**Order # 66 - 86 of the 28th April 1966 related to models and designs**

The Prime Minister, President of the Minister Cabinet,

Based upon the report of the Minister of the Industry and Energy ;

Whereas Order # 65 - 182 of the 10th July 1965 carrying the constitution of the Government ;

Whereas Order # 66 - 48 of the 25th February 1966 carrying the accession of the People's Democratic Republic of Algeria to the Convention of Paris for the protection of the industrial property on 20th March 1883 ;

Ordains :

****TITLE 1**

**GENERAL ARRANGEMENTS:**

**Article 1:**

Are considered as plans, any assembly of lines, colors, meant to give a special appearance to any industrial or handcrafted object, and as model, any plastic form associated or not to colors and any industrial object which could serve as type to manufacture other units which can be distinguished by its configuration from similar models.

Only original and new plans benefit from the protection awarded by the present order.

A plan or a model is new if it has not been already created.

If an object can be considered at the same time as a plan or a model and as a patentable invention, and that the constitutive elements of the novelty are inseparable from those of the invention, the said object will be protected in accordance with order # 66 - 54 of the 3rd March 1966 related to the certificates of inventors and to the invention patents.

**Article 2:**

Any holder of a plan or a model has the right to exploit this plan or model under the conditions specified within the present order.

Under the discretions predicted by the transitional arrangements, the property of a plan or a model belongs to whoever has first completed the registration.

Article 3 :

The Government can grant any creator of a plan or model a consideration corresponding to the economical and social effects of the application of the plan or model and can assure its exploitation whenever possible.

**Article 4:**

When the creator of a plan or model is employed by a company, the exploitation right of the plan or model, except for particular convention, belongs to the company:

- if the plan or model has been create during the service of the creator within the company or if it is related to the professional activity of the creator,

- if the plan or model has been created within the framework of the duties given to the creator using means belonging to the company.

**Article 5:**

Any creation of a plan or model within a company must be reported by writing to the said company which is bound to aknowledbge receipt of such report to the creator immediately and by writing.

The company must give expression on its right to the plan or model in a period of three months starting from the day of receipt of the notice by the creator ; if the creator omits to inform the company, the aforesaid period starts from the day when the company has known about the creation.

In the case when the company has not registered the application for protection in the period of six months, starting from the day it has declared itself as the beneficiary of the right of exploitation, the creator can then request the benefit.

**Article 6:**

The due consideration will be paid by the company which would have registered the the plan or model. It can be increased in accordance with the extension taken by the exploitation of the plan or model.

**Article 7:**

The applications carried on the objects which do not have the character of plan or model within the present order or which harm the good morals, are rejected.

**Article 8:**

The foreign citizens who would like to apply for a registration in Algeria, will have to be represented by an Algerian attorney based in Algeria.

****TITLE 2**

**APPLICATION – REGISTRATION - PUBLICATION:**

**Article 9:**

Any registration of a plan or model is given or addressed to the competent authority, by recorded mail with request of acknowledgment of receipt.

This registration can include between 1 and 100 plans intended to be incorporated in objects of the same type.

It must include, otherwise it will be null and void:

- four copies of a declaration of registration,

- six identical copies of a representation or two specimens of each one of the objects or plans,

- a power signed under private agreement, if the applicant is represented by an attorney,

- the receipt of payment of the due taxes.

 All documents must carry the signature of the applicant, the specimens of the registered object must be fitted with a label to this effect. The registered objects, as well as the explanatory legend accompanying them, must be contained in a hermtically closed box on which the signature and seal of the applicant must be affixed.

**Article 10:**

Whoever would like to obtain a priority on a prior foreign registration, is bound to enclose with their registration of plan or model:

- a certificate of identity of the plan or model delivered by the administration where it was registered,

- the receipt of payment of due taxes related to the title of the priority demand.

**Article 11:**

The competent service proceeds to the transcription of the declaration of registration on a register of plans and models by mentioning the date, the time of the handing in or the receipt of the parcel containing them, as well as the registration number.

It affixes on each of the handed items its seal and the registration number.

**Article 12:**

A copy of the delcaration is given or sent to the application and completed with the registration number ; this copy constitutes the evidence of registration.

**Article 13:**

The duration of the granted protection by the present order to each plan or model, is ten years starting from the date of registration.

This duration is devided in two periods ; the first of one year, the second of nine years which is subject to payment of a maintenance tax.

During the first period of protection, the registration of a plan or model remains secret if the applicant or their successors-in-interest do not request its publication.

A period of six months is granted for the execution of these formalities. The maintenance of a registration can concern all the plans or models or some of them.

