

PRIVACY IN THE PROTECTION OF GEOGRAPHICAL APPELLATIONS IN ALGERIAN LAW

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Abstract:

Geographic appellation, as a form of industrial property, have garnered global attention due to their significant impact on economic, commercial, and even social spheres. These rights signify products that are uniquely tied to a specific geographical environment, shaped by interwoven elements that cannot be replicated elsewhere with the same level of quality and distinction. Their importance has grown considerably with the expansion of trade and economic exchange between nations, allowing products bearing registered geographic appellation to be widely marketed across borders and highly valued by consumers. However, while these protected products enjoy a competitive edge, they have also posed a challenge to rivals in the same industry, as similar goods often suffer from lower quality and diminished consumer appeal. This intensified competition has, in turn, rendered such products more susceptible to attacks, counterfeiting, and imitation.

Keywords: *Geographic appellation, Industrial property rights, Algerian legislator, Producers, Consumer.*

INTRODUCTION:

There is growing global interest in geographic appellation, given their crucial role in defining products, distinguishing them from others, and linking them to their place of origin. They have emerged as a key issue on the international stage due to their contribution to national economies and their status as a competitive asset for regions and countries alike. Their significance has further increased with the intensification of competition over products associated with certain geographical areas that have gained worldwide recognition and consumer appeal. Notably, appellation of origin serve to establish quality standards and harness both natural and human factors that set these products apart. As a result, many countries have sought to provide legal protection for this category of industrial property rights.

The recognition of geographic appellation as an industrial property right in commerce—used to distinguish products based on the characteristics of their production areas—dates back to ancient times, as seen in the distinction of Indian silk, green tea, and Roman wines. However, the legal framework governing the use of geographic appellation as a collective mark subject to specific conditions did not emerge until the 20th century, beginning with the French law of May 1919. This law faced criticism for failing to define the precise criteria a product must meet to qualify for legal protection. Subsequently, the legislative decree of July 30, 1935, established the National Committee for Appellation of Origin (INAO), followed by the adoption of the Madrid Agreement on the Suppression of False or Deceptive Indications of Source in Trade, culminating in the Lisbon Agreement of October 31, 1958.¹

Although the use of geographic appellation by producers to distinguish products with national and international renown dates back centuries, their legal recognition in Algeria and the determination of their legal status remain relatively recent. The Algerian legislator first regulated appellations of

¹ Zawawi Al-Kahina, Unfair Competition Acts Affecting appellation of origin, Al-Fikr Magazine, Issue No. 12, 2015, p. 428.

origin through Order No. 76/65 of July 16, 1976, published in Official Gazette No. 59 on July 23, 1976, with retroactive effect from July 5, 1975. Additionally, Decree No. 76/121 was issued to define the procedures for registering and publicizing appellation of origin, as well as to establish the associated fees. This decree was also published in Official Gazette No. 59 on July 23, 1976.²

Based on the aforementioned discussion, this study seeks to address the following research problematic:

How are Geographical Appellations defined, and what are the conditions and implications of their legal protection under Algerian legislation?

First Axis: The

Notion of Geographic Appellation

The origin of the term "geographic appellation" traces back to the French term *Appellation d'Origine*, which was long in use until it was recently replaced by "geographical indications," a translation of the English term *Geographic appellation*.³

The Paris Convention adopted the term "geographic appellation" in Article (1/2), whereas the TRIPS Agreement endorsed the term "geographical indications" in Article (22).

Regardless of the variation in terminology—whether indicators, source data, or appellations of origin, and regardless of the terminology used, this research paper refers to the industrial property right designed to ensure product quality while defining its nature and characteristics. These products are often agricultural or food-related, distinguished by their unique traits derived from a specific region with distinct geographical and natural features—such as Yemeni grapes or Egyptian cotton. Additionally, the traditional methods of preparation and production, whether artisanal or industrial, passed down through generations, further contribute to their uniqueness and set them apart from other products.⁴

It is important to distinguish between geographic appellation and rules of origin, as the former is linked to geographical indications, whereas the latter determines the country of origin of a good or product. Rules of origin are regulated under the Agreement on Rules of Origin, one of the GATT 1994 agreements. Article 1 of this agreement defines rules of origin as: "the laws, regulations, and administrative provisions of general application applied by any Member to determine the country of origin of a good, provided that such rules of origin do not relate to contractual or autonomous trade systems that lead to the granting of tariff preferences beyond what results from the application of paragraph 1 of Article I of the GATT 1994."⁵

What Are Geographic appellations? What Are Their Characteristics and the Conditions for Their Granting Under Order 76/65 Relating to Appellations of Origin?

First: Definition of Geographic appellation.

²Farha Zarawi Saleh: *The Complete Book on Commercial Law, Intellectual Rights, Industrial and Commercial Property Rights, Literary and Artistic Property Rights*, Ibn Khaldoun Publishing and Distribution House, Oran, 2006, pp. 346-347.

³Ajja Al-Jilali, *Trademark, its Characteristics and Protection - A Comparative Study of the Legislations of Algeria, Tunisia, Morocco, Egypt, Jordan, and French, American, and International Agreements Legislation*, Encyclopedia of Intellectual Property Rights, Part Four, Zain Legal Publications, Lebanon, 2015, p. 255.

⁴Hamid Muhammad Ali Al-Lahbi, *Legal Protection of Intellectual Property within the Framework of the World Trade Organization*, National Center for Legal Publications, Second Edition, 2016, pp. 244-245.

⁵Hamid Muhammad Ali Al-Lahbi, the same reference, pp. 244-245.

To clarify the concept of appellations of origin, it is essential to first examine their jurisprudential definition, followed by the legislative definition established by the Algerian legislator, and finally, the universally recognized definition of geographic appellation.

1- Jurisprudential Definition

Some legal scholars have defined geographic appellation as "a guarantee of product quality provided to the consumer, ensuring that it possesses specific characteristics not found in similar products."⁶

Meanwhile, other scholars have defined it as "a name used as a symbol for an industrial establishment in a country, region, or a specific locality, where production is attributed exclusively and primarily to a geographical environment characterized by distinct natural and human factors."⁷

2-LEGISLATIVE DEFINITION:

The Algerian legislator defined geographic appellation in Article 1 of Order 76/65 as follows: "geographic appellation refers to the geographical name of a country, region, sub-region, district, or specific locality that designates a product originating therein, whose quality or characteristics are attributed exclusively or primarily to a geographical environment encompassing both natural and human factors."

