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## Tunisia IP Country Factsheet

### 1. Background on Tunisia

- A. General information.
- B. Investment opportunities.
- C. Market challenges.
- D. Import tariffs.
- F. Consumer protection.
- H. International trade agreements.
- I. International IP agreements.

### 2. Intellectual Property Rights (IPR) in Tunisia for Small to Medium-Sized Enterprise (SMEs): pages

- A- Why is this relevant to you?
- B- IPR in Tunisia for SMEs.
- C- Supporting programmes for SMEs in Tunisia.

### 3. IPR in Tunisia

- A- IPR in Tunisia
- B- IPR registration in Tunisia

#### First: Trade marks

- What is the Tunisian legal framework for trade marks?
- What are trade marks in Tunisia?
- What is the registration procedure?
- What is the registration procedure time frame?
- How long does legal protection last?
- Who can register?
- Which languages can I use?
- What information and documents are required for registration?
- How much does it cost?

#### Second: Patents

- What is the Tunisian legal framework for patents?
- What are patents in Tunisia?
- What is the registration procedure?
- What is the registration procedure time frame?
- How long does legal protection last?
- Who can register?
- Which languages can I use?
- What information and documents are required for registration?
- How much does it cost?

#### Third: Industrial designs:

- What is the Tunisian legal framework for industrial designs?
- What are industrial designs in Tunisia?
- What is the registration procedure?
- What is the registration procedure time frame?
- How long does legal protection last?
- Who can register?
- Which languages can I use?

#### What information and documents are required for registration?

How much does it cost?

#### Fourth: Copyright and related rights

- What is the Tunisian legal framework for copyright?
- What is copyright in Tunisia?
- What is the registration procedure?
- What is the registration procedure time frame?
- How long does legal protection last?
- Who can register?
- Which languages can I use?
- What information and documents are required for registration?
- How much does it cost?

### 4. Enforcing your IP

#### 5. Using Customs to block counterfeits

- Who can submit a complaint?
- Where can a complaint be filed?
- When can a complaint be filed?
- What information and documents are required to file a complaint?
- What might be the result of a complaint?

### 1. Background about Tunisia

#### A- General Information

Tunisia is a part of the Maghreb region of North Africa, with a population of 11 million. Its capital and largest city is Tunis.

Tunisia has a diversified and vibrant economy with agricultural, manufacturing, tourism and mining sectors. The government has a prominent role in controlling the economy, so government

interference is strong. The main factor in recent economic growth has been the increase in revenues from tourism and trade.<sup>1</sup>

### The currency is the Tunisian dinar.

Tunisia is a member of the United Nations, La Francophone, the Arab League, the Organisation of Islamic Cooperation (OIC), the African Union, the Non-Aligned Movement, the International Criminal Court, and the Group of 77, among others. It maintains close economic and political relations with some European countries, particularly France and Italy. Tunisia also has an association agreement with the European Union, and has also attained the status of major non-NATO ally of the United States.

#### B- Investment opportunities<sup>2</sup>

- Power systems and renewable energy,
- Agricultural sectors,
- Construction, architecture and engineering services,
- Aircraft, airport ground support and aeronautics,
- Automotive parts, services and equipment,
- Telecommunications equipment and services,
- Safety and security,
- Insurance,
- Pollution control equipment.

#### C- Market Challenges<sup>3</sup>

### Things to be aware of when entering the market for this country.

- The Tunisian economy is marked by heavy government control. Government and state-owned institutions still dominate several key economic sectors, such as finance, hydrocarbons, pharmaceuticals and utilities.
- The market is also affected by substantial price regulation and subsidies. [The Tunisian Government](#) regulates the prices of socially important commodities, including sugar, flour, gasoline, propane, milk and cereals.
- The Tunisian Central Bank must give prior approval for foreign-exchange transactions and may apply restrictions to foreign-exchange accounts and operations.
- Local law prohibits the export of foreign currency from Tunisia to pay for imports prior to the presentation of bank documents confirming that the merchandise was shipped to the country. Usually, a freight forwarder or Tunisian Customs documents fulfil this requirement

1 <https://www.baianat-ip.com/tunisia-office>

2 <https://www.trade.gov/country-commercial-guides/tunisia?navcard=8721>

3 <https://www.trade.gov/country-commercial-guides/tunisia-market-challenges>

- Companies may perceive Tunisian bureaucracy as cumbersome, slow and burdened with a regulatory environment that lacks coherence and consistency.

