

**Law No. 25-06 on the distinctive signs of origin and quality of food, agricultural and fishery products promulgated by Dahir No.1-08-56 of Joumada I 17, 1429 (May 23, 2008)**

**O.B. No. 5640 of June 19, 2008, page 394-399**

In view of the Constitution, especially Articles 26 and 58,

**Decided as follows:**

Is promulgated and will be published in the Official Bulletin, following the present Dahir, [Law n ° 25-06](#) relating to the distinctive signs of origin and quality of food, agricultural and fisheries products, as adopted by the House of representatives and the House of Councilors.

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**Law No. 25-06 on the distinctive signs of origin and quality of food, agricultural and fishery products**

**First Chapter: General Provisions**

**First Article:** The purpose of this Act is to:

- 1) Preserve the diversity of agricultural and fishery products and to protect the cultural heritage associated with them through the recognition and promoting of their origin, their characteristics and their modes of production;
- 2) Promote agricultural development, by promoting the characteristics linked to the terroir or the specificities of the aquatic environments in which fish or halieutic species are fished or raised, as well as the production methods and human know-how related thereto;
- 3) Increase the quality of agricultural and fish products and contribute to improving the revenues generated from their development, for the benefit of local operators involved in the improvement of these products;
- 4) Enhance the consumers' information.

To this end, it lays down the conditions under which the distinctive signs of origin and quality of agricultural products and foodstuffs are recognized, allocated, used and protected; it determines the obligations and responsibilities incumbent to those who intend to benefit from them.

The agricultural label, the geographical indication and the appellation of origin are the distinctive signs of origin and quality.

**Article 2:** For the purposes of this Law and the texts adopted for its request, it means:

***Agricultural Label:*** The recognition that a product has a set of specific qualities and characteristics and therefore has a high level of quality, superior to that of similar products, in particular because of its conditions of production, manufacture, and where appropriate, its geographical origin;

***Geographical Indication:*** The name used to identify a product as originating in a territory, region or locality, where a quality, a reputation or any other specific characteristic of that product may be attributed essentially to that geographical origin and that production and / or processing and / or preparation take place in the defined geographical area;

***Appellations of Origin:*** The geographical name of a region, a specific place or, in some exceptional cases, a country, used to designate a product that originates therein and whose quality, reputation or other characteristics are due exclusively or essentially to the geographical environment, including human factors and natural factors, and of which the production, processing and preparation take place in the defined geographical area.

**Article 3:** Also considered as geographical indications or appellations of origin:

- a) Traditional names, whether geographical or not, designate a product originating in a specified region or place and meets the requirements set in the above definition of geographical indication or appellation of origin;
- b) Certain geographical designations where the raw materials of the products concerned come from a geographical area, which is wider or different from that of the processing area, provided that this area of production of the raw materials has been previously delimited, that special conditions for the production of the said raw materials has been recognized by the competent governmental authority and that regular checks of these conditions are carried out in accordance with the provisions of this Law.

**Article 4:** Cannot be recognized as a geographical indication or as an appellation of origin:

- a) A name that conflicts with the name of a plant variety or an animal breed and, as such, is likely to mislead the consumer as to the true origin of the product;
- b) A name that has become generic because of the continued use made of the name of a product relating to the place or region of origin and, as a result, has become the common name of the latter;
- c) A homonymous name or become homonymous with a name already published. However, a homonymous may be recognized if it is a traditional name.

**Article 5:** This Law applies:

- 1) To agricultural products and inland or marine fisheries, for hunting products, collection or gathering of wildlife as well as products derived from animals such as milk or honey and placed on the market, as they are, without the use of special preparation systems for their preservation other than refrigeration;
- 2) To food with an animal or vegetable origin that may be consumed by humans and that has been prepared or preserved or has undergone processing by whatever means;
- 3) To some agricultural, inland or maritime fisheries non-food products such as cosmetics, essential oils, aromatic and medicinal plants.

These three categories are hereinafter referred to as "product".

**Article 6:** The provisions of this Law shall not apply to products in the wine sector or to spirituous beverages, with the exception of vinegars and table grapes.

