

Law No. 88-13 on the press and publishing

Reference: Dahir No. 1-16-122 of 6 Kaada 1437 (10 August 2016) promulgating Law No. 88-13 on the press and publishing

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Practice areas: Business law, Criminal law and business crime, Civil law

The Press and Publishing Code sets out the regime governing publications, online press and press companies. It replaces most custodial sentences with financial penalties, organises the right of reply and correction, and penalises defamation, insult and invasion of privacy.

Regime governing publications

- Prior declaration of the publication and appointment of a responsible publication director.
- Online press is subject to the same regime as the print press.
- Press companies must be transparent about their capital and sources of financing.

Liability and right of reply

- Defamation, insult and invasion of privacy are penalised, in principle by fines rather than imprisonment.
- Any person named or referred to has a right of reply, which must be published under the conditions and within the time limits laid down by law.
- The court may order publication of the judgment and removal of the offending content.
- Actions are time-barred within short periods running from publication.

Points to watch

- Limitation periods in press matters are very short: act as soon as the material is published.
- A request for a right of reply must be precise and proportionate to the content complained of, otherwise it may be refused.
- A republication or share may start a new limitation period: document each dissemination with a bailiff's report.

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