Furthermore, the law considers as a geographical name any designation that, even without explicitly referring to a country, region, sub-region, district, or specific locality, is nonetheless associated with a specific geographical area for certain products.

Under the same article, the Algerian legislator also defines "product" (with an open t) as any natural, agricultural, traditional, or industrial good, whether raw or processed, and "producer" (with a closed t) as any exploiter of natural resources, farmer, skilled artisan, or industrialist.

It is noteworthy that the Algerian legislator, through the aforementioned article, sought to delineate the scope of appellations of origin by underscoring the intrinsic link between products and their geographical provenance. This relationship is explicitly articulated in the phrase: "A geographical name is the name that ... is connected to a specific geographical area for the purposes of certain products." This implies that the quality of certain products is inherently tied to their geographical location, which enables their production under a set of factors that endow them with unique characteristics. These factors, such as climate and soil composition, directly influence both the distinctiveness of the products and the production process envisioned by the producer.⁸ Hence, it is imperative to assess the role of geographic appellation in economic and social life by elucidating their significance.

3 CONVENTIONAL DEFINITION:

In terms of its conventional definition, the Lisbon Agreement defines geographic appellation as: "The geographical designation of any country, region, or locality, employed to identify a product originating therein, whose quality and characteristics are entirely or essentially attributable to the geographical environment, encompassing both natural and human factors."

Second: The Significance of Geographic Appellation

The significance of appellations of origin lies in bestowing upon the designated goods a distinguished national and local reputation, enabling producers to identify their products and differentiate them from similar ones. Their importance is particularly evident in guaranteeing the quality and specific attributes of goods that set them apart from others of their kind. Additionally, appellations of origin serve as a powerful tool for attracting consumers, as they encapsulate distinctive characteristics

⁶ Ajja Al-Jalali, Trademark, its Characteristics and Protection, previous reference, p. 239.

⁷ Zawawi Al-Kahina: The previous reference, p. 3.

⁸ Farha Zarawi Saleh: The previous reference, p. 349.

derived from unique natural and human factors.⁹ Since ancient civilizations, people have employed geographic identifiers to describe their products, particularly in agriculture, based on their place of production or preparation. Initially, appellations of origin were primarily associated with wine production, which gained widespread renown due to its unique characteristics and was a source of immense wealth.

With regard to the Algerian legislator, appellation of origin extend beyond agricultural production to encompass industrial and artisanal goods, falling within the scope of traditional industries. This is evident from Article 1 of Order 76/65 on appellations of origin, which defines the term "product" (with an open taa) as: "Every natural, agricultural, traditional, or industrial product, whether raw or processed." Meanwhile, the term "producer" (with a broken taa) refers to: "Every exploiter of natural resources, as well as every farmer, skilled craftsman, or industrialist." In light of the foregoing, it becomes clear that the essence of appellation of origin does not lie in the name itself but rather in the distinctive characteristics of the production process encompassed within the designation.¹⁰

The significance of appellation of origin is particularly evident to the consumer, as they serve as a guarantee of quality. Their distinctive characteristics and superior standards assure consumers that these products possess unique features not found in similar goods.¹¹

From a social standpoint, appellation of origin play a pivotal role in the development of the regions concerned, significantly contributing to the stability of their inhabitants, particularly in remote and marginalized areas. By fostering economic activities that ensure a decent income for local residents,¹² these designations help sustain communities. Given their profound economic and social significance, it becomes imperative to safeguard them—a protection that is granted upon meeting a set of objective and formal conditions, which we shall elaborate on below.

Third: Conditions for Registering Appellation of Origin

To ensure the legal protection of appellation of origin in accordance with the provisions of Order 76/65, the legislator stipulated that these designations must fulfill both objective and formal conditions. Furthermore, specific procedures were established for their registration, which we shall examine as follows:

1- Objective Conditions for Registering Geographic appellation

The Algerian legislator outlined a set of objective conditions that a designation must meet to be granted legal protection, as stipulated in Article 1 of Order 76/65. These conditions include: the designation must be linked to a geographical name, it must refer to products, these products must possess characteristics attributable to natural or human factors, and, finally, the designation must not be prohibited or in violation of public order and morality.

A- The Association of the Geographic appellations with a Geographical Name:

For a geographic appellation to be recognized, it must be intrinsically linked to a specific geographical name, corresponding to a stable and clearly defined spatial area. This geographical location must be distinguished by its exclusive ability to produce a particular product of exceptional quality, such as Marseille soap. Furthermore, the uniqueness of the geographical location implies that the production of the designated product cannot be replicated elsewhere—ensuring a form of natural monopoly, as seen in the case of silver jewelry from the Kabylie region. The protection of the geographical indication is consequently forfeited if the product can be manufactured with identical characteristics

⁹ Nesreen Sharaq, Intellectual Property Rights - Copyright and Neighboring Rights - Industrial Property Rights, Dar Belqis for Publishing, Algeria, 2014, p. 126,

¹⁰ Farha Zarawi Saleh: The previous reference, pp. 350-351.

¹¹ Aziza Bushra, Hanan Manasriya: appellations of origin as a Guarantee for Consumer Protection between Text and Application, Journal of Judicial Reasoning, Issue Fourteen, 2017, p. 405.

¹² Zawawi Al-Kahina: The previous reference, p. 430.

and quality in other regions. Additionally, the principle of reciprocity applies, meaning that protection is contingent upon the designation being safeguarded in the corresponding foreign jurisdiction.¹³

Accordingly, products may only be designated by a name that unequivocally affirms their place of origin. This necessity underscores the distinction between geographic appellations and trademarks, as the latter may consist of a name or symbol that bears no connection to the geographical location of production—such as a fictional name or a family surname.¹⁴ A trademark may, however, incorporate a geographical name, provided that it does not mislead the consumer regarding the product's origin, in accordance with the provisions of Article 7 of Order 03/06 on trademarks. Moreover, such usage must not create confusion concerning the geographical source of the goods bearing the mark. Conversely, a geographical name is only valid if it aligns with the legal definition set forth at the beginning of Article 1 of Order 76/65—that is, if it designates "a country, region, district, or named place," as exemplified by the Tessala Mountains for wines.¹⁵ While the law does not establish a precise measurement or delineation of such areas, it mandates that the name must be intrinsically linked to a specific geographical area for the designation of certain products.¹⁶

B- That the designation pertains to a product

The designation must be intrinsically linked to a product associated with a specific region, serving as the defining reason for its appellation. In other words, the product must originate exclusively from that region and not elsewhere, possessing distinctive features or variations—whether in whole or in part—that set it apart from similar products originating in different regions.¹⁷ This requirement necessitates the existence of a natural, traditional, agricultural, or raw industrial product whose quality is inherently tied to the geographical environment from which it originates. The quality of such products is assessed based on various criteria, including taste, craftsmanship, specificity, and the expertise of the manufacturer or producer. Consequently, the designation is inextricably linked to the product in terms of its quality, nature, reputation, or any unique characteristic it embodies.

