

# HEGAZY

AND PARTNERS

## NEWSLETTER

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[www.hegazylaw.com](http://www.hegazylaw.com)

1095 Corniche El Nile  
Street 4th & 5th Floors,  
Suites 35 & 43 Garden  
City, Cairo, Egypt

Tel.: +202 27 93 49 39

Fax: +202 27 93 49 44

Email:

[info@hegazylaw.com](mailto:info@hegazylaw.com)

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Marwan Gamal  
Junior Associate

## 01 How to Establish a Cash Transportation Company in Egypt

Any company that wishes to practice cash transportation and guarding activities should obtain a license in order to practice such activity, and the license should be issued by the Minister of Interior or his authorized representative after the following conditions are met.

### **Firstly:**

1. The license applicant must be a joint stock company incorporated in accordance with the provisions of Law No. 159 of 1981, with a paid-up capital of no less than three hundred thousand (300,000) pounds.
2. The company's shares are wholly owned by Egyptians.
3. The company must have a headquarters approved by the Ministry of Interior, and that it meets the requirements specified by the executive regulations.

### **Secondly:**

The founders of the company, members of its board of directors, and its director must meet the following conditions:

1. To be an Egyptian and of Egyptian parents.
2. He must be of good conduct and reputation.
3. He has not been previously convicted of a felony penalty in one of the crimes stipulated in the Penal Code or similar crimes stipulated in special laws, or a penalty restricting freedom for a crime against honor or trust, unless he has been rehabilitated.
4. The manager in charge should have a certificate of experience for a period of no less than three (3) years approved by one of the companies licensed to work in this activity, or to have passed a training course in the field of guarding facilities and money transfer for a period of two weeks at the National Guards Institute at the Ministry of Interior, or to be one of the Among Ex officers of the armed forces, the police authority, or the General Intelligence.

### **Thirdly:**

Regarding the person in charge of the guard duty certain conditions are required as follows:

1. To be an Egyptian and of Egyptian parents.
2. He must be of good conduct and reputation.
3. He has not been previously convicted of a felony penalty in one of the crimes stipulated in the Penal Code or similar crimes stipulated in special laws, or a penalty restricting freedom for a crime against honor or trust, unless he has been rehabilitated.
4. Not less than 21 years old.
5. To be able to read and write.
6. That he had performed military or national service, was exempted from it or had his conscription postponed in accordance with the provisions of Law No. 127 of 1981 promulgating the Military and National Service Law.
7. That he has the necessary health fitness.
8. Had successfully passed a training course specific to the type of work assigned to him.

After all the requirements are met, the license is issued for a renewable period of 3 years.

The license specifies the licensed activity, whether it is limited to guarding facilities or transferring funds or both, and its spatial scope within the Arab Republic of Egypt.

It may be prohibited to carry out the licensed activity in specific places or certain facilities, provided that the licensed company is notified by the procedures specified in the executive regulations.

The company's manager is obliged to notify the Ministry of Interior of the statements of the chairman and members of the board of directors, and all the company's employees within fifteen (15) days from the date of their appointment, in accordance with the conditions and procedures set forth in the executive regulations.

The company shall pay a fee not exceeding one hundred thousand (100,000) pounds to the Ministry of the Interior in return for obtaining the license to operate for a period of three (3) years or renewing it according to the categories and conditions indicated by the executive regulations.

The company shall pay on behalf of the guards, in return for obtaining a license to carry out their work for a period of three (3) years, or renewing it, a fee not exceeding two hundred (200) pounds for each individual, in addition to the actual costs of obtaining cards and documents determined by the competent

#### **Fourthly:**

The Minister of Interior may suspend the license for a period not exceeding three months in the following cases:

- 1- The company's violation of any of the licensing terms.
- 2- Not placing licensed weapons and ammunition in secure safes or handing them over to workers as personal custody.
- 3- The company's violation of the provisions of any of the sixth, seventh, ninth, or eleventh articles of this law which are:
  - (The company's practice of any activity other than guarding facilities or transferring funds).
  - (Failure to notify the Ministry of Interior of the statements of the chairman and members of the board of directors, and all company employees within fifteen days from the date of their appointment, in accordance with the conditions and procedures set forth in the executive regulations).
  - (The company's failure to keep regular records of the activity in accordance with the forms specified by the executive regulations).
  - (The company's manager did not notify the Ministry of Interior of the contracts it entered into to carry out its activity, according to the forms specified by the executive regulations).

