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UNVEILING THE PATENT FILING JOURNEY IN MOROCCO: A COMPREHENSIVE GUIDE

Introduction

Morocco, located at the crossroads of Africa and Europe, has been making significant strides in fostering an innovation landscape that aligns with its economic development goals. The country has recognized the pivotal role of innovation in driving sustainable growth and competitiveness on the global stage. Government initiatives, such as the National Innovation Strategy, underscore Morocco's commitment to creating an environment conducive to creativity and technological advancements.



Image courtesy: telecom review africa

In recent years, Morocco has witnessed a burgeoning startup ecosystem, particularly in cities like Casablanca and Rabat, where innovation hubs and co-working spaces

have flourished. These hubs serve as collaborative spaces for entrepreneurs, providing networking opportunities, mentorship, and access to resources. Additionally, Morocco has been investing in research and development, focusing on sectors such as renewable energy, agriculture, and technology. This strategic emphasis on innovation has not only attracted local entrepreneurs but has also garnered international attention, fostering partnerships and collaborations that contribute to the country's technological evolution.

As innovation continues to drive the economy in Morocco, securing intellectual property rights becomes paramount for inventors and businesses alike. In this article, we delve into the intricacies of the patent filing procedure in Morocco, shedding light on the key steps and nuances that applicants should be aware of.

Registration Procedure Overview:

The patent registration process in Morocco follows a systematic approach, ensuring a thorough examination of applications. Here's a step-by-step guide to understanding the journey:

1. Initial Filing and Search Report:

Once the patent application is submitted with all necessary documents, a specialized patent examiner conducts a search report.

The report assesses the novelty, inventive step, and industrial application of the invention, providing an opinion on patentability.

2. Applicant Response to Search Report:

Applicants, upon receiving the search report, are granted a three-month window to amend claims within the initial description and respond to cited documents' relevance. This interactive process underscores Morocco's commitment to a thorough evaluation of patent applications.

3. Publication and Third-Party Observations:

After 18 months from the filing date (or international filing date for PCT applications), the patent application is published. This triggers a two-month period during which third parties can submit observations on patentability, enriching the examination process.

4. Final Search Report:

Upon verification of initial search reports, applicant responses, and third-party observations, the Patent Office generates a final search report.

5. Grant Process:

Upon verification of the absence of grounds for refusal, the patent is granted, requiring payment of the stipulated grant fees. The granted patent, along with the definitive search report, is then published, marking the successful conclusion of the registration process.

6. Expedited Patent Grant:

Despite the meticulous nature of Morocco's patent registration process, it's essential to note that currently, there is no provision for expediting the patent grant. While this may extend the overall timeline, it underscores Morocco's commitment to a comprehensive evaluation of patent applications, ensuring the robust protection of intellectual property.

Statistics And Morocco's Innovation Landscape:

In recent years, Morocco has witnessed a steady rise in patent filings, reflecting the growing emphasis on innovation. According to PCT filing statistics, from 2019 to 2022, the National phase filings have increased by 78%. Morocco's patent landscape is evolving, with an increasing number of inventors seeking protection for their intellectual creations.

Further, as per the recently released Global Innovation Index 2023 by WIPO, Morocco ranks at 70th position among the 132 economies featured in the GII Report. Report provided an insight Morocco perform better in innovation outputs than innovation inputs in 2023. As compared to Innovation inputs where Morocco ranks at 90th position, it ranks 55th position in Innovation output.

Morocco's main innovation strength are Industrial designs by origin/bn PPP\$ GDP (rank 10), High Tech manufacturing (rank 23) and Graduates in Science and Engineering (rank 24).

Conclusion:

Navigating the patent filing process in Morocco demands a strategic understanding of the sequential steps involved. While the absence of an expedited grant option may extend timelines, it reinforces Morocco's dedication to a

thorough examination of patent applications. As the nation positions itself as an innovation hub, its patent filing framework provides a secure foundation for intellectual property protection, contributing to the global landscape of innovation.

[Author acknowledges the inputs received from Audiri Vox's Tanzania Office.]



BEYOND BORDERS: UNVEILING IP STRATEGIES AT WIPF 2024

Adv. Divyendu Verma recently attended the World Intellectual Property Forum (WIPF) 2024 in Bangalore, India, representing Audiri Vox, which sponsored the conference as a silver sponsor. The prestigious event unfolded from January 10 to January 13, 2024, at the opulent Shangri-La Hotel in Bangalore.



As the Global Head of the Patents Department at Audiri Vox, Mr. Divyendu Verma actively participated in the conference's insightful discussions. During one of the panel sessions, he shared his extensive expertise on global IP strategies. Drawing from his vast experience in managing multinational corporations' portfolios across various jurisdictions, Mr. Verma provided valuable insights into effective intellectual property strategies for a global landscape.



One of the noteworthy highlights of Mr. Verma's contribution was his discussion on the recent amendments in the UAE Patents Law, shedding light on the evolving landscape of intellectual property in the region.