#### D- Import Tariffs<sup>4</sup>

Imports from the EU often enjoy a considerable price advantage over those from other countries. Most non-food EU products are exempt from import duties as a result of Tunisia's Association Agreement with the EU, which entered into force in 2008.

Imported goods in Tunisia can be subject to tariff rates as high as 200 %, depending on the product.

#### F- Consumer Protection<sup>5</sup>

The Institute for Human Consumption is responsible for providing technical support in consumer development, guidance and rationalisation of consumer behaviour. For more information, visit: <http://inc.nat.tn>

Tunisian consumers are gradually becoming aware of their right to expect that the goods they purchase meet certain standards, such as safety standards. Products available on the flourishing parallel market in Tunisia often do not meet these standards. For more information about the Tunisian consumer and non-original products, the following research<sup>6</sup> by the Tunisia National Institute of Consumption may be of interest.

#### H- International Trade Agreements<sup>7</sup>

Approximately 70 % of Tunisia's trade is with the European Union, and Tunisia's most significant free-trade agreement is its Association Agreement on industrial goods with the EU, formally ratified in 1996. The free-trade zone with the EU was effectively implemented in 2008 after a gradual lowering of tariffs to zero over a 12-year period. In late 2011, the EU announced it would pursue a 'deep and comprehensive free-trade agreement' with Tunisia.

Tunisia has signed a number of agreements to facilitate trade and to guarantee investments and trade in goods. The Agadir Agreement, a framework agreement with Egypt, Jordan and Morocco, signed in 2004, allows free trade among the signatory countries. Tunisia has separate bilateral free-trade agreements with Algeria and Libya, but trade with Algeria remains low, while trade with Libya has dropped precipitously since the Arab Spring. Algeria and Libya accounted for only 4 % and 1 % of Tunisia's total trade, respectively, in 2018. Tunisia is also a member of the Arab Maghreb Union (AMU), which consists of Mauritania, Morocco, Algeria, Tunisia and Libya.

4 <https://www.trade.gov/country-commercial-guides/tunisia-import-tariffs>

5 <https://www.trade.gov/country-commercial-guides/tunisia-labeling-and-marking-requirements>

6 <http://inc.nat.tn/sites/default/files/document-files/tap%20contrefa%C3%A7on-v2.pdf>

7 <https://www.trade.gov/country-commercial-guides/tunisia-trade-agreements>

Although mainly a political organisation, the AMU nominally allows duty-free trade among members, but some barriers to trade remain. In March 2019, Tunisia's Parliament ratified the country's official accession to the Common Market for Eastern and Southern Africa (COMESA, a joint free-trade area with 20 member states stretching from Libya to Swaziland). Moreover, Tunisia is seeking membership of the Economic Community of West African States (ECOWAS) and is a signatory of the African Continental Free Trade Area (AfCFTA).

Although Tunisia and Libya agreed in 2010 to remove all administrative and financial obstacles that hinder the movement of goods and people, both countries' subsequent revolutions and continued unrest in Libya have disrupted progress. In 2018, Tunisian exports to Libya increased by 37.6 % from 2017, while imports from Libya increased by 58 %. Tunisia is a net importer of oil, and prior to the 2011 revolution, it sourced about 25 % of its crude oil from Libya at a preferential price.

#### I- International IP Agreements

Tunisia has been a member of the WIPO Convention since November 1975. It has also been a signatory of the Paris Convention since July 1884, the Berne Convention since December 1887, the Madrid Agreement (False or Deceptive Indications of Source on Goods) since July 1892, the Hague Agreement (International Deposit of Industrial Designs ) since October 1930, the NICE Agreement since May 1967, the Lisbon Agreement (Appellations of Origin) since October 1973, the Patent Cooperation Treaty (PCT) since December 2001, and the Budapest Treaty (Deposit of Micro-Organisms) since May 2004.

