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**LAW NO. 17-97 ON THE PROTECTION OF INDUSTRIAL PROPERTY
AS MODIFIED AND SUPPLEMENTED BY LAW 31.05**

(The ARABIC version is the official version)

**TITLE I
GENERAL PROVISIONS**

Article 1

Within the meaning of this Law, the protection of industrial property shall concern patents for invention, layout-designs (topographies) of integrated circuits, industrial designs and models, trademarks and service marks, trade names, geographical indications and appellations of origin and the repression of unfair competition.

Article 2

Industrial property shall be understood in its widest sense and shall apply not only to industry, commerce as such and to services, but also to all production in the field of the agricultural and mining industries and all manufactured or natural products such as cattle, minerals and beverages.

Article 3

The nationals of each of the countries member of the International Union for the Protection of Industrial Property shall enjoy the protection of industrial property rights provided by this Law subject to complying with the conditions and formalities laid down herein.

The same protection shall be afforded to nationals of countries party to any other treaty concluded with respect to industrial property to which Morocco is party and which provides in its provisions for treatment of its nationals that is no less favorable than that enjoyed by the nationals of those countries.

Article 4

No obligation of domicile or establishment in Morocco, when protection is claimed in Morocco, may be required of the nationals of the Member States of the International Union for the Protection of Industrial Property.

Natural or legal persons who do not have a domicile or headquarters in Morocco or do not have an industrial or commercial establishment in Morocco, shall be required to elect an address for service with a representative domiciled or having his headquarters in Morocco who will effect on their behalf any acts before the body responsible for industrial property.

Resident nationals and foreigners habitually residing in Morocco, whether natural or legal persons, may personally file their applications for an industrial property title, as also any subsequent acts relating thereto, or may designate for that purpose a representative domiciled or having his headquarters in Morocco.

Article 5

Nationals of countries not party to the International Union for the Protection of Industrial Property shall enjoy the benefit of the provisions of this Law if they are domiciled or have a real and effective industrial or commercial establishment on the territory of one of the countries of the Union.

Article 6

Any person who has effected a regular filing of an application (initial application) for a patent, a certificate of addition relating to a main patent, for a layout-design (topography) of an integrated circuit, an industrial design or model or a trademark or service mark in one of the countries of the International Union for the Protection of Industrial Property, or his successor in title, shall enjoy, when filing such application in Morocco (subsequent application), a priority right during the period of time set out in Article 7 below.

Article 7

The aforementioned priority period shall be 12 months for patents, certificates of addition relating to a main patent and for layout-designs (topographies) of integrated circuits, and six months for industrial designs and models and trademarks and service marks. The periods shall begin as from the filing date of the initial application filed in one of the countries of the Union, whereby the day of filing shall not be included in the period. If the last day of the period is a public holiday or a non-working day, the period shall be extended to the first working day thereafter.

Article 8

Any person wishing to avail himself of the priority of an earlier filing made in one of the countries of the Union shall be required to make a written priority declaration stating the date, number and country of origin of such filing. The declaration must be made on the date of the filing of the application in Morocco. Within three months from the date of filing of the application in Morocco, the applicant shall be required to furnish the documents proving the prior filing in accordance with the conditions to be determined by regulation. The same formalities and time limits as laid down in the first and second paragraphs of this Article shall apply to any natural or legal person who claims more than one priority right in one and the same application for filing in Morocco.

Article 9

Where a priority right is duly claimed, a filing may not be invalidated by acts accomplished during the periods of time laid down in Article 7 of this Law, in particular by another filing, by the publication or working of a patent or of a layout design (topography) of an integrated circuit, by the selling of copies of an industrial design or model or by the use of a trademark.

Article 10

The acts accomplished during the priority period by third parties acting in good faith shall not generate any right beyond the filing date of an application filed with priority in Morocco. Such acts may not lead to any action for damages.

Article 11

Failure to comply with the time limits and formalities laid down in Articles 7 and 8 above shall lead to loss of enjoyment of the priority right in Morocco.

Article 12

Patents, certificates of addition relating to a main patent, layout-designs (topographies) of integrated circuits, industrial designs and models and trademarks and service marks filed with a priority shall enjoy a term of protection equal to that provided for filings made without a claim to priority.

