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Commission

AFRICA
IP SME HELPDESK



IP Country Fiche
MOROCCO



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Rabat
Population:	38.2 million
Currency of (official) fees:	Moroccan Dirham
Language for filing IP applications:	French
GDP per capita:	\$ 4,295.41 (World Bank, 2022)
Human Development Index:	0.7
Main exports:	Agricultural products, textiles, electronics, vehicles and chemicals.
Main exports:	Refined petroleum, agricultural products, machinery, chemicals and vehicles.

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- Beijing Treaty on Audiovisual Performances;
- Berne Convention for the Protection of Literary and Artistic Works;
- Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite;
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure;
- Hague Agreement Concerning the International Registration of Industrial Designs;
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration;
- Locarno Agreement Establishing an International Classification for Industrial Designs
- Madrid Agreement Concerning the International Registration of Marks;
- Madrid Agreement for Repression of False or Deceptive Indications of Source on



Goods (Revised)

- Marrakesh VIP Treaty;
- Nairobi Treaty on the Protection of the Olympic Symbol;
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks;
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty;
- Trademark Law Treaty;
- International Convention for the Protection of New Varieties of Plants;
- Convention Establishing the World Intellectual Property Organization (WIPO);
- WIPO Copyright Treaty;
- WIPO Performances and Phonograms Treaty.
- Singapore Treaty on the Law of Trade Marks

SECTION 2: OVERVIEW OF IPRs IN MOROCCO

The protection of Intellectual Property is important, and the legal framework (Law No. 17-97 and Law 2-00) ensures protection of Intellectual Property Rights (IPRs) so that SMEs can take advantage of their intangible assets and technological innovations. More information is available at: <https://www.revuechercheur.com/index.php/home/article/view/145>.

The Moroccan Industrial and Commercial Property Office (OMPIC) provides pre-diagnosis support to SMEs in the field of industrial property (IP) by meeting with companies to understand their needs and preparing a follow-up report with proposals/strategies adapted to their needs and development prospects.

More information on the service offered by OMPIC is available here: <http://www.ompic.ma/en>

SECTION 3: IP PROTECTION AVAILABLE IN MOROCCO

Morocco has a relatively comprehensive regulatory and legislative system for the protection of intellectual property.

The rules in place in Morocco are set out in Law No. 17-97 on the protection of industrial property, as amended and supplemented by Law No. 23-13, in force since 18 December 2014.



3.1 TRADE MARKS

What is the legal framework?

Morocco is a member of the Paris Convention for the Protection of Industrial Property. The International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement is followed in Morocco.

More information on the legal framework for trade marks is available here:
<http://www.ompic.ma/en/content/about-brand>

What qualifies for registration?

Trade marks that can be graphically represented and signs that can distinguish the goods or services of any natural or legal person.

The following, in particular, may be registered:

- a) denominations in all forms such as words, combination of words, surnames and geographical names, pseudonyms, letters, numerals, abbreviations;
- b) figurative signs such as: devices, labels, seals, selvedges, reliefs, holograms, logos, synthesised images; shapes, particularly those of a product or its packaging or those that identify a service; arrangements, combinations, or shades of colour;
- c) audible signs such as sounds and musical phrases;
- d) olfactory marks.

What are the registration procedures?

In Morocco, trade mark registration is mandatory to be granted rights over a trade mark, as it is a 'first to file' jurisdiction. Only in some exceptional cases can an unregistered trade mark be protected. The trade mark applications must be filed with the OMPIC.

The trade mark application must be submitted before the 'Moroccan Office for Industrial and Commercial Property' in Casablanca by a local agent. Once a trade mark is registered, no amendments would be allowed. The publication term is two months, where an opposition can be filed within the publication term at the local trade mark office.

You can also file your trade mark on the Internet using the direct info trade marks service by subscribing to the online service.

More information on the procedure can be found here: www.directinfo.ma



How long does registration take?

The average time frame for filing a trade mark up to registration varies on several factors, but on average it is between 6-8 months, assuming that there are no unusual delays and no oppositions.

How long does protection last?

A trade mark registration according to the law is valid for 10 years from the filing date and renewable for periods of 10 years. The new trade mark law provides a six month grace period for the late renewal of a trade mark. If a trade mark registration is not renewed within the grace period as of the date of expiration, it will be cancelled automatically. Trade marks in Morocco are examined on absolute grounds.