## **Chapter II: Recognition of Distinctive Signs of Origin and Quality**

**Article 7:** The agricultural label, the geographical indication and the appellation of origin are recognized for the products obtained and / or transformed under the conditions provided for in specifications whose contents and the methods of approval are laid down in accordance with the provisions of the present Law.

The agricultural label, the geographical indication and the appellation of origin become protected after their publication in the "Official Bulletin".

**Article 8:** The request for recognition of an agricultural label, a geographical indication or an appellation of origin, together with the draft specifications, shall be submitted to the competent governmental authority, in the prescribed forms, by producers and / or processors in accordance with the legislation in force in association, cooperative or any other professional group, or by the local authorities or public institutions concerned.

Any other natural or legal person interested in a geographical indication or appellation of origin may join the request submitted.

However, and by way of derogation from the provisions of the first paragraph above, any person, natural or legal, producer or processor, interested, may individually apply for recognition of an agricultural label.

**Article 9:** The draft specifications consist in particular of the following elements:

- a) For agricultural labels:
  1. The identification elements of the product including its main physical, chemical, microbiological and / or organoleptic characteristics;

2. The particular characteristics and the specificity criteria to which it must respond in order to be able to acquire a high level of quality, superior to that of similar products and in particular the conditions, methods or means used to obtain the main characteristics of that product or for its production, or its transformation.
- b) For the geographical indication and the appellation of origin:
1. The name of the product including the mention of the geographical indication and the appellation of origin desired;
  2. The delimitation of the geographical area concerned, defined as the area comprising all the municipalities or parts of municipalities included in this area;
  3. Evidence that the product originates in the relevant geographical area;
  4. The elements justifying the link between the quality and the characteristics of the product with the geographical origin;
  5. The description of the product including the raw materials and, where appropriate, the main physical, chemical, microbiological and / or organoleptic characteristics of the product;
  6. The description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods;
  7. The identification references of the / or certification / control bodies provided for in Article 20 of this Law;
  8. Specific identification elements related to the labeling for the product under consideration;
  9. The commitment of any person involved in the production and / or processing and / or packaging of products, to keep records to facilitate the control of the respect of the conditions of certification of these products;
  10. A control plan to be followed by the certification and control bodies;
  11. Any other conditions to be complied with under applicable Laws or regulations, including hygiene and quality requirements in force concerning the product.

The geographical area may not be one of the main characteristics and the criteria of specificity determining an agricultural label except in the case of a protected geographical indication previously recognized.

However, an agricultural label may include the mention of a geographical indication where the geographical indication is generic or in the case of a product of maritime fisheries.

**Article 10:** The agricultural label, the geographical indication or the appellation of origin are recognized and their specifications are approved by the competent governmental authority after opinion of the national commission provided for in Article 17 of this Law.

This notice must be given, in the prescribed form, within six (6) months from the date of seizure of the commission.

After this deadline and in the absence of response from the National Commission, a favorable opinion is supposed to have been given.

**Article 11:** Where the request for recognition concerns a geographical indication or an appellation of origin, the National Commission must, as soon as received, ensure a wide publicity of this request, by inserting it in at least two national dailies.

Insertions are made at the expense of the applicant for recognition of the geographical indication or the appellation of origin.

**Article 12:** The publicity of the request provided for in Article 11 above, must enable the National Commission to:

- 1) Identify the users, for a similar product, of the possible name for the geographical indication or appellation of origin, and who are located outside the protected geographical area for possible indication or name. These possible users shall have a period of two (2) months from the date of insertion provided for in Article 11 above, to make themselves known to the National Commission and to communicate to it the conditions under which the indication or the name, subject of the request, is already used for the said similar products;
- 2) Collect, within two (2) months from the date of insertion provided for in Article 11 above, statements of objection to the recognition of a geographical indication or an appellation of origin, of any natural or legal person of public or private right having a legitimate interest in this non-recognition.

Only opposition statements established in the prescribed forms, providing proof are admissible:

- a) The geographical indication or the appellation of origin whose recognition is sought does not meet the criteria set out in Articles 2 and 3 of this Law;
- b) The name requested conflicts with the name of a plant variety or an animal breed, or is a name that has become generic or homonymous with a published denomination.

