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FOOD AND INTELLECTUAL PROPERTY IN MOROCCO





Introduction:

In this guide, we will look at the diversity of food according to regions identified by the Moroccan ministry of Tourism¹, the legal framework for food protection in Morocco and protection of food under IP laws. This guide will briefly look at the steps taken by the Moroccan government to promote the protection of food under IP laws and steps taken to showcase Morocco's food diversity.

Food and Regional Diversity:

Generally speaking, Moroccan food is a fusion of Mediterranean, Andalusian, Berber, and Arab cuisines with a hint of sub-Saharan and European flavors. Berbers often cooked lamb and poultry dishes and had access to staple foods such as dates, olives, and figs. Moroccan food has been greatly impacted by this, as all of these are utilized extensively. Morocco is well-known for its pastilla, tajine, and couscous meals. Moroccan cooking makes use of a variety of herbs, such as parsley, cilantro, and mint; as well as vegetables, tomatoes, onions, garlic, zucchini, bell peppers, and eggplant; and spices, including cumin, turmeric, ginger, and cinnamon. The combination of salty and sweet flavors is one of the hallmarks of Moroccan cooking, best demonstrated by *tfaya*, a dish typically served with caramelized onions, butter, cinnamon, sugar, raisins and meat.

Morocco's territory is classified into regions based on a variety of criteria, including climate, flora and fauna specifics, topographical peculiarities, and cultural distinctiveness. These elements all affect the availability of resources and promote the development of terroirs. The Ministry of Tourism's eight designated tourism regions, or *pays d'accueil touristiques*, were thought to be the most suitable geographic division for this guide.²

Legal Framework

Morocco's laws are generally enacted and enforced by government-level decrees and then by ministerial-level orders. These are then often interpreted and/or supplemented through a variety of lower-level orders, codes of procedure, notes,

¹ https://www.wipo.int/export/sites/www/ip-development/en/docs/Scoping_Study_en_Morocco.pdf

² For more details on food tourism in Morocco visit <https://www.visitmorocco.com/en/discover-morocco/gastronomy#:~:text=Gastronomic%20journey%20with%20Moroccan%20flavours.%20Morocco's%20culinary,of%20the%20country%20that%20you%20can't%20resist.>





circulars, etc. All laws, decrees, and other significant regulations are published in Morocco's official bulletin (BO) with most regulations immediately coming into force. Morocco continues to be active in regulatory development and has progressively moved in the direction of harmonization with the European Union. Morocco's major, overarching food laws and regulations, include:

- Law #25-08, published in BO #5714 (March 5, 2009), on the establishment of the National Office for Food Safety, Office National de Sécurité Sanitaire des produits Alimentaires (ONSSA), an independent agency under the Minister of Agriculture, charged with regulating, implementing, and controlling conformity of products with local regulations, including standards, labeling, and packaging;
- Law #13-83, published in BO #3777 (March 20, 1985), on food quality control and fraud prevention;
- Law #28-07, published in BO #5822 (March 18, 2010), on food safety;
- Decree #2-10-473, published in BO #5984 (October 6, 2011), implements the general food safety principles and traceability provisions of Law #28-07;
- Decree #2-12-389, published in BO #6152 (May 16, 2013), and BO #6158 (June 6, 2013), amended by Decree #2-18-44, published in BO #6684 (June 21, 2018), implements the food labeling provisions of Law #28-07;
- Law #1-75-292, published in BO #3388 (October 5, 1977), amended and supplemented by Law #7-79, published in BO #3500 (November 28, 1979), Law #25-96, published in BO #4482 (May 15, 1997), Law #46-01, published in BO #4970 (January 17, 2002), and Law #06-05, published in BO #5400 (March 2, 2006), on protecting domesticated animals against contagious diseases;
- Law #24-89, published in BO #4225 (October 20, 1993), on sanitary-veterinary requirements of imported animals, animal products, products of animal origin, animal propagation material, and seafood and aquaculture;
- Decree #2-89-597, published in BO #4227 (November 2, 1993), amended by Order #603-05, published in BO #5318 (May 19, 2005), implements Law #24-89;
- Order #593-17, published in BO #6680 (June 7, 2018), on phytosanitary inspection of imported plants and plant products





Food packaging in Morocco is an important aspect in Food and IP rights as this helps to differentiate the food products of one producer from those of another. Therefore the packaging and labelling are registrable under the Trademark and Design laws of Morocco. Morocco requires the exporter to use containers equipped in a manner, including the use of a temperature recorder, to ensure that the cold chain is maintained.

Shipments that fail to meet these requirements are subject to rejection. Morocco requires some consumer products to be sold in specific package sizes. Such requirements are generally included in the regulations regarding the sale of that product.

General packaged food requirements for information to be presented on the label:

Primary Products: A poster, sign or other appropriate means of labeling shall be affixed to or in close proximity to any primary product to permit its exact identification without risk of confusion.

Prepackaged Products: The labeling of any prepackaged product shall, subject to the exceptions provided for, contain the following mandatory particulars:

- Name of product;
- List of ingredients including certain ingredients or categories of ingredients composing the product;
- Allergy and ingredients: The name of any ingredient or technological aids likely to cause an allergy or
- intolerance or any substance derived from these are set out in Annex I of Decree #2-12-389;
- Net quantity of the product;
- Period of validity: Date of minimum durability and the consumption expiry date must be mentioned in the labeling as stipulated in Decree #2-12-389.
- Special storage conditions for preservation;
- Name and address of the manufacturer, the packager, or the importer depending whether the product is imported, locally manufactured, or locally packaged;
- Country of origin or the place of provenance of the product;
- Instructions for use whenever its mention is necessary for an appropriate use of the product as well as, where appropriate, the particular conditions of use, particularly the precautions for use;





Protection under IP laws:

As earlier states in the preceding paragraphs, food packaging and labelling play an important role in consumers' minds. It differentiates the products of one undertaking from those of another. In Morocco, food packaging and labelling are registrable rights under trademark and design regulations. There are specific requirements for food producers according to the regulations in-force.

