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Tunisia IP Country Factsheet

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1. Background about Tunisia

A- General Information

Tunisia is a part of the Maghreb region of North Africa, with a population of 12 million. Its capital and largest city is Tunis. Tunisia has around 11.7 million inhabitants according to the National Institute of Statistics. With an annual population growth rate of 1.1 in 2018, the population is estimated to reach 12.7 million in 2030 and 13.8 in 2050. 98% of the population are Arabs, while Berbers, Jews and others make up the remaining 2%. 89.6% of the population is under 64 years old.

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.¹

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

¹ <https://www.trade.gov/country-commercial-guides/tunisia?navcard=8721>





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 opportunities²

- 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.
- Tourism and logistics

C- Market Challenges³

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

- The Tunisian economy is characterised by strong government control. Finance, hydrocarbons, pharmaceuticals, utilities and other critical economic sectors are still dominated by government and state-owned enterprises.
- 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 before 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
- Companies may perceive Tunisian bureaucracy as cumbersome, slow and burdened with a regulatory environment that lacks coherence and consistency.

² <https://www.trade.gov/country-commercial-guides/tunisia-market-challenges>

³ <https://www.trade.gov/country-commercial-guides/tunisia-import-tariffs>





D - Import Tariffs⁴

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.

Generally, Tunisia has a progressive tax system. Depending on the product, import taxes in Tunisia can reach 200% on imported items. The 2022 finance law imposed tax increases ranging from 20 to 50% on consumer goods similar to those manufactured locally. Higher customs duties were imposed by law on a number of commodities that had no substitutes in the local market, including bananas (0% to 50%), cell phones (0% to 20%), coffee (36% to 50%) and cosmetics and perfumes (30% to 43%). In addition, customs duties on imported clothing, bedding, shoes, bags and carpets were increased from 30% to 50%; similarly, customs duties on cheese, honey, chocolate, sweets, biscuits, juices, mineral water, beer and wine were increased from 36% to 50%.

Some imports are also subject to value added tax (VAT). The basic VAT rates in Tunisia are 19%, 13% and 7%, with most goods covered by the 19% rate. Tunisia calculates VAT on the base price of goods plus import duties, surcharges and consumption taxes. A consumption tax is applicable to certain imported and similar locally produced products. Rates on most products range from 10% to 150%. The highest rates apply to luxury goods. Large-displacement automobiles are also subject to a high consumption tax, the rates of which can reach 277% for gasoline engines and 360% for diesel engines.

E- Consumer Protection⁵

The Institute for Human Consumption is responsible for providing technical support in consumer development, guidance and rationalisation of consumer behaviour. For more information, visit <https://www.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 on the Tunisian consumer and on non-original products, please consult this study from the National Institute of Consumption [here](#).

⁴ <https://www.trade.gov/country-commercial-guides/tunisia-labeling-and-marking-requirements>

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





F- International Trade Agreements⁶

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.

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.

About 60% of Tunisia's trade is with the European Union, and Tunisia's most important free trade agreement is its Association Agreement on Industrial Goods with the EU, officially ratified in 1996. The free trade area with the EU was effectively implemented in 2008 after customs duties were gradually lowered to zero over a period of 12 years. At the end of 2011, the EU announced its intention to conclude a "deep and comprehensive free trade agreement" with Tunisia. As of September 2023, there is no agreement yet.

Tunisia has signed several agreements to facilitate trade and guarantee investments and exchanges

⁶ <https://www.trade.gov/country-commercial-guides/tunisia-trade-agreements>





of goods. The Agadir Agreement, a framework agreement signed in 2004 with Egypt, Jordan and Morocco, allows free trade between the signatory countries. Tunisia has bilateral free trade agreements with Algeria and Libya, but trade with Algeria remains low, while trade with Libya has fallen precipitously since 2011. Algeria and Libya accounted for only 4.24% and 2.15% of Tunisia's total trade in 2022, respectively. Tunisia is also a member of the Arab Maghreb Union (AMU), which includes Mauritania, Morocco, Algeria, Tunisia and Libya. Although primarily a political organization, the UMA nominally allows duty-free trade among its members, but some trade barriers remain. In March 2019, the Tunisian Parliament ratified the country's formal membership in the Common Market for Eastern and Southern Africa (COMESA, a common free trade area of 20 member states stretching from Libya to Swaziland). In July 2020, Tunisia ratified the African Continental Free Trade Area (AfCFTA) agreement, which is the largest free trade area in the world in terms of number of participating countries (54) and which facilitates access to 1.2 billion consumers on the continent. In addition, Tunisia seeks to join the Economic Community of West African States (ECOWAS).