The Algerian legislator did not explicitly define the nature of the products themselves—whether they pertain to goods or services—but instead limited the scope to enumerating their sources. It appears that the legislator exclusively associated geographic appellation with goods rather than services, aligning with the international stance on geographical indications, as inferred from Article 22 of the TRIPS Agreement.¹⁸ Notably, the Algerian legislator underscored the existence of a tangible link between goods and the geographical area of their origin, aiming to establish the provenance or place of manufacture of these products. This approach ensures that consumers are guaranteed the quality and distinguishing characteristics that set these products apart from others available in both national and international markets.¹⁹

C- The product must have distinctive characteristics

For a product to benefit from legal protection under a geographic appellation, mere geographical association is insufficient. It must possess distinctive characteristics that define its production rather than incidental traits stemming from regional conditions, which may occasionally be found elsewhere but never with the same consistency or excellence.²⁰ These defining attributes must be intrinsically

¹³ Ajja Al-Jilali: The Trademark, Its Characteristics and Protection, The previous reference, pp. 255-256.

¹⁴ Farha Zarawi Saleh: The previous reference, pp. 364-365.

¹⁵ The same reference, p. 365.

¹⁶ Samir Jamil Hussein Al-Fatlawi: Industrial property according to Algerian laws, the previous reference, pp. 320-321.

¹⁷ The same reference, p. 322.

¹⁸ Ajja Al-Jilali: The trademark, its protection and characteristics, the previous reference, p. 256.

¹⁹ Farha Zarawi Saleh: The previous reference, p. 366.

²⁰ Samir Jamil Hussein Al-Fatlawi, the previous reference, pp. 323 p. 324.

linked to human expertise—manifesting in specialized production techniques, unique transformation processes, or traditional craftsmanship for which a region has gained renown, such as Swiss watchmaking. Additionally, these qualities may result from accumulated knowledge, artisanal mastery, and generational traditions distinguished by their antiquity, widespread recognition, and continuity.²¹ The Algerian legislator explicitly reinforces this principle in Article 1 of Order 76/65 on geographic appellation, which stipulates that the geographical environment must encompass both natural and human factors. Thus, the production of such goods is not solely dictated by nature but is equally shaped by human ingenuity—an element that grants the product its singular identity, as seen in the refined fermentation methods used to craft specific materials and vines into distinguished alcoholic beverages.

Within the framework of contravention, it is essential to exclude products whose distinctive characteristics and qualities stem solely from the manufacturing method employed, without any intrinsic link to natural factors. Such products do not qualify for legal protection under a geographic appellation, as their production techniques could be replicated in other regions. The absence of an exclusive connection between geographical conditions and the methods used renders them ineligible for this protection, thereby necessitating their exclusion from the scope of geographic appellation.²²

D- No Legal Prohibition on the Name

Order No. 76/65 on appellations of origin establishes protective measures by setting negative objective conditions. It explicitly states that protection cannot be extended to names that fall outside the definitions outlined in Article 1, irregular designations, or names derived from product types. A designation is considered subordinate to a product type when it is customarily attributed to it and widely recognized as such by industry experts and the public. Furthermore, appellations of origin must not be contrary to public order, good morals, or ethical standards, ensuring that legally protected names uphold both legal and societal values.²³

It is evident from the above text that the geographic appellation necessitates the fulfillment of the objective conditions outlined in Article 1 of Order 76/65 on geographic appellation. In legal terms, any designation that is not tied to a specific geographical location or linked to a particular commodity does not qualify as a geographic appellation. Likewise, a product whose quality is not intrinsically attributed to a distinct geographical environment loses its status as a designated product and is thereby excluded from legal protection.

Furthermore, the legislator has explicitly excluded irregular designations from the scope of protection. However, paragraph (b) of the same article fails to define the concept of irregular designations, which seemingly refers to those not officially registered in Algeria and lacking the requisite objective and formal criteria. It would have been more prudent for the legislator to provide a clear definition to prevent potential arbitrariness by the competent authority responsible for issuing registration certificates.

The aforementioned article also excludes names derived from product types—those that do not qualify as geographic appellation due to the absence of a geographical association.²⁴ To eliminate any ambiguity surrounding this concept, the legislator provided a definition, stating that “a name is subordinate to the type when it is customarily assigned to it and is recognized as such by experts in the field as well as the general public.” Following this principle, for instance, “Marseille soap” cannot be regarded as a geographic appellation.²⁵


²¹ Ajja Al-Jilali: The trademark, its protection and characteristics, the previous reference, p. 258.

²² Farha Zarawi Saleh: The previous reference, p. 367.

²³ See Article 4 of Order 76/65 relating to designations of origin.

²⁴ Ajja Jilali: Trademark, its protection and characteristics, previous reference, p. 260.

²⁵ Farha Zaraoui Saleh: previous reference, p. 363.



Paragraph (d) of the aforementioned article also prohibits the registration of names that violate good morals or public order, as they conflict with the moral and religious values of society, even if they are linked to a specific geographical region. However, this prohibition gives rise to a legal contradiction and legislative ambiguity concerning the law on geographic appellation, as it clashes with the prevailing reality in Algeria. The country has gained international recognition for geographic appellations related to wines, which were regulated under a dedicated law, No. 55/70, governing the classification of quality wines. Furthermore, specific decisions regarding the granting of product names to certain types of wine were issued on January 12, 1970.²⁶

2. Formal Conditions

In addition to the aforementioned objective conditions, the Algerian legislator has established a set of formal requirements that appellations of origin must meet to benefit from legal protection, as outlined in Articles 8 to 18 of Order 76/65. These provisions define the necessary procedures for filing, registering, and publishing appellations of origin with the competent authority. Furthermore, these procedures are reinforced by the provisions of Implementing Decree No. 76/121, which specifies the methods for registering and publishing appellations of origin, as well as the applicable fees.

