



European  
Commission

**AFRICA**  
IP SME HELPDESK



IP Country Fiche  
**ALGERIA**





## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Algiers
<b>Population:</b>	44 616 626 (2021)
<b>Currency of government (official) fees:</b>	Algerian Dinar (DZD)
<b>Language for filing IP applications:</b>	Arabic, French
<b>GDP per capita (USD):</b>	3 765.0 (World Bank, 2021)
<b>Human Development Index:</b>	0.5 (World Bank, 2020)
<b>Main exports:</b>	Petroleum gas, cruise petroleum, nitrogenous fertilisers and ammonia
<b>Main imports:</b>	Wheat, concentrated milk, packaged medicaments, corn and raw sugar

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Algeria is a contracting state to the following international legal instruments:

- the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as revised;
- the Paris Convention for the Protection of Industrial Property of 20 March 1883, as revised in Stockholm on 14 July 1967 and amended on 28 September 1979;
- the Convention Establishing the World Intellectual Property Organization of July 14, 1967 and amended on September 28, 1979;
- the Beijing Treaty on Audiovisual Performances of June 24, 2012;
- the Convention Establishing the World Intellectual Property Organization (WIPO) of 14 June 1967;
- the Madrid Agreement concerning the International Registration of Marks of 14 April 1891;





- the Protocol relating to the Madrid Agreement concerning the International Registration of Marks of 27 June 1989;
- the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957;
- the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October 1961;
- the WIPO Copyright Treaty (WCT) of 20 December 1996;
- the WIPO Performances and Phonograms Treaty (WPPT) of 20 December 1996;
- the Patent Cooperation Treaty (PCT) of 19 June 1970;
- the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972;
- the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October 2003;
- the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005;
- the UN Convention on Biological Diversity of 05 June 1992;
- the Abuja Treaty Establishing the African Economic Community (AEC) of 03 June 1991.

Algeria is not a member of the World Trade Organization (WTO) and is not a signatory of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

### 1.3 REGIONAL AGREEMENTS

Algeria is a member of the following regional agreements:

- **AfCFTA** (African Continental Free Trade Area). The AfCFTA Agreement includes a protocol on IP rights aiming to advance the effective protection and promotion of IP rights in Africa. Once this enters into force, it may help shape future Algerian legislation.
- **PAFTA** (Pan-Arab Free Trade Area), also known as the Greater Arab Free Trade Agreement (GAFTA). Other African member states are Egypt, Libya, Morocco, Sudan and Tunisia. PAFTA has no regional IP agreements, protocols or registration systems in place.





## 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN ALGERIA

The following IP protection is available in Algeria:

- 1) trade marks: national and international (Madrid);
- 2) patents: national and international (PCT);
- 3) utility models: national;
- 4) industrial designs: national;
- 5) geographical indications: national;
- 6) layout designs of integrated circuits: national;
- 7) traditional knowledge and handicrafts: national;
- 8) copyright and neighbouring rights: national.

## 1.5 IP REGISTRATION ROUTES

IP protection in Algeria can be secured at two levels: national and international.

### National

Except for copyright, all the IP rights mentioned above can be protected directly in Algeria through the Algerian National Institute of Industrial Property (INAPI), which is under the Ministry of Industry. More details can be found here: <http://e-services.inapi.org/SITE/>.

Copyright is handled by the National Office of Copyrights and Related Rights, under the Ministry of Culture (ONDA). More details can be found here: <https://www.onda.dz/>.

### Regional

Algeria is not a contracting party to any regional IP registration system in Africa.

### International

Algeria is a contracting party to the Madrid System and the PCT. Therefore, It is therefore possible to register international trade marks designating Algeria through the Madrid System. More information is available at: <https://www.wipo.int/madrid/en/>. Patent applications designating Algeria can also be filed through the PCT system. More information is available at: <https://www.wipo.int/treaties/en/registration/pct/>.

**Choosing a suitable registration route:** trade marks, patents, utility models and industrial designs.





A **national** route is suitable when trade mark or patent protection is only required in Algeria. The national route is also the only available route for utility models and industrial designs.

An **international** route is advisable for trade mark and patent protection only where protection is required in more countries than Algeria.