Although Tunisia and Libya agreed in 2010 to remove all administrative and financial obstacles that hinder the movement of goods and people, subsequent revolutions in both countries and unrest in Libya have disrupted progress. However, with new signs of stabilisation in Libya, discussions between Tunisian and Libyan business groups regarding new trade cooperation have increased. In 2022, Tunisian exports to Libya increased by 36.5% compared to 2021, while imports from Libya increased by 162.3%. Tunisia is a net importer of oil and, before the 2011 revolution, it sourced around 25% of its crude oil from Libya at a preferential price.

G- 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.

Tunisia is a part of the Vienna Agreement. Tunisia acceded to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks on May 9, 1985, and it entered into





force on August 9, 1985.

Tunisia is part of the Patent Cooperation Treaty (PCT). Tunisia acceded to the PCT on September 10, 2001, and it entered into force on December 10, 2001.

Tunisia is a part of the Nairobi Treaty on the Protection of the Olympic Symbol. Tunisia signed the treaty on December 29, 1981, ratified it on April 21, 1983, and it entered into force on May 21, 1983. Tunisia is a part of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. The treaty was adopted on June 27, 2013, and entered into force on September 30, 2016.

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

A- Why is this relevant to you?

Nowadays, companies readily know the assets of their businesses but often do not know how to track their IP assets, including patents, which can be a significant revenue and value source. The value of a company can constitute up to 90 % of its intangible assets. Keeping track of a business' IP portfolio's value strengthens a company's IP strategy and leads to effective and transparent business decision-making.

B- IPR in Tunisia for SMEs

Intellectual property (IP) is essential to technological progress because it protects industrial inventions through trademarks and patents and promotes human creativity by protecting literary and artistic works through copyrights. In addition to being a tool for promoting global trade, a strong intellectual property regime is also a sign of social and economic progress.

In the evolving context of increased economic development and regional integration, Tunisian judges need specific skills to adjudicate intellectual property claims in a fair and impartial manner when dealing with commercial law issues. Tunisia's commitment to IPR protection is evident through its strengthened legal framework. The country has taken significant steps to align its IPR laws with international standards, thereby exemplifying best practices.





Tunisia has fostered an inclusive and equitable environment by granting equal treatment to foreign and local depositors. The simplicity and affordability of patent, trademark and copyright registration procedures also contribute to accessibility and compliance with IPRs. The establishment of a specialised intellectual property court in 2014 is a remarkable achievement, accelerating law enforcement and yielding positive results in counterfeiting of trade marks and counterfeit goods.

Awareness campaigns have played a vital role in recognising the importance of IPR for micro, small and medium enterprises (MSMEs) and entrepreneurs. These efforts have increased awareness of the role of IPRs in economic growth and innovation. Tunisia's alignment with international agreements and domestic political reforms have strengthened its IPR protection regime. The 2016 agreement with the European Union (EU), which facilitates automatic protection of European patent applications, reflects Tunisia's commitment to harmonise its practices with global standards.

The revision of industrial property legislation under the Association Agreement with the EU and the TRIPS Agreement also demonstrates Tunisia's commitment to compliance and integration. The EU-Tunisia Free Trade Agreement (FTA) has positively impacted trade flows, particularly in high-tech sectors, due to the strengthening of intellectual property rights (IPR) protection. This has increased imports of high-tech products, including optical, medical, electrical and pharmaceutical products, thereby contributing to Tunisia's economic growth and competitiveness.

Tunisia's strong enforcement measures, characterised by strict sanctions and border controls, further strengthen IPR protection. These measures underline the country's determination to prevent violations and counterfeiting, which ultimately helps create a safe business environment.

C-Supporting programmes for SMEs in Tunisia

Tunisia Innovative Start-ups and SMEs Project⁷

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

⁷ <https://projects.worldbank.org/en/projects-operations/project-detail/P167380>





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).

