

Official Journal No. 5400 of 1 Safar (March 2, 2006)
Decree No. 2-05-1485 of 21 Moharrem 1427 (February 20, 2006) amending and supplementing Decree No. 2-00-368 of 18 Rabii II 1425 (June 7, 2004) for the application of Law No. 17-97 on the Protection of Industrial Property

(English version *)

The Prime Minister,

Considering Law No. 17-97 on the Protection of Industrial Property enacted by Dahir **No. 1-00-19** of 9 Kaada 1420 (February 15, 2000), as amended and supplemented by Law No. 31 -05;

And Decree **No. 2-00-368** of 18 Rabii II 1425 (June 7, 2004) for the application of the above-mentioned Law No. 17-97 on the Protection of Industrial Property;

Following a review by the Council of Ministers meeting on 20 Chaoual 1426 (November 23, 2005),

Decrees:

Article 1: Articles 3, 62 and 63 of Decree **No. 2-00-368** of 18 Rabii II 1425 (June 7, 2004) for the application of Law No. 17-97 on the Protection of Industrial Property, as amended and supplemented by Law No. 31-05 enacted by Dahir **No. 1-05-190** of 15 Moharrem 1427 (February 14, 2006) are amended or supplemented as follows:

“*Article 3.* – The industrial property registers referred to in the first paragraph of Article 14 of the above-mentioned Law No. 17-97 are:

- The National Patent Register;
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- The National Register of Geographical Indications and Appellations of Origin.

The content of these registers is laid down.....”

* Courtesy translation provided by WIPO.

(What follows remains unaltered)

"Article 62. – Each application file.....include

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- 9 – Mention of the attachments to the application;
- 10 –In the case of a sound mark or smell mark, it must be specified whether the mark is a sound or smell mark.”

“Article 63. — The documents.....

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- 5. Where appropriate, the authorization provided for in the second paragraph of Article 135 of the above-mentioned Law No. 17-97;
- 6. In the case of a sound mark or smell mark, a detailed description of the mark.

Reproductions of the model of the mark.....”

(What follows remains unaltered)

Article 2: The above-mentioned Decree **No. 2-00-368** is supplemented by Articles 3.1, 22.1, 61.1, 66.1, 66.2, 66.3, 66.4, 66.5, 74.1, 74.2, 74.3, 74.4, 74.5, 74.6 and by Chapter V entitled Border Measures.

“Article 3.1.-For the application of the provisions of Article 14.1 of the above-mentioned Law No. 17-97, an application for further treatment pursuant to the procedure of operations to file applications for industrial property titles and rejection decisions taken by the Office, shall be filed with the Office by the applicant or his/her representative who must have powers of attorney.

This application shall mention:

1. the identity of the applicant or his/her representative, where appropriate;
2. references from the filing of the initial application or the industrial property titled concerned, as well as its subject;
3. the subject of the application for further treatment.

Any documents that have not been submitted in the time periods laid down for this purpose in that Law and the remarks relating to that rejection decision shall be submitted at the time when the application for further treatment is filed.”

“Article 22.1. –For the application of the provisions of Article 17.2 of the above-mentioned Law No. 17-97, the request to extend the term of protection of a patent shall be filed with the Office by the holder of that patent or his/her representative with powers of attorney.

The application shall include the following information:

- 1 – identification of the applicant and his/her representative, where appropriate;
- 2 – references of the invention patent that is the subject of the extension application;
- 3 – proof that the prescribed fees have been paid.

This application shall be accompanied at the time of filing by a certificate issued by the government authority responsible for health in accordance with the legislation in force.”

“Article 61.1. –For the application of the provisions of Article 144 of the above-mentioned Law No. 17-97, where the trademark application is filed electronically, the Office shall, following payment of prescribed fees, send electronically to the applicant or his/her representative, where appropriate, a receipt stating the date when the application was received.

“Article 66.1.- The publication of duly filed applications for registration, as referred to in Article 148.1 of the above-mentioned Law No. 17-97, shall take place during the second and fourth weeks of each month. Publication must take place within a maximum of one month from the date when these applications are filed.