In 2016, Tunisia signed an agreement with the EU that allows automatic patent protection in Tunisia for European patent applications through the European Patent Organisation. The agreement came into effect in December 2017.

## 2. Intellectual Property Rights (IPR) in Tunisia for Small to Medium-Sized Enterprise (SMEs)

#### A- Why is this relevant to you?

Nowadays companies know the asset of each screw in their stock. But often they do not know anything about what is in fact one of their largest assets: their patents. Nowadays the value of a company is up to 90 % determined by its intangible assets. These are determined by patents and utility models, for example. Knowing of your patent portfolio's value makes your IP strategy strong and your decisions effective and transparent.

#### B- IPR in Tunisia for SMEs

Tunisia will observe World Intellectual Property Day on 26 April, like all the member states of the World Intellectual Property Organization (WIPO).<sup>8</sup>

<sup>8</sup> <https://www.tap.info.tn/en/Portal-Culture-and-Media/13934601-tunisia-observes>

Small and medium-sized enterprises will play a central role in this year's (2021) celebration of World Intellectual Property Day, which carries the theme: 'IP and SMEs: Taking Your Ideas to Market.'

ENI CBC Med programme to support IPRs for SMEs in Tunisia<sup>9</sup>

The Mediterranean Sea Basin Programme, ENI CBC Med is the largest cross-border cooperation (CBC) initiative implemented by the EU under the European Neighborhood Instrument (ENI).

A solid bond between IPR, research and innovation constitute a fundamental pillar for knowledge-based societies. Crucial for the development and competitiveness of start-ups, micro, small and medium-sized enterprises (MSMEs) and entrepreneurs, IPR is, however, the element of the axis that is most often unknown or overlooked by these groups in business decision-making both in Europe and beyond. Recent studies on firm competitiveness and economic performance highlight that only 9 % of SMEs make use of IPR in Europe (against 40 % of large companies). Yet small firms owning IPR perform better than those that do not (increased reputation, strengthening of long-term business prospects and increased turnover). In the Euro-Mediterranean area, changing this pattern of low interest/access to IPR is critical to help the regions on both shores of the basin achieve smart, sustainable and inclusive growth.

Liberalisation of the market for franchises is viewed by the Government of Tunisia (GOT) as a catalyst for small to medium-sized enterprise development and employment generation. Since 2009, Tunisia has loosened its controls over franchising. Excluding food and beverage, real estate and advertising franchises, foreign franchises are now automatically allowed to operate and are treated like any other foreign investment in the onshore sector. Franchises in excluded sectors may operate with an additional authorisation from the GOT<sup>10</sup>.

#### C-Supporting programmes for SMEs in Tunisia

##### Tunisia Innovative Start-ups and SMEs Project<sup>11</sup>

The development objective of the Innovative Start-ups and Small and Medium Enterprises Project for Tunisia is to increase access to finance and support the growth of innovative start-ups and small and medium enterprises. The project will comprise three components. The first, equity and quasi-equity financing for innovative start-ups and SMEs will provide equity and quasi-equity financing through both the Anava Fund of Funds and the Innova Tech Fund to invest in approximately 280 innovative start-ups and SMEs. The second component is ecosystem and firm-level support for innovative start-ups and SMEs, which will provide grants to start-ups and ecosystem intermediaries to build a high-quality deal flow and strengthen the entrepreneurship ecosystem. Finally, the third component is project management and capacity building, which will cover the costs incurred by the Caisse des Dépôts et Consignations (Deposits and Consignments Fund) (CDC) in its role as the Project Coordination Unit (PCU).

<sup>9</sup> <https://www.enicbcmed.eu/about-us/the-programme-at-a-glance>

<sup>10</sup> <https://www.trade.gov/country-commercial-guides/tunisia-market-opportunities>

<sup>11</sup> <https://projects.worldbank.org/en/projects-operations/project-detail/P167380>

## EU supporting programmes for SME in Tunisia<sup>12</sup>

The European Bank for Reconstruction and Development (EBRD) is strengthening small businesses in Tunisia with a EUR 5 million loan to Arab Tunisian Lease (ATL Leasing) to increase access to finance for micro, small and medium-sized enterprises (MSMEs).