#### **Fifthly:**

The license is canceled by a decision of the Minister of Interior in the following cases:

1. Failure to comply with one of the licensing conditions set forth in this law.
2. Liquidation of the company, its merging with others, or the demise of its legal personality for any reason.
3. Failure to correct any of the violations during the period of suspension of the license.
4. Cases of necessity required by national security considerations.



Lauren Williams  
Legal Consultant

## 02 The Hague Child Support Convention and why Egypt Should Sign It

The Hague Convention on the International Recovery of Child Support was drafted in 2007 and entered into force in 2013 to allow citizens of signatory states to pursue extraterritorial child support cases. The objective of the convention is to prevent parents who owe child support from absconding abroad where child support orders cannot be enforced. The Hague Child Support Convention imposes several obligations on signatory states. These obligations include:

1. Enforcement of the treaty's provisions for child support orders for minors 18 and under (although the treaty can be enforced until the age of 21),
2. The creation of a central authority to enforce international child support orders,
3. The recognition and enforcement of child support orders issued in other signatory states,
4. The modification of an existing child support decision if applicable or necessary, and

5. Provision of effective access to child support enforcement and appeal procedures

In Egypt, the custodial parent can file for child support through the Egyptian family court system. However, if the non-custodial parent travels abroad, the custodial parent may have difficulty executing and enforcing the order. We often see one of the following scenarios in cases involving Egyptian children with at least one Egyptian parent:

**Scenario 1: The custodial parent resides in Egypt, and the non-custodial parent maintains dual residency both abroad and in Egypt.**

This scenario is the most privileged situation for the custodial parent, because the custodial parent is able to obtain a child support order from the Egyptian family court of competent jurisdiction. Egyptian child support orders are based on the non-custodial parent's income.

However, non-custodial parents who earn income and own property abroad often hide their foreign assets from the custodial parents. The result is an insufficient child support order that doesn't accurately reflect the non-custodial parent's financial obligation to the child.

**Scenario 2: The custodial parent resides in Egypt, and the non-custodial parent resides abroad.**

In this scenario, the custodial parent suffers from the same problems as in the previous situation with the addition of one crucial factor: the inability to enforce the child support order. Although some jurisdictions may enforce foreign child support orders (depending on the relevant jurisdiction's domestic law), most jurisdictions will not enforce foreign child support orders when both the child and the custodial parent are either non-residents or foreigners. Neither does the non-custodial parent have assets or accounts in Egypt which can be seized to pay child support, which is classed as a "priority debt" under Egyptian law.

**Scenario 3: The custodial parent resides abroad, and the non-custodial parent resides in Egypt.**

The Egyptian courts will not enforce foreign child support orders which undermine the jurisdiction of the Egyptian family courts. The non-custodial parent could file an [executory order](#) through the Egyptian civil courts, but the nature of child support as a recurring obligation renders such a procedure inefficient and ineffective.

Were Egypt to sign the Hague Child Support Convention, it would frustrate the efforts of non-custodial parents to escape from their obligations to their children. Many Egyptian expat havens such as the United States, Canada, France, and Turkey have signed the convention. The European Union also acceded to the convention. Egyptian child support orders should be enforced abroad, and the Egyptian courts should have the authority to intervene and modify foreign child support orders when custodial parents return to Egypt from abroad. Egypt's accession to the convention would not challenge the jurisdiction of the Egyptian family courts but would empower them.



## 03 Trademark Registration in Egypt

For a firm to ensure protection of an exclusive product, it must file for a trademark application. Such application is filed with the Egyptian Patent Office (EGYPO).

### Eligibility

Natural as well as juristic persons whether Egyptians or nationals of a member state of the World Trade Organization (WTO) have the right to register a trademark, even when they operate outside of Egypt. In fact, the Trade Registry department respects notable trademarks regardless of the country they are registered in. Furthermore, an entity that has no independent enterprise can submit an application through a representative. The applicant pays an initial application fee and also a progressive annual fee starting the second year and ending with the expiration of the patent protection period.