### **Useful information:**

#### **Professional representation**

Foreign applicants whose principal place of business is outside Algeria must appoint a local agent (for local applicants this is optional). INAPI accepts signed powers of attorney without any need for legalisation or notarisation. However, applicants should check with their IP service provider in Algeria as to whether hard copies are necessary or scanned copies sent by email are acceptable. A list of INAPI representatives is available at: <http://e-services.inapi.org/SITE/?Rub=Mandataires>.

## **SECTION 2: OVERVIEW OF IP ENFORCEMENT**

Algeria is not a signatory of the WTO or the TRIPS Agreement. The accession process is currently ongoing.

INAPI administers IP laws and protects industrial property rights, whereas the National Bureau of Copyrights and Neighboring Rights administers the copyright law and protects copyrighted works. Both institutions cooperate with competent judicial authorities to enforce compliance and bring IP infringers to justice. While the legal framework for IP protection in Algeria has improved significantly, more work needs to be done on the enforcement side. Counterfeiting continues, especially in fast-moving consumer goods (FMCG) such as cosmetics, clothing, shoes, electrical appliances, and several consumer and food products.

Algeria recently took some positive steps to improve the environment for IP protection and enforcement. The competent authorities have increased their IP enforcement efforts, including disbanding informal markets selling counterfeit merchandise, increasing coordination between customs authorities and law enforcement, and capacity-building and training for law enforcement, customs officials, judges and IP protection agencies. INAPI constantly engages other stakeholders who have a role to play in combating IP infringements, including Interpol, border officials, customs officials, the legal profession, the Department of Trade and Consumer Affairs, retailers and the general public.

Despite the INAPI and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Algeria. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. Algerian IP law entitles rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed.





For copyrights, the copyright law provides for judicial lawsuits to compensate for damages resulting from an unlicensed use of the author's work and the enforcement of neighbouring rights through the civil judicial authorities. In addition, the law empowers the judicial police officers (sworn assistants associated with the National Bureau of Copyrights and Neighboring Rights), in a precautionary capacity, to seize copies of counterfeit works or performance mediums and place copies under the National Bureau's custody. Other judicial measures by judicial authorities include:

- halting ongoing manufacturing processes, the illegal reproduction of protected work or performance or marketing mediums created to infringe copyrights and neighbouring rights;
- seizing the counterfeit mediums and revenue generated by the illegal use of works and performances, even beyond the legal times;
- seizing all supplies used mainly to produce counterfeit mediums.

Rights holders are expected to 'police' their work and take action against those who infringe their rights. This means that rights holders should initiate actions such as reporting infringements to the police or customs officials (when infringing goods are imported) and seeking the intervention of the courts to fight third parties who infringe their rights.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

Algeria uses a multi-class filing system. The country is a signatory of the Nice Agreement and uses the Nice Classification. Classifications based on the latest edition of Nice at the time of filing of an application are accepted. An application may include goods and/or services in any number of classes, but a fee must be paid to cover the additional classes.

National and international trade marks can be registered in Algeria as explained below.

#### **Benefits of registering a trade mark**

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it protects the owner against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining financing.





### 3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person whose place of business is not in Algeria needs a professional representative.

### 3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- a simply signed power of attorney in French if the applicant is represented; notarisation is not required;
- a list of the goods and/or services, based on the Nice Classification;
- name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- a certified copy of the priority document, if applicable; it must be submitted within two months (extendable) along with a French translation;
- the prescribed application fees.

### 3.1.3 What qualifies for registration?

All symbols representable in writing, especially words including persons' names, letters and numbers, drawings, pictures, forms distinguishing goods or packages thereof, and colours or a combination thereof used to distinguish goods or services of a natural or nominal person from the goods and services of someone else.