Use of marks in Morocco is not compulsory for filing applications. However, if the registered mark does not meet the requirements with regards to usage, it is vulnerable to cancellation and can be cancelled by any interested party, who can establish that the trade mark was not actually used during a period of 5 years, which is usually calculated from the filing date.

Which languages can be used?

The official language used in Morocco for filing and submitting a trade mark related transaction is French.

What are the registration requirements?

A trade mark application must contain the following:

1. the full name, nationality, and physical address of the applicant;
2. a list of the goods/services, based on the Nice Classification, for which the trade mark will be used;
3. a certified copy of the priority document, if convention priority is to be claimed; this must be submitted within 3 months of filing;
4. a signed power of attorney if the applicant is being represented.

How much does it cost?

Administrative fees to apply for a trade mark are about 1000 USD per mark, per class. The average market price of professional support for trade mark filing is about 1000 USD per mark, per class¹. More information is available through this link:

¹ The professional fees listed on this page are for informational purposes only and are subject to change without notice. No guarantees are made regarding the accuracy, validity, or applicability of these fees to



<http://www.ompic.ma/en/content/our-tariffs>

3.2 PATENTS

What is the legal framework?

Morocco is party to the Patent Cooperation Treaty (PCT) since 8 October 1999. The Patents applications must be filed with the Moroccan Office of Industrial and Commercial Property (OMPIC).

Information on the legal framework concerning Patents is available here:
<http://www.ompic.ma/en/content/about-patent>

What qualifies as a patent?

A patent is an exclusive right conferred by the State for a limited period on a new invention on a new invention, involving an inventive step and (industrial applicability / susceptible of industrial application / industrial application ability).

A patent is an industrial property right for the functional and technical aspects of an invention.

What are the registration procedures?

Patent applications are examined as to formal requirements and to substantive requirements based on an assessment of the invention against the criteria of novelty, inventive step, and industrial applicability. A patent examiner reviews the application and conducts a preliminary patent search to decide whether the application meets the requirements of patentability.

OMPIC will prepare a preliminary search report with an opinion on the basis of the claims, descriptions, and drawings, if applicable. The preliminary search report once prepared shall be notified to the applicant or his agent. Afterwards, a final search report will be issued.

What are the registration requirements?

A patent application must contain the following:

any specific situation. The Africa IP SME Helpdesk is not liable for any damage or loss arising from the use of this information. For an accurate and personalised quote, it is recommended to contact the relevant professional directly.



1. The applicant's full name, address, nationality, and business location address.;
2. a signed power of attorney;
3. certificate of incorporation or an extract from the Commercial Register dully certified if the applicant is a legal entity;
4. the duly completed form B1, a description of the invention;
5. an abstract (summary) of the invention;
6. one or more claims, any drawings mentioned in the description;
7. formal drawings.

How long does registration take?

A patent application will be published after a period of 18 months from the filing date or of the eldest priority date, if it is not rejected or withdrawn.

If a patent application is accepted, the applicant will be notified to pay an amount to obtain the patent letter and pay the due annuity fees.

In other words, annuities for any pending patent applications are now payable after grant only and upon acceptance, whether filed before or after the law change on 18 December 2014.

How long does protection last?

The validity of a patent is 20 years, and according to the PCT Applicant's Guide on WIPO's website, 'Law Art. No. 82 MA.12 ANNUAL FEES, renewal fees for a patent application must be paid to the Office for the years following that in which the patent has been granted.

The owner of a patent who has not paid the renewal fees within the prescribed time limit may incur the loss of his rights. However, the fees may validly be paid within a further six-month period as of the date of expiry of the time limit; in this case, a surcharge is added for each month of delay in payment (see Annex MA.I).

If the renewal fees have not been paid by the end of the additional six-month period, the owner of a patent loses his rights, and a written and substantiated decision of the Office as to the loss of rights is communicated to the owner of the patent or the agent.'

Who can register a patent?

The applicant is normally the inventor, potentially jointly with others, for example, when a part of the invention was sold or when several inventors have a common interest in the patent.



Which languages can be used?

French or Arabic.

How much does it cost?