Article 13

Patents, certificates of addition relating to a main patent, layout-designs (topographies) of integrated circuits, industrial designs and models and trademarks and service marks applied for during the priority period shall be entirely independent of the titles obtained in one of the countries of the Union, for the same subject matter, both as regards the causes of nullity and cancellation as regards the term of protection.

Article 14

All operations concerning the filing of applications for industrial property titles and all acts concerning such titles shall be entered in the registers kept for that purpose by the body responsible for industrial property. The list and content of such registers, to be conserved indefinitely by that body, shall be laid down by regulation.

The body responsible for industrial property shall keep the elements of the files of applications for industrial property titles, in the original or as a copy, up to the end of a ten-year period following termination of the relevant rights.

Article 14.1

Where the time limits fixed in the current law regarding the fulfillment of the application operations for industrial property titles have not been met, a motion to extend the procedure pertaining to the said operations may be initiated by the applicant or his representative with the body in charge of industrial property within a period of two months from the expiry date of the said deadlines.

It may not be possible, however, to initiate a motion to extend the procedure mentioned in the above subparagraph, in case of failure to meet a deadline:

- for which a motion to extend the procedure has already been initiated;
- for which payment of the appropriate fees for renewal of the registration of a design or an industrial model or a mark or for the payment of appropriate fees for continuance of patent rights;
- pertaining to the opposition procedure, in accordance with the provisions of articles 148 -2 thru 148-5
- under this law;
- for the provision of documents in support of the right of priority referred to in article 8 above.

A motion to extend the procedure may also be initiated by the applicant or his representative in case of a decision of refusal taken by the body in charge of industrial property within a period of two months from the date of the said decision.

The modalities for the administration of the provisions of the present article shall be determined by normal channel.

Article 15

Any dispute arising from the application of this Law, with the exception of the administrative decisions laid down herein, shall be heard exclusively by the commercial courts.

TITLE III

Layout-Designs (Topographies) of Integrated Circuits

Chapter I: Scope of Application

Article 90

For the purposes of this Law:

- “layout-design (topography)” means the three-dimensional disposition, however expressed, of the elements, at least
- one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional
- disposition prepared for an integrated circuit intended for manufacture:
- “integrated circuit” means a product, in its final form or an intermediate form, in which the elements, at least one of
- which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of
- material and which is intended to perform an electronic function.

Article 91

Layout-designs (topographies) of integrated circuits that are original in the sense that they are the result of their creator’s own intellectual effort and are not commonplace among creators of layout-designs (topographies) and manufacturers of integrated circuits at the time of their creation may enjoy the protection provided by this Law.

A layout-design (topography) of an integrated circuit that consists of a combination of elements and interconnections that are commonplace shall be protected only if the combination, taken as a whole, fulfills the conditions referred to in the preceding paragraph.

Article 92

The protection afforded a layout-design (topography) of an integrated circuit shall apply only to the layout-design (topography) of an integrated circuit as such, to the exclusion of any concept, process, system, technique or coded information embodied in the layout-design.

Chapter II: Miscellaneous Provisions

Article 93

The provisions of Chapters II and III of Title II of this Law shall apply to layout-designs (topographies) of integrated circuits subject to the special provisions that follow.

Article 94

Any layout-design (topography) of an integrated circuit may be the subject matter of an industrial property title known as a “certificate for a layout-design (topography) of an integrated circuit”.

Layout-designs (topographies) of integrated circuits shall be protected for a term of ten years as from the filing date of the corresponding application.

Article 95

The right to the title shall belong to the creator or his successors in title, subject to the provisions of Article 18 above. The provisions of Articles 19 and 20 above shall apply to the layout-designs (topographies) of integrated circuits.

Article 96

The application for a certificate for a layout-design (topography) of an integrated circuit shall be accompanied at the time of filing by a copy or a drawing of the layout-design (topography) of an integrated circuit and, where the integrated circuit has been commercially exploited, of a sample of such integrated circuit, together with the information defining the electronic function that the integrated circuit is intended to perform.

Article 97

The filing of the application referred to in Article 96 above, unless the layout-design is commonplace, may not be made two years after the layout-design is first commercially exploited anywhere in the world. Such filing may also, in no event, be made 15 years after the final or intermediate topography of the integrated circuit has been fixed or encoded for the first time if it has never been commercially exploited.

Article 98

Any application for a certificate for a layout-design (topography) of an integrated circuit that does not comply with the provisions of Article 96 above and of Section I of Chapter II of Title II of this Law shall be rejected.

