

- Intellectual Property Protection
- Strategic Planning

### Dependent Variable

- Palestinian Economic Growth

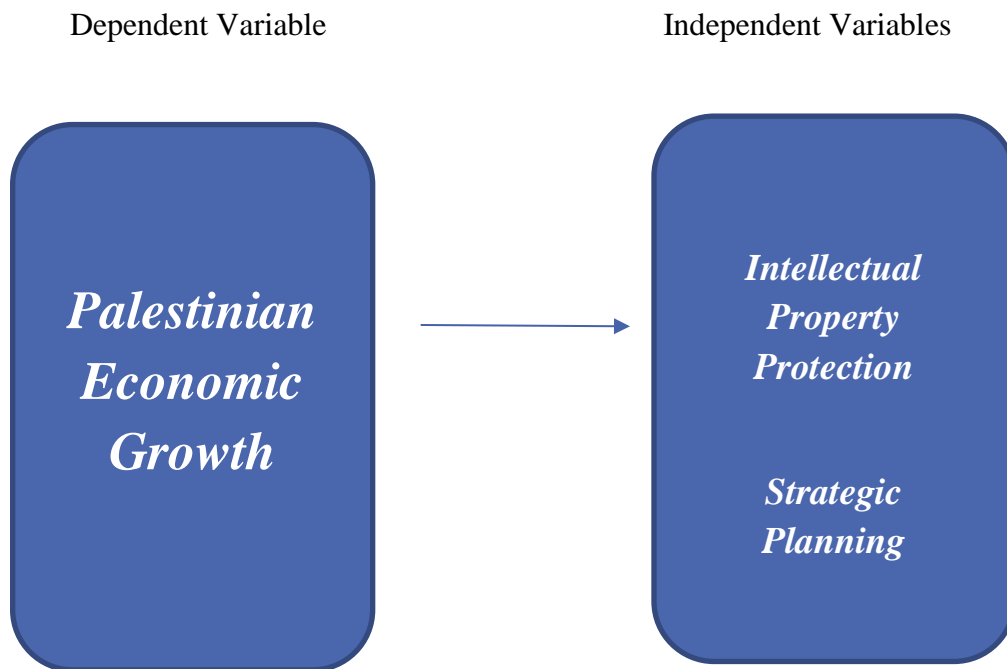


Figure (2): Research Variables

## 1.8 Thesis Structure

The thesis is organized into six chapters as shown in Figure (1.2)

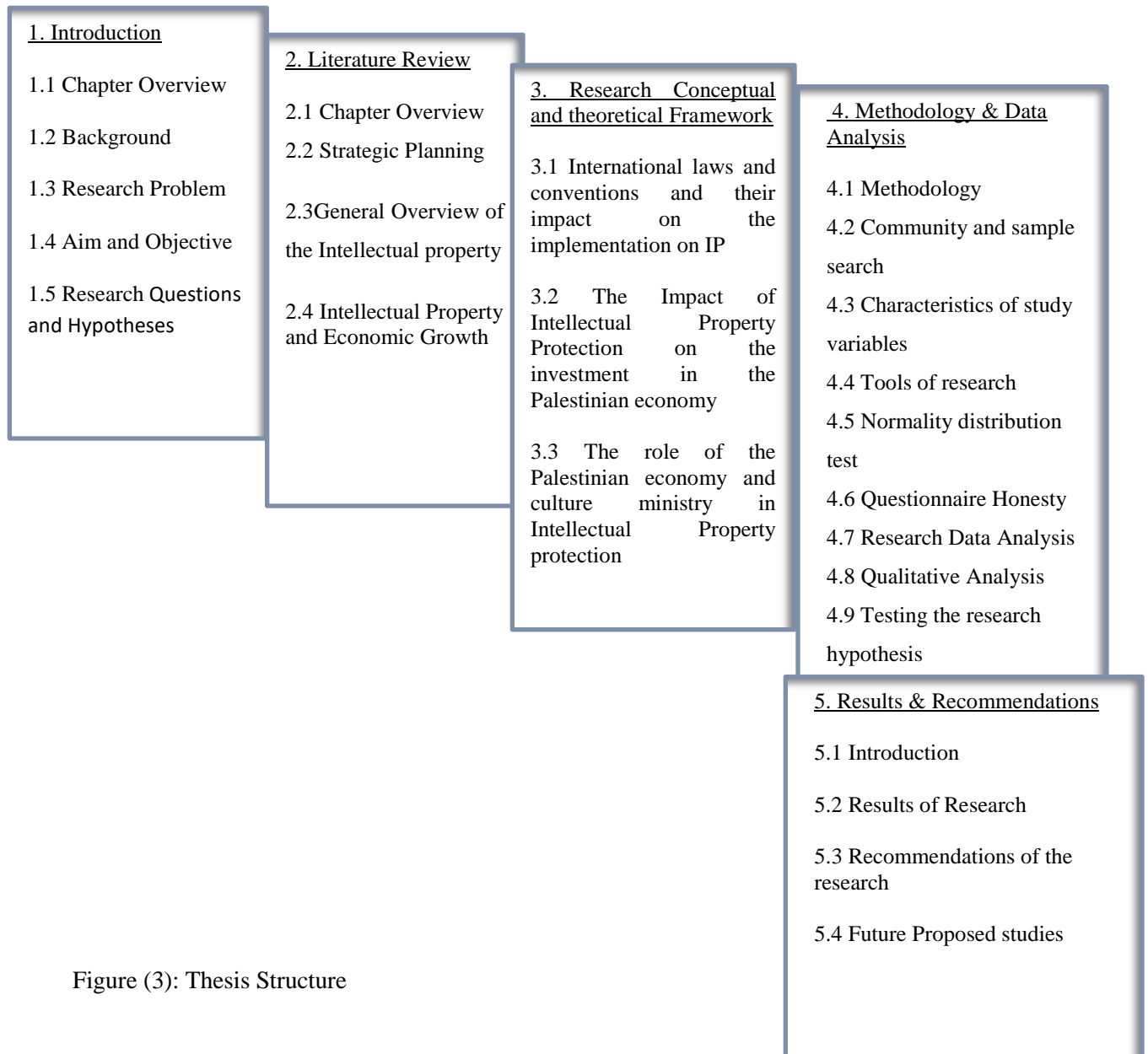


Figure (3): Thesis Structure

## **Chapter Two: Literature Review**

### **2.1 Chapter Overview**

### **2.2 Strategic Planning**

#### **2.2.1 How do we plan strategically and what steps should we follow?**

### **2.3 General Overview of Intellectual property**

### **2.4 Definition of Intellectual Property**

### **2.5 Types of intellectual property**

#### **2.5.1 Copyright and Neighboring rights**

##### **2.5.1.2 laws and conventions protect copyright**

##### **2.5.1.3 Neighboring rights**

##### **2.5.1.4 international treaties on copyright and neighboring rights**

##### **2.5.1.5 Copyright protection in Asian countries**

##### **2.5.1.6 Copyright protection in Palestine**

#### **2.5.2 Industrial Property**

##### **2.5.2.1 Trademarks**

##### **2.5.2.2 Geographical indications**

##### **2.5.2.3 Industrial designs**

##### **2.5.2.4 Patents**

##### **2.5.2.4.1 The participation of women in international patent applications**

### **2.6 World intellectual property organization**

### **2.7 Intellectual Property and Economic Growth**

## Chapter Two

### Literature Review

#### 2.1 Chapter Overview

This chapter will discuss some of the previous studies in the field of Strategic planning, Intellectual property and its contribution to the Palestinian economic growth, as the three main topics of this research.

#### 2.2 Strategic Planning

According to the Balanced Scorecard Institute (BSI) (2018), a Strategy Management Group company, strategic planning is " an organizational management activity that is used to set priorities, focus energy and resources, strengthen operations, ensure that employees and other stakeholders are working toward common goals, establish agreement around intended outcomes/results, and assess and adjust the organization's direction in response to a changing environment ". An effective strategic planning shows not only where an organization is going and the actions needed to make progress, but also how it will know if it is successful or not".

In addition, according to the Balanced Scorecard Institute (BSI) (2018), strategic plan is "a document used to communicate with the organization goals, the actions needed to achieve those goals and all of the other critical elements developed during the planning exercise".<sup>10</sup>

Moreover, strategic planning is considered one of the basic skills of leadership in any organization. It is the map that guides the right path between two points: where are we now? The other point: where we want to be in the future and how to achieve it.<sup>11</sup>

<sup>10</sup>British standards institution (www.balancedscorecard.org/BSC-Basics/Strategic-Planning-Basics), (28/5/2018)

<sup>11</sup>الاستراتيجية، الخطة إعداد خطوات " الجازي، هديل  
(26/7/2018)(http://mawdoo3.com/الاستراتيجية\_الخطة\_إعداد\_خطوات)

"Strategic Elements Form the Structure of the Balanced Scorecard “House” as it is shown in the figure below".<sup>12</sup>

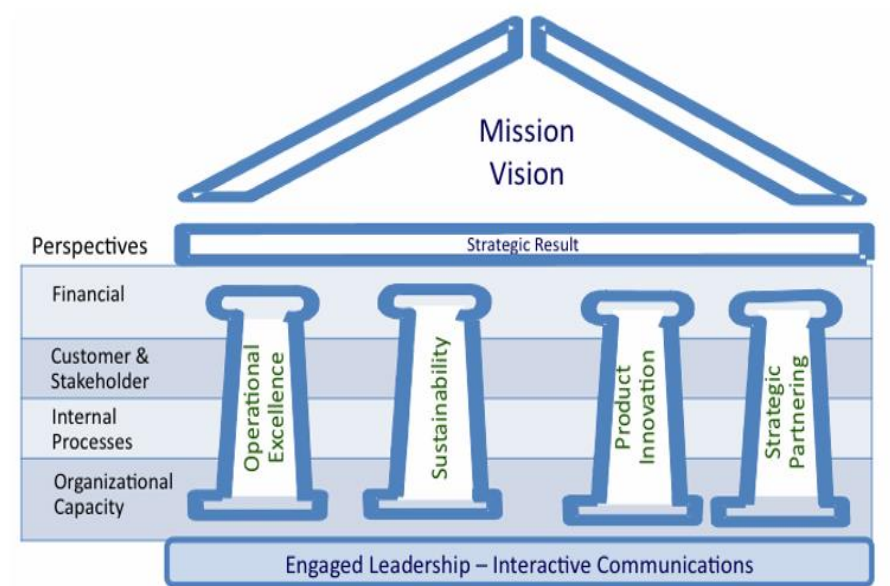


Figure (4): Strategic Elements

<sup>12</sup>British standards institution ([www.balancedscorecard.org/BSC-Basics/Strategic-Planning-Basics](http://www.balancedscorecard.org/BSC-Basics/Strategic-Planning-Basics)), (28/5/2018)



### 2.2.1 How do we plan strategically and what steps should we follow?<sup>13</sup>

First step: preparing for planning; through three steps

(1) Planning Decision, which determines who will plan, the required duration and Information collection. (2) Choosing a planning team. (3) Setting the vision

Second step: Writing values

Strategic plans that ignore organizational values face major problems and may often fail. Thus, values include organizational culture, organizational philosophy and individual's values.

Third step: Writing a vision, which is a mental image of the desired future; through determining four items

(1) The vision; a mental image of the desired future in a specific period (2) The duration of the Plan (3) Organizational fields (4) a vision for every field

Fourth step: Mission statement

(1) What is the purpose of establishing this organization? (2) What are the working fields of the organization? (3) How does the organization work?

Fifth step: SWOT analysis

It is a useful technique for understanding the organization's Strengths and Weaknesses, as well as for identifying both the Opportunities and Threats.

Sixth step: Gap analysis

<sup>13</sup> طارق سويدان و محمد العدلوني، كيف تكتب خطة استراتيجية (ط1، قرطبة للنشر، الرياض، 2013) 66

a strategic tool used for analyzing the gap between the target and anticipated results.

### Seventh step: Preparing an alternative plan

An alternative plan that is different from the one that you already have, and can be done or used instead.

### Eighth step: Implementing phase

The final process of moving the plan from development status to production status.

After taking a strategic plan course that focused on the concept of strategy formulation and implementation in the Arab American University with Dr. Dalal Iriqat<sup>14</sup> in 2017. We can determine other steps to plan strategically, and these steps are:

- Analyzing reality through collecting information to get a good knowledge about the organization.
- Determining Vision, Values and Mission.
- Using analytical tools to assess analyze and evaluate internal and external strategic environments in SWOT<sup>15</sup> analysis.
- Generating as many options as we can in a TOWS<sup>16</sup> analysis.

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<sup>14</sup>Vice President for International Relations, Arab American University AAU, Assistant Professor, Conflict Resolution & Strategic Planning, Arab American University, Columnist at AlQuds Newspaper

<sup>15</sup> SWOT analysis is a framework used to evaluate a company's competitive position by identifying its strengths, weaknesses, opportunities and threats

<sup>16</sup> TOWS Analysis is a variant of the classic business tool, SWOT Analysis.