### 3.1.4 What cannot be registered?

The following may not be registered:

- symbols that do not represent a mark as defined in section 3.1.3;
- symbols related to the public property or not distinguished;
- symbols that represent the form or cover of goods if it is required by their nature, function or packaging;
- symbols contrary to public order or morals, and those whose use is prohibited under national law, or bilateral or multilateral agreements in which Algeria is a party;





- symbols comprising a simulation or imitation of official logos, flags, other logos, abbreviated names, symbols, signs or official hallmarks used for the purposes of control and guarantee by a country or an intergovernmental organisation established under an international agreement, unless the competent authority has licensed that state or organization to do so;
- symbols that would mislead the public or commercial society with regard to the nature, quality or source of goods and services and other related characteristics;
- symbols that exclusively or partially constitute an indication that would lead to confusion regarding the geographical origin of certain goods or services;
- symbols similar or identical to a mark or trade name that is well-known in Algeria and have been used for similar or identical goods belonging to another institution, to the extent that they cause confusion between both of them. This also includes symbols that are a translation of another mark or trade name;
- symbols identical or similar to a mark that has been the subject matter of a registration application or a registration including goods or services identical or similar to those for which the manufacturing mark or trade mark has been registered, if their use would result in confusion.

### 3.1.5 Where can I file an application?

- INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>;
- country designation through the International Bureau (WIPO).

### 3.1.6 How much does it cost?

#### **Government (official) fees**

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (DZD). Information on fees is available at <http://e-services.inapi.org/SITE/?Rub=Page&ID=25>.

#### **Professional fees**

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.

#### **Likely overall registration costs**

An applicant can expect the cost of registering a trade mark to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.







Description of Process/Service	Official Fees (DZD)
Filing and publication fees	
• without colour claim	14 000
• with colour claim	15 000
• per class of goods or services	2 000
Priority claim fees	1 000
Renewal fees	
• without colour claim	14 000
• with colour claim	15 000
• per class of products or services	2 000
Late renewal fees	800

### 3.1.7 How long does registration take?

The trade mark registration process takes 15-18 months from the filing date to completion, assuming that there are no unusual delays. Trade marks are published after registration and there is no provision for filing an opposition to the registration of a trade mark.

### 3.1.8 What is the duration of protection?

Protection lasts for 10 years from the filing date and is renewable.

## 3.2 PATENTS

### Algeria Patent Registrations

National and international patents can be registered in Algeria in the following ways.

#### National

- INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>.

#### International

- The international bure
- au (WIPO) under the PCT route designating Algeria.





## Choosing between a national or international patent registration in Algeria

The decision about whether to register a patent in Algeria through the national or international route is usually guided by the following considerations:

- **whether patent protection is required in Algeria only or in multiple jurisdictions:** applicants will usually opt for the international route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** the PCT route's centralised patent filing system is usually considered to be more cost-effective than national applications for more than one jurisdiction.

## Choosing between registration routes

Most patent applications for Algeria are PCT national phase applications. It is more cost-effective to file a single application via the PCT route to gain patent coverage in more countries including Algeria.

## National (INAPI) Patents

### 3.2.1 Who can register a patent?

An inventor or successor in title of an invention can apply to register a patent.

### 3.2.2 What are the registration requirements?

An INAPI patent application must contain the following:

- a simply signed power of attorney
- the patent title, abstract, description, claims and drawings in French and Arabic;
- the applicant's details including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if applicable;
- the prescribed application fees.





A PCT patent application must contain the following:

- a simply signed power of attorney;
- the applicant's details including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- a copy of the international publication;
- two copies of the specifications and claims in Arabic;
- two sets of the formal drawings in Arabic, if any;
- a copy of the international search report;
- a copy of the international preliminary examination report, if any;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if applicable;
- the prescribed application fees.

### 3.2.3 What qualifies for registration?

All new inventions resulting from an inventive activity that are industrially applicable can be protected. Protectable inventions may involve a product or a method.

A patent must meet the following requirements:

- **novelty:** an invention will be considered novel if not included in the state of the art. This includes all that is offered to the public by a written or oral description, by use or any other means around the world one day prior to filing of the application for protection or on the date of claiming priority;
- **inventive step:** if it is not recognised intuitively from the state of the art;
- **susceptible of industrial applicability** if its subject matter is liable to be manufactured or used in any type of industry.