Administrative fees to apply for a Patent are about 1000 USD per class. The average market price of professional support for Patent filing is about 1000 USD per class.

More information about Patent registration in Morocco is available here:
<http://www.ompic.ma/fr>

3.3 INDUSTRIAL DESIGNS/MODEL

What is the legal framework?

Industrial Design applications must be filed with the Moroccan Office of Industrial and Commercial Property (OMPIC).

More information on the legal framework for Industrial Designs is available here
<http://www.ompic.ma/en/content/about-dmi>

What are Industrial Designs?

An industrial design or model constitutes the ornamental or aesthetic aspect of an object. It can be three-dimensional (it is then the form or the surface of the object) or two-dimensional (a collection of lines or colours).

An industrial design or model refers to the visual aspect of a product, unlike a patent which refers to the technical or functional aspects. An industrial design or model constitutes the ornamental or aesthetic aspect of your product and its packaging.

The design is a two-dimensional element; it describes a collection of lines or colours characterising the aesthetics of your product.

The model is a three-dimensional element; it describes any plastic form with or without lines or colours.



What are the registration procedures?

You must complete the application provided by the Moroccan Office of Industrial and Commercial Property (OMPIC), which must include your name, your contact information as well as your designs or photos of the design or model in question.

You can attach a brief description of the design or model. In general, the description includes the design or model and not the product. It must be precise and must distinguish the designs and previous similar models. It should enumerate all the distinctive aesthetic features of the design or model and describe the most important.

You can use the services of an intellectual property agent to help you file the application and take you through the registration procedure. In this case, you should also file a signed power of attorney in the name of the representative.

OMPIC does not register the design or model before having formally verified that the administrative formalities have been completed.

Once a design or model has been registered, it is registered as an industrial design and model.

A statement constant deposition and stating the date of such deposit attachments shall be prepared by the Office as well as the certificate of registration of industrial design. Then the Moroccan Office for Industrial and Commercial Property publishes industrial design in an official catalogue of industrial designs.

More information on the deposit is available here:

<http://www.ompic.ma/en/content/deposit-dmi-morocco>

How long does registration take?

The registration procedure of an industrial design or model usually takes between one day and three months depending on whether the filing application of industrial design or model is complete or not.

An application for a design or industrial model may be refused, if a model or design is against public order, or if all original documents are not submitted to the Patent Office within 3 months as of the filing date, or if the model or design reproduces effigies of his Majesty the King or any member of the Royal Family.

How long does protection last?

Industrial designs are protected for 5 years. This term can be extended for 2 consecutive periods of five years (total 15 years). Renewal and payment of fees must be done within 6



months before the expiry date. However, a grace period of 6 months may be granted for late payment with a penalty.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.

Which languages can be used?

French or Arabic

What are registration requirements?

1. applicant's full name, address, nationality, and business location address.
2. signed power of attorney.
3. certificate of incorporation or an extract from the Commercial Register duly certified if the applicant is a legal entity.
4. a representation of the model or design showing all views.
5. a certified copy of the home registration, if priority is to be claimed.

How much does it cost?

Administrative fees to apply for Industrial Designs are about 1000 USD per class. The average market price of professional support for filing Industrial Designs is about 1000 USD per class.

More information about Industrial Designs registration in Morocco is available here:
<http://www.ompic.ma/en>

3.4 COPYRIGHT AND RELATED RIGHTS

What is the legal framework?

Protection of Copyright and Related Rights is regulated by Law No. 34-05 on Copyright and Related Rights Act which amends and supplements Law 02-00, which entered into force in March 2006, and Law No. 66-19 amending and supplementing Law No. 2-00 relating to copyright and related rights, promulgated May 24, 2022

This new law is in conformity with international conventions ratified by Morocco.

What is Copyright?



Morocco is a member of The Berne Convention for Copyright.

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

- a) literary works
- b) musical works
- c) artistic works

What are the registration procedures?

Copyright applications can be filed with the Moroccan Bureau of Copyright and Neighboring Rights created by Decree No. 2-64-406 of 5 Kaada 1384 (March 8, 1965) and established according to Law 25.19 (Dahir No. 1.22.52 of 13 Muharram 1944 (August 11, 2022)) as a collective management organization in the form of a legal person under public law with financial autonomy. The Bureau is responsible for the protection and exploitation of copyright and related rights. Please see the link to the Bureau's website: <https://www.bmda.ma/>

What are the registration requirements?