The National Commission takes into account the information gathered to give its opinion.

**Article 13:** Any beneficiary of an agricultural label, a protected geographical indication or a protected appellation of origin may request the corresponding modification in the specifications, in particular to take account of the evolution of technical or scientific knowledge. It may also request the revision of the geographical delimitation in the case of a protected geographical indication or a protected appellation of origin.

The request submitted to the competent governmental authority shall be examined in accordance with the conditions stipulated in Article 10 above.

**Article 14:** The decisions of recognition of the agricultural label, the geographical indication and the appellation of origin and approval of the specifications and their modifications are published by the competent governmental authority in the "Official Bulletin".

In the case of a decision relating to the recognition of a geographical indication or an appellation of origin, mention shall be made of the geographical area covered by the said indication or name as well as the main conditions in the specifications and the set control measures.

**Article 15:** The recognized agricultural label, geographical indication and appellation of origin as well as the producers and processors to whom the said signs have been allocated are inventoried on open registers and kept up to date by the competent governmental authority, with mention of any changes in the specifications as well as withdrawals of the said signs.

**Article 16:** Any agricultural label, geographical indication or appellation of origin, recognized in the country of origin, may benefit in Morocco from a protection granted in accordance with the provisions of this Law.

This recognition allows the beneficiary to submit the request for registration of the said signs to the Moroccan Office of Industrial and Commercial Property, in accordance with the Law on the protection of industrial property promulgated by the [Dahir No.1-00-19 of kaada 9, 1420 \(February 15, 2000\), as amended and supplemented by Law No.31-05 amending and supplementing Law No.17-97 promulgated by the Dahir No.1-05-190 of Mouharam 15, 1427 \(February 14, 2006\)](#).

### **Chapter III: The National Commission of Distinctive Signs of Origin and Quality**

**Article 17:** A National Commission of Distinctive Signs of Origin and Quality named "National Commission" is set up, composed in particular of members representing the competent governmental authority, the governmental authorities concerned, the Moroccan Office of Industrial and Commercial Property (OMPIC), the National Institute for Agricultural Research (INRA), the National Institute for Fisheries Research (INRH), the Federation of Chambers of Agriculture, the Federation of Maritime Fisheries Chambers and six members representing relevant professional bodies.

The National Commission may be assisted by any person known for its experience and expertise in the field.

It may constitute, if necessary, specialized technical committees to deal with specific topics and issues.

**Article 18:** The National Commission is responsible for giving its opinion on:

- a) The request for recognition of the agricultural label, the geographical indication and the appellation of origin submitted to it by the competent governmental authority;
- b) The request for recognition of the agricultural label, the geographical indication and the appellation of origin submitted under Article 16 above;
- c) The recognition of the agricultural label, the geographical indication and the appellation of origin;
- d) The approval of the logos of the distinctive signs of origin and quality to be affixed to the products;

- e) The granting or withdrawal of approvals from certification and control bodies;
- f) The claims provided for in Article 22 below.

The National Commission shall be consulted on any question relating to the distinctive signs of origin and quality and may propose any measure contributing to the proper functioning and development of work or to the valorization of a distinctive sign in a specific agricultural sector.

**Article 19:** The mode of operation, the composition and the number of the members of the national commission are determined by regulation.

#### **Chapter IV: Attribution of Distinctive Signs of Origin and Quality**

**Article 20:** Any producer or processor wishing to benefit from a distinctive sign of origin and quality must undertake to respect the terms of the specifications corresponding to the distinctive sign and obtain, in the prescribed forms, the certification of his product.

This certification is granted by the competent governmental authority, by a certification and control body, or by a legal person under public Law, which it approves for this purpose, when the product concerned meets the conditions of production or processing provided for in the specifications corresponding to the sign concerned.

**Article 21:** Where, after the granting of an agricultural label, a geographical indication or an appellation of origin, it is found that the product no longer meets certain conditions required in the specifications, the administration or the body granting the certification suspends, for a maximum period of six (6) months laid down in the suspension decision, the benefit of the use of the said distinctive sign. This period is intended to allow the beneficiary to comply again with the requirements of the specifications.