Article 99

The following acts shall be prohibited if performed without the consent of the holder of the rights in a layout-design (topography) of an integrated circuit:

- A. The act of reproducing, whether by incorporation in an integrated circuit or otherwise, a protected layout-design (topography) in its entirety or any part thereof, except the act of reproducing any part that does not comply with the requirement of originality referred to in Article 91 above;
- B. The act of importing, selling or otherwise distributing for commercial purposes a protected layout-design (topography) or an integrated circuit in which a protected layout-design (topography) is incorporated or an article incorporating such integrated circuit, solely to the extent that the article continues to contain an unlawfully reproduced layout-design.

Article 100

The following acts shall not be deemed unlawful:

- A. The acts referred to in Article 99 above where performed for private purposes or for the sole purpose of evaluation, analysis, research or teaching;
- B. The creation on the basis of such evaluation, analysis or research of a distinct topography eligible for protection in accordance with the provisions of this Law;
- C. Any of the acts referred to in Article 99 above with respect to an integrated circuit incorporating an unlawfully reproduced layout-design (topography), or of any article incorporating such integrated circuit, where the person performing or ordering such act did not know and had no reasonable ground to know, when acquiring such integrated circuit, that it incorporated an unlawfully reproduced layout-design. Once such person has received a notice informing him adequately that the layout-design was unlawfully reproduced, he may perform any of the acts referred to with regard to the stocks at his disposal or which he had ordered prior to such time, but may be required to pay to the right holders an amount equivalent to a reasonable royalty that would have been required for such layout-design under a freely negotiated license.

Article 101

If no application for a certificate has been filed with respect to a layout-design (topography) of an integrated circuit within 15 years as from the date of its creation, it may no longer enjoy any exclusive right.

Article 102

Any concerned person may request the courts to establish the nullity of certificates for layout-designs (topographies) of integrated circuits that are not original within the meaning of Article 91 above and which do not meet the conditions laid down in Article 97 above.

Article 103

Any concerned person may obtain an extract from the register setting out the entries made in a register known as the “National Register of Certificates for Layout-Designs (Topographies) of Integrated Circuits” kept by the body responsible for industrial property.

TITLE IV INDUSTRIAL DESIGNS AND MODELS

Chapter I: Scope of Application

Article 104

For the purposes of this Law, an industrial design shall mean any assemblage of lines or colors and an industrial model shall mean any three-dimensional shape, associated or not with lines or with colors, on condition that the assemblage or the shape lends a special appearance to an industrial or craft product and may serve as a type for the manufacture of an industrial or craft product.

An industrial design or model shall differ from similar articles either by a distinctive and recognizable configuration affording it novelty or by one or more external effects giving it an individual and new appearance.

Article 105

An industrial design or model shall be deemed new if it has not been made available to the public by advertising or any other means, prior to the date of its filing or, if appropriate, prior to a validly claimed priority date. An industrial design or model shall not be deemed made available to the public by the simple fact that, within the six months preceding its filing date, it has been shown for the first time in an official or officially recognized international exhibition held on the territory of one of the countries of the International Union for the Protection of Industrial Property.

Chapter II: Right to Protection

Article 106

Ownership of an industrial design or model shall belong to the person who has created it or to his successors in title; however, the first person to file such industrial design or model shall be presumed, unless proved otherwise, to be the creator, subject to the provisions of Article 107 below.

Article 107

The provisions of Article 18 above shall apply to industrial designs and models.

Article 108

Where one and the same object may be considered both a patentable invention and a new industrial design or model and if the elements that constitute the novelty of the industrial design or model are

inseparable from those of the invention, that object may be protected exclusively under the provisions applicable to patents.

Article 109

If two or more persons have collectively created an industrial design or model, the right to obtain legal protection shall belong to those persons collectively or to their successors in title. However, a person who has simply assisted in the creation of an industrial design or model without having made a creative contribution shall not be considered a creator or a joint creator.

Article 110

The provisions of Articles 77 to 80 above shall apply to industrial designs and models.

Article 111

The provisions of Article 19 above shall apply to industrial designs and models.

Article 112

Only industrial designs and models regularly filed and registered by the body responsible for industrial property shall enjoy the protection afforded by this Law as from the date of their filing.

On registration of an industrial design or model there shall be established an industrial property title known as a "industrial design or model registration certificate", filed and registered in accordance with and under the conditions provided in Chapter III of this Title.