1. The applicant's full name, address, nationality, and business location address.
2. signed power of attorney.
3. certificate of incorporation or an extract from the commercial register duly certified if the applicant is a legal entity.
4. a brief description of the copyright.
5. 3 copies of the work.

How long does registration take?

The filing number is allotted immediately for written items such as books. For audiovisual items, it takes 2 months from the filing date.

How long does protection last?

70 years from the end of the year in which the copyright was registered.

Who can register?

The registration can be carried out personally, or through a duly authorised legal representative.



Which languages can be used?

French or Arabic

How much does it cost?

Administrative fees to apply for Copyright are about 100 USD per class. The average market price of professional support for Copyright filing is about 300 USD per class².

More information about COPYRIGHTS registration in Morocco is available here:
<https://www.bmda.ma/>

3.5 PLANT VARIETY RIGHTS:

What is the Moroccan legal frame for Plant Variety rights?

Morocco has a dedicated Law for the protection of Plant Breeders Rights (PBRs) namely the Law on the Protection of New Plant Varieties (January 1997) as modified in 2006.

On September 8, 2006 Morocco became member of the International Union for the Protection of New Varieties of Plants (UPOV) under the 1991 Act.

More information on the Law on the Protection of New Plant Varieties is available here:

In English: <https://upovex.upov.int/en/legislation/profile/MA>

In French: <https://www.onssa.gov.ma/wp-content/uploads/2021/11/LOI.9-94.FR.pdf>

What are Plant Variety Rights in Morocco?

The definition of plant variety can be found at Art. 2 of the national Law and resembles the definition in the UPOV 1991 Act. A 'variety' is defined as 'a plant grouping within a single botanical taxon of the lowest known rank'.

Only the varieties belonging to the genera and species included in the list drawn up by the

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Office can be protected under PBRs.

Plant varieties, in order to be protected, need to be:

- new;
- distinct;
- uniform;
- stable; and
- designated by a denomination which will be its generic designation;

More information on the list drawn up by the office is available here:

<https://www.onssa.gov.ma/wp-content/uploads/2021/11/ARR.1806-18.FR.c2.pdf>

Scope of protection

According to Plant Variety Rights legislation in Morocco, the following acts in respect of the propagating material of the protected variety require the authorization of the breeder:

- production or reproduction (multiplication);
- conditioning for the purpose of propagation;
- offering for sale;
- selling or other marketing;
- exporting;
- importing;
- stocking for any of the purposes mentioned above.

The scope of protection includes harvested material and the legislation contains a provision on Essentially Derived Varieties.

Exceptions to breeders' rights:

- acts done privately and for non-commercial purposes;
- acts done for experimental purposes;
- acts done for the purpose of breeding other varieties.

What are registration procedures?

The Plant variety protection applications must be filed with the ONSSA (Office National de Sécurité sanitaire des Produits Alimentaires - National Food Safety Office).

Applications for the granting of plant variety certificates must be submitted to the VHS/Protection- Approval Section of the 'Division de Contrôle des Semences et Plants' of the



central ONSSA.

The applicants may be natural and legal persons resident / having a registered office in Morocco. Foreigners who are not resident/have a registered office in Morocco should appoint an agent resident in Morocco [Please note that an agent can be a professional, such as an industrial property advisor, a lawyer, or any other person holding the power of attorney to represent the applicant as an employee].

More information on the full procedure is available here (French):

<https://www.onssa.gov.ma/wp-content/uploads/2021/11/procedure-depot-demande-protection.pdf>

Short procedure can be found at the following link (English):

<https://www.onssa.gov.ma/seed-and-seedlings/code-of-procedure/?lang=en>

Application through UPOV PRISMA is available only for the following crops: Melon, Blackberry, Blueberry, Raspberry, Strawberry. More information on UPOV PRISMA can be found at the following link:

<https://www.upov.int/upovprisma/en/index.html#accpvpOffice>

What are the required information and documents for registration?