Certification shall be withdrawn if, at the end of the above-mentioned period, the product still does not meet certain conditions required by the said specification. The product then loses the distinctive sign of origin and quality that it enjoyed.

In the event that the requirements of the specifications are fulfilled, the suspension measure is terminated and the product concerned may again bear the distinctive sign of origin and quality, which it has benefited.

**Article 22:** Any producer or processor, to whom a certification and control body refuses the certification of the request for the benefit of a distinctive sign of origin and quality for his product or withdraws the certification from which that product has benefited, has the possibility, in a period of two (2) months from the date of the said refusal or withdrawal to request the competent governmental authority to reconsider its file.

The competent governmental authority decides on the claim, after opinion of the National Commission, within two (2) months of the date of receipt thereof.

**Article 23:** The certification and control bodies referred to in Article 20 above shall be approved, in the prescribed form, following the opinion of the national commission referred to in Article 17 of this Law.

The opinion of the National Commission must be given within two (2) months from the date of its notification. After this deadline and, in the absence of response from the National Commission, a favorable opinion is supposed to have been given.

**Article 24:** To be approved, certification and control bodies must:

- 1) Offer all the guarantees of impartiality and independence and in particular, it must be proved, at the time of request for approval, that this body, its directors and its managers, are not directly or indirectly interested, in whatever capacity by the issue or non-issue of a distinctive sign of origin and quality or the holding or withdrawal thereof;
- 2) Meet the requirements set by the competent governmental authority in terms of technical competence in the food quality field and the human and material capacities necessary to carry out the control provided for in the specifications.

**Article 25:**

Where one or more of the conditions laid down in Article 24 above for the issue of an authorization to a certification and control body cease to be fulfilled, that approval shall be suspended for a specific period which may not exceed six (6) months fixed in the suspension decision, intended to enable the beneficiary of the said authorization to comply with the required conditions once again.

After this period, and if the required conditions are still not met, the approval is withdrawn after the opinion of the National Commission.

If the requirements are fulfilled again, the suspension of authorization is terminated.

**Article 26:** The arrangements and forms in accordance with which authorizations for certification and control bodies are issued, suspended or withdrawn and those in which the suspension measure is terminated shall be laid down by regulation.



## Chapter V: Use of Distinctive Signs of Origin and Quality

**Article 27:** The use of a distinctive sign of origin and quality is subject to the results of the checks on compliance with the terms of the specifications corresponding to the sign concerned, carried out periodically by the administration or the certification and control body having certified the product concerned.

These checks are carried out on the basis of the control plan provided for in the specifications, throughout the production and / or processing chain of the product under consideration.

The costs incurred for the purposes of these checks are in the charge of the beneficiary of the distinctive sign of origin and quality.

**Article 28:** Without prejudice to the applicable legislation on the labeling of food, products benefiting from distinctive signs of origin or quality must bear a visual identification sign, or "logo" bearing the words "agricultural label", "protected geographical indication" or "protected appellation of origin", followed by the name of product for the agricultural label and the protected geographical indication or protected appellation of origin for these latter. The use of such a logo, which may be affixed on a product or on its packaging, indicates that the product has the distinctive sign of origin or quality represented by the said logo and that it complies with the corresponding specifications for this distinctive sign.

Models and modifications of the said models of visual identification signs or logos shall be published in the "Official Bulletin" as an annex to the decisions provided for in Article 14 above.

The competent governmental authority that issued this publication maintains a register in which the published models are kept.

**Article 29:** The use for the labeling of (products bearing a protected geographical indication or a protected appellation of origin) a logo or a trademark shall not create confusion in the consumer's mind about the nature, identity, qualities or actual origin of the product.

**Article 30:** The use of a product, an indication of the place of origin, or likely source for sales denomination, labeling, or advertising is prohibited:

- a) To deflect the reputation of a recognized name as an agricultural label, a protected geographical indication or a protected appellation of origin;
- b) Misleading the consumer on the characteristics of that product;
- c) To affect the specific nature of the protection reserved for agricultural labels, protected geographical indications or protected appellation of origin, including where the actual origin of the product is mentioned on it or where the name is translated or accompanied by particulars such as "kind", "type", "method", "manner" or any other similar reference.

