



Moroccan Patent system & Validation Agreement

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Major phases of the development of Moroccan patent system

-Phase 1 :

the Law of 1916 and the Law of 1938 (Tangiers zone)

January 1995 : Morocco became member of WTO

align its law with international standard (TRIPS)

-Phase 2 :

Creation of OMPIC (by the Law 13-99 of 9/3/2000)

→ Public administration, young and moderne

→ financial and management autonomy

Major phases of the development of Moroccan patent system

-Phase 3 :

18/12/2004 : new Law 17-97 entered into force

20/02/2006 : Amendment of the Law 17-97 (FTA with USA)

→ OLF, opposition system, border measures,

→ Reinforcement of enforcement

-Phase 4 :

18/12/2014 : Amendement of the Law 17-97 by the Law 23-

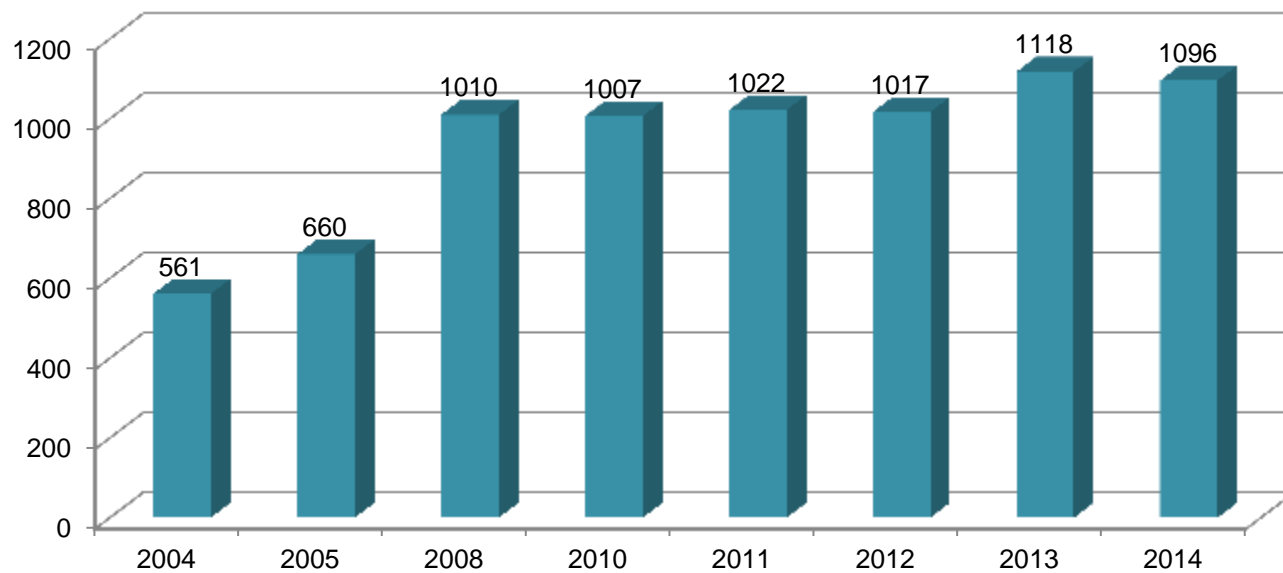
State of accessions to WIPO

Treaties

Treaty	Signature	Instrument	In Force
Brussels Convention	May 21, 1974	Ratification: March 31, 1983	June 30, 1983
Budapest Treaty		Accession: April 20, 2011	July 20, 2011
Hague Agreement	November 6, 1925	Accession: September 9, 1930	October 20, 1930
Lisbon Agreement	October 31, 1958		
Madrid Agreement (Indications of Source)		Accession: April 30, 1917	July 30, 1917
Madrid Agreement (Marks)		Accession: February 27, 1917	July 30, 1917
Madrid Protocol	June 28, 1989	Ratification: July 8, 1999	October 8, 1999
Nice Agreement	June 15, 1957	Accession: July 25, 1966	October 1, 1966
Paris Convention		Accession: February 27, 1917	July 30, 1917
Patent Cooperation Treaty		Accession: July 8, 1999	October 8, 1999
Trademark Law Treaty	October 5, 1995	Ratification: April 6, 2009	July 6, 2009
UPOV Convention		Accession: September 8, 2006	October 8, 2006
WIPO Convention	July 14, 1967	Ratification: April 27, 1971	July 27, 1971
Patent Law Treaty	In progress		
Strasbourg Agreement	In progress		