- Translating Vision, Values and Mission into SMART<sup>17</sup> goals.
- Setting out overall, performance and process goals.
- Creating command and control systems through arranging all stakeholders according to their significance into gold, silver, and bronze.
- Setting Key Performance Indicators (KPIs) <sup>18</sup>according to the goals in order to have a proper evaluation and monitoring process.
- Communicating the Plan through determining the target group, the message we intend to deliver, and the method we intend to use; in addition to assigning people who are responsible for the communication.

## 2.3 General Overview of Intellectual property

Theodore Roosevelt said "Great thoughts speak only to the thoughtful mind, but great actions speak to all mankind".<sup>19</sup>

Intellectual property tackles legal, political and economic areas. It is also expected to comply with domestic and international legal standards. It is ultimately in the public domain after a certain

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<sup>17</sup> The acronym SMART has several slightly different variations, which can be used to provide a more comprehensive definition of goal setting: **S** - specific, significant, stretching, **M** - measurable, meaningful, motivational, **A** - agreed upon, attainable, achievable, acceptable, action-oriented, **R** - realistic, relevant, reasonable, rewarding, results-oriented, **T** - time-based, time-bound, timely, tangible.

<sup>18</sup> Key Performance Indicator (KPI) is a measurable value that demonstrates how effectively a company is achieving key business objectives

<sup>19</sup><https://www.goodreads.com/quotes/944627-great-thoughts-speak-only-to-the-thoughtful-mind-but-great>

period of time. Therefore, it needs protection through the necessary laws and regulations.<sup>20</sup>

The cultural dimension is represented through the protection of the rights of writers and creators, which motivates them to make a greater effort that enriches the culture and knowledge. Obviously, the political dimension is very much involved in directing the scope of intellectual property protection domestically and internationally to achieve economic interests, as was the case during the Uruguay Round of negotiations which resulted in the TRIPS<sup>21</sup> Agreement. The United States and the major industrial countries have constrained their conditions; the agreement is more fulfilling for their interests than that of other States. For example, the adopted laws by the United States of America to face the member states of the World Trade Organization to impose sanctions against them if they did not carry out an imposed activity on them or if they established relations with the group of countries hostile to America.

Despite the importance of these dimensions, the economic dimension today is the core of intellectual property. Therefore, the developing industrial countries seek to achieve more economic prosperity by increasing the gross domestic product and raising the rates of economic growth, which makes innovations a key factor in achieving that through continuous supply, and also the society will have many modern products and methods of production. The contribution of innovation to GDP<sup>22</sup> growth of these countries is estimated to be about 75%.<sup>23</sup>

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تيسير عمرو، " حملات توعية وبناء قدرات للنهوض بالملكية الفكرية،<sup>20</sup> (29/9/2018)(<http://maannews.net/Content.aspx?id=748223>)

<sup>21</sup>The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is an international agreement administered by the World Trade Organization (WTO) that sets down minimum standards for many forms of intellectual property (IP) regulation as applied to nationals of other WTO

<sup>22</sup>Gross Domestic Product (GDP) is a monetary measure of the market value of all the final goods and services produced in a period of time, often yearly or quarterly

<sup>23</sup>Stochr, Intellectual property protection, direct investment and technology transfer: the case of Egypt and EU (1997)199

## 2.4 Definition of Intellectual Property

Most national legislation has defined intellectual property, each according to their own perspective, some of them refer to the legal aspect and some to the legitimate one, and perhaps the most prominent definitions are:<sup>24</sup>

Shams Al-wakeel defined it in his book as "the rights that are given to moral things from the product of thought, such as copyright, the inventor's right to his inventions, the artist's right to his paintings, and the composer's right to his tunes".<sup>25</sup>

Amer Al-kiswani showed in his book that intellectual property is "a new term that has resulted from recent economic and legal developments in the world which is based on intangible things and values that are the product of mind, creativity and thought".<sup>26</sup>

The British Administration for International Development has defined intellectual property rights; as "rights granted by the society to individuals or institutions for their creative work, such as inventions, literary works, works of art, symbols, names and designs".

It gives the creator the right to prevent others from using his property in an unauthorized way without the consent of the owner for a limited period of time.<sup>27</sup>

The World Intellectual Property Organization (WIPO) defined intellectual property as "creative ideas produced by the human mind. They are literary or artistic works including symbols, names and images, they also include oil paintings, sculptures, solar photography, architectural designs, novels, plays and poetic poems. WIPO also mentions neighboring rights such as the rights of performers in their performance, producers of video and audio recordings in their recordings, and

بلال عبد الله، نزاع القوانين في حقوق الملكية الفكرية للمؤلف (ط1، جامعة الدول العربية، بيروت، 2018) 15<sup>24</sup>

شمس الوكيل، مقدمة في الدراسات القانونية (ط2، دار النهضة، القاهرة، 1965) 396<sup>25</sup>

عامر الكسواني، الملكية الفكرية (ط1، منشورات الحلبي الحقوقية، بيروت، 1989) 27<sup>26</sup>

الإدارية<sup>27</sup>

للتنمية

البريطانية

الإدارة

(8/7/2018)(<https://www.gov.uk/intellectual-property-an-overview>)

industrial property including trademarks, geographical indications, patents and industrial designs".<sup>28</sup>

From the above definitions, we notice that there are main common points in the definitions of intellectual property, which are;

- 1- Intellectual property is linked to creativity and innovation, it's not just ordinary ideas, but it brings something new, or develops a previous idea in a new way.
- 2- Intellectual property gives the owner the right to benefit financially or morally.
- 3- Intellectual property rights are tied to a specific period of time and are not open indefinitely, but sometimes they are automatically renewed such as trademarks.
- 4- The protection of intellectual property is one of the human rights and needs governmental and organizational protection.

However, we have to know the difference between the emergence of intellectual property as a human right and the emergence of intellectual property as a legal concept. Intellectual property as a human right was found with the presence of the human on earth, which arose as a result of the intermingling of various interests and then its right to organize in later stages after the appearance of the state. Accordingly, the development of transactions and rights began under the law.<sup>29</sup> Intellectual property rights should not conflict with their development mission especially in developing countries, for example; actions taken by States to achieve this balance are the fifth session of the Committee on Development and Intellectual Property. Which is a positive step towards the balancing of intellectual property rights with public interests. They issued a document that emphasized the need to explore ways and means to enable intellectual property to fully realize its contribution and to improve its developing mission in developing and least developed countries,

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<sup>28</sup>World Intellectual Property Organization (<http://www.wipo.int/treaties/en/>), (2/9/2018)

<sup>29</sup>ابناس الخالدي و محمد رحاحلة، مقدمة في الملكية الفكرية (ط1)، دار الحامد للنشر والتوزيع، عمان، 2012

including the need to ensure that the various components of intellectual property contribute to economic and social development and to enhance the competitiveness of growth.<sup>30</sup>

In addition, ancient civilizations and nations have recognized the rights of creators, but the concept and protection of these rights did not materialize until after the invention of the printer by the German Gutenberg 1451, which opened the possibility of printing large numbers of one work easily. The first forms of such protection were known as the system of privileges or royal licenses issued by the King, and it was decided to protect a work for a limited period.<sup>31</sup>

## 2.5 Types of intellectual property

The protection of intellectual property has more than one form in different directions, thus protection should come in different forms, including the following:<sup>32</sup>

### 2.5.1 Copyright and Neighboring rights

Copyright protection is "a set of moral and material rights that belong to the right holders when exploiting their literary, artistic and scientific works, so that no one may transfer, publish or reproduce a work of the author in any form or method that violates the material and literary rights of the author. In addition, copyright protection includes written and printed works such as; books and pamphlets, Innovative works of theater or radio (audio or visual), musical instruments and solar photography. As well as, Cinematographic works, oil paintings, lithographs and metal inscriptions, sculpture, architectural works, maps. Moreover, drawings and images of a scientific or artistic nature, digital works and oral works such as; lectures and speeches But also there<sup>33</sup> are many common exceptions to copyright depending on the Bern convention<sup>34</sup> that recognized

<sup>30</sup> المبادرة المصرية للحقوق الشخصية ، "الصراع من أجل موازنة حقوق الملكية الفكرية واحتياجات التنمية، (13/3/2019) (<http://eipr.org/publication/>)

محمد لطفي، المرجع العملي في الملكية الفكرية والأدبية والفنية (ط1، دار النهضة العربية، القاهرة، 1993)<sup>31</sup>

<sup>32</sup> Stanley and Leo, "an introduction to the law and economics of intellectual property" journal of economic perspective, issue 1 (4), 12, 20

<sup>33</sup> Publication of The National Archive, "Copyright and related rights, (<http://www.nationalarchives.gov.uk/documents/information-management/copyright-related-rights.pdf>) (25/10/2018)

<sup>34</sup> Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886.

that governments will need to legislate for exceptions. Following is a table which sets out several common exceptions to copyright owner's rights:

Exception	Explanation
Use by disabled readers	Provides access to works by the visually impaired, as the works may not be in the format they require.
Fair dealing for research and study	Use by a student related to a course of study they are undertaking.
News reporting	Only as much as is required to report the news.
Criticism and review	For the purposes of reviewing or analyzing another work.
Legal proceedings	For individuals to inform themselves of the law when they are involved in legal matters.
Copying by libraries	To assist patrons exercising fair dealing exceptions and for preservation and archiving purposes.

Intellectual property rights must be accompanied by several conditions for their completion;

- "First, the work must be well thought out and finally approved to be protect".
- "Second, the work must have been dictated by a human author. Also, the work must be organized, so that they have not been copied or transferred from another work. It should also be noted that copyright protects the way ideas are expresses, not the ideas themselves".

Although, the copyright owners are; "first, the author - the person who created the work and was responsible for what is inside. Second, the employer - so that if the work was produced by an employee during work. In this case, the duration depends naturally on the author's individual life. Third, producer and main director - in the case of film. Fourth, Producer Voice Recording. Fifth, the person who was assigned to work and pay his wages.



And finally, the publisher of a typographic arrangement. However, it's possible to transfer the copyrights from person to another through a commandment or a signed document from the owner". These rights are divided into two main specific rights; Material and Literary rights

- Economic rights:

The author will get a financial right for any exploitation of his work in any material form (general presentation, cloning, radio, television broadcasting and translation).

- Moral Rights:

Work protection relates to the manner or method of expression and not to the idea itself. Therefore, the name of the author should be mentioned on each transfer of his work to the public, and each copy containing the reproduction of the content of the work whenever it is submitted to the public in any form or method, should be as required by the custom. Moreover, any deletion, modification and addition of literary works are not allowed without the consent of the author. Knowing that the moral right does not transfer to the heirs and cannot be waived.<sup>35</sup>

### **2.5.1.2 conventions and Laws protect copyright**

It is necessary to have an efficient copyright laws to develop the economies of countries and to participate in the global economic community. Thus, internationally, the Berne Convention on the Protection of Literary and Artistic Works (1886) deals with the protection of works and the rights of their authors. It restricts the duration of protection; the general rule requires that protection be granted until the expiration of 50 years from the author's death. For the audiovisual works, the minimum protection period is 50 years from the date of presentation of the work to the public. For works of applied arts and photographic works, the minimum period of protection is 25 years from the date of creation. It is also based on three basic principles including;

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<sup>35</sup> Caroline MORGAN, "Copyright Agency Limited, ([https://www.accu.or.jp/appreb/10copyr/pdf\\_ws0810/c2\\_02.pdf](https://www.accu.or.jp/appreb/10copyr/pdf_ws0810/c2_02.pdf))(8/10/2018)

- "Works originating in a Contracting State (works by the author which is national of such a State or a work first published in such a State) shall enjoy in each other Contracting State the same protection as that afforded to the works of in the nationals (the principle of national treatment" .

- "Protection must not be conditional to any formality (the "automatic" protection principle" .

- "Protection shall not cease to be granted in the country of origin of the work (the principle of independence of protection" .

"However, technology has become linked in all areas of life and specially computer programs have become very common among people. But it should be noted that computer programs are a good example of works not listed in the Berne Convention, but they undoubtedly included into the concept of literary, scientific and artistic production within the meaning of Article 2. In fact, computer software is protected by the copyright laws of a number of countries, as well as by the WIPO Copyright Treaty (1996). Also, multimedia production is another example of works not included in the Berne Convention, but it comes within the concept of literature, the scientific and artistic creations. So, there is a consensus that the combination of sound, text and images in digital form must be protected under the umbrella of copyright".

### **2.5.1.3 Neighboring rights**

While neighboring rights are a set of rights enjoyed by performers and producers of audio or audiovisual recordings and broadcasting and television organizations for their services in the publication of works.

- "Performers include singers, musicians, dancers and other persons who represent, sing, cast, play or perform in any other way that is protected literary or artistic".

- " Producers of audio or audiovisual recordings mean a natural or moral person who initiates, under his name and responsibility, the installation of sounds or images accompanied by sounds or not accompanied by them, for the first time".

- "Radio and television organizations that produce or distribute sounds or images for the purpose of transmission to the public by wire and wireless tools".