Article 113

The protection provided by this Law shall not extend to industrial designs or models that are contrary to morality or public policy or to industrial designs or models that reproduce effigies, signs, abbreviations, denominations, decorations, emblems and currency referred to in Article 135(a) below without authorization to use from the competent authorities.

Chapter III: Filing Procedure and Registration of Industrial Designs and Models

Article 114

Any person wishing to obtain an industrial design or model registration certificate shall file with the body responsible for industrial property an industrial design or model applicable in accordance with the conditions laid down in this Chapter. The deposit may be made by the applicant or by his representative.

One deposit may include up to 50 industrial designs or models on condition that those industrial designs or models are of the same category.

The industrial design or model file shall comprise as of the date of filing:

- A. an application for deposit of an industrial design or model, stating the subject matter of the industrial design or model, of which the contents shall be laid down by regulation;

- B. a graphic or photographic reproduction in three copies of the industrial designs or models and a list of the graphic or photographic reproductions relating thereto. The reproduction may be accompanied by a short description;
- C. proof of payment of the prescribed fees.

An industrial design or model deposit file that does not comprise the elements referred to in A, B and C above shall not be admissible at the actual time of filing.

The formalities to be complied with and the elements to be attached to A, B and C above shall be laid down by regulation.

Where the industrial design or model deposit file comprises the elements referred to in A, B and C above, the application for deposit of an industrial design or model as provided in A above shall be entered, in chronological order of deposit, in the national industrial designs and models register referred to in the first paragraph of Article 126 below, together with a date and deposit number.

Article 115

Where, on the date of deposit, an industrial design or model deposit file does not comprise one or more elements to be attached to the documents referred to in A, B and C above, and of which the list shall be laid down by regulation pursuant to the fifth paragraph of Article 114 above, the applicant or his representative shall have a period of three months as from the date of deposit in order to regularize the file.

A file that is regularized within the prescribed period of time shall maintain the date of the initial deposit. The three-month period is a clear time limit. If the last day is a public holiday or a non-working day, the period shall be extended to the following working day.

Article 116

A receipt establishing the date on which the elements referred to in the third and fifth paragraphs of Article 114 above have been filed shall be issued immediately to the applicant or to his representative after filing of the application.

Article 117

Within three months as from the date of deposit of the industrial design or model, the applicant or his representative may, on a reasoned request, ask for rectification of linguistic errors or mistakes in transcription together with any substantive errors noted in the elements and documents filed, with the exception of the graphic or photographic reproductions of deposited industrial designs or models, which may not be modified.

No rectification may be effected beyond the above mentioned time limit.

The request for rectification referred to in the first paragraph of this Article shall be submitted in writing and shall contain the subject matter of the proposed rectifications.

Article 118

An application for deposit of an industrial design or model shall be rejected if:

1. it does not comply with the provisions of the first paragraph of Article 104 above;
2. it does not comply with the provisions of Article 113 above;
3. it has not been regularized within the three-month time limit under Article 115 above.

The rejection of an application for the deposit of an industrial design or model shall be reasoned and shall be notified to the applicant or his representative by registered letter with advice of delivery. A notice of rejection shall be entered in the national industrial designs and models register referred to in the first paragraph of Article 126 below.

Article 119

Where the file of an industrial design or model deposit is not subject to rejection under the provisions of Article 118 above, the industrial design or model shall be registered by the body responsible for industrial property without prior substantive examination.

The date of registration shall be that of the deposit.

The deposit shall be registered in the national industrial designs and models register referred to in the first paragraph of Article 126 below.

Article 120

Following the registration provided in Article 119 above, a report establishing the deposit of the industrial design or model and stating the date of such deposit and the elements attached shall be drawn up by the body responsible for industrial property together with the industrial design or model registration certificate and the graphic or photographic reproduction of the industrial design or model. The report and the registration certificate shall be handed or notified to the applicant or his representative.

Article 121

Any concerned person may obtain, on written request, an official copy of the original of the industrial design or model on production of the graphic or photographic reproduction of the registered industrial design or model.

Chapter IV: Effects of Registration of an Industrial Design or Model

Article 122

The registration of an industrial design or model shall have effect for five years as from the deposit date. It may be renewed, subject to the same formalities and conditions as provided in Chapter III of this Title, for two further consecutive periods of five years. Renewal of a registration shall be effected within the six months preceding expiry of its term of validity.