Access to funding and liquidity remains a constraint for the growth of many private businesses. Existing challenges have become even more acute since the outbreak of the coronavirus pandemic.

The EBRD loan will allow ATL Leasing to ease this pressure with the provision of long-term funding to small companies. ATL Leasing will extend leases for the acquisition of equipment, light commercial vehicles, trucks, trailers and real estate.

The loan is supported by the European Union (EU) under the EU Initiative for Financial Inclusion, a comprehensive programme to help MSMEs in the southern and eastern Mediterranean region to become more competitive and grow. It provides finance and know-how to boost development and create jobs.

Small and medium-sized enterprises (SMEs) play a core role in the Tunisian economy. The country has over 80 000 SMEs, which are responsible for 40 % of GDP and employ more than half the population.

## 3. IPR in Tunisia

### A- IPR in Tunisia

Tunisia's various intellectual property laws enshrine the equal treatment of foreign registrants and Tunisian nationals. Registration and maintenance requirements for Tunisian patents, trade marks and copyright are straightforward and relatively inexpensive when compared to similar requirements in the United States. The creation of a specialised intellectual property court in 2014, employing judges and court clerks with specific training

and expertise in handling intellectual property cases has also significantly increased the speed and quality of legal enforcement decisions for clients, with numerous high-profile wins for companies claiming trade mark infringement in connection with counterfeit goods<sup>13</sup>.

<sup>12</sup> <https://www.ebrd.com/news/2020/ebrd-and-eu-strengthen-small-businesses-in-tunisia-.html>

<sup>13</sup> <https://www.trade.gov/country-commercial-guides/tunisia-protecting-intellectual-property>

## Tunisian intellectual property legislation includes:

- Law No.2001-84 of August 2000 on Patents.
- Law No.2001-36 of April 2001 on the Protection of Trademarks.
- Law No.2001-21 of February 2001 on the Protection of Industrial Designs.
- Law No. 1994-36 of February 1994 on Copyright.
- Law No. 2001-20 of February 2001 on the Protection of the Layout-Design of Integrated Circuits.

Industrial property is under the supervision of the Ministry of Industry and Energy. However, copyright and related matters are under the supervision of the Ministry of Culture, Youth and Leisure.

The National Institute for Standardisation and Industrial Property (INNORPI) is the Tunisian agency responsible for patents, industrial designs and trade marks: [www.INNORPI.tn](http://www.INNORPI.tn).

The Tunisian Organisation for Copyright Protection- (Organisme Tunisien des Droits d'Auteur et des Droits Voisins) (OTDAV) is the agency responsible for copyright: [www.otdav.tn](http://www.otdav.tn).

The Tunisian Internet Authority is the agency responsible for administering the.TN country-specific top-level domain name.

### B- IPR registration in Tunisia

#### First: Trade marks

#### What is the Tunisian legal framework for trade marks?

Tunisia has trade mark legislation in place, namely the Trademark Law No. 36, which was issued on 17 April 2001.

This law addresses several aspects, some of which are in compliance with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. These aspects include protecting colour, sound and collective marks and acknowledging well-known trade marks.

Tunisia joined the Madrid Protocol for the international registration of trade marks and can be designated for new applications and using the Nice Classification. Furthermore, any previous international registration prior to this date can be extended to include Tunisia.

Infringements are presided over by the competent civil or criminal courts depending on the case.

#### What are trade marks in Tunisia?

A trade mark is 'any sign or means that distinguishes or serves to distinguish a person's product or services from another person's similar or identical products or services on the market'. In Tunisia, the following items are subject to registration as a trade mark: one or more words, with or without conceptual content; drawings, emblems, monograms, engravings, stamps, seals, images, lines, combinations of colours on a specific part of the product or its container, packaging and

containers, the combinations of letters and numbers, or a special drawing thereof, slogans, reliefs, and any other sign with distinctive character.