EU supporting programmes for SME in Tunisia⁸

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

⁸ <https://www.ebrd.com/news/2020/ebrd-and-eu-strengthen-small-businesses-in-tunisia-.html>





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 goods⁹.

Tunisian intellectual property legislation includes:

- Law No.2001-84 of August 2000 relating to patents of invention
- Law No.2001-36 of April 2001 relating to the protection of trademarks and service marks
- Law No. 2007-50 of July 23, 2007, amending and supplementing Law No. 2001-36 of April 2001, relating to the protection of trademarks, trade and service marks
- Law No.2001-21 of February 2001 relating to the protection of industrial designs and models
- Law No. 1994-36 of February 1994 on Copyright.
- Law no. 95-44 of May 2, 1995 relating to the commercial register
- Law No. 2001-20 of February relating to the protection of layout designs of integrated circuits. Government Decree No. 2015-303 of June 1, 2015, establishing the procedures for registration and opposition to the registration of trademarks, trade and service marks and the terms of registration in the national trademark register
- Government Decree No. 544-2019 of June 19, 2019, setting the amounts of royalties relating to industrial designs and models
- Government Decree No. 2001-836 of April 10, 2001, setting the amount of royalties relating to patents of invention.
- Government Decree No. 2001-1934 of August 14, 2001, fixing the amounts of royalties relating to trademarks, trade marks and service marks
- Government Decree No. 2001-1604 of July 11, 2001, establishing the conditions for filing industrial designs and models and the conditions for registration in the national register of industrial designs and models
- Government Decree No. 2001-1602 of July 11, 2001, setting out the procedures for filing layout designs of integrated circuits and the procedures for registration in the national register of layout designs of integrated circuits
- Government decree no. 2001-1984 of August 27, 2001, relating to the amount of royalties relating to layout designs of integrated circuits

⁹ <https://www.trade.gov/country-commercial-guides/tunisia-protecting-intellectual-property>





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.

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.

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 as amended by Law no. 2007-50. Law No. 2007-50 of July 23, 2007, amending and supplementing Law No. 2001-36 of April 2001, relating to the protection of trademarks, trade and service marks and Government Decree No. 2001-1934 of August 14, 2001, fixing the amounts of royalties relating to trademarks, trade marks and service marks.

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 or service mark is a visible sign making that is capable of distinguishing the goods or services of one undertaking or individual from those of another. undertaking or individual.

The following may constitute a trade mark:

- a) Names in all forms, such as words, combinations of words, surnames, geographical names, pseudonyms, letters, numbers and acronyms,
- b) Figurative signs, such as designs, reliefs, shapes, in particular those of the product or its packaging or those characterising the services, arrangements, combinations or shades of colours,
- c) Sound signs, such as sounds and musical phrases.

Since trade marks and service marks serve to distinguish goods and services, it is an essential requirement for an item to become a trade mark is to have distinctive character: i.e., a trade mark must be different from other trade marks previously registered or applied for the same type of products or services.

In Tunisia, the following signs have no distinctive character:

- a) Signs or names which, in common or professional language, are exclusively the necessary, generic or usual designation of the product or service,
- b) The signs or names which can be used to designate a characteristic of the product or service, and in particular the species, quality, quantity, destination, value, geographical origin or time of production of the product or of the provision of the service,
- c) signs consisting exclusively of the form imposed by the nature or function of the product, or giving the product its substantial value.

Distinctive character may, except for the signs and names provided for in point (c) of the second paragraph of this article, be acquired through use.

A sign infringing prior rights, and in particular:

- 1) Has a previously registered trademark or a well-known trademark,
- 2) Has a name or company name likely to create confusion in the mind of the public,
- 3) Has a commercial name or a distinctive sign known throughout Tunisian territory, if there is a risk of confusion in the mind of the public,





- 4) Has a protected designation of origin,
- 5) Copyright,
- 6) Rights resulting from a protected industrial design or model,
- 7) The rights attached to the personality of a third party, in particular to their surname, pseudonym or image,

In the name or image of a local community

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 5-18 months from the filing date. It will take about two months for the certificate of registration to be released.¹⁰

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 renewal fees, though a period of three months grace is allowed.

¹⁰ Agip.com





A trade mark can be cancelled, if an affected third party establishes convincing 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 filing date.