"Under the Rome Convention, the protection period for neighboring rights is 20 years, but it should be noted that in the TRIPS agreement and WIPO Treaty, the rights of performers and producers of phonograms must be protected for 50 years from the date of performance. Although under the TRIPS Agreement, the rights of broadcasting organizations must be protected for 20 years from the date of broadcasting. Consequently, many national laws provide a longer protection period for neighboring rights than the specified period in Rome convention".<sup>36</sup>

Thus, not only technological developments have expanded dramatically and brought new ways of creations, but copy rights and neighboring writes do so. For this reason, "WIPO always seeks to create new standards for the protection of copyright and neighboring rights and establish many international treaties on copyright and neighboring rights like; Berne Convention for the Protection of Literary and Artistic Works, Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite, Geneva Convention for the Protection of Producers of Phonograms Against, Unauthorized Duplication of Their Phonograms, Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty".<sup>37</sup>

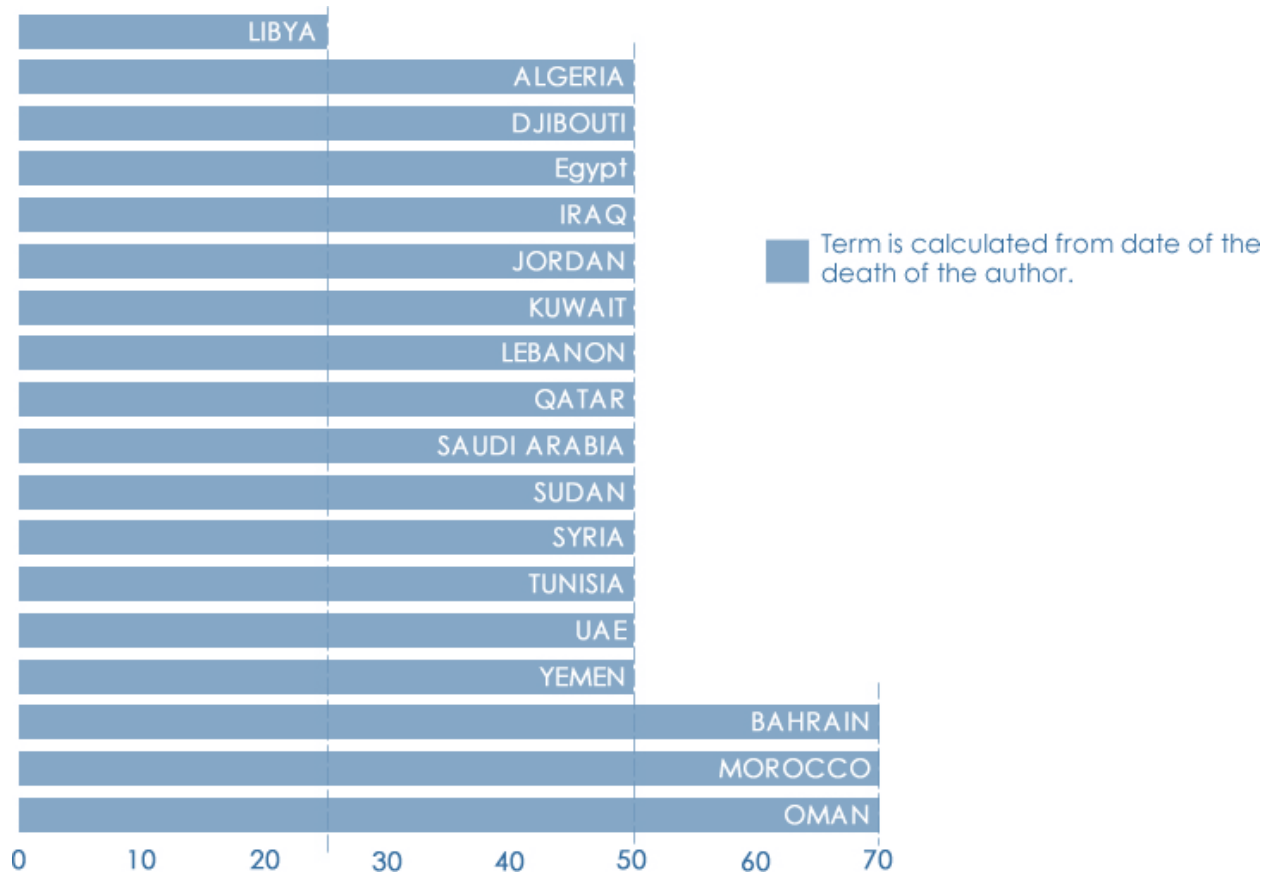
#### **2.5.1.4 Copyright protection in Arab countries**

Recently, the importance of copyright has been recognized in the cultural development of Arab countries. For example, books and other literary works are protected in the Arab World from the moment the work is created for the entire lifetime of the author plus 25, 50, or 70 years after his death.

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<sup>36</sup> Publication of The National Archive, "Copyright and related rights, (<http://www.nationalarchives.gov.uk/documents/information-management/copyright-related-rights.pdf>) (20/10/2018)

<sup>37</sup>ibid



"The majority of Arab countries protect books for the lifetime of the author plus 50 years after his death as a result of their international obligations under the TRIPS and the Berne Convention. Bahrain, Morocco, and Oman provide a longer copyright term than the rest as a result of their signature of a free trade agreement with the United States, not too different from the infamous TPP currently in the works".

"The term could be more complicated for different kinds of works. For example, even though the majority of Arab countries protect photographs for the same duration as books, some countries provide a shorter term of protection for photographs that is calculated from the moment the photograph is taken or published."

"Arab countries should not extend the length of their copyright term without thinking of the consequences that this will have on the ability of society to access knowledge and culture.

Additional protection does not necessarily mean a greater incentive for authors to create and certainly does not create a better copyright system<sup>38</sup>."

### 2.5.1.5 Copyright protection in Palestine

If we shed the light on the Palestinian situation that relates to copyright protection, we recognized that the lack of Palestinian Legislative Council approval of the copyright law until this moment has a significant effect on the non-recognition of the copyright filing system and the absence of a Palestinian national library. The Palestinian reality regarding copyright and neighboring rights can be summarized through these points;

- British law 1924 has been enforced by Palestine.
- Palestine is a member of the 1933 Berne Convention for the protection of literary and artistic works.
- Palestine is a member of the Arab Convention for the Protection of Copyright since 1981.
- Palestine has been an observer member of the World Intellectual Property Organization (WIPO) and has been actively involved since 1998 in its participation in the WIPO work, meetings and conferences; however, it was not formally registered as a member during that period. Palestine became an observer member officially registered in 2005.

The cornerstone of creativity and innovation is mainly due to the efficient legal framework of copyright. For this reason, an effective and harmonized system of copyright law for economic and cultural development must be emphasized.<sup>39</sup>

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<sup>38</sup> Riyadh Al Balushi and Sadeek Hasna, "understanding copyright in the Arab world, (<https://smex.org/understanding-copyright-in-the-arab-world/>) (14/4/2019)

<sup>39</sup> محمود الفطافطة، الملكية الأدبية حق المؤلف في فلسطين، (20/10/2018)([https://www.accu.or.jp/appreb/10copyr/pdf\\_ws0810/c2\\_02.pdf](https://www.accu.or.jp/appreb/10copyr/pdf_ws0810/c2_02.pdf))

## 2.5.2 Industrial Property

Industrial property takes several forms; including trademarks, geographical indications, industrial designs and patents. These types of industrial property are protected to ensure fair competition.

### 2.5.2.1 Trademarks

"Trademarks are marks identifying products or services, and may be from a distinctive word, letters, symbols, numbers, colors, sounds or any combination of these elements. Their significance is more fully related to the project than to specific goods or services. Owners of registered trademarks have the right to prevent others from using marks that are similar to those registered commercially. However, the trademark is the full name of the company, and it often includes the word "contribution" or other similar words that refer to the legal status of the company. Trademarks are protected in two ways, the first by use and the second by registration, although trademark protection systems in these days ensure that the two components are combined. The Paris Convention <sup>40</sup>obliges Contracting States, which are more than 150 countries. Thus, Trademark registration just confirm the right of the trademark which obtained through use and therefore priority is given to the user and not to the person who registered the trademark first".<sup>41</sup>

"Trademarks may be lost by non-use, misuse and even it may be converted to a generic name with the consent of the owner. However, to avoid incorrect use, everyone in the company who owns the brand, who is involved in advertising or promoting the brand, must follow certain rules; firstly, Trademarks should be treated as a real adjective rather than as names, so that it should avoid the use of possessive (S) and plural formula. For example; it's not right to say three different NESCAFÉs instead of three types of NESCAFÉ. Secondly, it's important to highlight the brand and make it stand out in its surroundings. Finally, the trademark must be defined as such by trademark notice. Only a few laws provide for such notifications and Article 5 (d) of the Paris

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<sup>40</sup> The Paris Convention, adopted in 1883, applies to industrial property in the widest sense, including patents, trademarks, industrial designs, utility models, service marks, trade names, geographical indications and the repression of unfair competition. This international agreement was the first major step taken to help creators ensure that their intellectual works were protected in other countries

<sup>41</sup> Uspto, "protecting your trademarks Enhancing your rights through federal registration, (<https://www.uspto.gov/sites/default/files/documents/basicfacts.pdf>) (12/10/2018)

Convention prohibits the use on goods. Trademark law in the United States of America allows the use of a long term (such as "registered with the United States Patent and Trademark Office") by replacing it with a short symbol, "R" or "®". However, it is not enough just to follow these rules; the trademark owner must also ensure that third parties and the public do not misuse his mark".<sup>42</sup>

According to Paris convention, Article (7) of Trademarks Eligible for Registration, we recognized the following points;

1. "Trademarks which may be eligible for registration must consist of characters, devices or marks or a combination of these things that have a distinctive character".
2. "For the purposes of this Article, "distinctive" shall be applied in a manner, which secures distinguishing the goods of the proprietor of the trademark from those of other persons".
3. "In determining whether a trademark has a distinctive character as mentioned herein before, the registrar or the court may, in the case of a trademark in actual use, take into consideration the extent to which such use has rendered the trademark in fact distinctive for the goods in respect of which it is registered or is intended to be registered".
4. "A trademark may be limited in whole or in part to one or more particular colors. In such instance, the fact that the trademark is limited to such colors shall be taken into consideration by the registrar or the court when deciding on the distinctiveness character of such trademark. If and so far as a trademark is registered without limitation to color, it shall be considered to be registered for all colors".
5. "The registration of a trademark should be restricted to particular goods or a specified class of goods".

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<sup>42</sup>Caroline MORGAN, "Copyright Agency Limited,  
([https://www.accu.or.jp/appreb/10copyr/pdf\\_ws0810/c2\\_02.pdf](https://www.accu.or.jp/appreb/10copyr/pdf_ws0810/c2_02.pdf))(8/10/2018)

6. "Any disagreement arising due to the class to which any goods belong shall be determined by the registrar, whose decision shall be final".<sup>43</sup>

### 2.5.2.2 Geographical indications

"Geographical indications aim to inform the consumer that the product is of high quality and good reputation due mainly to its source or geographical origin. In the other hand, many legislations do not provide a specific period of validity for geographical indications. This means that the protection of any registered geographical indication remains valid until it's canceled".<sup>44</sup>

There is no a specific law relates to geographical indications in Palestine, unlike Jordan, which devotes legislation on geographical indications under the name of "Geographical indications in Jordan", as defined in Article 2; any indicator specifying the origin of a product in a particular country, region or location of its territory if the quality of the product or other characteristics mainly relate to that origin<sup>45</sup>.

On the other hand the Egyptian legislator defined the geographical indicator as: "The index that determines the origin of a particular commodity in a region or in a WTO country, so long as the quality, reputation and branding of the commodity are essentially relate to their origin Geographically<sup>46</sup>

Also the protection of geographical indications exceeded the scope of domestic legislation for international protection. "The third part of the TRIPS Agreement was devoted to the provisions of the TRIPS Agreement, which was primarily to prevent the specific parties from misleading the public about geographical origin of a particular product".<sup>47</sup>

<sup>43</sup>Uspto, "protecting your trademarks Enhancing your rights through federal registration, (<https://www.uspto.gov/sites/default/files/documents/basicfacts.pdf>) (12/10/2018)

<sup>44</sup> محمد شلش، " حقوق الملكية الفكرية بين الفقه والقانون " (2007) مجلة جامعة النجاح للعلوم الانسانية، عدد 3 (2)، 12، 707

<sup>45</sup>2/4/2000، 4423، العدد الرسمية، الجريدة الرسمية، 2000، لسنة 8 رقم

<sup>46</sup>المادة 104 من قانون الملكية الفكرية المصري، رقم 82، لسنة 2000

<sup>47</sup> Article 22-24 from trips agreement



Finally, there should be national efforts to develop an appropriate legal framework that will serve as a real translation of the reality and cover all the gaps in the currently laws, especially the gap of the absence of a Palestinian law about geographical indications.