### 3.2.4 What cannot be registered? The following cannot be patented:

- plant varieties or animal species, and the pure biological methods to produce plants or animals;
- inventions whose application in Algeria would be contrary to the public order or morals;
- inventions whose use in Algeria would be detrimental to the health and life of people, animals and plants, or would represent a serious threat to the protection of the environment.

The following will not be considered inventions:

- scientific principles, theories and discoveries, as well as mathematical approaches;
- plans, principles and approaches purely designed to conduct cultural work or for entertainment;
- methods and systems of education, organisation, management or enforcement;
- methods of treatment for humans or animals by surgery or medicine, and diagnostic methods;
- provision of information;
- computer software;
- inventions of a purely decorative nature.

### 3.2.5 Where can I file an application?

**National** applications, non-Convention, Convention and PCT national phase applications must be filed at the INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>.

**International or PCT** applications designating Algeria can be filed at the International Bureau of WIPO.

### 3.2.6 How much does it cost?

#### **National (INAPI) and PCT National Phase fees**

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.





### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (DZD). Information on fees is available at <http://e-services.inapi.org/SITE/?Rub=Page&ID=31>.

### Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.

### Likely overall registration costs for an INAPI patent

An applicant can expect the cost of registering a patent to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Type of Fee	Official Fees (DZD)
Application and 1st annuity fees	7 500
Application fees for a certificate of addition	7 500
Priority fees	2 000
Publication fees	5 000
Grant or registration fees	1 200

### International (PCT) fees

There are basically three types of fees payable to the receiving Office in connection with an international application. These are international filing fees, search fees and transmittal fees. More details about PCT fees can be found here: <https://www.wipo.int/pct/en/fees/index.html>.

### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.





### 3.2.7 How long does registration take?

Patent applications are only formally examined in Algeria and there is no substantive examination. The registration process takes up to 24 months to complete.

### 3.2.8 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

### 3.2.9 When are renewal fees paid?

Renewal fees are paid from the second anniversary of the filing date up to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

#### **Annuities**

The following government (official) fees are currently applicable:

Annuity Year	Official Fees (DZD)
2nd to 5th year	5 000
6th to 10th year	8 000
11th to 15th year	12 000
16th to 20th year	18 000

## 3.3 UTILITY MODELS

It is not possible to obtain utility model protection under the current IP legislation in Algeria.

## 3.4 INDUSTRIAL DESIGNS AND MODELS

### **About industrial designs and models in Algeria**

Industrial designs and models are protected under Ordinance No. 66 - 86 of April 28, 1966 relating to designs and models.

Industrial designs consider as a drawing any assembly of lines and colours intended to give a special appearance to any industrial or artisanal object, and as a model, any plastic form associated or not with colours and any industrial object that can be used as a prototype for manufacturing other units that differs from similar models in its configuration.





## Algeria design registrations

Design applications should be submitted at the INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>.

### International

Algeria is not a member of the international system of design registration (the Hague Agreement). More details on the international design system can be found here: <https://www.wipo.int/hague/en/>.

### Examination and novelty of designs for Algeria

Algeria does not carry out a substantive examination of design applications, only examinations of formalities.

### National (INAPI) Industrial Designs

#### 3.4.1 Who can register?

An inventor or successor in title can apply to register a design or model.

Two or more persons or companies can jointly own and apply for the registration of an industrial design or model.

#### 3.4.2 What are the registration requirements?

A design application must contain the following:

- a simply signed power of attorney;
- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company;
- six identical copies of the representations of the design;
- summary description of the design in French;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if claimed. This can be lodged within 2 months from the filing date;
- the prescribed application fees.





### 3.4.3 What qualifies for registration?

Only original and new designs or models benefit from the protection granted by the law. A design is new if it has not already been created.

If an object can be considered both a design and a patentable invention, and the constituent elements of the novelty are inseparable from those of the invention, the object will be protected in accordance with Ordinance No. 66 - 54 of March 3, 1966 relating to inventors' certificates and patents.

Multiple design applications are possible in Algeria, provided that all the designs are embodied in a single set of articles and belong to the same class. The number of designs in a single application may not exceed 100.

### 3.4.4 What cannot be registered?

Applications relating to objects which do not have the character of a design or model within the meaning of the law or which infringe morality cannot be registered.