The conference, attended by IP professionals, legal experts, and industry leaders, provided a comprehensive platform for knowledge-sharing and networking. With its diverse range of topics and engaging sessions, the WIPF 2024 proved to be an enriching experience for all participants.

Audiri Vox's sponsorship and Mr. Divyendu Verma's active involvement in the event underscore the firm's commitment to staying at the forefront of intellectual property developments and contributing to the global discourse on IP strategies. Overall, the WIPF 2024 was a fantastic opportunity for professionals to exchange ideas, stay updated on industry trends, and foster collaboration in the dynamic field of intellectual property.



IP UPDATES

Zambia: New Trade Marks Act, 2023



The new Trade Marks Act of 2023 (no.11 of 2023) has been came into force on December 26, 2023. The new Act is expected to come into operation in the middle of this year. The Act will

modernize the trademark protection in Zambia significantly. The Act introduced a definition of a trademark in a broader way, including not only conventional signs but also included non-conventional signs such as sounds, packaging, color combinations, shapes, etc. The Act also introduced service marks. Now, the proprietors can protect their trademarks for services to strengthen the overall brand protection. The Act also introduced the registration of different collective marks, certification marks, etc. The Act also introduced a streamlined procedure for filing a single application for multiple classes of goods or services, claiming priority, division of application, examination, and publication of acceptance of the trademark application.

Libya: Increase In Official Fees For Trademark Services



The Libyan Ministry of Economy and Trade has issued a New Executive Regulations No. 26 dated 2024 for the 2010 Trademark Act on January 17,

2024. In this regulation, the Ministry indicated an increase in the official fees for trademark related services. This regulation also provides clear provisions to obscure the operational gaps faced by the Trademark Office at the time of trademark registration procedures, registrable marks, expiry of marks property and their mortgage, renewal and cancellation disputes concerning trademarks registration and property.

Qatar: Establishment Of Grievance Committee For Patent Appeals



Recently, as per the Ministerial Decision 97 of 2023, Qatar has established a Grievance Committee

for Patent Appeals. This committee will review the appeals related to patent application decisions. Apart from reviewing the patent application decisions, the committee will examine the appeals against the examination reports. This extended responsibility will ensure comprehensive and reasonable handling of patent matters.

INDIA: Trademark Cases



HAVELLS INDIA LIMITED & ANR. (Plaintiffs) vs. COSMIC COMMUNICATION & ORS. (Defendant)

Case No.: CS(COMM) 924/2023

Decided On: January 04, 2024



The present suit was filed by the plaintiff seeking an ex-parte ad-interim injunction against defendants for causing confusion with the plaintiff's well-known

trademark. Plaintiffs contended that the defendant nos. 1 and 2 are selling CCTV cameras under the mark "HEVALLS 360 DEGREE", causing confusion. The Hon'ble



Delhi High Court, after examining evidence, finds a prima facie case of confusion and infringement. The Hon'ble court passed an order in favor of the plaintiffs and restrained Defendant nos. 1 and 2 from further sales under any mark similar to the plaintiff's mark.

Starbucks Corporation & Anr (Plaintiffs) vs. National Internet Exchange Of India & Ors. (Defendants)

Case No. - CS(COMM) 224/2023, I.A. 7252/2023, I.A. 12183/2023, I.A. 16389/2023, I.A. 18317/2023 & I.A. 1506/2024

Decided On – January 22, 2024



The present suit was filed by the plaintiffs against defendants, seeking a permanent injunction for infringement of their 'STARBUCKS' mark and copyright in its logos. The suit was prompted by impostors posing as "Starbucks Franchise" in India, misleading the public. Plaintiffs argued that unauthorized entities were posting Google Forms on defendant No.4's platform, soliciting applications for non-existent Starbucks franchises. Defendants did not contest the relief sought and agreed to suspend specific URLs related to these Google Forms. The Hon'ble High Court of Delhi observed that the impostors sought information for non-existent Starbucks franchises, posing a threat to public privacy. Considering the potential harm, the Hon'ble Court granted the relief sought by the plaintiffs, directing defendant No.4

(Google LLC) to immediately suspend the specified URLs. The Hon'ble Court further directed the plaintiffs to submit an affidavit listing additional URLs related to similar fraudulent activities in the future. The defendants were also instructed to provide user details of the registrants of these Google Forms.

Tata Sons Private Limited & Ors. (Plaintiffs) vs. Tushar Fulare (Defendant)

Case No. - CS(COMM) 242/2022
Decided On – January 10, 2024



The present suit has been filed by the plaintiff seeking inter alia permanent injunction against defendant for using similar trade dress and packaging of the plaintiff trade dress. The defendant contended that no injunction should be directed in respect to the mark

“ZINC WATER PLUS” as words are common and generic words in respect to packaging of water. Plaintiff agreed to the statement and stated that packaging used by Defendant is same should be injuncted, as it uses the unique and distinct packaging of the plaintiffs' products. The Hon'ble High Court of Delhi observed that the defendant trade dress and packaging on its product is bound to create confusion as to the source of the product and it is likely to cause confusion. The Hon'ble High Court of Delhi gave judgment in favor of plaintiffs and the defendant was directed to take down all references to the products bearing plaintiffs' Marks from their websites and from all other platforms (online and offline) owned.