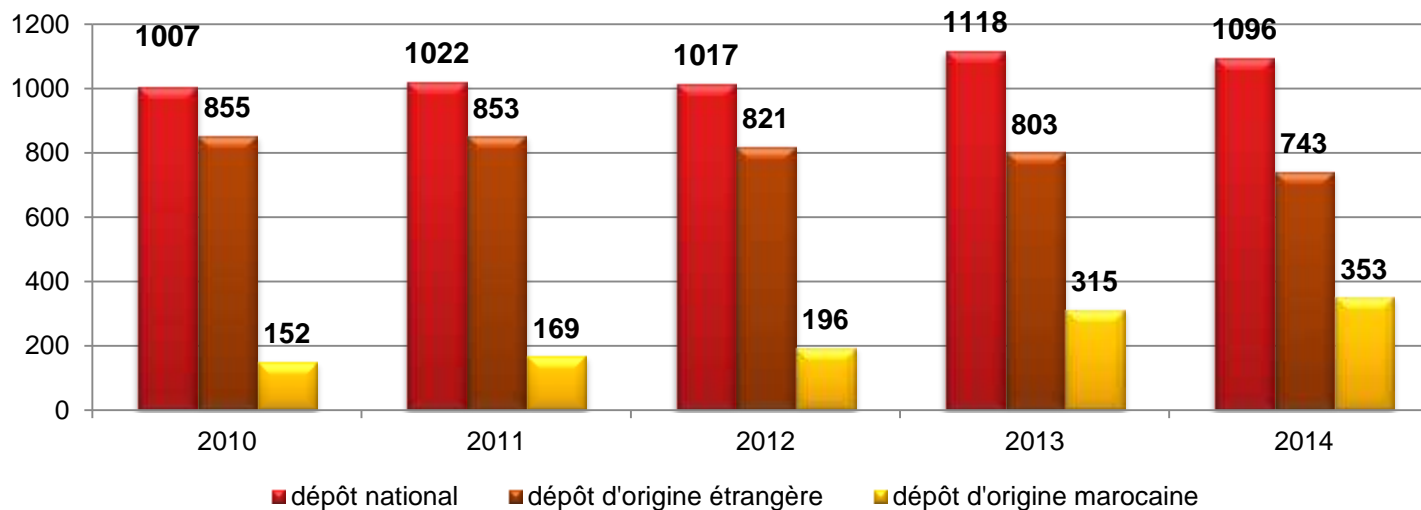
Evolution of Moroccan patent applications:

Year	2004	2005	2008	2010	2011	2012	2013	2014
Nbr of application	561	660	1010	1007	1022	1017	1118	1096