A. Right Holders to Request Registration

Article 2 of Order 76/65 on appellations of origin defines the entities entitled to apply for the registration of an appellation. It states that appellations of origin are established upon the request of the competent ministries, in coordination with other relevant ministries, as well as upon the request of any legally established institution or any natural or legal person engaged in a productive activity within the designated geographical area. Furthermore, Article 10 of the same order clarifies that the application for registration may be submitted on behalf of any legally established institution authorized for this purpose, any natural or legal person conducting a productive activity within the specified geographical area, as well as any competent authority.

Pursuant to the provisions of Articles 2 and 10 mentioned above, the right to register a appellation of origin may be exercised by ministries, irrespective of their jurisdiction, such as the Ministry of Industry, the Ministry of Tourism, or the Ministry of Agriculture, provided that the latter possesses establishments producing goods that fulfill the requisite objective conditions. Furthermore, any natural or legal person may apply for the registration of a appellation of origin, on the condition that the applicant is engaged in the production of the designated substance. This entails active involvement in the production process, even if it is accompanied by marketing activities, as stipulated in Article 2 of the aforementioned order.

The Algerian legislator has stipulated that the applicant must hold Algerian nationality, as set forth in Article 5 of Order 76/65 on appellations of origin: "National appellations of origin may only be filed for registration by citizens." This implies that the registration of a product as a appellation of origin is strictly reserved for Algerians, provided that the product is linked to a specific geographical area within the national territory. Consequently, foreign investors are prohibited from registering a appellation of origin for any product originating within Algeria, even in the context of direct investment. It is worth noting that this restriction may potentially conflict with the principles of investment law, particularly the principle of equal treatment among investors.²⁷

The legal text does not clarify the meaning of the phrase "legally established institution" nor specify whether it refers to the form or nature of the institution. Consequently, a broad interpretation is required, where the institution's specific nature is irrelevant as long as it has been legally constituted and is qualified to submit the application. Moreover, the Algerian legislator states that a appellation of origin may be registered by a competent authority but fails to define this term. This ambiguity

²⁶ Ajja Al-Jalali: The trademark, its characteristics and protection, the previous reference, p. 262.

²⁷ The same reference, p. 263.

creates uncertainty, particularly regarding whether the competent authority must engage in production activities.²⁸

B- Filing:

Every application for the registration of a appellation of origin must be submitted to the legally competent authority or sent via registered mail with acknowledgment of receipt in the case of a national appellation of origin. However, if the application concerns the registration of a foreign appellation of origin, it must be delivered to this authority by an Algerian representative who is legally authorized and resides in Algeria.²⁹

Pursuant to Implementing Decree No. 76/121 of July 16, 1976, which governs the procedures for the registration and publication of appellation of origin and the determination of related fees—published in the Official Gazette No. 59 on July 23, 1976—the application must be filed with the Algerian National Institute of Industrial Property in four copies, with the first copy marked as the "original." The application must also include the applicant's full name, title, and domicile, as well as the company's address, headquarters, and activity if the applicant is a legal entity. Additionally, it must specify the appellation of origin to be registered, its geographical area, a detailed list of the products covered by the designation, their characteristics and quality, the amount of fees paid, the method of payment, and the date and number of the payment voucher. In accordance with Article 3 of the aforementioned decree, the registration application must be dated and signed, including the name and title of the signatory.

C- Registration and Publication

Upon receipt of the application for deposit, the Algerian National Institute of Industrial Property examines whether the applicant possesses the legal capacity to file the application, whether all the required data stipulated in Article 2 of Order No. 76/65 concerning appellations of origin are duly included, and whether the prescribed legal fee has been paid. Furthermore,³⁰ in accordance with Article 13 of the same order, the Institute verifies that the submitted designation is not excluded from protection and that it complies with the objective conditions outlined in Article 4 of Order No. 76/65.

Article 6 of Implementing Decree No. 76/121 stipulates that the competent authority shall issue a deposit proof report if the submitted application complies with legal requirements and the prescribed statutory fees have been duly paid.

In cases where the required data is missing or incomplete, the supporting documents are insufficient, the deposited name does not encompass the entire geographical area, the product specifications outlined in the application are inadequate, or if all the products listed are not comprehensively covered by the designation, the applicant shall be granted a period of two months to rectify the deficiencies. If necessary,³¹ the Institute may extend this period for an additional two months. Subsequently, a deposit proof report shall be issued, provided that the registration application meets the legal requirements and the statutory fees have been settled.³²

The Institute may reject the application for deposit if the applicant fails to demonstrate the capacity to file the request, if the designation in question is excluded from protection pursuant to Article 4 of the Law on Appellations of Origin, or if the file is not submitted within the prescribed timeframe.

²⁸ Farha Zarawi Saleh: The previous reference, pp. 370-371.

²⁹ See Article 8 of Order 76/65 relating to appellations of origin.

³⁰ See Article 12 of Order 76/65 relating to appellations of origin.

³¹ See Article 14 of Order 76/65 relating to appellations of origin and Article 7 of the aforementioned Implementing Decree No. 76/121.

³² See Article 6 of the aforementioned Implementing Decree No. 76/121.

However, the applicant is granted a period of two months from the date of rejection to present his observations before resorting, if necessary, to legal proceedings to assert his rights.³³

The Institute shall proceed with the registration of the name if the application complies with the provisions of this order, under the depositor's responsibility, and shall issue a copy of the application to him or his representative, which shall serve as the registration certificate.³⁴ Subsequently, the Institute shall publish the registered name in the Register of Registered Appellations of Origin, maintained by the Algerian National Institute of Industrial Property and made freely accessible to the public. Any individual may obtain copies or summaries of the registrations or the documents underpinning these registrations, upon payment of the prescribed fee, as stipulated in Article 18 of Order 76/65 and Article 9 of Implementing Decree No. 76/121.

The registration of the appellation of origin shall remain valid for ten years from the date of filing, with the possibility of indefinite renewal for successive periods of equal duration, subject to the same registration procedures and the payment of a renewal fee.³⁵

Second Axis: Effects of Registering Appellations of Origin

Registered appellations of origin serve as distinctive marks employed by their holders to certify the provenance of products and to distinguish them through their recognized quality and renown. The holder of a registration certificate, having satisfied the substantive conditions for protection and fulfilled the legally prescribed formalities, acquires an exclusive set of rights.

It is noteworthy that the collective nature of appellations of origin precludes the exclusive attribution of the right to the first applicant, unlike other industrial property rights. By disregarding the principle of priority in filing, the legislator aimed to ensure that all producers whose products exhibit distinctive characteristics and superior quality—while meeting the legal conditions outlined in Order 76/65 and originating from the same geographical area—may benefit from the same appellation.³⁶

Accordingly, the legislator deliberately refrained from designating holders of appellations of origin as "owners" and instead adopted the term "exploiters of the appellation." This terminology is explicitly stated in the fourth paragraph of Article 1 of the aforementioned order: "The producer means every exploiter of natural products."