An application for registration must include the following requirements:

1. Forms A, B and C as per Annex 1 to the procedure referred to above and provided by the DCSP duly completed and signed by the applicant.
The procedure can be found at the following link:
<https://www.onssa.gov.ma/wp-content/uploads/2021/11/procedure-depot-demande-protection.pdf>
2. The power of attorney in case the applicant is not resident/domiciled in Morocco and nominated an agent;
3. The written authorization of the rightful owner(s) of a variety when the commercial production of the variety requires the repeated use of the variety;
4. Where applicable, a written claim of priority attached to a previous deposit which must mention the date, the references of the previous deposit, the denomination under which the variety was registered or, failing that, the provisional reference of the breeder, the country in which the deposit was made and the name of the holder of the right attached to the deposit.

The application must be filed before the Protection and Approval Section of the VHS during the administrative opening hours. Filing by post is not allowed.

What is the registration procedure Time Frame?



The processing time, from the registration of the application for protection to the issue of the certificate, can range from 2 to 8 years depending on the case:

- if the Distinctness, Uniformity and Stability (DUS) test of the variety has already been carried out (in the case of varieties already protected abroad or registered in the national catalogue), the time taken to issue the certificate is approximately 2 years;
- if the DUS test is conducted in Morocco, the duration for issuing the certificate is about 3 years for annual species and about 3 to 8 years for perennial species after the reception of the plant material;
- if the DUS test is conducted by an official foreign counterpart (in the case of varieties which have been the subject of an application for protection abroad), the duration for issuing the certificate depends on the transfer of the final DUS test report and may be from 3 to 8 years depending on the species.

Once the application for the protection of a plant variety is filed before the Moroccan office, it is published in the official bulletin and there are three months as of the publication date for any interested party to present written observations concerning an objection to the grant of the PBR over the candidate variety.

How LONG does legal protection last?

The term of protection may not be less than 20 years for agricultural crops and not less than 25 years for trees and vines. The term of protection begins with the issue of the certificate.

Annual fees for the maintenance of the protection are due. Failure to pay fees for services or for maintaining the right can lead to the cancellation of the right.

WHO can register?

The breeder is entitled to file an application. The definition of breeder in the law is:

- the person who has bred, or discovered and developed, a variety;
- the person who is the employer of the aforementioned person or who has commissioned the latter's work, except where otherwise agreed by contract;
- the successor in title of the first or second aforementioned person, as the case maybe.

A breeder's right may be applied for by:

- Moroccan natural and legal persons;



- Foreign natural and legal persons having their place of residence or their registered offices in Morocco;
- Nationals of States whose legislation affords Moroccan nationals protection that is at least equivalent to that provided by Moroccan Law and natural and legal persons having their place of residence or registered offices on the territory of such States.

Which LANGUAGES can I use?

French

How much does it COST?

All the information about registration fees and renewal fees is available on the ONSSA website in this table³: <https://www.onssa.gov.ma/tarifs-des-prestations/?lang=en>

SECTION 4: ENFORCING YOUR IP

Under Moroccan laws, an owner of an Intellectual Property Right (IPR) is entitled to prevent others from using and/or economically exploiting their right without their consent. There is a legal framework for the protection and enforcement of IP rights. IP legislation provides for four types of legal action:

- protective measures: preventive measures are in place to prevent infringement and also to preserve relevant evidence related to an alleged infringement, so as to use it in a judicial proceeding to claim compensation for the damages caused by the infringement.
- civil actions: actions include confiscation of offending goods and payment of damages to the rights holder for any damage caused by the infringement.
- criminal actions: sanctions include substantial fines and the possibility of imprisonment.
- border measures: customs officers have the authority, ex officio or at the request of right holders to prevent the customs clearance of certain ip-infringing goods.

The judicial process is not expeditious and decisions can be disappointing for applicants.

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Infringements are still widespread and affect several sectors. Enforcement measures are generally slow and ineffective, especially in the case of provisional court measures when they are urgent. Moreover, there is a lack of deterrent effect in sanctions and condemnations.

SECTION 5: USING CUSTOMS TO BLOCK COUNTERFEITS

The Department of Customs and Excise Taxes is one of the departments of the Ministry of Economy and Finance.

The Central Customs Administration is charged with the collection of customs and duties taxes. It has assumed new tasks and can block suspected counterfeit goods that are in-transit or being exported, helping the fight against money laundering and counterfeits.