### **2.5.2.3 Industrial designs**

"Industrialization has historically been associated with growth in manufacturing and production methods. In the United Kingdom, the Cotton Design and Printing Act of 1787 is the first law to protect industrial designs. Thus, the contribution and importance of design has been recognized in the growing textile industries. Although, Industrial designs refer to the distinctive appearance and packaging of the product, including; shapes, lines, phrases, and colors. Designs must be uncommon and authentic to meet the protection requirements.

The drafting of a legal system for the protection of industrial designs requires the provision of a law that fulfills its function of strengthening the design element in production. On the other hand, the establishment of this balance requires careful study of a number of things; The definition of the subject matter of protection, the rights applicable to the subject owner, the duration of such rights, the entitlement to these rights and the manner in which such rights are obtained. Moreover, industrial design protection is normally granted under a procedure to register these designs. The most common system provides for a formal examination only for application to design a recorder. In accordance with this system, the application is examined to ensure that it meets the formal requirements of the application under the relevant law, but no previous technical research has been conducted to determine whether the objective criterion of novelty or originality has been met through the required design to sign up".

"Hague agreement is one of Industrial design-related treaties, recently two documents of the Hague Agreement, 1999 and 1960 are still applied. In September 2009, it was decided to freeze the application of the 1934 Hague Agreement to simplify the international registration system for designs. The Hague Agreement allows an applicant to register an industrial model by filing an application with the International Bureau of WIPO, allowing owners of industrial designs to protect their designs with minimal procedures in many countries".

"Here, we must differentiate between copyright protection and protection under the Industrial Designs Act, whereby under the Industrial Designs Act protection could be lost unless the industrial design is registered by the applicant prior to publication or at least in the country where protection is sought, but Copyright in most countries remains without formalities. Also, the protection of industrial designs generally lasts for a short period of three, five, ten or fifteen years. In the other hand, Copyright in most countries for the life of the author fifty or seventy years after his death".<sup>48</sup>

#### 2.5.2.4 Patents

"Patents are documents issued by the government to legally describe and protect the invention by means of which the invention can only be exploited by them. Moreover, there are more than one condition for patent acceptance; the invention must be new "novelty requirement", involved with a creative step, the invention shall not be obvious to the specialized of industry and finally it has to be industrially applicable. Moreover, Patents have an economic and technological importance, as patents cover all areas of technology, except computer programs, which are protected by copyright. The number of patents filed each year reflects investments in research and development. Therefore, we must shed the light on the importance of patents, which are summarized in several points; first, motivates the inventor to reveal his invention and broadcast among the people to benefit from it. Second, it protects the mental production of the individual by punishing those who commit violations or imitation. Third, the level of income will be raised through the financial award, in addition to the benefit of the invention as determined by law. Fourth, prevent fraud and exploit the efforts of inventors. Moreover, at the community level, inventions contribute to upgrading technology and industrial progress, as well as developing existing inventions".<sup>49</sup>

"Since ancient times people has known the need to protect and encourage inventors. The patent has been established as a tool for this purpose and has become a means of protecting industrial property. Where the first appearance of the protection of inventions back to BC in the Greek colony

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<sup>48</sup> Uspto, "protecting your trademarks Enhancing your rights through federal registration, (<https://www.uspto.gov/sites/default/files/documents/basicfacts.pdf>) (12/10/2018)<https://www.uspto.gov/sites/default/files/documents/BasicFacts.pdf>

<sup>49</sup>707، 12، (2)، عدد 3 مجلة جامعة النجاح للعلوم الانسانية، عدد 3 (2007) "حقوق الملكية الفكرية بين الفقه والقانون" محمد شلش،

of Italy; Sybaris. Where patents were granted in the field of culinary art, so that each inventor is given a meal that can be prepared alone for one year. But the full form of patents appeared only in Italy in 1474 and in 1790 George Washington approved the patent law, and then a French law in 1791, after that several international conventions have been adopted , the most important of which is the Paris Convention of 1883, which is concerned with the protection of industrial property that includes Patents".<sup>50</sup>

The majority of the Arab countries applied the Ottoman law on the protection of inventions, which was adopted in 1879, and then this law was abolished in the Arab countries that separated from the Ottoman Empire, and approved its own law, such as Iraq, which approved its own law in 1970, Jordan, the Law on the protection of inventions was approved in 1953. Also, in Egypt Patent law and industrial designs was issued in 1949. However, the laws on industrial property, including patents for invention, were subsequently enacted due to the increasing of inventions and innovations. Although, in Palestine the applicable law is the law of 1953, which was issued when Palestine under the Kingdom of Jordan rules.

Since Palestine depends on the patent Law of 1953, according to Article 5 of the law, an inventor may apply for a patent, either alone or in partnership with another person, and this application shall be submitted to the Registrar according to the particular model. However, there are some problems that prevent the completion of new Palestinian patents mainly the invention is examined in formality only, without addressing the objective examination. Therefore, this study stresses on the need to examine the patents in a more detailed and objective manner".<sup>51</sup>

#### **2.5.2.4.1 The participation of women in international patent applications**

"Since many studies pointed to the need for more data broken down by gender, we should shed the light on measuring the participation of women in international patent applications. The new data reveal that women accounted for 31% of 224,000 international patent applications published by Food and Agriculture organization in 2017. While WIPO Director-General Francis

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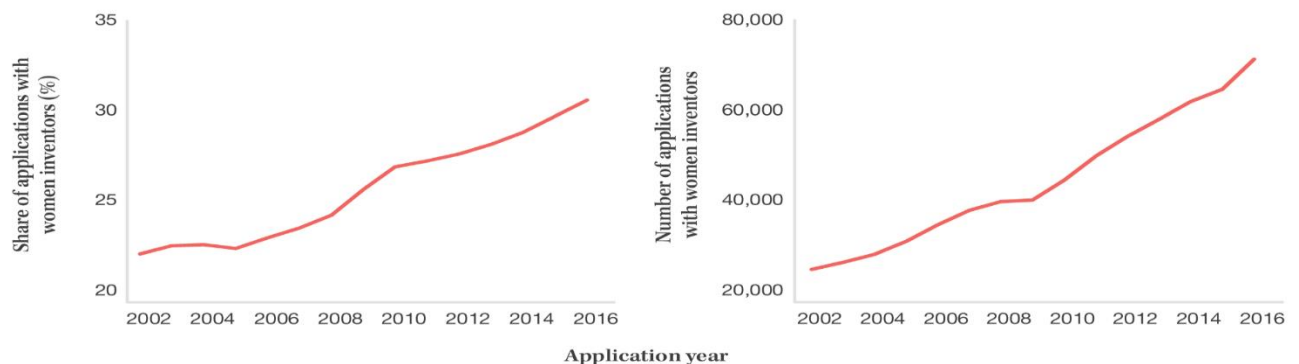
<sup>50</sup>ابراهيم بختي و محمد الطيب، "براءات الاختراع مؤشر للتنافسية الاقتصاد، (8/8/2018) (<https://kantakji.com/media/4858/c497.pdf>)

<sup>51</sup>شيماء خضر، "براءات الاختراع في الفقه الاسلامي وتطبيقاتها المعاصرة في فلسطين" (رسالة ماجستير، الجامعة الاسلامية: غزة، 2012)

Gurry<sup>52</sup> said that the new data showed positive trends. Where 50% of the applications submitted by the Republic of Korea included at least one female inventor, which is the highest proportion among the largest users of the PCT<sup>53</sup> in WIPO, followed by China 48%, Belgium 36%, Spain 35%, and the United States of America 33%. And also, one of the largest enterprises used for the PCT is LG Chemicals in the Republic of Korea with a 72% participation rate. Followed by Hoffmann La-Rouche in Switzerland 69%, L'Oreal in France 67%, Global Technologies in the United States of America 63%, and Henkel in Germany 62%.

However among the academic institutions, the Republic of Korea Electronics and Telecommunications Research Institute ranked first with 83.3%, followed by four Chinese institutions: The Shenzhen Institutes of Advanced Technology 82.7%, Jiangnan University 82.5%, and The Jiangsu University 80%".<sup>54</sup> The following figures will clarify the participation of women in international patent applications;

**In 2016, around 30% of all PCT applications included women inventors.**



Note: For further details on methodology, refer to Economic Research Working Paper No. 33 *Identifying the Gender of PCT Inventors* (WIPO, 2016), available at: [www.wipo.int/econ\\_stat/en/economics](http://www.wipo.int/econ_stat/en/economics).

Source: WIPO Statistics Database, April 2017.

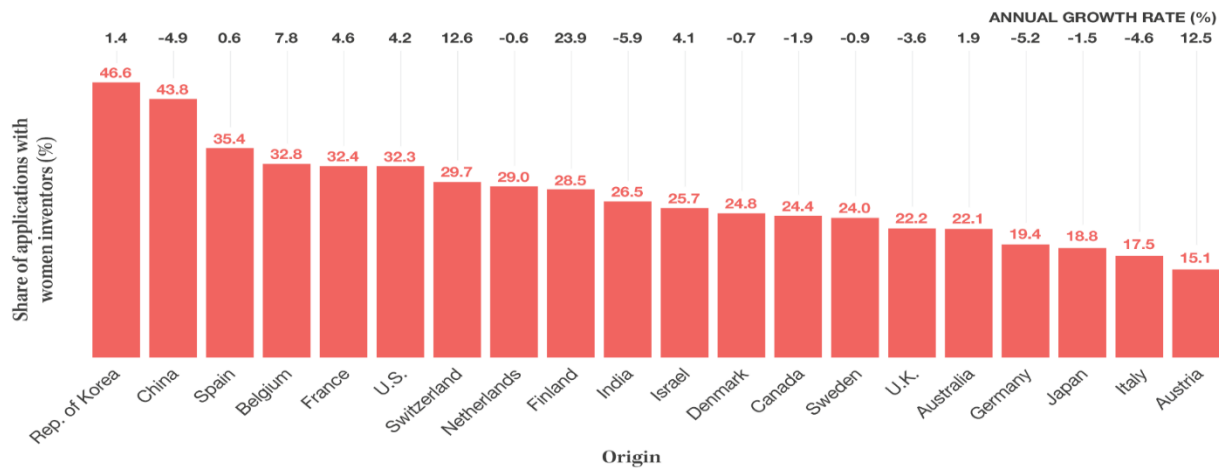
Figure (5) Share and number of PCT applications with women inventors

<sup>52</sup>an Australian national and the fourth and current Director General of the World Intellectual Property Organization (WIPO). He is also Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV). Gurry previously served as a Deputy Director General of WIPO from 2003 to 2008.

<sup>53</sup>Patent Cooperation Treaty. Done at Washington in 1970, amended in 1979, modified on Feb1984, and on October 3, 2001

<sup>54</sup>Gema Lax Martínez, University of Lausanne, Bruno Le Feuvre, WIPO, Economics and Statistics Division, Kyle Bergquist, WIPO, Economics and Statistics Division, Measuring women's participation in international patenting, Wipo, Geneva, July 6, 2017

**Women inventors were represented in notably high shares of PCT applications in the Republic of Korea and China.**



Note: For further details on methodology, refer to Economic Research Working Paper No. 33 *Identifying the Gender of PCT Inventors* (WIPO, 2016), available at: [www.wipo.int/econ\\_stat/en/economics](http://www.wipo.int/econ_stat/en/economics).

Source: WIPO Statistics Database, April 2017.

