



Trade & Investment Center

IPR in Morocco

Morocco has accelerated its efforts to enhance IPR compliance. Morocco has signed several International agreements which offer a legal framework enshrining the toughest international standards.

The minister of Trade and Industry has set objectives aimed at:

- Reinforcing the ability of Morocco's commercial and industrial sector to operate in world markets.
- Creating a more competitive business environment, and at attracting foreign investment.

A strategic plan has been drawn up by the Moroccan Office for Industrial and Commercial Property (OMPIC), it sets out how these objectives are to be reached, and an industrial property culture created in Moroccan enterprises.

WIPO General Director Kamil Idris recently cited Morocco as a model for the region. He applauded the Government of Morocco for its commitment to the use of the IP system as a tool for economic, social and cultural development. Idris added that Morocco had made great advances in modernizing and boosting its intellectual property capacity and infrastructure in recent years and was a model for the region.

Morocco became a member of WIPO in 1971 and is party to several international treaties that are administered by the Organization, including:

- The Berne Convention for the Protection of Literary and Artistic Works - June 1917
- Paris Convention for the Protection of Industrial Property - July 1917
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods- July 1917
- Madrid Agreement Concerning the International Registration of Marks- July 1917
- Hague Agreement Concerning the International Deposit of Industrial Designs- October 1930
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks- October 1966
- Ratification of the Stockholm Act
- Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite-30 June 1983
- Nairobi Treaty on the Protection of the Olympic Symbol- November 1993
- Patent Cooperation Treaty (PCT)- October 1999
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks- October 1999
- UPOV convention: member of the International Union for the Protection of New Varieties of Plants (UPOV)- September 2006

The Legal Framework:

- Morocco is member of WTO (Marrakech Agreement).
- The national legislation complies with TRIPS.
- Examination by the TRIPS Council (June 2001).
- Modernization and development of the national legislation.
- Legal proceedings:
 - Civil and criminal proceedings
 - Seize of counterfeited products
 - « référé » procedure
 - Commercial Courts

The FTA with the U.S. enhances IPR compliance

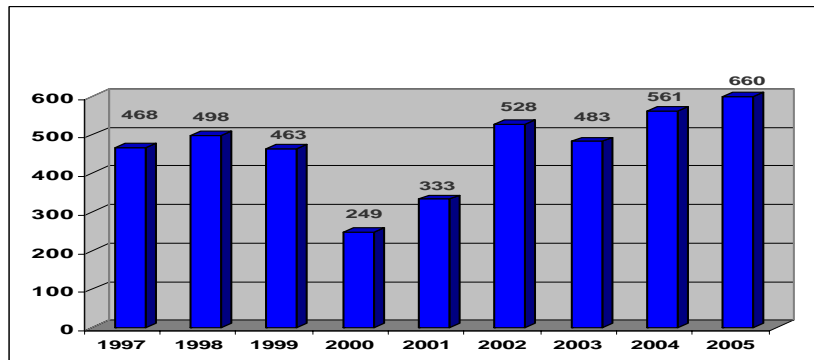
- Strong anti-piracy provisions of the FTA.
- *"U.S. industry has expressed a high level of satisfaction with the IPR provisions of the Agreement"* (www.buyusa.gov)
- According to the U.S. industry, the Agreement's IPR chapter is *"the most advanced IP chapter in any FTA negotiated so far"* and *"a precedential agreement for future FTAs."* Morocco has agreed to protect IPR to a degree unseen in many other developing countries. (www.buyusa.gov)
- Morocco offers increased IPR protection and enforcement for copyrights, trademarks, geographical indications, patents, and undisclosed test data. In addition, Morocco passed comprehensive IPR legislation in December 2005 to implement its FTA obligations.
- The FTA also covers state-of-the-art elements such as provisions concerning disputes over Internet domain names, strong anti-circumvention provisions to prohibit tampering with technologies designed to prevent copyright infringement, and specific protections for temporary files, which is critical in the digital environment.

What are the changes?

Law 31/05 amends and supplements law 17/97 concerning the protection of industrial property. This law contains provisions which reinforce the system of the industrial property in Morocco, in particular those relating to the "opposition system of trademarks", measurements at the borders ...

- This new law concerning copyrights:
 - Ensures extended terms of protection (e.g., life of the author plus 70 years) for copyrighted works.
 - Establishes strong anti-circumvention provisions to prohibit tampering with technologies that are designed to prevent piracy and unauthorized distribution over the Internet.
 - Provides rules for the liability of Internet Service Providers (ISPs) for copyright infringement, reflecting the balance struck in the U.S. Digital Millennium Copyright Act between legitimate ISP activity and the infringement of copyrights.

- This law concerning Patents & Undisclosed Information:
 - Provides for the adjustment of patent terms to compensate for unreasonable delays in granting the original patent.
 - Clarifies that test data and trade secrets submitted to a government for the purpose of product approval will be protected against unfair commercial use for a period of five years for pharmaceuticals and ten years for agricultural chemicals.
 - Provides measures to prevent the marketing approval of pharmaceutical products that infringe patents and provides notice when the infringement or validity of a pharmaceutical patent is challenged.

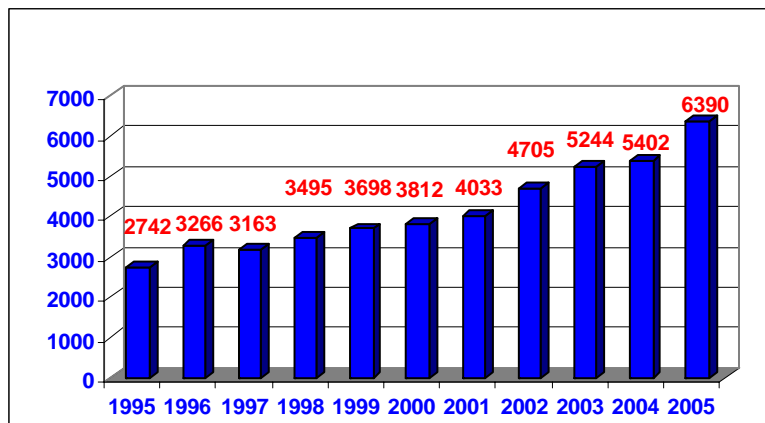


Number of patents issued by OMPIC

- Trademarks:
 - The international classification of goods is followed in Morocco.
 - The mean of protection is simple and efficient: it is the registration with the OMPIC (Moroccan Office for Intellectual Property Rights) that establishes property on the trademark. Since it is registered, it becomes an asset, open to transactions.
 - The new law provides a system to resolve disputes about trademarks used in connection with Internet domain names, which is important to address trademark cyber-piracy.

The new law applies the principle of "first-in-time, first-in-right" to trademarks and geographical indications, so that the first person who acquires a right to a trademark or geographical indication is the person who has the right to use it.

Number of trademarks issued by OMPIC



- Enforcement:
 - Criminalizes end-user software piracy, providing strong deterrence against piracy and counterfeiting.
 - Stipulates that both parties must agree to authorize the seizure, forfeiture, and destruction of counterfeit and pirated goods and the equipment used to produce them.
 - Allows for Ex officio action to be taken in border and criminal cases, thus providing more effective enforcement.

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