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. 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. 3 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.
7. Justification of use if the distinctive character of the sign registered as a trademark has been acquired through use.
8. If the applicant is a foreigner who is neither domiciled nor established in Tunisia and subject to international conventions, proof that he has regularly filed the mark in the country of his domicile or establishment and that this country grants reciprocity of protection for Tunisian brands.

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

How much does it cost?

The administrative fees for applying for a trade mark are approximately 200 Dinar per mark. The registration (also known as sealing) fee per class is set at 30 Dinar per mark.





Full taxes for trade marks in Tunisia can be viewed [here](#).

Second: Patents

What is the Tunisian legal framework for patents?

Any invention of a product or a manufacturing process can be protected by a patent of invention, which is issued under the conditions set by Law No. 2000-84 of August 24, 2000, relating to patents of invention and Decree No. 2001-836 of April 10, 2001, fixing the amount of royalties relating to patents of invention.

Tunisia is a member of the PCT. Therefore, patent applications can be filed through the PCT or as national applications.

Infringing 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?

Patents are granted for new inventions which involve an inventive activity and are capable of industrial application.

The three requirements, as in any other PCT member state, are:

- the novelty;
- Inventive activity;
- Industrial application capacity.

The patent is granted for new inventions involving an inventive activity and capable of industrial application.

Are not considered inventions within the meaning of the first paragraph of this article, in particular:

- a. purely ornamental creations;
- b. scientific discoveries and theories as well as mathematical methods;
- c. the plans, principles and methods intended to be used:
 - in the exercise of purely intellectual activities,





- in terms of gaming,
 - in the field of economic activities,
 - in terms of software.
- d. methods of therapeutic and surgical treatment of the human body or animal and diagnostic methods applied to the human body or animal. These provisions do not apply to preparations and in particular to products and compositions used for the purposes of applying one of these methods.
- e. information presentations;
- f. all kinds of living substances existing in nature.

The right to a patent for invention within the meaning of the law belongs to the inventor or his beneficiaries. In the procedure to be followed before the Body responsible for industrial property, the applicant for the patent application is deemed to have the right to the patent. When several people have, independently of each other, made the same invention, the right to the patent belongs to the person who filed it first.

When several people have collectively made an invention, the right to the patent belongs jointly to these people.

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 substantive examination. 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 or Agent.

Which languages can I use?

French, English or Arabic.

What information and documents are required for registration?

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

1. A request,
2. Power of agent
3. A description of the invention in duplicate,
4. One or more claims in duplicate specifying the element(s) of novelty in said invention,
5. One or more drawings if they are necessary for the understanding of the description,
6. An abstract description of the invention

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. Patent fees in Tunisia are governed by Decree No. 2001-836 of April 10, 2001 setting the amount of royalties relating to invention patents. Official taxes can be viewed [here](#).

Third: Industrial designs

What is the Tunisian legal framework for industrial designs?

Law no. 2001-21 of February 6, 2001, concerns the protection of industrial designs and models and decree no. 544-2019 of June 19, 2019 setting the amounts of royalties relating to industrial designs and models





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 sametime 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 affected 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.

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. 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?

Design application filing fees are approximately USD 88 per class.





Fourth: Copyrights and related rights

What is the Tunisian legal framework for copyright?

- Law No. 2009-33 of June 23, 2009, amending and supplementing Law No. 94-36 of February 24, 1994, relating to literary and artistic property.

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 that have been published, acted on, 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 the 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?

The protection of the author's economic rights lasts throughout his life, the remainder of the year of his death and the fifty years, starting from January 1 of the year following that of his death or the date chosen by the author. declaration of death, in the event of absence or disappearance.

For collaborative works, protection lasts for fifty years from January 1 of the year following that of the death of the last collaborating author or the date retained by the judgment declaring death, in the event of absence or disappearance.





As for anonymous works or works bearing a pseudonym, the protection lasts fifty years from January 1 of the year following that of the first publication of the work, copyright is exercised in this case by the publisher or the distributor of the work.

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. 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. Enforcement of IP Rights

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 the government will prosecute 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).
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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?

Any IP rights owner who has information that goods infringing his rights have been imported are being sold in the market, may file a complaint. Complaints may be submitted in person or through a duly authorized representative. 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 complainant 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](#).





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