Contact Morocco Customs Authority here:

<https://www.douane.gov.ma/web/16/76#https://www.douane.gov.ma/contact/>

Who submits the claim?

Personally, or through a duly authorised legal representative.

Where to file a claim?

Area Customs Authority.

When to file a claim?

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 is required to file a claim?

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

What happens after a claim is filed?

The customs department shall seize the goods if, after inspection, they find that they conform to what is included in the complaint, and when necessary, after reviewing the





applicant.

The customs department may, on its own, suspend the customs procedures relating to goods suspected of being counterfeits.

Access the online portal of the Moroccan Customs Authority here:

<https://www.douane.gov.ma/web/guest>

You can also find out more about the legal mechanisms and institutional framework for protection intellectual property right in Morocco [HERE](#)

SECTION 6: GEOGRAPHICAL INDICATION

Morocco safeguards GIs through a sui generis GI protection system. In 2008 Morocco adopted the law 25-06 which established an effective protection for products other than wines through Geographical Indications, Appellations of Origin, Agricultural labels identified by specific logos. In addition, GIs in Morocco is also governed by Law No. 17-97 concerning Protection of Industrial Property, Decree n° 1-00-91 of 15 February 2000, which entered into force on 18 December 2004 and modified in 2005 and definitive published on 20 February 2006 by Decree N. 2-05-1485 and other implementing regulations.

GI protection in Morocco is one of the most advanced in Africa with the country recording over 70 GI protection for several product in Morocco. Please see link to National Register of GIs in Morocco [here](#) or access [AFRIPI's report on GI in Africa](#). In Morocco, the system of control is based on a bar code for each producer. Also, each pack of a given product sold must indicate the name of the producer, the address, and the phone number.

What constitutes GI in Morocco?

According to Article 180 of Law No. 17-97, the Law geographical indication is "any indication aimed at identifying a product as originally from a territory, region or locality in that territory, where a given quality, reputation or other characteristics of the product is essentially attributed to its geographical origin.

Moreover, Article 181 defines the appellation of origin as "the geographical name of a country, region or locality that serves to designate a product originating therein, of which the quality, reputation or other specified characteristics are due exclusively to the geographical environment, including natural factors and human factors."

What is excluded from GI Protection in Morocco?

- A name that conflicts with the name of a plant variety or an animal breed and, as





such, is likely to mislead the consumer as to the true origin of the product;

- A name that has become generic because of the continued use made of the name of a product relating to the place or region of origin and, as a result, has become the common name of the latter;
- A homonymous name or become homonymous with a name already published. However, a homonymous may be recognized if it is a traditional name.

How to obtain GI protection in Morocco

The request for recognition of an agricultural label, a geographical indication or an appellation of origin, together with the draft specifications, shall be submitted to the competent governmental authority, in the prescribed forms, by producers and / or processors in accordance with the legislation in force in association, cooperative or any other professional group, or by the local authorities or public institutions concerned.

Any other natural or legal person interested in a geographical indication or appellation of origin may join the request submitted. However, and by way of derogation from the provisions of the first paragraph above, any person, natural or legal, producer or processor, interested, may individually apply for recognition of an agricultural label.

The draft specifications for the geographical indication and the appellation of origin shall contain details such as:

- the name of the product including the mention of the geographical indication and the appellation of origin desired;
- the delimitation of the geographical area concerned, defined as the area comprising all the municipalities or parts of municipalities included in this area;
- evidence that the product originates in the relevant geographical area;
- the elements justifying the link between the quality and the characteristics of the product with the geographical origin;
- the description of the product including the raw materials and, where appropriate, the main physical, chemical, microbiological and / or organoleptic characteristics of the product;
- the description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods;
- the identification references of the / or certification / control bodies;
- specific identification elements related to the labeling for the product under consideration;
- the commitment of any person involved in the production and / or processing and / or packaging of products, to keep records to facilitate the control of the respect of the conditions of certification of these products;
- a control plan to be followed by the certification and control bodies;





- any other conditions to be complied with under applicable laws or regulations, including hygiene and quality requirements in force concerning the product.

Granting Process

The Geographical Indication or the Appellation of Origin are recognized and their specifications are approved by the competent governmental authority after opinion of the national commission. This notice must be given, in the prescribed form, within six (6) months from the date of seizure of the commission.

