

Law No. 17-97 on the Protection of Industrial Property

Reference: Dahir No. 1-00-19 of 9 Kaada 1420 (15 February 2000) promulgating Law No. 17-97 on the protection of industrial property, as amended and supplemented by Laws No. 31-05 and No. 23-13

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Practice areas: Business law, Commercial law and debt recovery

Law 17-97 governs the protection of patents for inventions, manufacturing, trade or service marks, industrial designs, geographical indications and trade names. Titles are granted by OMPIC (Moroccan Industrial and Commercial Property Office); infringement is subject to civil and criminal sanctions.

Patents for inventions

- An invention is patentable if it is new, involves an inventive step and is capable of industrial application.
- A patent confers an exclusive right of exploitation for twenty years from filing, subject to payment of the annual fees.
- Applications are filed with the Moroccan Industrial and Commercial Property Office (OMPIC).

Trademarks

- A trademark is a sign capable of graphic representation that serves to distinguish goods or services; ownership is acquired by registration.
- Registration takes effect for ten years and is renewable indefinitely.
- The owner may bring infringement proceedings and oppose the registration of a later identical or similar mark.

Infringement and sanctions

- Infringement actions are brought before the Commercial Court; an infringement seizure (saisie-contrefaçon) allows evidence to be gathered.
- Law 23-13 strengthened criminal penalties and border measures (customs detention of infringing goods).
- Industrial designs are protected for five years, renewable up to twenty-five years.

Key articles

ART. 17

The term of protection conferred by a patent is twenty years from the filing date of the application.

ART. 152

Registration of the mark takes effect from the filing date for a period of ten years, renewable indefinitely.

Points to watch

- Carry out a prior-rights search before filing any trademark or trade name; OMPIC does not check availability of its own motion.
- The period for opposing the registration of a trademark is short after publication: monitor the OMPIC bulletin.
- A trademark not used for five years may be revoked at the request of a third party.

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