Trade marks distinguish products or services. Therefore, the essential requirement for an item to become a trade mark is to have distinctive character: it must be different from other trade marks previously registered or applied for the same type of products or services. Another key aspect is that trade marks are used to distinguish identical or similar products, which means that, in principle, there can be two identical or similar trade marks for clearly different products or services.

#### What is the registration procedure?

INNORPI receive the registration application and will then proceed to examine it to ensure formal compliance. Once formal compliance is secured, the application will be published in the Official Gazette, and then the Certificate of Registration will be issued. Any affected party may raise an opposition within a period of 60 days.

If no opposition has been filed upon completion of the opposition period, then the trade mark will become registered and a certificate of registration will be issued.

A trade mark may be assigned; however, an assignment must be recorded as provided for under the law.

International applications will be published in Tunisia and the opposition period is 60 days from the publication date.

#### What is the registration procedure time frame?

The approximate time frame for completing the registration process for trade marks in Tunisia is 15-18 months from the filing date. It will take about two months for the certificate of registration to be released.<sup>14</sup>

#### How long does legal protection last?

A registered trade mark is valid for 10 years and renewable for similar periods subject to payment of the prescribed fee, though a period of three months grace is allowed.

A trade mark can be cancelled, if an affected third party establishes cogent grounds proving non-use of the mark for a period of 12 months from the date of filing. Use of a trade mark is compulsory within the first five years from the date of filing.

#### Who can register?

Registration can be applied for personally or through a duly authorised legal representative.

<sup>14</sup> [Agip.com](http://Agip.com)

#### Which languages can I use?

French or Arabic.

#### What information and documents are required for registration?

1. Name and address of the applicant including their nationality, domicile and the address of their place of business.
2. A signed power of attorney.
3. A certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. 15 prints of the mark for each class and a printing block.
5. A complete list of goods and services to be covered by the registration.
6. A certified copy of the priority document if priority is to be claimed. This may be submitted within three months of the filing date.

Note: documents in a language other than French or Arabic must be accompanied by an English translation.

#### How much does it cost?

Administrative fees that apply to a trade mark are about USD 255 per mark, per class. The average market price of professional support for trade mark filing is about USD 300 per mark, per class.

For more information about trade mark registration in Tunisia, visit the Abu-Ghazaleh Intellectual Property website.

#### Second: Patents

##### What is the Tunisian legal framework for patents?

- Law No. 84 for 2000, issued on 24 August 2000, is the legislation covering patents of inventions. Tunisia is also a member of the Patent Cooperation Treaty (PCT).

Infringement acts may be raised by the patentee to the competent court with civil or criminal jurisdiction, depending on the case. The outcome depends on the nature of the suit. If it is a criminal suit, a court may issue an order to confiscate and destroy the infringing products. A civil court may decide to include compensation for the resulting damages and losses.

##### What are patents in Tunisia?

A patent is an industrial property right granted by the government to the creator of an invention that meets the legal requirements. The inventor is granted the right to prevent third parties from

exploiting the work commercially or industrially throughout the national territory of Tunisia for a term of 20 years, from the filing date of the application, on the condition that the inventor reveals the technical information about the invention to the public in a patent application. Not everything created by a human is a 'patentable invention'. According to international IP treaties, a patent offers a 'new solution to a technical problem'. Nevertheless, Tunisian legislation defines a patent as a 'patentable invention', that is to say, 'every human creation that permits the transformation of matter or energy for human benefit'. However, these characteristics are not enough for an invention to be considered 'patentable'. A solution to a technical problem must meet the following requirements to be patented: 'new inventions, whether a product or a process, with an inventive step that may be used in industry'.

#### What is the registration procedure?

INNORPI receives the registration application. Once an application for the registration of a patent is filed, it is examined as to form only. The Tunisian Patent Office does not carry out an examination of novelty or merit of the invention.

A patent application is published within 6 months in the Al-Muwassafat gazette (published in turn by the INNORPI), together with a summary of the contents. The granting of a patent is also published.