## Chapter VI: Protection of Distinctive Signs of Origin and Quality

**Article 31:** Geographical indications and appellations of origin recognized and granted in accordance with this Law are not subject to the provisions of Articles 182-1, and 182-3 of [Law No.17-97 on the Protection of Industrial Property, promulgated by the Dahir No.1-00-19 of kaada 9, 1420 \(February 15, 2000\), as modified and completed by the Law n°31-05 modifying and completing the Law No. 17-97, promulgated by the Dahir No 1-05-190 of Moharram 15, 1427 \(February 14, 2006\).](#)

They are registered in accordance with the provisions of this Law, by the competent governmental authority, at the Moroccan Office of Industrial and Commercial Property (OMPIC).

**Article 32:** Agricultural labels, geographical indications and appellations of origin as well as their graphic representations and logos are intended for collective use. They remain the property of the competent governmental authority, which has proceeded to their publication and registration in accordance with the provisions of articles 14, 28 and 31 of this Law.

**Article 33:** A protected geographical indication and a protected appellation of origin can never be considered to be of a generic nature and fall into the public domain.

**Article 34:** The use of a protected geographical indication or a protected appellation of origin for any product other than those provided for in Article 5 of this Law, and any natural or legal person, and any service, where such use is liable to deflect or weaken the reputation of the protected geographical indication or the protected appellation of origin concerned is prohibited.

**Article 35:** Where a distinctive sign of origin and quality has been published in the "Official Bulletin", no mark reproducing or suggesting that sign may be filed and registered. In the same way, no representative form can resume or evoke the published logos.

## Chapter VII: Research and Recognition of Offences

**Article 36:** The research and recognition of the offences with the provisions of this Law are carried out according to the procedures envisaged by the [Law N.13-83 relating to the repression of the frauds on the goods, promulgated by Dahir N.1-83-108 of the Moharrem 9, 1405 \(October 5, 1984\).](#)

## Chapter VIII: Offenses and Penalties

**Article 37:** Without prejudice to the provisions of the text of the Penal Code approved by the [Dahir No.1-59-413 of Joumada II, 28 1384 \(November 26, 1962\), as amended and supplemented](#), is punishable by a fine of 50,000 to 500,000 dirhams anyone who:

- 1) Uses a distinctive sign of origin and quality or affixes on its product a logo representing the said sign, without the product concerned having the certification provided for in Article 20 of this Law or continues to use the said sign while the certification was withdrawn;
- 2) Certifies products without the approval provided for in Article 23 above;
- 3) Any certification and control body that continues to certify products while its approval is suspended or withdrawn.

**Article 38:** Without prejudice to any other penalties provided for by [Law No. 13-83 on the repression of fraud on goods](#) and by [Law No. 17-97 on the protection of industrial property](#), is punishable by a fine of an amount of 5,000 to 50,000 dirhams, whoever uses:

- 1) The labeling of a product, a logo or a trademark for products bearing a protected geographical indication or a protected appellation of origin creating confusion in the consumer's mind about the nature, identity, qualities or the actual origin of the said product, in violation of the provisions of Article 29 above;
- 2) An indication for the sales description or for the labeling of the advertising of its product, such as to mislead the consumer as to the origin or characteristics of the product or to affect the specific nature of the agricultural label, the protected geographical indication or the protected appellation of origin in breach of the provisions of Article 30 above;
- 3) A description of its product that may mislead the consumer as to the actual origin of the product, including the belief that it has a distinctive sign of origin or quality;
- 4) A product other than those covered by this Law, or any natural or legal person, or a service, which use the name of an agricultural label, a protected geographical indication or a protected appellation of origin, with a nature to divert or weaken the reputation of the said distinctive signs of origin and quality in breach of the provisions of Article 34 above.

## Chapter IX: Final Provision

**Article 39:** The provisions of this law come into force from the date of publication of the texts adopted for their application.

**Done in Casablanca, Joumada I 17, 1429 (May 23, 2008)**

**For countersigning:**

**The Prime Minister, *Abbas El Fassi*.**