Figure (6) Share of PCT applications with women inventors for the top 20 origins, 2016

## 2.6 World intellectual property organization

"The light now will be shed on the World Intellectual Property Organization (WIPO), one of the specialized agencies of the United Nations. The purposes of the organization are to support the protection of intellectual property rights around the world and to assist any other international organization in the same field, as well as administrative cooperation among IPRs established under the Paris and Berne Agreements. It also provides legal and technical assistance to developing countries and other countries. The organization oversees the administration of 26 treaties, which are divided into 16 treaties on industrial property and 6 copyright treaties. The number of WIPO Member States is 179, representing more than 90% of the world's total. As well as 170 observer NGOs<sup>55</sup> and 84 governmental organizations that also have the same status. Thus, international protection is an incentive to encourage creativity, remove barriers to science and technology, and enrich arts and literature. Moreover, international protection stimulates international trade because it provides a stable environment for the exchange of intellectual

<sup>55</sup>A non-governmental organization (NGO) is any non-profit, voluntary citizens' group which is organized on a local, national or international level.

property products. This research, therefore recommends that Palestine should formally join the World Intellectual Property Organization (WIPO), by upgrading its status as an observer member, in order to provide an integrated legal framework aiming to enhance and protect intellectual property locally and internationally".<sup>56</sup>

## 2.7 Intellectual Property and Economic Growth

It's important to note that enabling laws that are compatible with the developments in the world in general and Palestine in particular and also increasing community awareness of intellectual property issues is crucial as, they all may lead to economic development in the Palestinian society. However, intellectual property is the commercial application of innovation and creativity in order to improve our lives and enrich them from both sides (practical and cultural). In addition, Intellectual property can only be deployed in a culture that recognizes its importance and protects it under strictly enforced laws.<sup>57</sup>

We will now present some studies that have linked between intellectual property and economic growth; In a study titled "Llie, intellectual property rights: An economic approach, 2014", the aim is to analyze intellectual property rights from an economic perspective. The author states that intellectual property has become an essential part of the global society and global economic policies because of the transformation of the world into a knowledge economy. Furthermore, the effects of intellectual property on economic growth and technological progress are positive if they are organized to promote competition and stimulate innovation by rewarding the innovator with financial returns. Otherwise, the aims of intellectual property, from the writer's opinion are to stimulate investment to create knowledge and innovation, as well as to disseminate new knowledge.<sup>58</sup>

<sup>56</sup>World Intellectual Property Organization (<http://www.wipo.int/about-wipo/en/>), (1/4/2018)

<sup>57</sup> محمد عمرو، "دور حماية الملكية الفكرية في التنمية الاقتصادية"، الاقتصادية، 57 (22/10/2018)(<http://alrai.com/article/224444/الاقتصادية-التنمية-الفكرية-الملكية-حماية-ورشة-تتناقش-دور-حماية-الملكية-الفكرية-في-التنمية-الاقتصادية>?PageSpeed=noscript)

<sup>58</sup>2<sup>nd</sup> international economic conference 2014, IECS2014, 16/7 may 2014, Sibiu, Romania (<http://www.sciencefirect.com/science/article/pii/S2212567114008375>)

In other study “Verma, system on impact of the intellectual property economic growth, 2007” the writer determines that intellectual property protection system contributes to the trade development by turning the idea into a tangible commodity, and the owner of the idea will get financial returns that will encourage him to do more. Moreover, in the absence of an intellectual property protection system, ideas will remain in the minds of its owners, and will remain locked in books and references for fear of violations. On the other hand, the writer also notes a positive relationship between intellectual property protection and economic growth, as the relationship increased with the increase of intellectual property protection.<sup>59</sup>

The author, Idris discusses in his book (kamel Idrees, Intellectual Property: An Effective Tool in Economic Development, 2003), how intellectual property affects the economic development of the countries, especially developing countries. In addition, he explains the relationship between intellectual property and economy development, presenting the views of economists such as the economist Paul Romer. Otherwise, he presents some global figures and ratios of patents and copyright and their relation to development. On the other hand, he mentions the suffering of loss issues by States because of violations and piracy.<sup>60</sup>

The Media faculty professor at the Arab American University-Palestine "Said Abu Maala" debriefs that violation of the protection of intellectual property rights in Palestine represents a wide and dangerous phenomenon, which has serious negative effects on creativity and production. It also encourages the creators and innovators to migrate to find other places to protect their creations and inventions.<sup>61</sup>

The author Abdul-Wahhab mentions in his book (Akram Abdul-wahhab, how to protect your work and preserve your rights, 2013) an example of the economic loss which results from the failure to apply and activate the protection of intellectual property rights in Egypt. Since the Egyptian film industry in 2010 achieved a profit of 230 million Egyptian pounds; on the other hand, in the same year, the United States achieved a profit of \$ 31.8 billion, but the main reason

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<sup>59</sup>S.k Verma, "system on impact of the intellectual property economic growth, ([http://www.wipo.int/export/sites/www/about-ip/en/studies/pdf/wipo\\_unu\\_07\\_india.pdf](http://www.wipo.int/export/sites/www/about-ip/en/studies/pdf/wipo_unu_07_india.pdf)) (30/10/2018)

<sup>60</sup>13 كامل ادريس، الملكية الفكرية أداة فعالة في التنمية الاقتصادية (ط1، منشورات المنظمة العالمية للملكية الفكرية، القاهرة، 2003)

<sup>61</sup>محمود القطافطة، "الملكية الفكرية في فلسطين خصوصية مستباحة وعقول مهاجرة وقانون مغيب، (20/10/2018) (<https://www.alhadath.ps/article/600/>)

for this disparity in profits is due to an effective application of copyright protection in the United State.<sup>62</sup>

Countries are adversely affected by the non-activation of intellectual property rights protection, as this encourages the trade of counterfeit and pirated goods and services. Therefore, developing countries need to protect intellectual property rights as the first step towards achieving a large material and moral returns through integration into the global system and attracting foreign investment. In addition, the application of this protection provides the opportunity to create industries based on intellectual capital such as the software industry, which represents large economic returns, creates new job opportunities and balance the trade scale.<sup>63</sup>

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<sup>62</sup>أكرم عيد الوهاب، الملكية الفكرية كيف تحمي عملك وتحافظ على حقوقك (ط1، مكتبة ابن سينا، القاهرة، 2013) 16  
<sup>63</sup>محمد قناوي، "الأهمية الاقتصادية لحماية حقوق الملكية الفكرية" (2001) مجلة مصر المعاصرة عدد 463 (92)، 15، 63



## **Chapter Three: Research Conceptual and theoretical Framework**

### **3.1 International laws and conventions and their impact on the implementation of intellectual property**

#### **3.1.1 Intellectual property in the context of international law**

### **3.2 The Impact of Intellectual Property Protection on Investment in the Palestinian Economy**

### **3.3 The role of The Palestinian Economy and Culture Ministries in intellectual property protection**

#### **3.3.1 Intellectual Property in Israel**

#### **3.3.2 Talal Abu-Ghazaleh Organization**

## Chapter Three: Research Conceptual and theoretical Framework

### 3.1 International laws and conventions and their impact on the implementation of intellectual property

Since intellectual property is an unlimited global term, especially in the context of globalization, technological progress and communication revolutions that made the information travel between countries speedily, it became necessary to create unified laws across the world that commit all countries to protect intellectual property of various kinds and on different levels. This subject discusses the most important laws of intellectual property, international organizations that sponsor these laws, in addition to international conventions in this regard.

#### 3.1.1 Intellectual property in the context of international law

The first law for the protection of intellectual property was in Italy in 1474 when a law was created to protect inventions. Years later, many major countries began to adopt intellectual property protection laws, which were different from one state to another.

In England in 1624, the aim was to encourage foreign craftsmen to set up their projects in Britain through the so-called the English legislation of monopoly. In 1710, the British copyright law was set to prevent books printing or publishing without the author's permission. In Germany, the law of inventions had led the intellectual property to begin in 1877, so in order to protect any invention, it must not be against public morals, neither be food, medicine or chemicals because the protection of such goods contradicts public interests.

The United States has also set many laws protecting intellectual property, so that an advanced intellectual property protection law started in 1836, where the protection for the inventor is not easily prevented, but after several complex procedures.<sup>64</sup>

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<sup>64</sup>الإدارية  
(8/7/2018)(<https://www.gov.uk/intellectual-property-an-overview>)

Also, many agreements have been created relating to intellectual property, the Paris and Berne Conventions and the TRIPS Agreement.

First: The Paris Convention, adopted in 1883, it includes patents, trademarks, industrial designs, and geographical indications. The Paris convention was the first major step taken to help creators ensure that their intellectual works will be protected in the other countries.

Second: The Berne Convention of 1886 for the Protection of Literary and Artistic Works and the Commercial Concept of Intellectual Property. The Berne Convention is the first international convention on the protection of literary and artistic property. The Convention was last amended in 1971 and began in 1974. It provides that any production, intellectual, artistic, scientific or other work that produces a financial return is an intellectual property right.<sup>65</sup>

Third: An agreement on Trade-Related Aspects of Intellectual Property Rights. The TRIPS Agreement aims to reduce barriers to international trade and to promote the protection of intellectual property rights, particularly with respect to trademarks, while ensuring that such protection does not become a barrier to legitimate trade in it, focuses and gives priority to preventing the use of restrictive trade practices and Technology transfer.<sup>66</sup>

### **3.1.2 Intellectual Property in the context of Palestinian Law**

Copyright law was first created in 1908 when it was approved by the Ottoman Empire. Later on, during the British Mandate, the British copyright law 1911 was and still applied considering Palestine as a British colony in 1924; this law provided a financial right for the author and also a moral right.

The political and economic situations which Palestine has been through from 1948 until now have been reflected on the matter of intellectual property and the need for it. In the West bank, the Jordanian law of trademarks in particular has been applied in 1952, in addition to another law

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<sup>65</sup> World Intellectual Property Organization (<http://www.wipo.int/treaties/en/ip/berne/>) (1/5/2018)

<sup>66</sup> World TRADE Organization (<http://www.wto.org/English/thewtoe/whatis-e/tif-e.htm>) (2/8/2018)

relating to patents and the law of registration of trade names in 1953, knowing that all these laws were issued by the Jordanian legislator.

After the Israeli occupation of the West Bank, East Jerusalem and the Gaza Strip in 1967, there was no change on the applicable laws related to the intellectual property; these laws have remained in action till now. As there is still a law on industrial property that contains inventions and trademarks, but there is applicable law of copyright and neighboring rights.<sup>67</sup>

In 2012, the intellectual property unit has established its vision and mission in the Ministry of Culture of the Palestinian National Authority. This unit focuses on carrying out the awareness campaigns, publishing brochures and leaflets and giving educational lectures and seminars related to copyright and neighboring rights.

On the other side, the general administration of intellectual property has been established in the Ministry of National Economy, in order that its competence would be related to industrial property of all kinds, such as patents, trademarks and others, also one of its missions is to carry out awareness campaigns related to intellectual property rights.<sup>68</sup>

The intellectual property expert Sami Batrawi<sup>69</sup>, states in a public seminar for the intellectual property that in 1999 the Palestinian Ministry of Culture has prepared a draft of copyright and related rights law, and it was submitted to the Legislative Council for approval. He also thinks that the culture of the Palestinian citizen and his economic status are parts of the main obstacles and reasons to why the intellectual property rights of all types are not applied effectively in Palestine. As for Palestine's accession to international conventions related to the protection of intellectual property, it has joined the Berne Convention in 1933, which was under the British Mandate where Britain was a member of this Convention. In 1981, the Palestine Liberation Organization as the representative of Palestine signed the Arab Convention for the Protection of Intellectual Property;

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ايهاب سمعان, "قراءة في قوانين الملكية الفكرية في فلسطين", 67 (10/10/2018) (<http://lawcenter.birzeit.edu/lawcenter/ar/>)

<sup>68</sup> Ministry of National Economy (<http://www.mne.ps/mne/article/slideshow/250.html>) (1/5/2018)

<sup>69</sup>The intellectual property expert and general manager of the intellectual property unit at the Ministry of Culture

Palestine has become an observer member of the World Intellectual Property Organization in 2005. As for the TRIPS Agreement, the economic aspect of Oslo has committed the Palestinian National Authority to the provisions of this agreement, since the Israeli entity is committed to it, without formally joining the World Trade Organization.<sup>70</sup>

In contrast, there are few cases, in which owners have been able to apply the protection of intellectual property in Palestine. In a previous case, the Italian company Ferrero was able to stop the chocolate restaurant named NUTELLA<sup>71</sup> in the city of Ramallah, as it is a trademark, globally registered for this company; as the Palestinian judiciary considered the use of that name as an attack on a trademark registered globally. Perhaps this issue would be a hope that the application of intellectual property protection is possible in Palestine if there is an actual law covering all its aspects. This illegal use would lead to deceiving the consumer, encouraging unfair commercial competition, and demonstrating an incorrect source of goods. The contents of the decision were implemented through the Ramallah Court of First Instance and the Judicial Police, which in turn removed all specific commercial signs.<sup>72</sup>

### 3.2 The Impact of Intellectual Property Protection on Investment in the Palestinian Economy

The general administration of intellectual property at the Palestinian Ministry of economy has shown a report in 2014 that 9104 services related to intellectual property were presented. The value of the revenues of the fees reached 571,000 dollars. This is due to the effort made by the Ministry of National Economy towards the intellectual property and which is considered one of the

محمود فطافطة، "تعزيز آليات وقوانين الملكية الفكرية في فلسطين، فلسطين، 70 (2/7/2018) ([http://www.wafa.ps/ar\\_page.aspx?id=TPuX49a796774300245aTPuX49](http://www.wafa.ps/ar_page.aspx?id=TPuX49a796774300245aTPuX49))

<sup>71</sup>Nutella is a popular hazelnut spread, created by Italian Pietro Ferrero, who owned a bakery in Alba, in the Piedmont region of Italy  
صحيفة الأيام الإلكترونية، "سابقة قضائية في حماية الملكية الفكرية في فلسطين لشركة فيرو، 70 (1/8/2018) (<http://www.maannews.net/content.aspx?id=742489>)

important tools in local economic development. World Bank data indicates that the intellectual property rights fees paid from the West Bank abroad are estimated about 751,919 dollars in 2014.<sup>73</sup>

After having conducted an interview with Maan Nasser, Director of the Talal Abu-Ghazaleh office for the intellectual property in the West Bank through a graduate student for the purpose of completing the master's thesis (Musab abu salah, The Impact of Intellectual Property and its Impact on Investment in the Information Technology Sector in Palestine, 2016) it was found that the total number of requests for registration of registered inventions in Palestine since the establishment of the patent register in 1965 until 2016 has reached 277 requests, the industrial applications for registration fees reached 667 requests, and the trademark registration applications reached 28,583 requests. Perhaps the lack of Palestinian ability to compete in the intellectual property rights sector is due to the lack of property rights registered in a real way. Nasser also believes that the protection of intellectual property in its current form serves only big companies that can meet the costly intellectual property rights registrations requirements.<sup>74</sup>

Therefore, we see that the intellectual property affords revenues for the budget of Palestine even though they are not applied effectively, so how if effective laws were passed to protect intellectual property more seriously; then, the expected income from the application of intellectual property rights would improve the overall revenue of the Authority.