Priority could be claimed based on the initial equivalent application filed within 12 months in a Paris Convention member state.

The provisions of patent law in Tunisia stipulate that a patent application should be filed before the invention has been published, or used, or has otherwise received sufficient publicity to allow it to be put into practice either in Tunisia or abroad.

The right to a patent may be assigned or transferred through succession. The assignment of patent applications and granted patents must be made in writing. An assignment will have no effect against third parties unless it has been entered in the relevant records of the Patent Office.

#### What is the registration procedure time frame?

The approximate time frame for completing the registration process for a patent in Tunisia is between 15-18 months from the filing date.

#### How long does legal protection last?

A patent is valid for 20 years as of the date of filing the patent application. The validity of PCT applications is calculated from the international filing date. Annuities are payable as of the date of filing. Annuities are payable on the anniversary date of the filing. A late fine, which may be calculated at a rate of 8 % of the due annuity, is payable when the annuity is paid within the 6-month grace period, per annuity and per month.

The use of patents in Tunisia is an official requirement. Use must be made of the patented creation/product within 4 years of the filing date or within 3 years of the date of the granting of the patent.

#### Who can register?

Registration can be applied for personally, or through a duly authorised legal representative.

#### Which languages can I use?

French or Arabic.

#### What information and documents are required for registration?

Formal filing requirements for a non-PCT application are as follows.

1. Name and address of the applicant including their nationality, domicile and the address of their place of business.
2. A signed power of attorney.
3. A certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. A deed of assignment if the applicant is not the inventor.
5. Three copies of the specification and claims in French - required on the filing date.
6. Formal drawings - required on the filing date.
7. Three copies of an abstract in French and Arabic - required on the filing date.
8. A duly certified priority document, if priority is to be claimed. This may be submitted within 3 months of the filing date.

NOTE: Paris Convention member states can claim priority within 12 months of the earliest corresponding application.

Formal filing requirements for a PCT application are as follows:

1. Name and address of the applicant including their nationality, domicile and the address of their place of business.
2. A power of attorney simply signed.
3. A certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. A deed of assignment if the applicant is not the inventor.
5. Three copies of the specification and claims in French - required on the date of filing.

6. Formal drawings - required on the date of filing.
7. Three copies of an abstract in French and Arabic - required on the date of filing.
8. A duly certified priority document, if priority is to be claimed. This may be submitted within 3 months of the date of filing.
9. Copy of PCT international advertisement - required on the date of filing.
10. Copy of the International Search Report. This may be submitted later.
11. Copy of the International Preliminary Examination Report. This may be submitted later.
12. Copy of any changes made during the international phase process at WIPO. This may be submitted later.

NOTE: applications based on International Search, Article 22, Chapter 1 of the PCT enter into the Tunisia's national phase within 21 months of the date of the priority claim. However, those based on an international preliminary examination, Article 39, Chapter 11 of the PCT enter into Tunisia's national phase within 30 months of the date of the priority claim.

#### How much does it cost?

The administrative fees to apply for a patent are about USD 62 per class. The average market price of professional support for patent filing is about USD 300 per class, per application.

For more information about patent registration in Tunisia, visit the [Abu-Ghazaleh Intellectual Property website](#).

Third: Industrial designs

#### What is the Tunisian legal framework for industrial designs?

Law No. 21 for the year 2001, issued on 6 February 2001, is the legislation covering the protection of industrial drawings and designs.

Any infringement or unauthorised use of a registered design or industrial model is punishable under current law in Tunisia.

Tunisia is a member of the Hague Agreement Concerning the International Registration of Industrial Designs.

A criminal court may order the confiscation and destruction of infringing products. A civil court order may include compensation for the damages and losses caused by the act of

#### What are industrial designs in Tunisia?

The provisions of this law apply to every new drawing, every new formed pattern and every new

industrial product that can be distinguished from similar ones either because they concern their general appearance, which distinguishes them, identifies them and makes them novel, or because they concern their outer effect or effects, which add a special and new appearance to them.