### 3.4.5 Where can I file an application?

**National**-route design applications must be filed at INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>.

### 3.4.6 How much does it cost?

#### **National (INAPI) fees**

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### **Government (official) fees**

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Algerian Dinar). Information on fees are available through this link: <http://e-services.inapi.org/SITE/?Rub=Page&ID=54>.

#### **Professional fees**

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.







### Likely overall registration costs for an INAPI industrial design or model

An applicant can expect the cost of registering an industrial design to be approximately as shown in the following table, unless objections and/or other special circumstances that increase costs apply.

Type of Fee	Official Fees (DZD)
Application fees regardless of the number of designs or models filed	10 000
Fees per design or model	1 000
Priority fees	800
Publication fees	
• filed as a specimen per view	500
• filed as a photograph per view	2 000

#### 3.4.7 How long does registration take?

Industrial design or model applications usually take an average of 1 year to complete registration.

#### 3.4.8 What is the duration of protection?

The duration of the protection granted by the law to each design or model is 10 years from the date of filing. This duration is divided into two periods; one for 1 year and the second for 9 years, which is subject to the payment of maintenance fees.

During the first period of protection, the filing of the design or model remains secret if the applicant or their successors in title do not require publication.

#### 3.4.9 When are renewal fees paid?

Renewal fees must be paid for the second period of 9 years within 6 months from the due date.

#### Design renewal fees

Before paying, it is advisable to confirm the amount of the fees on the INAPI website, as the official fees may change. The latest fees are available at <http://e-services.inapi.org/SITE/?Rub=Page&ID=54>.

The following INAPI renewal fees are currently applicable:

Annuity Year	Official Fees (DZD)
Second 9-year period per design	1 000





### 3.5. GEOGRAPHICAL INDICATIONS (GIS)

#### About GIs in Algeria

GIs are registrable in Algeria under Order N° 76 - 65 of July 16, 1976 Relating to Appellations of Origin. These are some noteworthy definitions according to the law:

- an **appellation of origin** means a geographical name of a country, region, part of a region or locality used to designate a product originating therein and whose quality or characteristics are due exclusively or essentially to the geographical environment, including natural and human factors;
- a **geographical name** is also considered to be a name that, without being a country, region, part of a region or locality, refers to a geographical area determined by the purposes of certain products.

GIs and appellations of origin are registered through INAPI. Currently, there is no regional or international registration system through which GIs can be registered in Algeria.

#### 3.5.1 Who can register?

The following can apply for the registration of a GI or appellation of origin:

- any legally constituted institution;
- any natural or legal person who carries out a producer activity in the geographical area in question.

A GI application can be submitted individually by any of the above or jointly with others.

#### 3.5.2 Can European GIs be registered?

European GIs are not registrable under the current national law. Only national appellations of origin can be filed for registration purposes by Algerian nationals.

Foreign designations of origin may only be registered as such within the meaning of the applicable law, within the framework of the application of international conventions to which Algeria is a party and, subject to reciprocity, in the member countries of said conventions.

For information about the protection of European GIs in African countries, please refer to the Organization for an International Geographical Indications Network at <https://www.origin-gi.com/>.





### 3.5.3 What are the registration requirements?

An application for registration of an appellation of origin must include:

- power of attorney, simply signed;
- the name and address of the applicant, as well as their activity;
- the designation of origin concerned, as well as the related geographical area;
- the list of products intended to be covered by this designation;
- a mention of the text relating to the designation, including the specific characteristics of the products covered by the designation of origin and the conditions of use of the designation of origin, in particular with regard to the method of labelling defined in regulations for use;
- the list of authorised users, where applicable.

### 3.5.4 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality that the goods come from.

### 3.5.5 What cannot be registered?

Appellations of origin or GIs cannot be registered if:

- they do not comply with the definitions given in section **3.5**;
- they are not regulated;
- they are generic product names. A name is considered to be generic when it is established by usage and considered as such by persons who are experts in the field and by the public;
- they are contrary to morality or public order.

### 3.5.6 Where can I file an application?

Applications for registration must be submitted to the INAPI. More details can be found here: <http://e-services.inapi.org/SITE/>.