The underlying rationale for this approach stems from the intrinsic nature of appellations of origin, which inherently necessitate collective exploitation. It would therefore be illogical to confer an ownership right that would lead to the monopolization of a geographical area distinguished by unique products shaped by environmental, natural, or human factors.³⁷ Consequently, the holder of a registered appellation of origin is vested with the right to exploit and manage the designation, as will be elaborated in the following sections.

First: The Right to Use Appellations of Origin

Decree No. 76/65 on appellations of origin, through Articles 19 to 22, enshrines the right of the holder of the registration certificate to utilize the appellation of origin, recognizing it as a fundamental prerogative granted to the depositor and underscoring the legislator's commitment to its protection. A thorough examination of these provisions reveals that the registration certificate bestows upon its beneficiary the unrestricted right to employ the appellation of origin. However, the holder is duty-bound to exercise this right strictly within the confines of the prescribed regulatory framework, ensuring full adherence to the provisions of Decree No. 76/65 and its implementing texts.

³³ See Article 15 of Order 76/65 relating to appellations of origin.

³⁴ See Article 16 of Order 76/65 relating to geographic appellation and Article 8 of the aforementioned Implementing Decree No. 76/121.

³⁵ See Article 17 of Order 76/65 relating to Geographic appellation.

³⁶ Nesreen Cheriki: The previous reference, p. 133.

³⁷ Ajja Jilali: The trademark, its characteristics and protection, the previous reference, p. 267.

Accordingly, the appellation may be exploited solely by the depositor or by the beneficiaries expressly listed in the registration file, where applicable, in accordance with paragraph (b) of Article 4 of Implementing Decree No. 76/121. It is important to emphasize, however, that the right to exploit an appellation of origin under the registration certificate does not constitute an absolute monopoly that precludes others from using the same designation. Any producer operating within the same geographical area, whose products exhibit the same distinctive quality and characteristics, may apply for the right to use the appellation. Given the inherently collective nature of appellations of origin, as previously established, such an application will be rejected if the applicant's production is situated outside the designated geographical area or if the products fail to meet the requisite standards of quality and attributes as prescribed by the implementing provisions.³⁸

A thorough examination of the provisions of Order 76/65 concerning appellations of origin reveals that the Algerian legislator does not explicitly regulate the processes of assignment, whether with or without compensation, as is the case with other industrial property rights. This stands in contrast to the assignment of trademarks, which is expressly governed by Order 03/06, allowing for their transfer in whole or in part, either independently or in conjunction with the elements of a commercial establishment.

Consequently, due to this legislative omission, certain jurisprudence has held that the holder of a registration certificate for a appellation of origin may not transfer it, whether wholly or partially, regardless of its nature. Conversely, other jurisprudence has deemed such an assignment permissible, invoking Article 21 of Order 76/65.³⁹ Their reasoning lies in the legislator's broad reference to "sale" in general terms within the aforementioned article, thereby implying the possibility of selling the designation and registering the transaction in the dedicated register to assert rights against third parties. Additionally, they argue that the process of mortgaging a appellation of origin is permissible if it is associated with a state institution, while emphasizing the necessity of distinguishing between assignments conducted by private-sector natural or legal persons and those executed by state-affiliated entities.⁴⁰

By referring to the second paragraph of Article 78 of Commercial Law No. 75/59, the legislator explicitly included industrial property rights among the intangible elements of a commercial establishment, thereby implying that geographic appellation may fall within this category.⁴¹ However, a closer examination of Article 99 of the same law, which governs the registration of the sale or transfer of a commercial establishment, reveals a clear enumeration of industrial property elements—such as trademarks, industrial designs, and models—while omitting any reference to geographic appellations. This exclusion is further reinforced in the provisions concerning possessory mortgages on commercial establishments, where the law explicitly recognizes patents, licenses, trademarks, drawings, and models as eligible assets, yet remains silent on geographic appellations. A similar omission is found in Article 119 of the Algerian Civil Code, which, while allowing the possessory mortgage of a commercial establishment to encompass industrial property rights—including patents, licenses, trademarks, industrial designs, and even literary and artistic property rights—makes no mention of geographic appellations, underscoring their exceptional legal status.⁴²

However, it is worth noting that the Algerian legislator, despite the ambiguity in the provisions of Order 76/65 concerning geographic appellations and the regulation of their assignment, particularly in the use of the term "restrictions" in Article 14 of Implementing Decree 76/212—which engenders uncertainty by stating that "any person may, upon request, obtain a copy of the restrictions included

³⁸ Farha Zrawi Saleh: The previous reference, pp. 384-385.

³⁹ Labib Ali Mahmoud Abu Aqil: Legal protection of geographic appellation in Algerian law - a comparative study -, PhD thesis, Business Law specialization, Faculty of Law and Political Science, Abdelhamid Ben Badis University, Mostaganem, 2021, p. 74.

⁴⁰ Farha Zrawi Saleh: The previous reference, p. 386.

⁴¹ Labib Ali Mahmoud Abu Aqil: The previous reference, p. 74.

⁴² Farha Zarawi Saleh: The previous reference, p. 388.

in the register of geographic appellations”—may have intended those restrictions to pertain specifically to data substantiating the mortgage process. This approach mirrors the treatment of other elements of industrial property, which have been subject to explicit legal regulation regarding their assignability and mortgage, with the legislator delineating with precision that the restricted registrations pertain exclusively to the mortgage process and its subsequent discharge.

Contrary to the foregoing, the Algerian legislator has neither explicitly defined the restrictions stipulated in Article 14 nor unequivocally clarified whether they pertain to mortgage registrations. Nevertheless, an interpretative approach may be adopted by referring to Article 13 of Implementing Decree 76/121, which indicates that these restrictions likely concern requests for modifications submitted by the holder of the registration certificate in relation to the geographic appellations — presumably the very subject addressed at the outset of Article 14.⁴³ This reasoning underscores the distinct nature of geographic appellations compared to other industrial property rights and, given their inherent non-transferability, affirms that they cannot be subject to legal dispositions such as sale or mortgage.