However, if the same object can be considered a new industrial drawing or design and at the same time a patentable invention for having similar elements, which are novel with respect to both of them and these elements cannot be separated, then patent law is the competent law which should be applied to protect the object concerned.

#### What is the registration procedure?

Designs and industrial models are protected through registration with the competent authority, the INNORPI. Designs are examined regarding their form, to ensure conformity with the formal filing requirements. Such registration is effected without novelty examination at the applicant's responsibility.

A registration of a design or an industrial model is subject to cancellation in the event an affected party requests such a cancellation before the competent tribunal, and provided that they have also filed an application for the same design or model.

The registration, assignment and cancellation of design and industrial model registrations are published in the Al-Muwassafat quarterly gazette and entered in the designs register.

#### What is the registration procedure time frame?

The approximate time frame for completing the registration process of a design in Tunisia is 15-18 months from the filing date.

#### How long does legal protection last?

A design or an industrial model registration is granted for 5, 10 or 15 years starting from the date the application was filed. A registrant for the shorter terms has the option of applying for an extension of the protection up to the maximum duration of 15 years.

#### Who can register?

Registration can be applied for personally, or through a duly authorised legal representative.

#### Which languages can I use?

French or Arabic.

What information and documents are required for registration?

1. Name and address of the applicant including their nationality, domicile and the address of their place of business.
2. A signed power of attorney.



3. A certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. Three copies of the design representation - required on the filing date.
5. Description of the design - required on the filing date.
6. A duly executed deed of assignment if the applicant is not the proprietor - required on the filing date.
7. Priority document, if priority is to be claimed. This may be submitted within 3 months of the filing date.

#### How much does it cost?

Administrative fees to apply for industrial designs are about USD 50 per class. The average market price of professional support for industrial design filing is about USD 200 per class, per application.

For more information about industrial designs registration in Tunisia, visit the Abu-Ghazaleh Intellectual Property website.

Fourth: Copyrights and related rights

#### What is the Tunisian legal framework for copyright?

- Copyright Law No. 36 of 1994 is the legislation covering the protection of copyright in Tunisia.

Copyright protection is granted to authors of literary, artistic and scientific works whatever the value, kind, purpose or type of expression they are. Generally, protection is provided for written works, sounds, drawings, images or motion pictures. However, creative titles and computer software which are published, acted or displayed for the first time in Tunisia are also included. The Civil Court prosecutes all acts of copyright contravention and is entitled to confiscate revenue and counterfeit copies.

The National Council for Culture is entitled to authorise documentary, translations, educational, cultural or scientific use under certain conditions.

Tunisia is a member of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

#### What is copyright in Tunisia?

Copyright covers any work, be it literary, scientific or artistic, whatever its value, or the purpose for which it is prepared or the method or form used in its expression. Copyright also includes the title of a work. A work means the created work in its original form as well as in its derived form. The types of work covered by copyright include the following.

- Written and printed works, including books, publications and others.
- Innovative works for the stage or for radio broadcasting (audio or visual), whether they

- are plays, musicals or dance performances, or pantomimes.
- Music accompanied or unaccompanied with words.
  - Works of photography or works considered by this law as being similar to photography.
  - Cinematic works and the like, considered by this law as being similar to films due to their visual expression.
  - Oil paintings, drawings, lithography and metal engravings by nitric acid, wood engravings and similar artistic productions.
  - Sculpture in all its forms.
  - Architectural works which also include drawings, designs and illustrations, as well as their method of completion.
  - Adornments and embroideries produced by looms and applied arts including projects and illustrations, or the industry itself.
  - Maps, drawings, written manuscripts, works of plastic arts and pictures of a scientific or artistic nature.
  - Lectures.
  - Works derived from folklore.
  - Information programmes.
  - Translations, adaptations or quotations from the above works.

#### What is the registration procedure?

The application form must be completed, signed and submitted with a copy of the work filed to the Tunisian Organisation for Copyright Protection- (Organisme Tunisien des Droits d'Auteur et des Droits Voisins) ([OTDAV](#)).