### 3.5.7 How much does it cost?

#### National (INAPI) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Algerian Dinar). Information on fees are available through this link: <http://e-services.inapi.org/SITE/?Rub=Page&ID=55>.

#### Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.

#### Likely overall registration costs for a INAPI Geographical Indication registration

An applicant can expect the cost of registering a GI to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Type of Fee	Official Fees (DZD)
Application fees for an appellation of origin or geographical indication	5 000
Renewal fees for an appellation of origin or geographical indication	5 000

### 3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes on average 9 – 12 months to complete registration.

### 3.5.9 What is the duration of protection?

Registration of an appellation of origin is valid for 10 years from the date of filing of the application. This period may be renewed indefinitely, for periods of equal duration, if the proprietor continues to meet the requirements set by the law.

The renewal application is subject to the same formalities as for registration and is subject to the payment of a renewal fee.





## 3.6 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

### About layout designs of integrated circuits in Algeria

Figurative designs and layout designs of integrated circuits are protected under Design Law: Law No 08-03 of 2003 in Algeria. These are some noteworthy definitions according to the Algerian Design Law.

- **Integrated circuit:** a product in its final or transitional shape comprising at least one active element. All correlations or part thereof are an integrated part of a substance and/or surface of a piece of a material, and it is assigned to perform an electronic function.
- **Figurative design, equivalent to topography:** each three-dimensional arrangement, whatever its form is, for elements with at least one active element and all connections of the integrated circuit or part thereof; or an arrangement similar to such three-dimensional arrangement prepared for an integrated circuit for manufacturing purposes.

#### 3.6.1 Who can register?

An inventor or successor in title can apply to register a design.

Two or more persons or companies can jointly own and apply for the registration of a figurative designs or layout designs of integrated circuits.

#### 3.6.2 What are the registration requirements?

An application for the registration of a layout design must include:

- a simply signed power of attorney;
- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company. In the case where the filing is made jointly by several persons, these details are required for each of them;
- a brief and precise description of the layout design. This description may consist of the name of the layout design or the product in which it is incorporated, as well as the product's field of application;
- the date of the layout design's first commercial exploitation, anywhere in the world, if this date is prior to the application for registration;
- a statement of the documents filed, indicating the number of pages of the description and the number of drawing plates, as well as any annexed documents.





### 3.6.3 What qualifies for registration?

A figurative design or layout design is registrable if:

- it is original, which means that it is the result of the inventor's intellectual efforts and has not been disseminated among inventors of figurative designs and manufacturers of integrated circuits.

A layout design consisting of a combination of elements and interconnections that are commonplace is only registrable if the combination, taken as a whole, is considered original.

#### Examination

Algeria does not carry out a substantive examination of applications. According to the law, the registration will take place without examining the originality, the filing party's protection right or the correctness of the information included in the application.

### 3.6.4 What cannot be registered?

Designs that consist of a composition of familiar elements and connections or designs that have been disseminated among inventors of figurative designs and manufacturers of integrated circuits. These are not considered original and new.

Any designs whose use would be contrary to the law, public policy or morality.

### 3.4.5 What acts are not permitted in relation to protected figurative designs and layout designs of integrated circuits?

The protection granted under the law entitles its owner to prevent others from performing the following actions without their approval:

- to wholly or partially reproduce the protected figurative design of the integrated circuit by incorporating it in an integrated circuit or by another method, unless it is related to reproducing a part thereof that does not fulfil the originality conditions as specified by the law;
- to import, sell or distribute in any other form, for commercial purposes, a protected figurative design or integrated circuit whose figurative design includes this circuit, as it still illegally contains the reproduced figurative design.

The owner of the figurative design will also have the right to assign or transfer it by way of inheritance and license contracts.





### 3.4.6 What acts are permitted in relation to protected figurative designs and layout designs of integrated circuits?

The protection granted under the law does not include the following activities:

- reproducing the protected figurative design for special or pure purposes of evaluation, analysis, research or education;
- incorporating an innovative figurative design within an integrated circuit based on this analysis or evaluation;
- performing any work on a protected figurative design or integrated circuit comprising a figurative design marketed by the owner or upon their approval;
- performing any work on a protected figurative design or integrated circuit comprising an illegally reproduced design or any substance included in this circuit, even if the person does not know or has insufficient proof of knowing, when purchasing this circuit or the substance included in said circuit, that it includes an illegally reproduced figurative design;
- performing any work on a similar original figurative design independently innovated by others.