The publication of the application for registration referred to in the first paragraph above shall mention the:

1. identification of the applicant(s);
2. references from the filing of the application;
3. references relating to the priority of a duly claimed previous application, where appropriate;
4. reproduction of the model of the mark to which the registration application relates;
5. goods and/or services designated and the corresponding classes.”

“Article 66.2. – The Office shall make available to the public the Gazette of International Marks published by the World Intellectual Property Organization.

The two-month deadline within which oppositions from third parties must be submitted pursuant to Article 148.2 shall begin from the first day of the month following the receipt of the Gazette of International Marks at the Office.”

“Article 66.3.- Opposition to an application to register a factory, trade or service mark, referred to in the first paragraph of Article 148.2 of the above-mentioned Law No. 17-97, shall specify:

1. the identification of the opposing party, as well as information allowing the existence, nature, source and scope of his/her rights to be established;
2. references of the registration application against which the opposition is lodged, as well as an indication of the goods or services covered by the opposition;
3. an explanation of the means on which the objection is based;
4. proof of payment of the prescribed fees;
5. where appropriate, the power of attorney of the representative.

Any opposition that does not comply with the arrangements laid down in this Article shall not be admissible.

The oppositions referred to in Article 148.2 of the above-mentioned Law No. 17-97 shall be published in the Official Gazette mentioned in Article 176 of the above-mentioned Law.”

“*Article 66.4.* — For the application of the provisions of Article 148.3 of the above-mentioned Law No. 17-97, the application to extend or suspend the initial deadline of six months referred to in the first paragraph of that article shall be certified and filed with the Office by one of the parties concerned or his/her representative.”

“*Article 66.5.* – The decisions of the agency responsible for industrial property referred to in Article 148.3 of the above-mentioned Law No. 17-97 shall be published in the Official Gazette referred to in Article 176 of that Law.”

“*Article 74.1.* –For the application of the provisions of Articles 182.1 and 182.2 of the above-mentioned Law No. 17-97, applications for the protection of geographical indications and appellations of origin shall be filed with the Office in accordance with the legislation in force.

The publication of these applications shall take place on the first working day of the third week of the month following their receipt.”

“*Article 74.2.* – A reasoned opposition to an application for the protection of geographical indications and appellations of origin referred to in the second paragraph of Article 182.2 of the above-mentioned Law No. 17-97 shall specify:

1. the identification of the opposing party, as well as information allowing the existence, nature, source and scope of his/her rights to be established;
2. the references of the protection application against which the opposition is lodged;
3. an explanation of the means on which the objection is based;
4. proof of payment of the prescribed fees;
5. where appropriate, the power of attorney of the representative.

Any opposition that does not comply with the arrangements laid down in this Article shall not be admissible.”

“*Article 74.3.* – The competent government authority referred to in Article 182.2 of the above-mentioned Law No. 17-97 shall be the administration responsible for the sector.”

“*Article 74.4* -The decision referred to in Article 182.2 of the above-mentioned Law No. 17-97 shall be published in the Official Gazette referred to in Article 182.3 of that Law.”

Chapter V

Border Measures

“*Article 74.5*. –The application to suspend the release into free circulation of merchandise suspected of being counterfeit, provided for in Article 176.1 of the above-mentioned Law No. 17-97, shall be produced based on the model adopted by the Customs and Excise Authority.”

“*Article 74.6*. –The arrangements for the application of the provisions of Chapter VII of Title V of the above-mentioned Law No. 17-97 shall be laid down by joint order of the government authority responsible for industry and trade and the government authority responsible for finance.”

Article 3

This Decree shall be published in the *Official Journal*.

Done at Rabat, 21 Moharrem 1427 (February 20, 2006)

Driss Jettou

Countersigned by:

The Minister of Industry, Trade and Economic Development

Salaheddine Mezouar

The Arabic text was published in the general edition of Official Journal No. 5398 of 24 Moharrem 1427 (February 23, 2006).