Some figures

Evolution of Moroccan patent applications

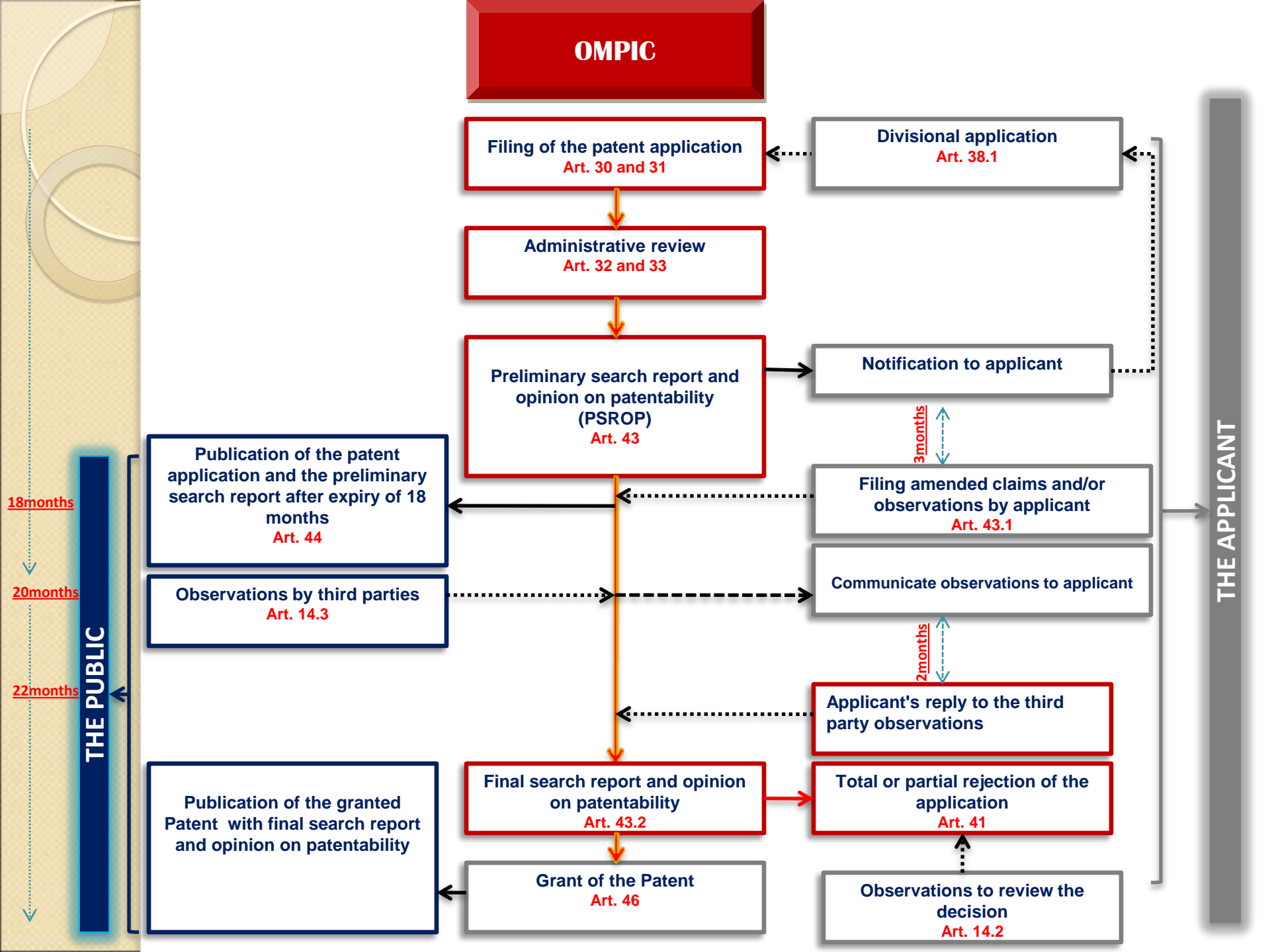


Evolution by type of Moroccan Patent Applicants

	2010	2011	2012	2013	2014
Universities	39	38	58	138	158
Research centers	1	6	16	25	32
Companies	26	32	26	49	36
Individuals	86	93	96	103	127

Features of the new system:

- - simplified and transparent procedure in compliance with high standards (PLT)
- A search report and opinion on patentability for each application,
- Amendment of claims,
- Third-party observations,
- Grant of the patent or refusal of the application (in case of an obvious lack of novelty or inventive step)



Validation agreement

- A strategic vision of openness to global markets further strengthening Morocco's economic integration:
 - doing Business: Morocco moves from 95th place in 2012 to 87th in 2013 and 71st in 2014 (- 24 places)
 - Degree of integration of global flows: Morocco progress from the 79th to the 53rd place worldwide between 1995 and 2012*.
 - 56 FTAs, synonymous of a market of over a billion.
 - First African countries in terms of FDI.
- Will to rise in the value chain:
 - Attracting high value investments (aeronautics, automotive industry...)

* according to a study of 'The McKinsey Global Institute'

Win-win Agreement:

- Moroccan side : substantive examination system with reasonable number of examiners (focus on national patent applications)
- EP side: one EP procedure with effect in MA (one less examination procedure)
- In force since 1st of March 2015

Validation agreement EPOrg-Morocco

Under the Validation system **any European patent applicant and owner** may **request**, that his

- **European patent application takes effect on the territory of Morocco (provisional protection)**
- **European patent takes effect on the territory of Morocco**
- **Validation request = confirmed by a payment of a validation fee (EUR 240 for the validation request for Morocco)**

Functioning of the Validation system

- **effects of validated EPs \approx national patents:**
 - **subject to the national law**
 - **texts published on the website of OMPIC**
<http://www.ompic.ma/fr> (“*Textes de référence du système de validation*”)

OMPIC

Organisme de Validation (OV)

Dépôt de demande de brevet auprès ou désignant l'OV

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Requête de validation au Maroc
Art. 50.2

Publication de la demande de brevet + rapport de recherche

Paiement des droits de validation dans les délais.
Art. 50.2

Publication par l'OMPIC de la mention de la requête de validation
Art. 50.2

Publication par l'OMPIC des revendications déposées auprès de l'OV
= Protection provisoire
Art. 50.3

Demande de publication des revendications déposées auprès de l'OV en AR ou FR
Art. 50.3

Délivrance / publication du brevet par l'OV

Publication de la mention du brevet validé

3 mois

Présentation des revendications du brevet validé en AR ou FR dans le délai+ paiement des droits exigibles
Art. 50.4

Publication par l'OMPIC du brevet validé

Brevet Validé au Maroc
Art. 50.4

Annulation du brevet devant OV
Art. 50.4

OMPIC publie la mention de modification

Modification suite à une procédure à l'OV

Protection sans effet dès l'origine
Art. 50.4

18mois

LE PUBLIC

LE DEPOSANT



Thank you

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