Morocco is one of the few African countries that have a sui generis system for the protection of food items and products under IP laws. There can be registered under Geographical Indications (GI). Morocco has chosen to assign an ad hoc public body – the National Commission for Distinctive Signs of Origin and Quality³ – to handle the examination of application for the protection of agricultural GIs.

Law No. 25-06 on the distinctive signs of origin and quality of food, agricultural and fishery products defined the following as falling within the scope of GIs:

Agricultural Label: The recognition that a product has a set of specific qualities and characteristics and therefore has a high level of quality, superior to that of similar products, in particular because of its conditions of production, manufacture, and where appropriate, its geographical origin;

Geographical Indication: The name used to identify a product as originating in a territory, region or locality, where a quality, a reputation or any other specific characteristic of that product may be attributed essentially to that geographical origin and that production and / or processing and / or preparation take place in the defined geographical area;

Appellations of Origin: The geographical name of a region, a specific place or, in some exceptional cases, a country, used to designate a product that originates therein and whose quality, reputation or other characteristics are due exclusively or essentially to the geographical environment, including human factors and natural factors, and of which the production, processing and preparation take place in the defined geographical area.

³ Created pursuant to Decree No. 2-08-404 of 6 Hija 1429 (December 5, 2008), on the Composition and Mode of Operation of the National Commission for Distinctive Signs of Origin and Quality





Moroccan Food as Geographical Indications:

Thanks to law Law No. 25-06 cited above law, Morocco has several food items registered as GIs including locally produced milks, honey, dates and olive oils. Morocco is amongst the top African countries with locally recognized and registered GIs.

Below are examples of Moroccan foods duly registered as GIs:

- **Dattes Majhoul de Tafilalet (Majhoul Dates of Tafilalet):** Majhoul dates are one of the most popular dates in the World and its cultivated in the Moroccan oasis of Tafilalet. The natural environment of the oasis is what makes the dates rich in potassium, rich in antioxidants and low glycemic index despite its sweetness.
- **Dattes Boufeggous (Boufeggous Dates):** The Boufeggous is a spherical shaped date, half soft, translucent brown in colour. It is a highly aromatic and slightly caramelised variety. Boufeggous dates are eaten as is or used to make jams, syrups or pastries, for example for babies' pacifiers.
- **Fromage de Chèvre Chefchaouen (Chefchaouen Goat Cheese):** Chefchaouen is a region in Morocco known for its goat breeding. Just as the name implies, the Chefchaouen Goat Cheese is made from goat milk and sometimes from goat and cow milk. Locally called Jben, it is mostly served as breakfast and during Ramadan.
- **Miel d'euphorbe de Tadla Azilal (Euphorbia honey from Tadla Azilal):** It is monofloral honey from the Euphorbia resinifera plant, which is native to Morocco and grows in the arid limestone mountains of the Azilal and Béni Mellal regions. This monofloral honey is characterized by a low intensity floral odor of phenol and a unique and specific flavor of Euphorbia plant. It has a bitter and peppery taste in the throat and its color is dark golden.
- **Amande de Tafraout (Tafraout Almond):** Tafraout is the largest producer of Almonds in Morocco. The almonds from Tafraout have high energy levels and lower carbohydrate levels than almonds from other areas.

WIPO is promoting a project under the topic 'Intellectual Property and Gastronomic Tourism in Peru and other Developing Countries: Promoting the Development of Gastronomic Tourism through Intellectual Property'. The proposed Phase II of this project seeks to implement the recommendations





contained in the IP analysis undertaken as part of the initial project to promote gastronomic tourism through IP in Cameroon, Malaysia, Morocco, and Peru.

As part of the project's concluding activities, an International Workshop took place on October 18, 2022, at WIPO Headquarters, bringing together the four participating countries and experts, who shared their experience in the project deployment and discussed their conclusions and ideas for future action. The four countries agreed on the importance of continuing work, building on the project's results, to impact real people in the gastronomic and tourism sectors.

Conclusion:

Over the last few decades, Morocco has embarked on a "GI journey" that has resulted in notable outcomes with the participation of both local and international partners. The logic and intent behind GIs are now more understood by national authorities and local manufacturers since Morocco already has a significant number of registered GIs. The adoption of sui generis systems, the national level selection of potential GIs, the completion of research and studies on the relationship between the products identified as GIs and their respective geographical environments, and the registration of an increasing number of local GIs following the drafting of sound product specifications are examples of reforms that have strengthened national legal framework.

Relevant Resources:

Law No 25-06, Decree 2-08- 403, and Decree No. 2-8-404. A list of protected names is available at <http://www.onssa.gov.ma/fr/195-reglementation/967-signes-distinctifs-de-qualite>

Monique Bagal, Massimo Vittori and Luis Fernando Samper-Manual for Geographical Indications in Africa., EUIPO 2023

Jean-Paul Dubeuf. The public policies in favor of Geographical Indications in Morocco: Mental models, appropriation by the actors, and impact on innovation and local dynamics. Second International Conference on Agriculture in an Urbanizing Society: Reconnecting Agriculture and Food Chains to Societal Needs, Sep 2015, Rome, Italy.





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Intellectual Property And Gastronomic Tourism In Peru And Other Developing Countries: Promoting The Development Of Gastronomic Tourism Through Intellectual Property – Phase II – Revised Project Proposal Submitted By Peru, Cameroon, Malaysia And Morocco-WIPO, February 2023

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