Premier Spg And Wvg Mills Pvt. Ltd (Appellant) vs. Football Association Premier League Ltd. & Anr. (Respondents)

Case No. - C.A.(COMM.IPD-TM) 15/2023 & I.A. 12418/2023
Decided On – January 22, 2024



The Appellant has filed an appeal against the respondent no. 2, challenging the rejection of their opposition to the registration of the respondent's mark 'BARCLAYS PREMIER

LEAGUE' under class 25. The appellant claims similarity to its registered mark 'PREMIER' under class 25 dating back to 1949. The registrar has found no similarity and considers 'PREMIER' a generic term. The appellant contested this as a citing prior use and class

relevance. The Hon'ble High Court of Delhi observed that the marks, 'PREMIER' and 'PREMIER LEAGUE,' were dissimilar on a holistic view. The Hon'ble Court applied the rules of "anti-dissection" and "identification of dominant mark" to assess composite marks, emphasizing that the generic term 'PREMIER' is weak, not exclusive, and related to sports leagues. The Hon'ble Court concluded by dismissing the appeal, stating 'PREMIER' lacks distinctiveness for exclusive use, and the respondent's mark has a distinctive element associated with football, making them dissimilar.

Allied Blenders @ Distillers Private Limited (Plaintiff) vs. Hermes Distillery Private Limited (Defendant)

Case No.: CS(COMM) 274/2021 and I.As.
7301/2021 & 4441/2023 Decided On - January 15, 2024



The plaintiff has filed the present suit seeking an injunction against the defendant whose mark is

almost identical to the plaintiff's mark 'OFFICER'S CHOICE.' The defendant contended that the plaintiff has been changing its labels from time to time and there has been no consistency. It is unclear since when the plaintiff has been using the labels in question. Further, the use of the color combination, red and white is common to the trade. The Hon'ble Delhi High Court observed a strong prima facie case, that there is a clear attempt to indulge in “smart copying” which in the opinion of the Court would still be copying. The broad similarities are so obvious at first look and broad features of the label have been imitated, and not merely the red and white color combination. Thus, the use of the defendant's label would constitute a misrepresentation likely to result in passing off. The Hon'ble Court decided in favor of plaintiff restrained the defendant from manufacturing, selling, offering for sale of whisky or any other liquor products under the impugned label.

Trent Limited (Plaintiff) vs Zudiofranchise.net And Ors. (Defendant)

CASE NO. - COM IPR SUIT (L) NO.30195 OF 2023
Decided On – January 02, 2024



The plaintiff has filed a suit for infringement of their registered

trademark 'ZUDIO' and for the infringement of the copyright in their original artistic work and for passing off by the defendants. The plaintiff contended that the defendants used their name and intellectual property rights to defraud consumers. They gave false offers to the public for setting up Zudio franchises. The Hon'ble Bombay High Court found that the contentions of the plaintiff to be prima facie and granted an ex-parte ad-interim relief in favor of the plaintiff. Thus, the Hon'ble Court ordered immediate restraint on their practice by preventing the defendant from using the trademark.

lacking the original breeder's signature, justifying the invocation of Section 34(b) and (c). The Hon'ble High Court of Delhi observed that section 34(a) was wrongly invoked. The mistake of filing of application for registration in the wrong category was corrected by the registrar by registering it in the correct category. The application for registration of 'FL 2027' was filed on 18th February 2011, therefore the application would fall within the time limit be it computed from 2002 or 2009. The Hon'ble Court also observed that section 34(h) was wrongly invoked because mere filing of suit against someone does not constitute the act being against public interest. Hence, the Hon'ble Court allowed the appeal in favor of the appellant.

INDIA :Plant Variety Case

Pepsico India Holdings Pvt Ltd (Appellant) vs. Kavitha Kuruganti (Respondent)

**Case No. - LPA 590/2023 & CM APPL. 42282/2023
Decided On – January 09, 2024**



The present appeal was filed by the appellant against an order which revoked a registered potato breed called 'FL 2027' given by the Plant Variety Authority. The legal

battle ensued when the appellant filed suits against a few farmers in Gujarat for infringement of its right under the said act. The respondent who was also a farmers activist petitioned the PPVFR Authority for revocation of the protection granted to the appellant for the 'FL2027' potato. The PPVFR Authority accepted the plea of the respondent and revoked the plant variety protection given to the appellant for 'FL 2027' potato on the basis of section 34(a), (b), (c) and (h) of the Act. The appellant contended the certificate's revocation, citing Section 34(a) for a filing error, corrected later. They challenged Sections 34(b) and (c), noting an application error due to irrelevant stamping regulations in the USA. The appellant questioned Section 34(h), asserting lawsuits targeted unprotected farmers. The respondent argued that 'FL 2027' is in public after 2017 and highlighted alleged wrongful use to justify Section 34(h). Furthermore, the appellant failed to provide documentary proof of ownership rights for 'FL 2027,'



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