However, a six-month period of grace as from expiry of the term of validity shall be afforded to the applicant in order to effect such renewal. Renewal shall begin on expiry of the term of validity of the registration.

Article 123

Any creator of an industrial design or model or his successors in title shall have the exclusive right to exploit, sell or have sold such industrial design or model in accordance with the provisions laid down by this Law, notwithstanding any rights they may hold under other statutory provisions, particularly the legislation on the protection of literary and artistic works.

Article 124

The registration of an industrial design or model shall confer on its holder the right to prohibit others from performing the following acts where they are undertaken for commercial or industrial purposes:

- A. reproduction of the industrial design or model with a view to its exploitation;
- B. importing, offering for sale or selling a product reproducing the protected industrial design or model;
- C. holding such product for the purposes of offering it for sale or selling it.

The acts referred to in A above shall not become lawful by the sole fact of the reproduction comprising secondary differences in relation to the protected industrial design or model or the fact that it relates to a different type of product from the industrial design or model concerned.

Chapter V: Transfer and Loss of Rights

Section I – General Provisions

Article 125

The rights attaching to an industrial design or model may be transferred in whole or in part.

They may be subject, in whole or in part, to the grant of an exclusive or non-exclusive license to work or to a pledge.

The rights conferred by registration of an industrial design or model may be invoked against a licensee who infringes any of the limits of his license imposed under the preceding paragraph.

Subject to the provisions of Article 19 above, transfer of the rights referred to in the first paragraph of this Article shall not prejudice rights acquired by third parties prior to the date of transfer.

Acts comprising transfer or licensing as referred to in the first two paragraphs above shall be effected in writing, on pain of nullity.

Article 126

To be invocable against others, all acts transferring, amending or affecting rights attaching to an industrial design or model must be entered in the register known as the “National Industrial Designs and Models Register” kept by the body responsible for industrial property.

However, prior to entry, an act shall be invocable against others who have acquired rights after the date of such act, but who were aware of that act when acquiring those rights.

Acts modifying the ownership of an industrial design or model or enjoyment of the rights attaching thereto, such as assignment, licensing, constitution or transfer of a pledge or renunciation of a pledge, seizure, validation and lifting of seizure, shall be entered at the request of one of the parties to the act.

For entry of notices following a court decision that has become final, the registrar of the court shall communicate within 15 days as from the date of such decision to the body responsible for industrial property a full and free copy of decisions relating to the existence, extent and exercise of rights attaching to the protection provided under this Title.

The formalities to be complied with and the elements to be attached to the requests for entry shall be laid down by regulation.

Article 127

Any concerned person may obtain an extract from the National Industrial Designs and Models Register.

Section II – Seizure

Article 128

Seizure of an industrial design or model shall be effected on the basis of an order issued by the presiding judge acting in chambers notified to the owner of the industrial design or model, to the body responsible for industrial property and to any persons holding rights in the industrial design or model.

Notification of seizure shall render any subsequent modification of the rights attaching to the industrial design or model inapplicable to the execution creditors.

On pain of nullity of seizure, the execution creditor shall be required, within a period of 15 days as from the date of the seizure order, to institute court proceedings for validation of the seizure and for the purpose of offering the industrial design or model for sale.

Section III – Miscellaneous Provisions

Article 129

The exclusive right of exploitation attaching to a protected industrial design or model under this Title shall expire at the end of a maximum period of 15 years as from the date of the initial deposit.

Article 130

The holder of an industrial design or model may, at any time, renounce protection of his industrial design or model by means of a written declaration addressed to the body responsible for industrial property.

Renunciation may be limited to a part only of the industrial designs or models if the deposit includes more than one industrial design or model.

Where the industrial design or model is an object of joint ownership, renunciation may be effected only if requested by all the joint owners.

If real licensing or mortgage rights have been entered in the National Industrial Designs and Models Register, the declaration renouncing the registration shall be admissible only if accompanied by the consent of the holders of the entered rights.

Article 131

Any concerned person, including the public prosecutor, may invoke the nullity of the registration of an industrial design or model made in violation of the provisions of Articles 104, 105 and 113 above.

Chapter VI: Publication of Industrial Designs and Models

Article 132

The body responsible for industrial property shall publish an official catalogue of all registered industrial designs or models. The acts referred to in the first paragraph of Article 126 above shall be shown therein.