Where the request for recognition concerns a geographical indication or an appellation of origin, the National Commission must, as soon as received, ensure a wide publicity of this request, by inserting it in at least two national dailies.

The National Commission takes into account the information gathered to give its opinion. The decisions of recognition of the agricultural label, the geographical indication and the appellation of origin and approval of the specifications and their modifications are published by the competent governmental authority in the "Official Bulletin".

In the case of a decision relating to the recognition of a geographical indication or an appellation of origin, mention shall be made of the geographical area covered by the said indication or name as well as the main conditions in the specifications and the set control measures.

Can I protect an EU GI in Morocco?

On January 16, 2015, the European Union and Morocco successfully concluded negotiations on an agreement to mutually protect their Geographical Indications (GIs). This agreement ensures that both Morocco and the EU will provide a high level of protection for their respective GIs related to food products. For more details on this agreement kindly visit: https://ec.europa.eu/commission/presscorner/detail/en/IP_15_3440

SECTION 7: INTERNATIONAL IP PROTECTION MECHANISM

Morocco is a contracting party to the Madrid Protocol, the Hague Agreement, and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks and designate Morocco through the Madrid System. Further information is available at: <https://www.wipo.int/madrid/en/>

Morocco is also a contracting party to the Hague System for the international registration of industrial design, which means that it is possible to register industrial designs through the





International Bureau directly in WIPO.

Choosing a suitable registration route: An **international** route is advisable for trade mark industrial design protection and Patent only where protection is required beyond Morocco.

Trade Mark Registration Process under the Madrid System in Morocco

An applicant must file an international application with the OMPIC, which will present it at the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva.

It is a unique application, in one language, with payment of a single set of rights, in countries acceding to the Madrid System that you designate.

The file contains the following documents:

- 4 reproductions of the trade mark identical to that of the base deposit
- The power of attorney of an agent who has an address in Morocco
- The list of countries where you want to register your trade mark, members of the Madrid System.
- Payment of prescribed fees to the account of WIPO in Geneva. The amount of fees is based on selected countries, the number of classes of products and services covered.
- The OMPIC transmits the file to WIPO after the receipt of the transfer order.

Patent Registration Process under PCT in Morocco

By filing a single international patent application under the PCT system, protection of an invention can be sought simultaneously in a large number of countries including Morocco.

The procedure PCT (Patent Cooperation Treaty) in Morocco is made of two sequential phases: the international and the national phase.

- **The international phase**, which contains four steps:

(1) the filing at OMPIC as a receiving office, which forward the application to WIPO ([World Intellectual Property Organization](#));

(2) the international search, which established by an authority of international research;



(3) the international publication by the WIPO;

(4) the international preliminary exam, which can be realized, if the applicant wants by the Office have already established international research. The synthesis results of the steps of the first phase, by the applicant, can lead to the choice of the list of elected countries.

- **National Phase:** after the end of the PCT procedure, usually 30 months from the earliest filing date of your initial application, from which you claim priority, you start to pursue the grant of your patents directly before the national (or regional) patent Offices of the countries in which you want to obtain them.

Who can deposit an international application in Morocco?

Any person residing in Morocco and all Moroccan nationals may file an international application. When there are more applicants, one of them at least must be domiciled in Morocco or have Moroccan nationality.

Where can I deposit an international application?

The international application can be filled in at OMPIC, which acts as a receiving office under the PCT or with the international office of the WIPO.

Industrial Design Registration Process under the Hague System in Morocco

Companies wishing to register their designs and models on an international level in several countries should register through the Hague system for the International Filing of industrial designs and models, which is administered by the OMPIC. Moroccan applicant can file for a single international application with the OMPIC: the design or model will then be protected in as many countries members of the treaty which the applicant wishes.

This arrangement provides the applicant with a simple and less expensive mechanism to apply for registration of an industrial design or model in different countries. All information about the Hague arrangement, as well as an application form, are available on the website of the WIPO: <http://www.wipo.int/hague/fr/>

Applicants have six months from the date an applicant requested an industrial design protection in Morocco to assert the "priority right" when they file an application for protection for the same design or model in other countries. Once this period has expired, an applicant cannot file for protection in other countries, because your designer application is no longer considered new.