With regard to the right of the holder of the name registration certificate to grant licenses for its use, the legislator has expressly permitted such authorization under Article 21 of Order 76/65 concerning geographic appellations. This provision stipulates that a registered name of origin may not be employed by third parties without the express authorization of its holder, even in cases where the true origin of the product is indicated, the name is translated or transcribed verbatim, or it is accompanied by qualifiers such as genus, model, form, imitation, or any analogous terms.

The distinction between the right of the holder of the registration certificate to grant a license for exploitation and the act of relinquishment lies fundamentally in the inherent differences between the two legal mechanisms. Relinquishment entails the transfer of ownership of the name to another party, thereby resulting in the original holder's loss of ownership by virtue of the act of transfer. Conversely, the licensing system is predicated on granting the right to exploit the registered name without affecting its ownership. In this sense, the holder of the registration certificate retains ownership while merely authorizing others to use it for a specified period under conditions agreed upon in the contractual arrangement between the parties. This aligns with the previously established principle that a geographic appellations is a collective right, reserved for producers and users within a defined geographical area.⁴⁴

However, an examination of Article 21 reveals that the legislator's primary intent was to prevent the imitation of geographic appellations in general, while implicitly permitting the holder of the registration certificate to grant licenses for their exploitation. This raises a pertinent question regarding the legislator's omission in establishing a clear regulatory framework for the licensing process—an aspect that has been meticulously codified in other industrial property laws, such as those governing patents. Consequently, for a licensing agreement concerning the exploitation of a geographic appellations to be legally effective vis-à-vis third parties, it must be formalized in writing, duly registered, and recorded with the Algerian National Institute of Industrial Property.⁴⁵

Third: Expiry of the Right to Geographic appellations

Geographic appellations are granted legal protection upon their registration with the Algerian National Institute of Industrial Property, effective from the date of submission of the registration application, for a duration of ten years, subject to renewal. This protection ceases, as stipulated by the Algerian legislator, either through deletion or modification by means of an official decision, or through voluntary renunciation upon submission of an explicit request to the competent authority.

⁴³ Farha Zarawi Saleh: The previous reference, pp. 386-397.

⁴⁴ Labib Ali Mahmoud Abu Aqil: The previous reference, pp. 74-75.

⁴⁵ Farha Zarawi Saleh: The previous reference, p. 389.

Notably, Order 76/65 governing geographic appellations remains silent on the matter of the invalidity of a registered designation, an issue that shall be examined in the following discussion.

Deletion or Modification

Deletion or modification of a designation of origin constitute grounds for its expiration by virtue of a court decision, reflecting the Algerian legislator's acknowledgment of the judiciary's role in this regard. These grounds are explicitly established within the provisions of Order 76/65 relating to geographic appellations.⁴⁶

The above order stipulates the possibility of deleting the registration of the name by the competent court through the issuance of a judicial ruling, based on the request of any person with a legitimate interest or any competent authority, for two reasons: either to exclude the name from protection in accordance with the provisions of Article 4 of Order 76/65, or due to the disappearance of the circumstances and reasons that initially justified the registration of the name.⁴⁷

The court's intervention further extends to the amendment of the registration of the name of origin, based on the request of any person with a legitimate interest or any competent authority, for reasons outlined in Order 76/65, which include cases where the name of origin no longer encompasses the entire geographical area, when the characteristics of the products included in the deposit request are insufficient, or when the specific products originally covered by the name are no longer represented in the request.⁴⁸

To request the deletion or amendment of the registration, the applicant must provide their name, address, description, the subject of the request, and a statement of the registration that is sought to be deleted or amended, along with the reasons for submitting this request.⁴⁹

According to the text of Article 25 of the same order, the competent court shall notify the users and the Algerian National Institute of Industrial Property of the request to cancel or amend the registration of the name, which, in turn, shall publish it in the Official Gazette of Industrial Property at the expense of the applicant. Within a period of three months from the date of the publication of the request to cancel or amend, the persons, institutions, or competent authorities referred to in Article 11 of the same order may be summoned as defendants before the court hearing the case.

The same article further stipulates that if a defendant or defendants appear during this period, the court shall examine and render a decision regarding the request to cancel or amend the certificate of registration of the geographic appellation. However, if no defendant appears within the prescribed period, the court may, in its discretion, order the cancellation or amendment.

The court shall then notify a copy of the judgment containing the order to cancel or amend the registration to the Algerian National Institute of Industrial Property, which shall duly record it in the register of geographic appellations and publish it in the Official Gazette of Industrial Property.⁵⁰

2- Abandonment of the Appellation:

The geographic appellation may be abandoned at the discretion of its owner, a fact evidenced by several reasons, including the owner's inability to continue production, a lack of inclination to renew the registration of the designation, failure to take the necessary measures to preserve it, or a failure to submit a request for its amendment.⁵¹

⁴⁶ Farha Zarawi Saleh: The previous reference, p. 390.

⁴⁷ See Article 23, first paragraph of Order 76/65 relating to Geographic appellation.

⁴⁸ See Article 23, paragraph 2, of Order 76/65 on Appellations of Origin.

⁴⁹ See Article 24 of Order 76/65 on Appellations of Origin.

⁵⁰ See Article 26 of Order 76/65 on Appellations of Origin.

⁵¹ Labib Ali Mahmoud Abu Aqil: The previous reference, p. 85.

The holder of the registered geographic appellation may, at any time, waive the effects of the registration through a written and certified declaration, which must include an indication of the reasons for the waiver. Upon receipt, the Algerian National Institute shall record and publish the waiver, subject to the payment of the appropriate fee stipulated by law.⁵² As a result, the holder of the registration shall no longer retain exclusive rights to its exploitation, and the designation shall be removed from the public domain, enabling any person to use it without legal accountability.

Third: Legal Protection

Given the paramount significance of the geographic appellation both nationally and internationally, coupled with its pivotal role in distinguishing the quality and provenance of products, its added value substantially elevates the reputation of these goods, distinguishing them from others in the marketplace. Its importance is further underscored by its capacity to enable consumers to access products of superior quality, defined by unique characteristics primarily derived from a specific geographical environment. This distinction serves as a crucial means of safeguarding consumers' rights, empowering them to make informed choices and select goods based on their distinctive quality. As a result, the geographic appellation, much like other industrial property rights, becomes susceptible to infringement and imitation by competitors within the same commercial sphere, given its prominence and reputation among consumers. This vulnerability has prompted legislators across various legal systems to enact protective legal provisions to guard against any violation of the rights of its rightful owners. Any infringement upon the rights of the holder of the geographic appellation registration triggers the liability of the perpetrator, which may manifest as either civil or criminal liability.⁵³ This will be further expounded upon in the following two sections.

