The potential of intellectual property rights in agriculture and the general legal environment for IP
THE CASE OF MOROCCO

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General presentation

Area: 725 000 Km²
Population: 36 millions (2017)
GDP: 115 Billion $ (2017)

% Sectoral added value (2017)

Livestock (M)

Climate

Arable land: 9 million ha (12% of country area)

Arable land use

Irrigated 15%
Rainfed 85%
The National Institute of Agricultural Research

Under the Department of Agriculture

Higher Education and research Institutes

Research and development

Policy-oriented research

Action Research

Adaptive Research

Applied Research

Basic Research

Soft systems

Trans-disciplinary

Change

Efficiency

Technology

Knowledge

 Participatory approach

Vertical integration

Territorised context

Complementarity and convergence

Inclusive approach for a real impact

10 Regional Centers

23 Research Stations

200 scientists

Eight Diciplinary Departments

Six Research programs
### IPR in Morocco

**IP legislation**

- Treaty Membership (69 texts)
  - WIPO-Administered Treaties
  - IP-related Bilateral and Multilateral Treaties
  - Regional Economic Integration Treaties
- Laws (41 texts)
- Implementing Rules/Regulations (21 texts)

**IPR in agriculture**

- TRADEMARK
- INDUSTRIAL DESIGNS
- PATENT RIGHTS
- PLANT VARIETIES
- GEOGRAPHICAL INDICATIONS

### The interveners in the field of intellectual property

- Dep. of Industry
- Dep. of Culture and Communications
- Dep. of Higher Education and Scientific Research
- Dep. of Agriculture
- Dep. of Environment
- ONSSA
- OMPIC
IPR in agricultural research

PLANT VARIETIES

• A New Variety that conforms to the criteria of novelty, distinctiveness, uniformity, and stability
• 76 species are protectable
• The IPR may be required by Moroccan or foreigner, natural or legal persons.
• Governed by the law n°9-94 (Only materials, technologies and methodologies are patentable under other law).
• INRA : More than 250 released varieties (Most significant realties' come from citrus varieties and cereal varieties)
IPR in agricultural research

PATENT RIGHTS

• A Patent requires novelty (different from the prior art), inventive step (Non – Obviousness) and industrial applicability.

• Initially restricted to agricultural machineries and agro-chemistry, nowaday inventions related to the application of biotechnology has emerged drastically.

• What is patentable in Morocco ?

• Pesticides, herbicides (regarding the therapeutic efficacy)

• A composition containing components showing a combinative effect (synergy) beyond the sum of their individual effects.

• Processes of isolation and purification of microorganisms and their products

• Diagnostic instrument or device/apparatus/kit, vaccine.

• Treatment In plants (not the process).

• Compositions involving traditionally known components but showing unknown and unexpected synergy/therapeutic efficacy.
GEOGRAPHICAL INDICATIONS

Morocco is famous for diversity and richness of its terroir products,

• originating from a definite geographical territory;
• used to identify agricultural, natural, or manufactured goods produced or processed or prepared in that territory; and
• having a special quality or reputation or other characteristics

Distinctive sign of origin and quality:
Law 25-06

INRA played a major role to implement the geographical indications and to characterize the product for their typicity.
Implementation of the Nagoya Protocol in Morocco

- Ratified by Morocco in 2012. Following the promulgation by the parliament in 2013, a project was launched with the objective: **To strengthen the protection and sustainable use of genetic resources and traditional knowledge**, through the establishment of a national framework on access and benefit-sharing (ABS) compatible with the CBD and its Nagoya Protocol.

**Stakeholder engagement**: Departments of Agriculture, Forestry, Environment, Scientific Research ...

**Development of legal framework** (2015-2020) and launchment of technical studies in support to this framework

**Institutional capacity building** (Policy makers, Public and private stakeholders)

**Transfert of the project** within the framework of south-south cooperation
Thank you