TITLE VII TEMPORARY PROTECTION AT EXHIBITIONS AND INDUSTRIAL AWARDS

Chapter I: Temporary Protection

Article 186

Temporary protection shall be granted to patentable inventions, improvements or additions relating to a patented invention, to layout-designs (topographies) of integrated circuits, to industrial designs and models and to trademarks and service marks for goods or services exhibited for the first time at official or officially recognized international exhibitions held on the territory of one of the countries of the International Union for the Protection of Industrial Property.

Article 187

Such protection, of which the term shall be set at six months as from the date of the official opening of the exhibition, shall have the effect of maintaining for the exhibitors or their successors in title the right to claim during such period the protection that their inventions, layout-designs (topographies) of integrated circuits, industrial designs and models or marks would legally enjoy under the provisions of this Law.

The formalities to be complied with by exhibitors in order to enjoy temporary protection shall be laid down by regulation.

Article 188

The term of temporary protection shall be not be increased by the priority periods referred to in Article 7 above.

Chapter II: Industrial Awards

Section I – Right to Protection

Article 189

The protection established by the following provisions may be enjoyed only by industrial awards, comprising prizes, medals, commendations, titles or attestations of any kind of distinction obtained in the exhibitions referred to in Article 186 above.

Industrial or commercial use of the industrial awards listed above may be made by their holders or their successors in title only after registration with the body responsible for industrial property in the register referred to in Article 199 below.

Article 190

Industrial awards shall be issued either personally or collectively.

Where an award is issued personally, industrial or commercial use of the award may be made only by the person who has obtained it or by his successors in title. In the latter case, the name of the holder of the award shall be shown in clearly visible characters.

Where an award has been issued collectively, industrial or commercial use of the award may be made either by the group concerned or by each of the members of such group on condition that the name of the group that has obtained it be explicitly mentioned in characters just as clear as those of the award itself.

An award issued to an industrial or commercial enterprise may be used industrially or commercially only by the owner of such enterprise or by his successors in title.

Industrial or commercial use may not be made of an award issued to an employee except on condition that the holder indicates that it is an employee award and mentions the name of the enterprise to which he belonged when he obtained it. The owner of the enterprise may also not make use of the award except on condition that he indicates that it is an employee award.

Where an industrial award has been issued with respect to a specific product, industrial or commercial use may be transferred together with the product.

Article 191

Industrial awards that reproduce the signs referred to in Article 135(a) above without the authorization of the authorities competent for their use shall not enjoy the protection afforded by this Law.

Section II – Filing and Registration Procedure for Industrial Awards

Article 192

Any person wishing to enjoy the protection afforded by Article 189 above shall be required to file with the body responsible for industrial property an application for an industrial award.

The application file for an industrial award shall contain on the date of its filing:

- A. a request for registration of an industrial award mentioning the subject matter of the industrial award, of which the contents shall be laid down by regulation;
- B. two certified copies of the industrial award title;
- C. proof of payment of the prescribed fees.

If the industrial award application file does not contain the elements provided in A, B and C above it shall not be admissible at the time of filing.

The formalities to be complied with and the elements to be attached to the documents referred to in A, B and C shall be laid down by regulation.

Where the industrial award application file contains the elements referred to in A, B and C above, the request for registration of an industrial award as provided for in A above shall be entered, in chronological order of filing, in the national register of industrial awards referred to in the first paragraph of Article 199 below, together with a date and a filing number.

Article 193

Where, on the date of filing, the industrial award application file does not contain one or more of the elements to be attached to the documents referred to in A, B and C above, of which the lists shall be laid down by regulation pursuant to the fourth paragraph of Article 192 above, the applicant or his representative shall have a three-month period as from the filing date in order to regularize the file.

A file regularized within the prescribed time limit shall maintain the initial filing date.

The three-month period is a clear time limit. If the last day is a public holiday or a non-working day, the time limit shall be extended to the following working day.

Article 194

A receipt establishing the date of submitting the elements referred to in the second and fourth paragraphs of Article 192 above shall be issued immediately after filing of the application or notified to the person awarded the industrial award or his representative.

Article 195

Within three months as from the filing date of the industrial award file, the person issued such award or his representative may, with a reasoned request, seek rectification of linguistic errors or errors of transcription, together with substantive errors, noted solely in the request for registration referred to in (a) of the second paragraph of Article 192 above. No rectification may be carried out beyond the above mentioned time limit.

