

Dahir No. 1-00-71 of 9 kaada 1420 (February 15, 2000)
on the Enactment of Law No. 13-99
Creating the Moroccan
Industrial and Commercial Property Office*

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Mohammed VI)

Let it hereby be known — may God elevate and strengthen the content!

That our Cherifian Majesty,

Having regard to the Constitution, in particular Articles 26 and 58 thereof,

HAS DECIDED AS FOLLOWS:

Law No. 13–99 on the Creation of the Moroccan Industrial and Commercial Property Office, adopted by the Chamber of Representatives and the Chamber of Counselors, is hereby enacted and shall be published in the *Official Gazette* further to this Dahir.

Done in Morocco on 9 kaada 1420 (February 15, 2000).

For countersignature:

The Prime Minister,
Abderrahman Youssoufi.

Law No. 13-99 on the Creation of the
Moroccan Industrial and Commercial
Property Office

1. A public establishment with legal status and financial independence, with its head office in Casablanca, is hereby established pursuant to this Law under the name of the Moroccan Industrial and Commercial Property Office (OMPIC).

2. The Moroccan Industrial and Commercial Property Office, which shall be subject to State supervision, shall be responsible for enforcing, through its competent bodies, the provisions of this Law, in particular those relating to the duties entrusted to it and, in general, for overseeing the application of legislation and regulations concerning public establishments.

The Office shall also be subject to the financial oversight of the State applicable to public establishments, in accordance with legislation in force.

3. The Moroccan Industrial and Commercial Property Office shall be responsible for:

- keeping the national industrial property registers and entering all acts which affect the ownership of industrial property titles;
- keeping the central commercial register and the alphabetical file for natural persons and legal entities;
- keeping copies of acts relating to the commercial register which are based on local registers;

- circulating to the public all requisite information for protecting inventions and registering merchants in the commercial register, as well as taking any action with a view to awareness-building and training in these areas.

4. The Moroccan Industrial and Commercial Property Office shall be authorized, under Article 3 above:

- to receive, register, grant and publish applications for industrial property titles, in accordance with the provisions of the Law on the Protection of Industrial Property;
- to receive, with regard to the Commercial Register, declarations for entries relating to the commercial register concerning registrations, amending entries and deletions, and to enter them in the Central Commercial Register, in accordance with the provisions of Law No. 15–95 forming the Code of Commerce.

The Office shall in particular be authorized to issue certificates relating to entries concerning the names of merchants, trade names and brand names as well as certificates and copies relating to other entries made therein, as provided for by Law No. 15–95 forming the Code of Commerce.

The Office shall also be responsible for:

- circulating the technical information contained in industrial property titles, subject to the provisions provided for by the Law on the Protection of Industrial Property;
- conducting studies on industrial property and the Commercial Register, and taking any initiatives with a view to ongoing adaptation of national and international laws to the needs of innovators and merchants.

To this end, it shall propose to the supervisory authority any reform it deems useful in this respect. It shall assist with the drafting of international agreements and help represent Morocco in the competent international organizations with regard to industrial property in general;

- applying, as far as it is concerned, international industrial property agreements, and in particular maintaining administrative relations with the International Bureau of the World Intellectual Property Organization and cooperation ties with other international and regional offices and bodies with regard to industrial property and commercial registers;
- making available to the public all technical and legal documentation concerning industrial property, subject to the provisions laid down in the Law on the Protection of Industrial Property, as well as the Central Commercial Register, in accordance with the provisions of Law No. 15-95 forming the Code of Commerce;
- managing the Official Catalog of Industrial Property and the compendium containing all information on the names of merchants, trade names and brand names.

To manage its collection of documents, the Office may set up databases, where applicable, in collaboration with other files or registers;

- promoting the industrial property system and the Commercial Register in the Kingdom, in particular by establishing, at the provincial level, branches responsible for:
 - public assistance and information with regard to industrial property and the commercial register;
 - receipt of applications for industrial property titles and requests for negative certificates;

- issuing of reports and receipts relating to applications for industrial property titles and negative certificates for registration in the Commercial Register;
- computer searches in the Office's database, in connection with the assistance to the public in the field of industrial property and the commercial register;
- organization, at the local and regional level, of campaigns to build awareness and promote industrial property and the commercial register.