Once an application for the registration of copyright is filed, it is examined regarding its form only. OTDAV does not carry out an examination of its merit.

The OTDAV then issues the copyright protection certificate.

#### What is the registration procedure time frame?

2 months from the date of submission.

#### How long does legal protection last?

Copyright is protected for the author's lifetime plus 50 years following his or her death, while the protection period for software is 25 years from its granting.

#### Who can register?

Registration can be applied for personally, or through a duly authorised legal representative.

#### Which languages can I use?

French or Arabic.

### What information and documents are required for registration?

1. Name and address of the applicant, including their nationality, domicile and the address of their place of business.
2. A signed power of attorney.
3. A certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. An original sample of the copyright work.

### How much does it cost?

Administrative fees to apply for copyright protection are about USD 56 per class. The average market price of professional support for copyright filing is about USD 178 per class, per application.

For more information about copyrights registration in Tunisia, visit the [OTDAV](#) website.

## 4. ENFORCING your IP

Under Tunisian law, an IPR rights holder is entitled to prevent others from using and/or economically exploiting their right without their consent. For this purpose, IP legislation provides for four types of legal action:

- Protective measures: the Tunisian legal system provides rights holders with preventive measures to preserve their intangible assets and the relevant evidence to be used in a judicial proceeding to claim compensation for the damages caused by any infringement.
- Civil actions: actions intended to cease the unauthorised use of an IPR and repair the damages caused by the infringement.
- Criminal actions: IPR infringement involves, apart from property damage to the rights holder, a criminal offence that will be prosecuted by the government in the interests of society.
- Border measures: Customs officers have the authority, ex officio or upon the rights holder's request, to prevent the customs clearance of a good in the event of infringement of any kind (for certain types of IPR).

The judicial process is not expeditious, and decisions can be disappointing to applicants. Infringements are still widespread and affect several sectors. Enforcement measures are generally slow and ineffective, especially in the case of provisional court measures that are urgent. Moreover, current sanctions and sentencing have not created enough of a deterrent for this type of crime.

## 5. Using Customs to block counterfeits

The Tunisian customs ([DOUANE](#)), in addition to its original mission related to the extraction of taxes and duties for the benefit of the state treasury when importing and exporting goods, also

plays a role in supporting the local economy by protecting the locality, attracting investment and preventing smuggling on land, at sea and through airports.

The Customs office monitors the movement of goods and funds within the country and across borders. In this context, it ensures:

- protection from all kinds of smuggling (goods, drugs, jewellery, foreign currency, etc.);
- the protection of endangered livestock and plants;
- the monitoring of the illegal export of works of art and antiquities;
- consumer protection from materials that do not comply with health standards.

Tunisian law stipulates common provisions related to procedures used by the Customs administration to suspend these procedures when counterfeit goods are being imported. In this regard, the holder of a patent registration certificate, the designer of a graphic design, the owner of an integrated circuit, the owner of a protected industrial model drawing, the owner of a registered trade mark, or anyone else who has the right to use them (granted by the National Institute of Standardisation and Industrial Property), can submit a written request to suspend Custom procedures when it is detected that counterfeit products are being imported.

### Who can submit a complaint?

It can be done personally, or through a duly authorised legal representative.

### Where can a complaint be filed?

Central Control Office of the General Administration of Customs.

### When can a complaint be filed?

Before the arrival of the goods concerned to the Customs office or within 3 days of the arrival of the goods in certain cases.

### What information and documents are required to file a complaint?

1. Name and address of the applicant including their nationality, domicile and the address of their place of business.
2. IP registration certificate.

### What might be the result of a complaint?

The Customs departments will seize the goods if, after inspection, they find that they conform to what is included in the complaint, and, when necessary, after reviewing the application.

The Customs services will immediately inform the complaint and supplier of the detention process.

The Customs departments can suspend the customs procedures related to goods suspected of being from counterfeit manufacture, trade or services.

To view the latest cases of counterfeit goods seized by the Tunisian Customs authorities, visit the [Tunisian Douane home page](#).

For further information, please don't hesitate to contact me, Dr Said.