The private sector must also realize intellectual property in two ways. First, it should benefit local creators and innovators for developing their industry and should encourage them. Second, it should support the inventors in developing their industry to be able to compete in international markets. However, the absence of protection of intellectual property and the lack of protection of innovation will lead to a decline in the economic growth and development.

The implementation of laws and procedures for the protection of intellectual property rights in

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<sup>71</sup>The world Bank (<http://data.albankaldawli.org>), (2/8/2018)

<sup>74</sup>مصعب أبو صلاح، "واقع أثر الملكية الفكرية وأثره على الاستثمار في قطاع تكنولوجيا المعلومات في فلسطين" (رسالة ماجستير، جامعة النجاح: نابلس، 2016)

Palestine is closely related to the protection and promotion of economic growth. The protection of intellectual property is a cultural and economic phenomenon that contributes to the regulation of economic relations between countries to protect creativity and inventions. Some Arab countries, including Palestine, seek to encourage foreign investments to establish joint projects in various economic fields. Here comes the role of intellectual property protection, which directly or indirectly stimulates these investments. Finally, the application and development of intellectual property protection laws, in line with the TRIPS standards, regulates international trade.

### **3.3 The role of The Palestinian Economy and Culture Ministries in intellectual property protection**

The Ministries of Economy and Culture in Palestine must strive to strengthen the protection of intellectual property through working on the completion of the industrial property and copyright laws, in cooperation with the Intellectual Property Organization, which is an important step in the protection of rights and the promotion of creativity and innovation, protection of the product and creation of investment opportunities in various fields.

Their efforts should not be concentrated in the workshops, since they have not made any real progress in previous times and have focused only on workshops where; during a workshop organized by the Ministry of National Economy in cooperation with the Ministry of Culture and the Higher Council for Innovation and Excellence under the title "Palestine is the State of Creativity and Innovation", to see the role of intellectual property protection in achieving economic, social and cultural development; the Ministry of National Economy; Abeer Odeh<sup>75</sup>, said that the draft of industrial property law, the draft of copyright law in collaboration with the Intellectual Property Organization and the modernization of infrastructure and the application and improvement of electronic systems are being developed and improved. Moreover, Odeh pointed to the new steps being taken by the Ministry of Economy to promote intellectual property and promote investments through the registration of trademarks of Palestinian associations. Odeh also has shed the light on the relationship between law, economy and law protection of the economy must be strong, so an anti-economic crimes prosecution has been

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<sup>75</sup> She is the first Palestinian woman to serve as Minister of the Palestinian National Economy and served as Director General of the Palestinian Capital Market Authority

established, which plays an important role in the protection of trademarks and take the legal requirement against violations and forgery.<sup>76</sup>

On the other hand, Dr. Ihab Bseiso<sup>77</sup> said that the cultural field is a strategic reservoir in many areas, including cinema, literature, theater and others. Therefore, it is necessary to strengthen and develop it to carry the national narrative of the Arab depth and to establish a legal framework, despite the complexity from the occupation policies. Although, Intellectual Property is accompanied by the adoption of relevant laws that provide protection to the author and contribute to the creation of investment opportunities in the cultural field, especially as it intersects with the work of the Ministries of Economy, Tourism, Higher Council for Innovation and Excellence and the private sector, so the Ministry of culture looks forward to a real partnership with all parties. Also, the spokesman for the Higher Council for Innovation and Excellence Adnan Samara<sup>78</sup> said that they are partners with all ministries and institutions working in the field of intellectual property protection, and are working on the completion of a strategy of creativity and excellence, so the Higher Council for Innovation and Excellence trying to be as an umbrella for all institutions and ministries that work on the protection of intellectual property. Also, Ministries and universities are the source of innovation and they must provide the ministry with all creative projects and creations, so that the ministry can support and develop these creations.<sup>79</sup>

Also, Talal Abu-Ghazaleh Organization (TAG-Org) is one of the parties that are trying to promote intellectual property. Thus; after an interview with (Suhaib Hiyasat, Ibrahim Al-salah, and Dima Naber)<sup>80</sup> in Talal Abu-Ghazaleh office for intellectual property in Jordan, we recognized that Talal Abu-Ghazaleh<sup>81</sup> is one of the first people in the Arab world who specialized in the field of

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<sup>76</sup> Palestinian Ministry Of National Economy (<http://www.mne.gov.ps/>), (2/8/2018)

<sup>77</sup> academic and poet, specialized in architecture and then moved to media studies. He moved between executive and academic positions before he became Minister of Culture

<sup>78</sup> Chairman of the Board of Directors of the Supreme Council for Creativity and Excellence Chairman of the Board of Trustees of Al Quds Open University

<sup>79</sup> Palestinian Ministry of National Economy (<http://www.mne.gov.ps/>), (2/8/2018)

<sup>80</sup> Suhaib Hiyasat (IP portfolio officer), Ibrahim Al-salah (Portfolio officer), Dima Naber (Bachelor of law)

<sup>81</sup> Born on April 22nd 1938. Founded Talal Abu-Ghazaleh Organization (TAG-Org) in 1972, a leading global provider of professional and educational services with more than 100 offices worldwide. Recognized as one of the most influential leaders in the world, with lifetime achievements, distinctions and outstanding contributions to education, accountancy, Intellectual Property, business administration and management, commerce, ICT, science and technology, law and other fields. A builder of institutions with a sense of history and a vision for the renaissance of the Arab and Islamic worlds.



intellectual property through establishing Talal Abu-Ghazaleh Organization. He began his work in Kuwait and later branched out to most Arab countries, he almost covered all Arab countries as well as non-Arab countries such as; India, Russia, Turkey, china, and Pakistan. In addition, the number of registered trademarks of TAG-Org is over 400,000 and more than 100 patents in the field of ICT<sup>82</sup> solutions in all countries of the world.

However, this is not sufficient to promote and protect intellectual property, and therefore efforts must be intensified and work more seriously. So, in the researcher's view, there must be a national strategic plan for the protection of intellectual property in cooperation between the Ministries of Economy and Culture and the Higher Council for Innovation and Excellence, to ensure the clarification of objectives and goals. also, measure the degree of achievement. so, cooperation between the specific parties develop the fundamentals of the plan and increases coordination and participation among them, which leads to improve intellectual property protection in many fields and ideas get closer to the integration.

The specific parties should focus on raising the awareness of the society about intellectual property issues. It is also necessary to organize an integrated legal system for the protection of intellectual property in all its fields. In addition, they must encourage creative minds and innovators to provide inventions and support them. Universities and schools should be integrated into intellectual property issues too. Therefore, students should be taught their intellectual property rights and commitments. There are many countries that tried hard to improve intellectual property through governmental or private organizations efforts; for example, we will shed light on intellectual property in Israel.

### **3.3.1 Intellectual Property in Israel**

After studying the Israeli intellectual property statistics with the Lawyer Amir Taji<sup>83</sup> who works in Israel, it was clear that there is a great interest in the protection of intellectual property in several ways especially through commercialization companies. where these companies turn a patent into

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<sup>82</sup> Information and communications technology

<sup>83</sup> a specialized in intellectual property and also, he is a pioneer in entrepreneurship in the Arab World

a commercial product, and help in creating startup companies<sup>84</sup>, and so these activities contribute substantially to the growth of the economy. The following Tables will explain the role of commercialization companies into the development of intellectual property and its reflection on the Israeli economy;<sup>85</sup>

Type of company	2017	2016	2015	2014
Total	1,070	1,328	1,009	856
Companies associated with universities	553	605	517	566
Companies associated with hospitals	242	185	176	144
Companies associated with research institutions and colleges	275	538	316	146

Table 1- Invention Disclosure Reports

It is shown that in 2017, commercialization companies received 1,070 invention disclosure reports and 553 of them were received by commercialization companies associated with universities.

Type of company	2017
Total	660
Companies associated with universities	577
Companies associated with hospitals	51
Companies associated with research institutions and colleges	32

Table 2- Number of Original Approved Patent Applications in Israel and Abroad

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<sup>84</sup> A startup company is a company which is the outcome of technological entrepreneurship based on research and development in order to create a new for a profit business, and its resources are aimed to develop an idea, a product or service. This business has not yet earned profits or became a mature business

<sup>85</sup> Central bureau of statistics ([www.pcbs.gov.ps](http://www.pcbs.gov.ps)), (2/10/2018)

In Table 2 it is obvious that total of original approved patent applications in Israel and Abroad are 660 and the highest ration refers to companies associated with universities.

Type of company	Total	Revenues from selling Ip	Income from other activities of the company
Total	2,084	,1364	720
Companies associated with universities	1,939	,1320	619
Companies associated with hospitals	73	7	66
Companies associated with research institutions and colleges	72	37	35

Table 3- Revenues of Commercialization Companies, by Type of Revenue, 2016 (NIS million)

\* Revenue from selling IP includes: sales of patents, royalties, license fees, income from ownership of startup companies

\* Income from other activities includes: contracts and research grants, external studies, usage of labs, income from Israel Innovation Authority.

## **Chapter Four: Methodology & Data Analysis**

### **4.1 Methodology**

### **4.2 Community and Sample Search**

### **4.3 Characteristics of Study Variables**

### **4.4 Tool of Research**

### **4.5 Normality Distribution Test**

### **4.6 Questionnaire Honesty**

### **4.7 Research Data Analysis**

### **4.8 Qualitative Analysis: field interviews**

### **4.9 Testing the Research Hypothesis**

## 4.1 Methodology

This study is considered as an explanatory testing, because of the clear amount of uncertainty characterizing decision situation and the statement of key research is the hypothesis. This study is mixed between quantitative and qualitative design, by making a Matrix Questions surveys and structured Interviews. So, the researcher used two parts to achieve the objectives of the research;

1- Theoretical section (qualitative method): through this method we studied the fact of intellectual property and its impact on the Palestinian economic growth. Also, analyzed the previous studies in this field. Where information was collected through;

a. Interviews: This includes mainly interviewing the officials of Intellectual Property Department of the Ministry of Economy to learn about their views on the reality of intellectual property and the challenges facing its application. In addition, interviewing a legal lawyer specialized in intellectual property in the State of Israel and Officials in Talal Abu-Ghazaleh Organization in Jordan to learn about their efforts to promote and improve intellectual property.

b- The Palestinian Central Bureau of Statistics (PCBS): statistical information on intellectual property in Palestine has been clarified, such as the number of patents, copyrights and registered trademarks.

c- Previous studies: It has been referred to the official journals and magazines, in addition to books, master's thesis and scientific researches related to intellectual property.

2- Practical section (quantitative method): The primary data were collected by means of the questionnaire to collect data, analyze and interpret the results in a logical and scientific way. Questionnaire were distributed by selecting a random sample, which is a sample of university students, lawyers and private and governmental institutions in the West Bank, because they are all connected to different intellectual property fields.

## 4.2 Community and sample search

Since university students, lawyers and private and governmental institutions in the West Bank related to different fields of Intellectual Property; they considered the research community.

An online questionnaire was published and responded by 157 people

#		Collected	percentage
1	University students	20	13%
2	Private institutions	116	74%
3	Governmental institutions	21	13%

Table 4- Distributed Questioner

The interviews were conducted with three different institutions

1. Mr. Ali Thouqan -The registrar of trademarks and patents in the Ministry of National Economy.
2. Mr. Suhaib Hiyasat (Intellectual property portfolio officer), Mr. Ibrahim Al-salah (Portfolio officer) and Ms. Dima Naber in Abu Ghazaleh office for intellectual property protection in Jordan.
3. Lawyer Amir Taji - a specialized in intellectual property in Israel and a pioneer in entrepreneurship in the Arab World.

### 4.3 Demographic Characteristics of study variables

The result will be displayed through tables, and this part of the study focuses on reviewing the demographics of the study population. The frequency distribution appears for the community members depending on variables that believe that its role and impact are essential answers of questionnaires. This is made apparent in the following table:

Demographic Characteristics		Percentage
<b>Frequency of Age</b>	20-30 more than 30-40 More than 40-50 More than 50	66.7% 23.1% 6.4% 3.8%
<b>Frequency of Gender</b>	Male  Female	45%  55%
<b>Frequency of educational level</b>	High- School Diploma Bachelor Degree Master Degree	6.4% 5.1% 51.3% 37.2%
<b>Frequency of work field</b>	Governmental sector Private sector Student Others (NGOS, International institutions, Civil society and people who don't work)	6.4% 74% 13% 6.6%

## 4.4 Data Collection Tool

A questionnaire was prepared to reflect the view of the participants about the Impact of Intellectual Property Protection on the Palestinian Economic Growth in a Strategic Vision. The questionnaire included 26 questions distributed in four main fields:

Field 1: The Palestinian citizens' awareness of intellectual property which includes 8 questions.