5. The Moroccan Industrial and Commercial Property Office shall be administered by a Board of Administration and run by a director designated in accordance with the legislation in force.

6. The Board of Administration shall be made up of representatives of the administration and of representatives of the federations of professional chambers designated by regulation.

7. The Board of Administration shall be vested with the necessary powers and functions for the administration of the Office.

The Board shall meet as often as necessary, and at least twice a year, to:

- close the consolidated statements for the financial year which has ended;
- examine and decide on the budget for the following financial year;
- evaluate the work of the committees.

It shall deliberate validly where at least half of its members are present or represented. Its decisions shall be taken by a majority of votes. In the event of a tie, the President shall have the casting vote.

8. The Board of Administration may decide to set up any committee, whose composition and operating rules it shall fix, responsible for introducing the matters submitted to it by the Board and for presenting related proposals.

9. The Director shall have all the necessary powers and functions to manage the Office.

He shall execute the decisions of the Board of Administration.

He may be delegated by the Board of Administration to settle specific matters. He may delegate, under his responsibility, part of his powers and functions to staff members in positions of responsibility within the Office.

10. The Office's budget shall comprise:

1 — *In terms of income:*

- revenue collected in connection with industrial property;
- proceeds from fees for services rendered by the Office in connection with the Central Commercial Register;
- repayable advances from the State and public and private bodies as well as loans authorized in accordance with the legislation in force;
- donations, bequests and miscellaneous income;
- subsidies other than those granted by the State;
- any other revenue related to its activity.

2 — *In terms of expenditure:*

- overheads and investments;
- repayment of advances and loans;
- any other expenditure relating to its activity.

11. The collected debts of the Moroccan Industrial and Commercial Property Office shall be collected in accordance with the legislation relating to the collection of State debts.

12. The moveable and immovable assets of the State which the Office requires to carry out the duties entrusted to it under the law shall be made available to the Office on the conditions fixed by regulation.

13. The Office shall be subrogated to the rights and obligations of the State for all contracts concerning studies, works, supplies and transport, as well as all other contracts and conventions relating to industrial property and the Central Commercial Register, which were signed before the date of publication in the “Official Gazette” of the texts adopted for the application of this Law.

14. By way of derogation to the provisions of the last paragraph of Article 2 of the Dahir of 23 chaoual 1367 (August 28, 1948) on the Provision of Security for Public Contracts, no annotation may be made to changes in the appointment of an accountant or in the arrangements for settlement of the transfer, to the Office, of the contracts and conventions referred to in Article 13 above.

15. The staff of the Office shall consist of:

- agents recruited by it, in accordance with the status of its staff;
- officials from public administration departments who have been seconded, in accordance with the legislative provisions in force.

The titular officials and interns in service on the date of publication of this Law, at the Division of Industrial Property and the Service of the Central Commercial Register respectively, shall be seconded to the Moroccan Industrial and Commercial Property Office.

Those concerned may be incorporated, at their request, in the Office on conditions to be fixed by the special status of the staff of said Office.

The statutory situation conferred by said special status of the staff incorporated under the previous paragraph may not by any means be less favorable than the status which those concerned enjoyed at the date of their incorporation.

The services carried out in the administration by the foregoing personnel shall be considered to have been performed within the Moroccan Industrial and Commercial Property Office.

16. Article 31 of Law No. 15-95 forming the Code of Commerce enacted by Dahir No. 1-96-83 of 15 rabii I 1417 (August 1, 1996) is hereby repealed and replaced by the following provisions:

“**31.** The Central Commercial Register shall be kept by the Moroccan Industrial and Commercial Property Office.”

* The text in Arabic was published in the general edition of the "Official Gazette" No. 4776 of 2 hija 1420 (March 9, 2000).