The request for rectification referred to in the preceding paragraph shall be submitted in writing and shall contain the subject matter of the proposed rectifications.

Article 196

Requests for registration of an industrial award shall be rejected if:

1. they have not been regularized within the three-month period referred to in Article 193 above;
2. they reproduce the signs referred to in Article 135 A above.

The signs referred to in 2 above may, however, be registered by the body responsible for industrial property subject to submission of the authorization of the competent authorities.

Any rejection of a request for registration of an industrial award shall be reasoned and shall be notified to the applicant or his representative by registered letter with advice of delivery. A notice of rejection shall be entered in the national register of industrial awards referred to in the first paragraph of Article 199 below.

Article 197

Where a request for registration of an industrial award is not subject to rejection pursuant to Article 196 above, one of the copies of the industrial award title referred to in (b) of the second paragraph of Article 192 above shall be returned to the holder of the award or his representative, bearing the date of filing and its chronological registration number.

The other copy, on which the same references shall be transcribed, shall be kept by the body responsible for industrial property.

Section III – Miscellaneous Provisions

Article 198

Any advertising concerning an industrial award shall state the exact nature of the award, the organism that issued it and the date of the award.

Article 199

The body responsible for industrial property shall keep a special register known as the “National Register of Industrial Awards” in which shall be entered all registrations relating to industrial awards and all operations relating thereto.

Any concerned person may obtain, on a written request, a copy or an extract of the registrations and entries contained in the National Register of Industrial Awards. However, the issue of such copies or extracts of entries in that Register may be communicated free of charge to public administrations.

Section IV – Publication of Industrial Awards

Article 200

The body responsible for industrial property shall publish an official catalogue of all registered industrial awards.

TITLE VIII LEGAL PROCEEDINGS

Chapter I: General Provisions

Article 201

Any violation of the rights of the owner of a patent, a certificate of addition, a certificate of a layout-design (topography) of an integrated circuit, a registration certificate for an industrial design or model or a registration certificate for a trademark or service mark, as defined respectively in Articles 53, 54, 99, 123, 124, 154 and 155 above shall constitute an infringement. The offering for sale, putting on the market, reproduction, use, holding with a view to use or putting on the market of an infringing product, where such acts are committed by a person other than the manufacturer of the infringing product, shall imply the liability of the person committing them only if such acts have been committed in full knowledge of the facts.

Article 202

Infringement proceedings shall be instituted by the owner of the patent, certificate of addition, certificate of a layout design (topography) of an integrated circuit, registration certificate for an industrial design or model or registration certificate for a trademark or service mark.

However, the beneficiary of an exclusive right of working may, except as otherwise stipulated in the licensing contract, institute infringement proceedings if, after notice transmitted by a bailiff or the court registrar, the owner does not institute such proceedings.

The owner shall be entitled to take part in infringement proceedings instituted by the licensee, in accordance with the preceding paragraph.

Any licensee shall be entitled to take part in the infringement proceedings instituted by the owner in order to obtain compensation for an injury he has personally sustained.

Article 203

Where infringement proceedings are brought before the court, the president of the court, acting in chambers, may provisionally enjoin, under penalty of a daily fine, the continuation of the allegedly

infringing acts or make continuation subject to the furnishing of a guarantee to cover indemnification of the owner of the industrial property title or the licensee.

The request for injunction or for furnishing of a guarantee shall only be granted if the substantive proceedings appear well-founded and are instituted within a maximum period of 30 days as from the day on which the owner became aware of the facts on which the proceedings are based.

The judge may condition the injunction on the furnishing by the plaintiff of a guarantee to cover possible indemnification of damages suffered by the defendant if the infringement proceedings are subsequently judged to be unfounded.

Article 204

The court of the place of real or elected domicile of the defendant or the place where his representative is established or the court of the place where the body responsible for industrial property is established shall be competent if the defendant is domiciled abroad.

Proceedings involving both matters of trademarks and matters of designs or models or of unfair competition shall be heard by the court.

Notwithstanding the provisions of subparagraph 1 above, the tribunal competent for ordering the conservatory measures referred to in article 176.2 above, shall be the one under which jurisdiction falls the place of importation of the goods subject to the request of suspension mentioned referred to in article 176.1 above.

Article 205

Public proceedings may be instituted only on a complaint by the injured party, save for violation of the provisions set out in Articles 24 A, 113 and 135 A and B above, for which the public prosecutor shall be competent.