Field 2: Intellectual Property Laws which includes 5 questions.

Field 3: Intellectual Property as a strategic option which includes 6 questions.

Field 4: Linkage between Economy and Intellectual property which includes 7 questions.

The researcher used the Likert scale to measure the target group's responses to the questionnaire fields as shown in table (5) below:

Respond	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Degree	1	2	3	4	5

Table 5- Likert Scale Degree's

Also, interviews have been used as a tool to explore their views regards The Impact of the Intellectual Property Protection on the Palestinian Economic Growth in a Strategic Vision.



## 4.5 Data Testes and Validation

1- Cronbach's Alpha test: for testing the reliability and stability of the questionnaire fields.

2- Split-Half test: for ensuring reliability test of the questionnaire fields.

3- T-test in one sample case: to know if the average response degree has reached the average approval level. The researcher used it to make sure of the average indicator for each questionnaire field.

The questionnaire is intended to measure its questions, and the researcher has ascertained that the questionnaire has been validated in two ways;

The researcher presented the questionnaire to a group of arbitrators. The names of arbitrators are listed in appendix no. (2). The researcher responded to the views of the arbitrators and made the necessary deletions and modifications in light of the proposals made. Also, the researcher calculates the internal validity for the questionnaire through calculating the correlation co-efficient between questions in every field in the questionnaire.

## 4.6 Questionnaire Reliability

The reliability and stability of the questionnaire is intended to give this questionnaire the same result if the questionnaire had been redistributed more than once under the same conditions. In other words, the reliability and stability of the questionnaire means settling the results of the questionnaire and not having it being changed significantly if it has been redistributed to the members of the sample several times during the period's specific intention.

### A) Cronbach's Alpha Coefficient:

The researcher used Cronbach's Alpha way to measure the stability of questionnaire, and the result is shown in table (6) below:

Reliability Statistics			
Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items	Honesty
.849	.849	26	.921

Table 6- Cronbach Alpha Coefficient

It is clear from the results, which are shown in table (6) that the value of Cronbach Alpha coefficient is 0.849, and the value of honesty is .921. This means that both the stability and honesty are high. So, the results of Cronbach Alpha for each field was as follows;

Field	Cronbach's Alpha	N of Items
The Palestinian citizens' awareness of intellectual property	.802	8
Intellectual Property Laws	.879	5
The Relationship between strategic planning and intellectual property	.795	6
Reflection of intellectual property protection on the Palestinian economy	.787	7

### B) Split Half Method:

The data were split into two parts. Part 1 included general information and 11 questions, Part 2 included 15 questions. The correlation coefficient was calculated between a degree of part 1 and part 2. Then, the correlation coefficient was corrected with Spearman-Brown Coefficient, and the results are as shown in the table (7) below:

Readability Statistics			
Cronbach's Alpha	Part 1	Value	.755
		N of Items	15 <sup>a</sup>
	Part 2	Value	.826
		N of Items	15 <sup>B</sup>
	Total N of Items		30
	Correlation Between Forms		.317
Spearman-Brown Coefficient		Equal Length	.481
		Unequal Length	.481
Guttman Split-Half Coefficient			.480

Table 7- Split Half Method

The researcher made sure of the honesty and stability of the research questionnaire, making it very trustable and giving it the ability to analyze the results and answer research questions and test the hypothesis.

## 4.7 Research Data Analysis

### The Palestinian citizens' awareness of intellectual property

#	Question	Mean/5	Std. Deviation/5	Level
1	AW1	2.04	1.059	Low
2	AW2	2.69	1.205	Low
3	AW3	2.68	.997	Low
4	AW4	2.06	1.151	Low
5	AW5	2.42	1.142	Low
6	AW6	2.74	1.174	Low
7	AW7	2.38	1.080	Low
8	AW8	2.45	1.037	Low
All Questions		2.4325	1.1056	
*Low level				

Table 8- mean and standard deviation for each question for the field of Palestinian citizens' awareness of intellectual property

Table (8) above refers to the field of “The Palestinian citizens' awareness of intellectual property”, and the result is: All the questions in this field, range between (2.04-2.69) as a mean, which is slightly higher than disagree. Also, the Std. Deviation values ranges around 1. On the view of the participant; the Palestinian citizens lack awareness of intellectual property and its field and issues.

### **Intellectual Property Laws**

#	Question	Mean/5	Std. Deviation/5	Level
1	IW1	2.33	.999	Low
2	IW2	2.42	.944	Low
3	IW3	2.41	.970	Low
4	IW4	2.42	1.060	Low
5	IW5	2.53	1.144	Low
All Questions		2.422	1.023	
*Low level				

Table 9- mean and standard deviation for each question for the field Intellectual Property Laws

Table (9) above refers to the field of “Intellectual Property Laws”, and the result range between (2.33- 2.53) as mean, which is slightly higher than disagree. Also, the Std. Deviation values ranges around 1. On the view of the participant; there is a gap in the Palestinian legal system that specialize in intellectual property.

### **Intellectual Property as a strategic option**

#	Question	Mean /5	Std. Deviation/5	Level
1	Sp1	3.01	.806	Moderate
2	SP2	3.35	1.051	Moderate
3	SP3	3.03	.964	Moderate
4	SP4	3.01	.997	Moderate
5	SP5	2.05	.962	Low
6	SP6	3.18	.919	Moderate
All Questions		2.93	.9498	Low
*Moderate level				

Table 10- mean and sig for each question for the field of the reflection of strategic planning on intellectual

property protection

Table (10) above refers to the field of “The Reflection of strategic planning on intellectual property protection”, and the result is most of questions in this field range around three as a mean, which is slightly higher than agree. Also, the Std. Deviation values ranges around 1. On the view of the participant; strategic planning reflects and effect Intellectual property protection.

### **Linkage between Economy and Intellectual Property**

#	Question	Mean /5	Std. Deviation/5	Level
1	EC1	3.06	.909	Moderate
2	EC2	3.60	.914	Moderate
3	EC3	3.38	.967	Moderate
4	EC4	3.85	.851	Moderate
5	EC5	3.79	.707	Moderate
6	EC6	2.68	.827	Low
7	EC7	2.63	.805	Low
All Questions		3.284	.8542	Moderate
*Moderate level				

Table 11- mean and standard deviation for each question for the field of the Reflection of intellectual property protection on the Palestinian economy

Table (11) above refers to the field of “Reflection of intellectual property protection on the Palestinian economy”, and the result is that most questions in this field range around three as a mean except last two questions. Also, the Std. Deviation values ranges around 1. On the view of the participant; there is a relationship between intellectual property protection and Palestinian Economy.

### In general for all fields

All Questions	Mean/5	Std. Deviation/5
	2.767	.9831

Table 12: mean and standard deviation for all fields

In general, the mean of all the fields is 2.767 and the Std. Deviation is around 1 which is .9831

## 4.8 Testing the Research Hypothesis

To test the research hypothesis the researcher used correlation and ANOVA tests and comparing Mean.

**Hypothesis Number one (H1):** Strategic planning of intellectual property may affect Palestinian economic growth.

Correlations		
	التخطيط	الاقتصاد
Pearson Correlation	1	.524**
التخطيط Sig. (2-tailed)		.000
N	156	155
Pearson Correlation	.524**	1
الاقتصاد Sig. (2-tailed)	.000	
N	155	155

Table 13: Correlation table for hypothesis number one

There is a positive correlation between Intellectual Property as a strategic option and Economic growth. Therefore; We accept the hypothesis since the sig is (.000) which is lower than .05. When Intellectual Property strategically planned, most of intellectual work will be exploited in favor of the Palestinian economy through employing and exploiting it properly by the government and the individual.

**Sub Hypothesis (H1):** The awareness of Intellectual Property may contribute to the Palestinian economic growth

Correlations			
	الاقتصاد	الوعي	
Pearson Correlation	1		.220**
الاقتصاد Sig. (2-tailed)			.006
N	155		155
Pearson Correlation	.220**		1
الوعي Sig. (2-tailed)	.006		
N	155		156

Table 14: Correlation table for sub hypothesis of number one

We accept the hypothesis because there is a positive relation between the awareness of intellectual property and economic growth. And the sig value is lower than .05 which is .006. Therefore, it can be concluded that the more citizens are aware of how to protect intellectual property, the more it reflects on economic growth, so that individuals and government will benefit financially.



**Hypothesis number two (H1):** Laws of Intellectual Property may have a positive relation with the awareness of Intellectual property in Palestine.

Correlations		
	الوعي	القوانين
Pearson Correlation	1	.383**
الوعي Sig. (2-tailed)		.000
N	156	156
Pearson Correlation	.383**	1
القوانين Sig. (2-tailed)	.000	
N	156	156

Table 15: Correlation table for hypothesis number two

Depend on the table above there is a positive correlation between awareness and laws of Intellectual Property. Also, the sig value is .000 which is lower than .05. Therefore, we accept the hypothesis. From the researcher view the positive relationship between laws and awareness of Intellectual Property explains that the more citizens are aware of intellectual property, the more laws are developed and renewal.

**Sub Hypothesis (H1):** Age stages may correlate positively with the awareness of Intellectual Property.

#### Report

الوعي	Mean	Std. Deviation
العمر بالسنوات		
20-30	3.1560	.65568
أكثر من 30-40	3.5250	.81225
أكثر من 40-50	2.6750	.24438
أكثر من 50	2.5417	.74442
Total	3.1843	.71694

	Sum of Squares	Df	Mean Squares	F	Sig
Between Groups	9.219	3	3.073	6.630	.000
Within Groups	70.451	152	.463		
Total	79.670	155			

Table 16: ANOVA test for hypothesis number two

There is a correlation between age stages and awareness of Intellectual Property, since the sig values is lower than .05 which is .000, we accept the hypothesis. It's clear that the Participants with age of 20-40 has a larger awareness from the older participants with age of 40-50 and more. From the view of the researcher Although citizens' awareness of intellectual property is low but it's obvious increasing over time.

**Hypothesis number three (H1):** Intellectual Property as a strategic option may affect laws of Intellectual Property.

Correlations			
	القوانين	التخطيط	
Pearson Correlation	1		.183*
القوانين Sig. (2-tailed)			.022
N	156		156
Pearson Correlation	.183*		1
التخطيط Sig. (2-tailed)	.022		
N	156		156

Table 17: Correlation table for hypothesis number three

We accept the hypothesis because there is a positive relation between Intellectual Property as a strategic option and laws of Intellectual Property. since the sig value is lower than .05 which is .02. Therefore, it can be concluded that Strategic Intellectual Property planning improves the quality of laws and helps to develop them

**Sub Hypothesis (H1):** Intellectual Property as a strategic option may raise the awareness of Intellectual Property in Palestine.

Correlations			
	الوعي	التخطيط	
الوعي	Pearson Correlation	1	.260**
	Sig. (2-tailed)		.001
	N	156	156
التخطيط	Pearson Correlation	.260**	1
	Sig. (2-tailed)	.001	
	N	156	156

Table 18: Correlation table for sub hypothesis of number three

Depend on the table above there is a positive correlation between Intellectual Property as a strategic option and the awareness of Intellectual Property in Palestine. Also, the sig value is .001 which is lower than .05. Therefore, we accept the hypothesis. From the researcher view as the relationship is positive, strategic Intellectual Property planning is a key factor in raising awareness of intellectual property.

## 4.9 Qualitative Analysis

On August 2018, at 12:00 PM the researcher had an Interview with Suhaib Hiyasat (IP portfolio officer), Ibrahim Al-salah (Portfolio officer), Dima Naber (Bachelor of law) in Talal Abu Ghazaleh Organization for intellectual property in Jordan.

It was noted that intellectual property in Jordan still needs a long shot to be fully promoted in Jordan. Talal Abu-Ghazaleh seeks to develop intellectual property protection, such as focusing on customs awareness campaigns, agreements have also been made with the police and public security to prevent Intellectual property violations issues. Talal Abu-Ghazaleh organization is also writing drafts for the Ministry of Industry and Trade to pressure government agencies to improve the legal legislation that specializes in intellectual property. Also, a university was opened under the name of Talal Abu-Ghazaleh University College for Innovation (TAGUCI), with the aim of increasing the awareness of Jordanians people and supporting inventors and researchers. Talal Abu-Ghazal believes that the protection of intellectual property encourages investment, reduces unemployment rates and reflects directly and indirectly on the economy. Finally, they emphasized the role of strategic planning in the promotion of intellectual property and the development of a strategic Intellectual Property plan would be undertaken.

On November 2018, at 12:30 PM the researcher had an interview with Mr. Ali Thouqan -The register of trademarks and inventions in the Ministry of National Economy. He shed the light on many important points; he said that Intellectual property is an important tool of economic development, especially trademarks, so over time confidence between the consumer and the owner will be increased and it will promote communication between them, therefore consumption will get greater and all of this will reflect on economic development. In addition, the inventions increase the growth of the Palestinian economy, but face many challenges; the lack of citizens' knowledge of international and local inventions in terms of research and marketing possibilities and others. Communication between universities and industrial sectors is almost non-existent and it's very limited, so the technical problems faced by the researcher or the inventor cannot be solved.