### 3.6.5 Where can I file an application?

Applications for registration must be submitted to the Algerian National Institute of Industrial Property (INAPI) under the Ministry of Industry. More details can be found on the IP Office website here: <http://e-services.inapi.org/SITE/>.

### 3.6.6 How much does it cost?

#### **National (INAPI) fees**

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### **Government (official) fees**

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (DZD). Information on fees is available at <http://e-services.inapi.org/SITE/?Rub=Page&ID=54>.

#### **Professional fees**

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three INAPI-accredited professionals. A list is available at <http://e-services.inapi.org/SITE/?Rub=Mandataires>.





### Likely overall registration costs for a figurative or layout design

An applicant can expect the cost of registering a layout design to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Type of Fee	Official Fees (DZD)
Application fees regardless of the number of designs filed	10 000
Fee per design	1 000
Fees per view of each layout	500

#### 3.6.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes an average of 1 year to complete registration.

#### 3.6.8 What is the duration of protection?

The duration of a figurative design or an integrated circuit layout design registration in Algeria is 10 years.

#### 3.6.9 When are renewal fees paid?

There are no prescribed renewal fees that must be paid after the 10-year registration term.

### 3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

Under Algerian copyright law, traditional cultural heritage/Traditional Cultural Expressions (TCEs) and national works of public property are recognised and protected through the National Bureau of Copyrights and Neighboring Rights. More details can be found here: <https://onda.dz/>.

#### About TCEs in Algeria

TCEs and works of public property are provided for under Chapter 2 of the Copyright Law, Ordinance No. 03-05 of 19 Jomada El Oula 1424, corresponding to 19 July 2003, on Copyright and Related Rights. The National Bureau of Copyrights and Neighboring Rights is responsible for the protection of works of public property and traditional cultural heritage.







### 3.7.1 Who can register?

There are no provisions for the registration of traditional cultural heritage/TCEs and national works of public property by individuals or communities or their duly appointed community representatives.

### 3.7.2 Scope of Protection

- The use of traditional cultural heritage/TCEs and national works of public property will be subject to a license from the National Bureau of Copyrights and Neighboring Rights.
- When used for profit-making, the National Bureau will receive a royalty to be calculated in proportion to the revenue or arbitrarily calculated as per the terms specified in the collection system of the Bureau. The royalties will be allocated to accounting purposes and maintaining works.
- Any user of traditional cultural heritage/TCEs and national works of public property must respect their integrity and ensure that they are communicated to the public with full respect for that integrity.

## 3.8 COPYRIGHT AND NEIGHBOURING RIGHTS

### About copyright and neighbouring rights in Algeria

Algeria has a dedicated law for the protection of copyright and neighbouring rights, namely Law No. 03-05 of 2003 related to Copyrights and Neighboring Rights.

Algeria is also a signatory of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

### 3.8.1 Can I register?

The protection of copyright in Algeria is automatic and does not require any formalities, in line with the Berne Convention for the Protection of Literary and Artistic Works. Protection is granted to every literary and artistic work regardless of its type, style, form of expression, value or purpose.





### 3.8.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- **literary and artistic works;**
  - written literary works such as: literary attempts, scientific and technical research, novels, stories, poems, computer software, oral works such as lectures, speeches and sermons and the like;
  - all theatre plays, drama, musical and rhythmic works and pantomimic works;
  - musical works, sung or silently acted;
  - cinematographic works and other audio-video works, whether accompanied by sounds or not;
  - works of plastic and applied arts such as drawing, oil painting, sculpture, carving, lithography and Zaraby art;
  - drawings, diagrams, mini-geometrical models of art, architecture and technological installations;
  - charts, maps, and drawings related to topography, geography or sciences;
  - photographic works and works expressed in a manner similar to photography;
  - clothing innovations for fashionable wears and scarfs;
- **translation and adaptation works, musical distributions, editing reviews, and other original alterations of literary or artistic works;**
- **collections and selections of works, collections of traditional cultural heritage and databases, whether reproduced on a medium capable of being used by a machine or in any other form, whose originality comes from their selection of materials or their order.**

The title of the work, if original, will enjoy the same protection as the work itself.