1- Civil Imitation Suit for Geographic appellations

The civil suit constitutes a mechanism for the protection of geographic appellations, as the Algerian legislator has granted every user of the appellation the right to file a civil imitation suit to seek compensation for damages resulting from any unlawful infringement or violation of their rights. This is stipulated in Article 28 of Order 76/65 relating to geographic appellations, where it is stated that any interested party may request the judiciary to issue an order for the necessary measures to halt the unlawful use of the registered geographic appellation or to prevent its use if such an act is imminent.⁵⁴ In light of the nature of disputes concerning geographic appellations, it is assumed that the capacity for litigation extends to every producer, manufacturer, or converter whose activities fall within the geographical area from which the appellation is derived, with no single individual monopolizing this right. However, the Algerian legislator, in Order 76/65, refrained from specifying the precise nature of the person entitled to file a civil suit, opting instead for the vague and insufficiently defined term "interested person."⁵⁵

The acceptance of a civil imitation suit for a geographic appellation necessitates the existence of a registered designation, which constitutes an objective condition for the lawsuit's acceptance, as registration serves as the foundation for protection. Furthermore, it is required that the act in question be unlawful, infringing upon the rights associated with the designation. This includes the commercial use of a product subject to the geographic appellation on any similar product that fails to meet the conditions outlined in the decision approving the designation issued by the competent authority, as well as the imitation of the geographic appellation or its reference on bottles or

⁵² See Article 27 of Order 76/65 relating to geographic appellation.

⁵³ Ajja Al-Jilali: The trademark, its characteristics and protection, the previous reference, p. 280.

⁵⁴ See Article 29 of Order 76/65 relating to geographic appellations.

⁵⁵ Nasser Moussa: Procedural protection of geographic appellations in Algerian legislation, an intervention within the national forum on crimes affecting intellectual property and mechanisms to combat them, held on February 17, 2022, Kayet Al-Huquq, Algiers 1 Ben Youssef Ben Khedda Assembly, 2022, p. 370.

advertisements for a product that does not fulfill the specific criteria of the designation. Such acts are intended to mislead the consumer and create a false impression about the source of the product.⁵⁶

Criminal Counterfeiting Lawsuit for Geographic appellation

The Algerian legislator has approved the protection of geographic appellation by means of a criminal counterfeiting lawsuit that is proven only for the geographic appellation registered with the Algerian National Institute of Industrial Property in accordance with the text of Article 3 of Order 76/65 relating to geographic appellations, which stipulates that "protection includes geographic appellations registered with the legally competent authority". The effects of the registration of the geographic appellation shall be effective for a period of ten years starting from the date of filing the application, which may be renewed for an equal period if the designation maintains compliance with the requirements specified in Order 76/65 and with the same procedures that apply to registration, and is also subject to payment of the renewal fee.⁵⁷

Based on the above, the Algerian legislator considered registration as the foundation of protection and the cornerstone, as evidenced by the term "registered" used at the outset of the aforementioned article. Consequently, anyone who infringes upon a registered geographic appellation is liable to penalties, independent of those outlined in laws pertaining to the suppression of fraud.⁵⁸ In this context, the legislator has empowered any interested party to file a lawsuit for the counterfeiting of a registered geographic appellation, requesting the cessation of unlawful use or preventing such use if imminent, for each registered geographic appellation.⁵⁹ The Algerian legislator has entrenched criminal protection against any infringement of geographic appellation, treating such infringement as a misdemeanor of counterfeiting, thus necessitating the investigation of the legal, material, and moral elements required for establishing this misdemeanor, akin to other industrial property rights.

A- The Legal Aspect:

Any tampering with registered geographic appellations is criminalized under Order 76/65 relating to geographic appellations, pursuant to Articles 29 and 29 thereof. Article 28 stipulates that "it is illegal to use directly or indirectly a forged or fraudulent geographic appellation or to imitate the geographic appellations." Any unauthorized use of the appellation by its owner is deemed unlawful, as outlined in Article 21 referenced in the aforementioned article, even if the true origin of the product is indicated, or the appellation is subject to translation or literal transfer, or accompanied by terms such as "genus," "form," "imitation," or similar words. Additionally, the legitimacy of criminalizing the geographic appellation is further supported by the text of Article 30 of Order 76/65, which stipulates that "the listed penalties shall be applied regardless of the penalties stipulated in the laws and regulations regarding the suppression of fraud."

B- The Material Element:

The material element of the misdemeanor of counterfeiting a registered geographic appellation consists of the physical act, which takes the form of an unlawful action carried out by the violator of the designation.⁶⁰ This criminal behavior is manifested when the perpetrator fraudulently uses the geographic appellation or imitates it, whether through direct or indirect use, as well as in cases of forging geographic appellations, in accordance with the text of Article 30 of Order 76/65 relating to geographic appellations. The crime of counterfeiting is constituted by the commission of unlawful

⁵⁶ Ajja Al-Jilali: The trademark, its characteristics and protection, the previous reference, pp. 286-287.

⁵⁷ See Article 17 of Order 76/65 relating to appellations.

⁵⁸ Farha Zaraoui Saleh: The previous reference, p. 394.

⁵⁹ See Article 29 of Order 76/65 relating to geographic appellations.

⁶⁰ Ajja Jilali: The trademark, its characteristics and protection, the previous reference, p. 297.

acts, such as creating, altering, or using the designation in a manner that misleads the consumer into believing that the goods originate from the authentic geographical region.⁶¹

Article 30 further stipulates that any accomplice who aids in the forgery of the geographic appellation is deemed to have committed the offense of counterfeiting and is subject to the same penalty as the principal forger of the designation. The legislator further extended the scope of this misdemeanor to include any individual who intentionally offers for sale or sells products bearing a counterfeit geographic appellation. It is apparent from these provisions that the legislator has not differentiated between the original forger and the accomplice, whether their involvement is direct or indirect, nor has the legislator distinguished between the act of selling products that counterfeit the geographic appellation and the mere offering of such products for sale.⁶²

C- The Moral Element: The moral element constitutes one of the core components of the misdemeanor of imitation in all its previously outlined forms. It signifies that the intent of the imitator is directed towards the commission of an unlawful act, with full awareness that such an act is punishable by law. In alignment with comparative legislation, the Algerian legislator treats misdemeanors involving geographic appellations as intentional offenses, underscoring the necessity of criminal intent for the commission of this crime. It thus becomes essential to prove the criminal intent of the individual perpetrating the imitation, who is fully cognizant that their actions are illicit and subject to legal punishment. The Algerian legislator's use of the phrase "involving fraud" in Article 30 of Order 76/65 concerning geographic appellations indicates the presence of the moral element.⁶³ The requisite criminal intent is also critical in cases involving the sale or offering for sale of counterfeit products, as evidenced by the term "intentionally" used at the commencement of Article 30, since fraudulent intent is a vital component in the commission of the misdemeanor of imitating geographic appellations.⁶⁴

3- Penalties for the Misdemeanor of Counterfeiting Geographic appellations:

The Algerian legislator has stipulated penalties for any individual who infringes upon a registered geographic appellation as per Order 76/65 relating to geographic appellation, alongside other penalties outlined in the Penal Code, Customs Law, and Consumer Protection Law.