### Restrictions

The cases in which patents cannot be granted are outlined in the Law on Protection of Intellectual Property Rights. Such cases include:

- a. inventions that might violate public order,
- b. discoveries,
- c. surgical procedures, and
- d. Invention that are deemed not wholly or partially new according to the criteria in Article 3 of the Intellectual Property Rights Law.

Patent Office staff are not eligible to register for a trademark unless three years have passed from the termination date of their employment at the office.

Because of the nature of a trademark, it being a distinguishable sign of a product or service, marks that lack originality, resemble a religious symbol or is simply misleading in the sense that it is very likely to confuse the public cannot be registered.

## The Application

A patent application may not include more than one invention except if a group of inventions all serve a specific concept. An in-depth description which encompasses the invention itself, the execution the protection sought after illustrative drawings if needed and proof that the acquired sources of certain inventions that include biological elements were legitimately accomplished. If applicant does not comply with the required amendments from the Patent office, the application is considered withdrawn.

After the invention is examined by the competent governmental office and is accepted, the Patent Office publishes the acceptance in the Trademarks and Industrial Designs Gazette.

The opposition period where any concerned party can object is within 60 days of publication. A committee is established to look into the opposition.

If no objections are found and the requirements are met, the trademark will be considered registered and a certificate is delivered to the owner.

Consequently, the legal right of defense against any violation is gained for a protection period of ten years which can be renewed upon request for another ten years. Any cancellation or re-establishment of a trademark is published in the Trademarks and Industrial Designs Gazette.



**Marwan Gamal**  
Junior Associate

## **04** Guarantees under the Criminal Procedures Law No. 150 of 1950 and its Amendments.

The Criminal Procedures law grants several guarantees to suspected and convicted criminals in Egypt. It stipulates that no person may be arrested or imprisoned without an order from the legally competent authorities or in the case of flagrante delicto And, he must also be treated in a manner that preserves human dignity and shall not be harmed physically or morally.

### **Rights Subsequent to Arrest**

Even if someone has been arrested the law, grants him more guarantees as the judicial arrest officer must immediately hear the statements of the arrested suspect, and if there is nothing that supports his acquittal, the suspect shall be sent within twenty-four hours to the competent Public Prosecution, then the public prosecution shall interrogate him within twenty-four hours and then order either to detain him or to release him.

### **Rights During Interrogations**

When the accused appears for the first time for interrogation, the criminal investigator must verify his identity, then inform him of the accusation against him so he can defend himself against such accusation, and the investigator after that should record the statements of the accused person in the interrogation record and if the accused does not have a lawyer, or his lawyer does not appear after being invited, the interrogator shall, on his own, assign a lawyer for him. Accused persons and their attorneys have also the right to be present in all investigation proceedings and to have access to what has been done during the investigations if conducted in their absence also It is not permissible to separate the accused from his lawyer present with him during the investigation. It is prohibited to investigate an accused person in misdemeanors or felonies punished by imprisonment without his attorney except in some specific cases. If the accused person has no attorney, an attorney should be hired for him.

## **Temporary Release and Preventative Detention**

The investigative judge may, always, whether of his own or at the request of the accused, order, after hearing the statements of the Public Prosecution, the temporary release of the accused if he was the one who ordered his preventative detention, provided that the accused pledges to attend whenever requested and not to escape from the execution of the judgment that may be issued against him.

However, the temporary release may be suspended, in cases other than where it is imperative, or made subject to the condition of paying bail.

And in all cases the period of preventative detention in the stage of preliminary investigation and other stages of the criminal case may not exceed one third of the maximum penalty, specifically, that it does not exceed 6 months for misdemeanors and 18 months for felonies, and 2 years if the penalty prescribed for the crime is “lifetime imprisonment” or “execution” otherwise he must be subject to a “compulsory release”.

## **Conviction and Imprisonment**

No person may be imprisoned except in prisons designated for that, and the warden of any prison may not accept any person there except by virtue of an order signed by the competent authority, and he shall not keep him after the period specified in this order.

An accused person cannot be convicted and sanctioned for a crime other than that specified in the arrest warrant or prosecutorial order.

## Disclaimer

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