In addition, an agreement was signed with the World Intellectual Property Organization (WIPO) to establish technology and innovation support centers. Moreover, Separate agreements will also be signed between the Ministry of National Economy and universities.

He also mentioned that the legal gap is also covered by a new legal draft that include Industrial property, Industrial designs and utility models which is lower level than inventions, it comes with less conditions. They were added to protect and support local innovators.

The Ministry of Economy has participated with other institutions to promote and develop intellectual property and increase the awareness of the Palestinians people; it participated with the National Committee for Culture, Ministry of Culture, Al-Nayzak and Higher Council for Innovation and Excellence. Finally, he focused on three pillars that have a major role in promoting intellectual property; awareness raising, capacity building workers and legal legislation. It should be included in a national strategic plan, so that the Ministry will develop, within its next projects, a national strategic plan for intellectual property.

The researcher had also an interview On November 2018, at 4:00 PM with Lawyer Amir Taji who works in Israel as a specialized in intellectual property and also, he is a pioneer in entrepreneurship in the Arab World. We examined the impact of Intellectual Property protection on the Israeli economy and it was clear that there is a great interest in the protection of intellectual property in several ways especially through commercialization companies where these companies turn a patent into a commercial product, and help in creating startup companies and so these activities contribute substantially to the growth of the economy.

The researcher noted that the protection of intellectual property has a significant impact on economic growth in various fields. It is therefore necessary to focus on the support and protection of literary and industrial intellectual property for its reflection on the state economy. A significant gap has also been observed in linking intellectual property in strategic planning. Although strategic planning is an important pillar and can be likened to the foundation stone for the success of any goal, such as supporting and protecting innovations and protecting trademarks and investments.

## **Chapter Five: Results & Recommendations**

### **5.1 Introduction**

### **5.2 Results of the Research**

### **5.3 Recommendations of the Research**

### **5.4 Future proposed studies**

## 5.1 Introduction

Depending on the fields studies which the researcher did about the impact of intellectual property protection on the Palestinian economic growth in a strategic vision, this research got a group of results from the data which the researcher collected from the questionnaire. The results were analyzed, explained and linked to related previous studies. In this chapter, the most important results of the research, as well as the most important recommendations, will be drawn.

## 5.2 The Results of the research

1. The findings have concluded that there is a positive correlation between intellectual property protection and Palestinian economic growth. Thus, the more we commit with Intellectual Property Protection, the more valuable intellectual wealth we can have in order to increase the economic growth.
2. The results show that the awareness of Palestinian citizens towards Intellectual Property is very low. Also, the media and educational institutions are not doing enough to raise awareness among the Palestinians people.
3. The results indicate that Palestinian intellectual property law lack of modernization and development to keep up with intellectual property issues of our time.
4. After conducting interviews with Intellectual Property experts, it was recognized that there is more than one body responsible for supporting and promoting intellectual property, the most important of which is the Ministry of Economy and the Ministry of Culture. But it must be the responsibility of the individual and the government in all fields.

5. There are several obstacles to the improvement of intellectual property protection in Palestine, the most important; the lack of awareness, the absence of a modern and integrated intellectual property law, Intellectual property is not considered a priority for the Palestinian government, the dependence of the Palestinian economy on Israel and Palestine has not officially joined the WTO.
6. The results show that there is a positive correlation between Strategic Planning and Palestinian awareness of intellectual property.
7. The results show that there is a positive correlation between Strategic Planning and Palestinian economic growth.
8. The results show that there is a positive correlation between Strategic Planning and Palestinian Intellectual Property Law

### **5.3 Recommendations of research**

1. Highlighting and Implementing Intellectual Property in Palestine taking all procedures to protect it.
2. Accelerate the adoption of effective laws to protect intellectual property rights, Particularly copyright and neighboring rights law.
3. Government agencies should adopt the proposed modifications to industrial property of all fields.



4. For the absence of the role of government institutions in the protection of intellectual property, it should be one or more independent institutions that deal with intellectual property matters, and whose role is to guide, monitor and control.
5. Activating the role of cultural institutions in spreading awareness of the great importance of the application of intellectual property to the Palestinian economy, culture and to encourage creativity and invention.
6. Schools and Universities should merge intellectual property field in their educational curricula to separate the culture and importance of intellectual property.
7. Develop a national strategic plan to promote intellectual property strategically.

#### **5.4 Future Proposed studies**

1. A study focusing on the obstacles related to the application of intellectual property protection in Palestine.
2. A study that highlights and proposes solutions to the legal gaps related to intellectual property.
3. A study proposing a national strategic plan for the protection of intellectual property and comparing it with what is actually applied.

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## Appendix (1): Questioner

The Arab American University  
Highly educational Department  
Strategic Planning and fundraising



الجامعة العربية الأمريكية  
برنامج الدراسات العليا  
تخطيط استراتيجي وتجديد أموال

### أثر حماية الملكية الفكرية على النمو الاقتصادي الفلسطيني من منظور استراتيجي

تحية طيبة وبعد ،

أنا الطالبة صفا مازن من كلية الدراسات العليا في الجامعة العربية الأمريكية أقوم بدراسة حول " أثر حماية الملكية الفكرية على النمو الاقتصادي الفلسطيني من منظور استراتيجي". نرجو منكم التعاون للأجابة على الاسئلة الواردة في الاستبانة، رأيكم هام لإثراء نتائج الدراسة، يرجى تعبئة الأسئلة بدقة علماً بأن إجاباتكم تستخدم لأغراض بحثية فقط ، وأنها ستبقى قيد السرية. شاكرين لكم حسن تعاونكم ....

### الجزء الأول: المعلومات الخاصة

الرمز	السؤال
Per1	العمر بالسنوات 1. 20-30 2. أكثر من 30-40 3. أكثر من 40-50 4. أكثر من 50
Per2	الجنس : 1. ذكر 2. أنثى
Per3	التحصيل الأكاديمي: 1. توجيهي 2. دبلوم 3. بكالوريوس 4. ماجستير 5. غير ذلك
Per4	مجال العمل: 1. حكومي 2. خاص 3. طالب 5. غير ذلك

### الجزء الثاني: وعي المواطن الفلسطيني تجاه الملكية الفكرية

الرمز	السؤال	أوافق بشدة	أوافق	محايد	أعارض	أعارض بشدة
AW1	تعريف مصطلح الملكية الفكرية واضح لدي					
AW2	الملكية الفكرية لها أهمية لدى المجتمع الفلسطيني					
AW3	يوجد منشورات وإعلانات تتعلق بقضايا الملكية الفكرية في فلسطين					
AW4	أنا على دراية بحقوق المتعلقة بالملكية الفكرية					

AW5	أنا على دراية بالقوانين المختصة بالملكية الفكرية				
AW6	أعرف الجهات المختصة بحماية الملكية الفكرية بشتى المجالات				
AW7	تتطرق المؤسسات التعليمية لقضايا الملكية الفكرية				
AW8	تتطرق وسائل الاعلام الفلسطينية لقضايا الملكية الفكرية				

### الجزء الثالث: القوانين المتعلقة بالملكية الفكرية

الرمز	السؤال	أوافق بشدة	أوافق	محايد	أعارض	أعارض بشدة
LW1	يوجد نظام قانوني متكامل يختص بالملكية الفكرية في فلسطين					
LW2	القوانين الفلسطينية المختصة بالملكية الفكرية قادرة على حمايتها					
LW3	القوانين الفلسطينية المختصة بالملكية الفكرية تشجع على الإبداع والابتكار					
LW4	القوانين الفلسطينية المختصة بالملكية الفكرية تدعم حماية الابتكارات					
LW5	أثق بكفاءة القوانين المختصة بالملكية الفكرية					

### الجزء الرابع: الملكية الفكرية كخيار استراتيجي

الرمز	السؤال	أوافق بشدة	أوافق	محايد	أعارض	أعارض بشدة
SP1	التخطيط الاستراتيجي من الركائز المهمة للنهوض بالملكية الفكرية في فلسطين					
SP2	يوجد تخطيط استراتيجي متكامل بين المؤسسات المعنية لتعزيز الملكية الفكرية في فلسطين					
SP3	إن وجود خطة استراتيجية وطنية لحماية الملكية الفكرية تعزز من حمايتها في فلسطين					
SP4	وجود خطة استراتيجية وطنية للملكية الفكرية تساهم في رفع وعي المواطن الفلسطيني اتجاهها					
SP5	وجود خطة استراتيجية وطنية للملكية الفكرية تساهم في تطوير النظام القانوني المختص بها					

					وجود خطة استراتيجية وطنية للملكية الفكرية تساهم في رفع اقتصاد الدولة	SP6
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الجزء الخامس: الربط بين الملكية الفكرية والاقتصاد الفلسطيني

الرمز	السؤال	أوافق بشدة	أوافق	محايد	أعارض	أعارض بشدة
EC1	وجود حماية كفاءة للملكية الفكرية تساعد على تعزيز الاقتصاد الفلسطيني					
EC2	رسوم إجراءات حماية الملكية الفكرية تساهم في رفع ميزانية الدولة					
EC3	تساعد حماية الملكية الفكرية على تقليل نسب البطالة في فلسطين					
EC4	حماية الملكية الفكرية تشجع على الاستثمار في فلسطين					
EC5	حماية الملكية الفكرية تعزز الثقة بين المستهلك ومالك العلامة التجارية					
EC6	تشجع حماية الملكية الفكرية العقول المفكرة على تصميم الاختراعات					
EC7	تشجع حماية الملكية الفكرية الأدباء والمفكرين على نشر مؤلفاتهم					

- ما هي توصياتك لتحسين تطبيق حماية الملكية الفكرية في فلسطين

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### Appendix (2): Arbitrators of questioner

	<b>Name of arbitrator</b>	<b>Job</b>	<b>Sector</b>
<b>1</b>	Dr. Dalal Iriqat	Vice President for international relations of the Arab-American University	Academic
<b>2</b>	Dr. Mohammed abu sharbeh	Doctor in Finance at the Arab American University	Academic
<b>3</b>	Dr. Mohammed Iriqat	Doctor in Law at Al-Quds University	Academic

## ملخص الرسالة

هدف هذا البحث تحليل واقع الملكية الفكرية في المجتمع الفلسطيني وكيفية تأثيره على الاقتصاد الفلسطيني، استخدمت الباحثة المنهج الوصفي التحليلي، تم مقابلة مسؤولي وحدة الملكية الفكرية في وزارة الاقتصاد الوطني، بالإضافة لمقابلة رجل قانون مختص بالملكية الفكرية، وأخيراً تم مقابلة مسؤولي وحدة الملكية الفكرية في مجموعة طلال أبو غزالة للملكية الفكرية في الأردن. كما وقد تم استخدام الاستبيان كأداة لجمع المعلومات كون البحث هو عبارة عن بحث كمي، وزعت الباحثة 157 استبيان وأظهرت نتائج البحث ما يلي: يوجد علاقة إيجابية بين حماية الملكية الفكرية والنمو الاقتصادي الفلسطيني، وبهذا كلما تم الالتزام بحماية الملكية الفكرية يتم الحصول على ثروة فكرية قيمة تصب في تعزيز النمو الاقتصادي. كما وأظهرت النتائج أن وعي المواطنين الفلسطينيين تجاه الملكية الفكرية قليلاً جداً، ووسائل الإعلام والمؤسسات التعليمية لا تبذل الجهد الكافي لرفع نسبة الملكية الفكرية بين الفلسطينيين. كما وبيّنت الدراسات أن قانون الملكية الفكرية الفلسطيني يفتر إلى التجديد والتطور لمواكبة قضايا عصرنا الحالي.

أوضحت النتائج أنه يوجد أكثر من جهة مسؤولة عن دعم وتعزيز حماية الملكية الفكرية ومن أهمها وزارتي الاقتصاد والثقافة، ولكن في الوقت نفسه يجب أن تكون مسؤولية اجتماعية على الأفراد والحكومة في جميع المجالات. كما أن هناك معوقات تعرقل من تعزيز الملكية الفكرية أظهرتها الدراسة ومن أهمها: قلة الوعي بالملكية الفكرية، غياب عنصري الجدية والتطور في القانون الفلسطيني التابع للملكية الفكرية. بالإضافة إلى أنه لا يتم تصنيف الملكية الفكرية من أولويات أعمال الحكومة. ومن ناحية أخرى تبعية الاقتصاد الفلسطيني لإسرائيل يعرقل من تعزيز الملكية الفكرية، وأخيراً أنه لم يتم انضمام دولة فلسطين رسمياً إلى منظمة التجارة العالمية والمنظمة العالمية للملكية الفكرية.

أفادت النتائج بوجود علاقة إيجابية بين التخطيط الاستراتيجي وثلاثة عناصر أخرى وهي وعي المواطنين الفلسطينيين بالملكية الفكرية، النمو الاقتصادي الفلسطيني، وأخيراً القانون الفلسطيني المختص بالملكية الفكرية.