Penalties for counterfeiting geographic appellation are specified in Article 30 of Order 76/65. These include a fine ranging from 2,000 to 20,000 DZD, coupled with imprisonment for a period between 3 months and 3 years, or one of these two penalties, for those who counterfeit registered geographic appellations or participate in their counterfeiting.

Additionally, a fine of 1,000 to 15,000 DZD, accompanied by imprisonment from 1 month to 1 year, or one of these two penalties, is prescribed for individuals who intentionally offer for sale or sell counterfeit products.

Furthermore, the legislator has established supplementary penalties in the final paragraph of the aforementioned order, which stipulates: "The court may order the judgment to be posted in locations it designates and the full or partial text of the judgment to be published in newspapers at the expense of the convicted individual."

It is important to highlight that geographic appellations benefit from various penal provisions, including legal protection under the Penal Code. Specifically, Article 429 of the Penal Code offers protection, stipulating that: "Anyone who deceives, attempts to deceive, or misleads a contracting party, whether in the nature, essential characteristics, composition, or proportion of the necessary components of all these goods, or in their type or source, or in the quantity of the delivered items

⁶¹ Labib Muhammad Abu Aqil: The previous reference, p. 132.

⁶² Farha Zrawi Saleh: The previous reference: p. 394.

⁶³ Ajja Al-Jalali: The trademark, its characteristics and protection, the previous reference, p. 302.

⁶⁴ Farha Zrazi Saleh: The previous reference, p. 395.

or in their identity, shall be punished by imprisonment from two months to three years and a fine from 20,000 to 100,000 dinars, or by one of these two penalties only. In all cases, the perpetrator of the violation must return the profits obtained without right.”

Article 340 of the same law further stipulates that: “The term of imprisonment shall be increased to five years and the fine to 500,000 dinars if the crime or attempt to commit it was carried out through a previous or correct operation or through official supervision that did not exist.”

Among the penalties stipulated to combat counterfeiting of geographic appellations, as included in the Customs Law, is what is stated in Article 15 bis 2 of the Customs Law, amended and supplemented by Law No. 12/12 dated 12/26/2012, including the Finance Law for the year 2013. The article stipulates the following: “All goods bearing written data on the products themselves or on the packaging, boxes, belts, envelopes, tapes, or labels that would suggest that the goods coming from abroad are of Algerian origin are prohibited from being imported.”

There is no doubt that the legislator’s goal in establishing protection for geographic appellation under the Customs Law is to safeguard both origin data and marks. This leads to the imposition of an absolute ban on counterfeit goods that appear to be of Algerian origin when they enter the customs territory. Furthermore, counterfeit Algerian and foreign goods are also subject to confiscation.⁶⁵

The protection of geographic appellation is also derived from consumer law, as it plays an effective role in protecting consumers from fraud and misleading information regarding the source, quality, and characteristics of products. In this context, Article 11 of Law No. 03/09 on consumer protection, dated 25/02/2009, states: “Every product offered for consumption must meet the legitimate desires of the consumer in terms of its nature, type, origin, and essential characteristics... its identity and source.”

Any person who deceives or attempts to deceive the consumer by misleading them about the nature or type of goods, as well as anyone who commits fraud by placing fraudulent signs or claims on a counterfeit geographic appellation, shall be subject to prosecution.⁶⁶

RESULTS

Geographic appellations form an integral part of industrial property rights, signifying products whose distinctive qualities and characteristics are inherently tied to their geographical provenance. In Algeria, their protection is enshrined in Order No. 76-65 of July 16, 1976, which delineates the conditions and procedures governing their recognition and safeguarding.

Geographic appellations serve as a catalyst for economic growth by elevating the prestige of local products and enhancing their competitiveness in both national and international markets. They also play a vital role in safeguarding cultural heritage by preserving traditional craftsmanship and ancestral knowledge tied to the appellation. Moreover, they uphold quality standards, offering consumers a guarantee of authenticity and provenance, thereby fostering greater trust and expanding the market for these distinguished products.

The aforementioned law on geographic appellation establishes stringent conditions to safeguard these designations, ensuring that they remain intrinsically linked to the geographical regions that give rise to the distinguished products they represent. It mandates the presence of essential natural factors, such as climate and soil, alongside human elements, including traditional techniques and artisanal expertise, which collectively confer the product’s unique characteristics. Furthermore, legal protection is contingent upon official registration, requiring producers to register geographic appellations with the Algerian National Institute of Industrial Property to secure their recognition and enforcement.

⁶⁵ Farha Zarawi Saleh: The previous reference, p. 396.

⁶⁶ Ajja Al-Jalali: The trademark, its characteristics and protection, the previous reference, p. 300.

The same law ensures the protection of geographic appellations through criminal proceedings, penalizing fraud and counterfeiting related to these designations. However, the penalties remain less stringent than those established for other industrial property rights, which have been updated in their respective legal frameworks.

In addition to criminal proceedings, a civil lawsuit may be filed under unfair competition laws, allowing affected producers to take legal action against unauthorized use of a geographic appellation

To enhance the legal efficacy of geographic appellation rights, we propose several measures:

- **Raising awareness and training** through educational campaigns and specialized programs to inform producers and consumers about the significance and benefits of geographic appellations.
- **Strengthening control mechanisms** by updating inspection and monitoring systems to ensure compliance with regulations and prevent infringements.
- **Updating legal frameworks** by revising and adapting laws governing geographic appellations to align with contemporary developments and reinforce their protection.

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18. See Article 26 of Order 76/65 on geographic appellations.



19. See Article 27 of Order 76/65 relating to geographic appellations.
20. See Article 29 of Order 76/65 relating to geographic appellations.
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