### 3.8.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection. This includes the following:

- ideas, concepts, principles, approaches, techniques, working procedures and patterns associated with intellectual work creation (except as enlisted, structured or arranged in the protected work, and in the format expressed) regardless of their description, interpretation or clarification;





- state works, legally made available for public use in non-profit generating purposes;
- any work that is contrary to law, public order or morality.

Works of traditional cultural heritage and national works considered public property will be granted special protection. Works of traditional cultural heritage consist of the following:

- traditional classic music works;
- musical works and popular songs;
- popular forms of expression produced, developed and rooted in the national community, that have the characteristics of the country's traditional culture;
- anecdotes, poems, dances and folklore shows;
- works of popular arts such as drawings, oil paintings, sculptures, carvings, pottery and mosaic;
- handicrafts of metal and wood, jewels, baskets, needle works, Zaraby tricot and textiles.

National works categorized under public property shall consist of literary or artistic works, whose terms of protection have expired in favor of their author and right holders.

#### 3.8.4 What are the requirements for legal protection?

The original work must be in one of the categories mentioned in section **3.8.2**.

#### 3.8.5 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- reproducing the protected work in a printed, audio, audio-visual or any other medium for school or university education purposes;
- reproducing, translating, quoting or converting the work for personal or family purposes;
- imitating, opposing, cynically simulating or making a caricature description of an original work without distorting or disgracing the original work;
- using the decorative or illustrative drawing of a literary or artistic work in a publication, in an audio or audio-visual recording or in audio or audio-visual programmes meant for teaching or professional training;
- copies made to replace or conserve library or archival copies of works;





- use of anonymous or pseudonymous works, subject to conditions;
- use of works for parliamentary or judicial proceedings or inquiries;
- quotations from copyrighted works;
- public readings and recitations.

### 3.8.6 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work by any means;
- offering the original audio-visual work or reproductions thereof for public circulation through the rental or commercial rental of computer software;
- conveying the work to the public by public representation or performance;
- conveying the work to the public by audio or audio-visual radio broadcasting;
- conveying the broadcasting work to the public via wire mediums, optical fibres, cabling or any other medium to transmit signals carrying sounds, images or both;
- conveying the broadcasting work to the public via wireless diffusion by a facility other than the original broadcasting facility;
- conveying the broadcasting work to the public via loudspeaker, radio or television placed in an open setting;
- conveying the broadcasting work to the public by any information processing system;
- translating, adapting, distributing and converting the author's work by any other method to generate derivative works thereof.

### 3.8.7 What is the duration of protection?

The duration of copyright protection is as follows:

- **literary works:** the material rights will be protected in favour of the author throughout their life, and in favour of the rights owners for 50 years from the beginning of the Gregorian year following his death;
- **collective work:** 50 years from the end of the Gregorian year during which the work was legally published for the first time;





- **pseudonym or anonymous work:** 50 years from the end of the Gregorian year during which the work was legally published for the first time;
- **posthumous work:** 50 years from the end of the Gregorian year during which the work was legally published for the first time;
- **performers and recording rights:** 50 years from the end of the calendar year in which the performance took place;
- **an audio-visual work, photograph or computer program:** 50 years from the end of the Gregorian year during which the work was legally published for the first time;
- **a work of applied art:** 50 years from the end of the Gregorian year during which the work was produced.

### 3.8.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Algeria once its term has expired. The work enters the public domain at the end of the term of protection.

#### Links to legislation:

Orders: <http://e-services.inapi.org/SITE/?Rub=Page&ID=22>.

Decrees: <http://e-services.inapi.org/SITE/?Rub=Page&ID=21>.

#### Links to institutions:

AfCFTA (African Continental Free Trade Area): <https://au-afcfta.org/>

INAPI (Algerian National Institute of Industrial Property): <http://e-services.inapi.org/SITE/>.



