

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/DZA/13/Add.1

4 February 1999

(99-0425)

**Working Party on the
Accession of Algeria**

Original: French

ACCESSION OF ALGERIA

Additional Questions and Replies to the Memorandum on the Foreign Trade Regime
(Document WT/ACC/DZA/1)

Addendum

The Permanent Mission of the Republic of Algeria has communicated to the Secretariat the replies to the additional questions reproduced below.

Question 1

Please provide further details on the requirements for obtaining a legal licence in the area of copyright and related rights.

Reply

Requirements for obtaining a legal licence are defined in Articles 29-32 of Order No. 97-10 of 6 March 1997 on copyright and related rights, which allow the use of protected works without their authors' authorization against payment of fair remuneration in the following cases:

- Reproduction of musical works licitly recorded on a sound medium and communicated to the public;
- broadcasting or cable distribution of works already made available to the public with the author's authorization;
- communication to the public via cable distribution of broadcast works performed simultaneously with broadcasting and without modification to the broadcast programme.

Legal licences are issued by the National Copyright Office (ONDA) subject to the following requirements:

- The owners of the rights must not be represented by the ONDA for the collective administration of rights;
- fair remuneration must be paid to the owners of the rights through the ONDA.

Remuneration for each form of use of a work under a legal licence is fixed on the basis of the criteria applicable to fees for works of the same nature whose exploitation has been authorized under a voluntary licence issued by the ONDA as representative of the authors.

Question 2

Can the Algerian Government explain in detail how and on what legal basis industrial designs – including textile designs – are protected?

Reply

Industrial designs are protected under Order No. 66-86 of 28 April 1966 on industrial designs.

In order to benefit from protection under this Order, industrial designs must be original and new. Textile designs also enjoy the same protection.

Both foreigners and nationals are granted the same rights.

The term of protection for industrial designs is ten years.

The Order on industrial designs provides for civil, criminal or administrative proceedings if owners' rights are infringed.

Question 3

Does Algeria intend to bring its legislation on patents into conformity with Articles 27 (patentability of micro-organisms, food, pharmaceutical, chemical and cosmetic products) and 31 of the TRIPS Agreement?

Reply

Algerian legislation will be brought into conformity with Articles 27 and 31 of the TRIPS Agreement within the prescribed period.

With the exception of micro-organisms, the exclusion of food, pharmaceutical, chemical and cosmetic products from patentability under Algerian legislation (Article 26 of Order No. 93-17 of 7 December 1993) does not extend to the processes used to obtain them.

Question 4

Does Algerian intend to accede to the UPOV Convention? If this is the case, will Algeria introduce an alternative system to protect plant varieties? Please explain.

Reply

Algeria is considering acceding to the UPOV Convention and introducing an alternative system to protect plant varieties.

Question 5

What measures does Algeria intend to take in order to introduce a system of protection for layout designs in conformity with Part II, Section 6, of the TRIPS Agreement?

Reply

Special legislation on the protection of "layout-designs (topographies) of integrated circuits" is planned.

Algeria is considering accession to the IPIC Treaty.

Question 6

What measures does Algeria intend to adopt to bring its legislation into conformity with Article 39.3 of the TRIPS Agreement?

Reply

The Algerian National Industrial Property Institute (INAPI) is preparing a draft legislative text on protection against unfair competition.

Question 7

In relation to questions 3-6, please specify the timetable for this action.

Reply

The timetable for action related to questions 3-6 is under consideration.

Question 8

Can the Algerian Government clarify whether, in cases of piracy, its legislation gives the possibility of destroying the counterfeit goods, as well as the materials and instruments used for the infringement.

Reply

Order No. 97-10 of 6 March 1997 on copyright and related rights does not contain any provisions allowing the destruction of counterfeit goods or the materials used for the infringement.

Nevertheless, a person guilty of repeating the offence of infringement of a work or a service is liable to confiscation of an amount equal to that of the profits yielded by the unlawful exploitation of the work or service, or of the material specifically installed to carry out the unlawful activity and all the counterfeit copies and objects (Article 155).

The goods confiscated may be handed over to the author or other owner of the rights as compensation (Article 157).