The criminal court may not act until the court hearing the proceedings to establish the reality of the damages has passed a final sentence. The exceptions presented by the defendant concerning nullity of the industrial property title or issues relating to ownership of such title may not be raised before the criminal court.

Civil and criminal proceedings under this Title shall be prescribed three years after the acts on which they are based.

The institution of civil proceeding shall suspend the period of prescription for the criminal proceedings.

Article 206

Any product illegally bearing a trademark, service mark or trade name shall be seized on import, at the request of the public prosecutor or of any other concerned person, in application of an order given by the president of the court, acting in chambers. The same shall apply in respect to products bearing false indications of the origin of goods or the identity of the producer, manufacturer or trader.

Article 207

Acts preceding the entry of the grant of patents, certificates of addition, certificates for layout-designs (topographies) of integrated circuits or for the registration of industrial designs or models or the registration of trademarks or service marks in the registers kept by the body responsible for industrial property shall not justify the institution of proceedings under this Law.

Where the acts are subsequent to such entries or registrations, their authors may plead their good faith if they are able to produce evidence thereof.

Article 208

Persons sentenced under the provisions of this Title may, in addition, be deprived for a maximum period of five years of the right to be members of the professional chambers.

Article 209

The court shall order publication of final decisions given pursuant to the provisions of this Law.

Chapter III: Layout-Designs (Topographies) of Integrated Circuits

Article 218

The provisions of Chapter II of this Title shall apply to civil and criminal proceedings for infringement of layout-designs (topographies) of integrated circuits.

Chapter IV: Industrial Designs and Models

Section I – Civil Proceedings

Article 219

The holder of an industrial design or model shall have the possibility of furnishing proof by any means whatsoever of the infringement of which he claims to be a victim.

He shall be further entitled, on an order given by the president of the court of the place of the infringement, to direct a bailiff or a registrar to proceed with a detailed description, with or without effective seizure, of the allegedly infringing products.

The description may be carried out with the assistance of a qualified expert.

Execution of such order may be subjected to a security on the part of the plaintiff.

In the same order, the president of the court may authorize a registrar, assisted by a qualified expert, to carry out an enquiry to ascertain the origin, nature and scope of the infringement.

The same right shall be enjoyed by the licensee of an exclusive right of working under the conditions laid down in the second paragraph of Article 202 above.

If the plaintiff fails to institute proceedings before a court within a maximum term of 30 days as from the day of execution of the above order, the detailed description, with or without seizure, shall automatically be void, without prejudice to any damages.

Article 220

At the request of the injured party, and where such measure is necessary to prevent continuing infringement, the court may order confiscation, in favor of the petitioner, of the articles recognized as constituting an infringement, which are the property of the infringer, on the date of entry into force of the prohibition and, where appropriate, of the devices or means specifically intended for committing the infringement.

The value of the articles confiscated shall be taken into account when computing the compensation to be awarded to the beneficiary of the decision.

Section II – Criminal Proceedings

Article 221

Any person who has knowingly infringed the rights of the owner of an industrial design shall be liable to a fine of between 25,000 and 250,000 dirhams.

The penalty laid down in the first paragraph above shall be increased to a fine of between 50,000 and 250,000 dirhams and a term of prison of between one month and six months if the offender is a person who has worked on behalf of the injured party.

The penalties provided in the preceding paragraph shall also be incurred if the accused party is committing a repeat offense in view of the fact that he has been sentenced within the preceding five years by a final decision given for identical acts.

The court may also order destruction of the articles recognized as infringing, which are the property of the infringer, and of the devices or means specially intended for committing the infringement.

Chapter VIII: Industrial Awards

Article 232

The following shall be liable to a term of imprisonment of between two and six months and a fine of between 50,000 and 500,000 dirhams or one of those two penalties only:

1. Persons who unlawfully and fraudulently claim to have received industrial awards as referred to in Article 189 above or who claim to have received imaginary awards, by affixing them to their products, signboards, advertising, brochures, letters, business papers, packaging or in any other manner;
2. Persons who, in the same manner, have affixed them to objects other than those for which they had been obtained;

3. Persons who have made industrial or commercial use of awards other than those provided for in Article 189 above.

Article 233

Persons who have obtained an industrial award and have made an industrial or commercial use of such award without complying with the provisions of Articles 189, 190 and 198 above, shall be liable to a fine of between 25,000 and 250,000 dirhams.