**Article 14:**

The applicant or the successors-in-interest can request during the first period of protection or at its expiry the total or partial restitution of the registration ; this latter only concerns the objects for which the publication has not been requested.

The plans or models which have not been taken out during a period of one year after the expiration of the first period of protection, will fall in the public domain.

**Article 15:**

The taxes to pay during the registration are the following:

- a fixed tax and independant of the number of registered plans and models,

- a tax per plan or model,

- a publication tax, if applicable.

**Article 16:**

On expiry of the first period of protection, the plan or model, of which the protection is extended according to Article 13, is compulsorily made public.

**Article 17:**

Is published a catalog of the registrations made public.

Annual folders esstablished by the competent service are communicated to the public.

A trial of reproduction of the plan or model made public, with a copy of the legend, is made available to the public.

**Article 18:**

Trials carrying also a copy of the explanatory legend and a declaration of registration will be delievered, providing a tax, to the applicant who will request it or to one of their successors-in-interest.

**Article 19:**

The publicity given to a plan or a model prior to its registration, will not cause any loss neither in the right to priority, nor in the protection granted by the present order for all that is related to the actions made after the registration.

Any plan or model which appears in an official exposition or known as such, benefits from a temporary protection. If the owner applies for a registration in a period of six months starting from the day of the exposition of the plan or model, with, as support a certificate of warranty delivered during the exposition, it will benefit from a right to priority.

****TITLE 3**

**TRANSFERS OF PLANS OR MODELS:**

**Article 20:**

The owner of a plan or model can, by contract, transfer all or part of their rights to others.

If the public interest requests it, the competent authority can grant, against a compensation, the right to use a plan or model to any company that makes an application for it.

**Article 21:**

Acts carrying, either transmission of property, or concession of right of exploitation or suspension of this right, or testimony or withdrawal of testimony, must, otherwise they will be null and void, be certified by writing and recorded in the special registry of plans and models.

**Article 22:**

**The competent authority can deliver to anyone requesting it, a copy of the records written on the special registry of plans and models or a certificate stating that there is no such record.**

****TITLE 4**

**PENALTIES:**

**Article 23:**

Any harm made against the rights of the owner of a plan or model, constitutes a counterfeit offence which is subject to a 500 to 15.000 DA fine.

In case of recidivism or if the offender is a person who has worked for the harmed party, it is pronounced besides, against the charged person, a sentence of one to six months of imprisonment.

These convictions are doubled when the harm is against the rights of self-managed and state sectors.

**Article 24:**

The court can order the publication of the judgment in the places that it defines and its full or partial insertion in the newpapers that it appoints, all at the expense of the condemned.

It can order the seizure, to the benefit of the harmed person, of the objects harming the rights guaranteed by the present order, even in case of acquittal ; it can also, in case of conviction, seize the instruments having especially served to making the said objects and to give them to the harmed party.

**Article 25:**

The facts prior to the registration do not give an opening to any legal or civil action deriving from the present order.

The facts posterior to the registration, but prior to its publicity, can not give place to an action, even civil, unless the harmed party establishes bad faith from the charged person.

**Article 26:**

The harmed party can make proceed by any sworn agent to the detailed description, with or without seizure, objects or instruments mentioned in Article 24, in virtue of an order given by the president of the court whereby operations must be completed. The order is given on simple request and on production of a justification of registration.

The president has the power to impose from the claimant a bail bond that this latter must deposit before the seizure.

It is left a copy of the order to the holders of the described or seized objects, without this, it will be void or null and would be subject to damages.

**Article 27:**

In the absence from the claimant to seize the competent jurisdiction in a period of one month, the description of the seizure loses its effect. Damages can be claimed and the seized objects must be returned.

**Article 28:**

When a registered document or object is necessary to the resolution of a litigation, the president of the seizure jurisdiction can request its communication by writing to the competent authority.

****TITLE 5**

**TRANSITIONAL ARRENGEMENTS:**

**Article 29:**

The rights resulting from the registrations of plans or models currently valid in Algeria at the date of 3rd July 1962, continue to produce their effects up to the end of the period of protection prescribed by Article 13, 1st indent, provided these registrations have been made public in the coutry of origin, before the shipment of the declaration prescribed in Article 30 hereinafter, and that they have been exploited in an effective manner and continue from this date.

**Article 30 :**

Any plan or model holder, mentioned in the previous Article must, otherwise will forfeit, address to the competent service in a period of six months starting from the publication of the present order in the Official Journal of the People's Democratic Republic of Algeria, the items mentioned in Article 9 as well as:

- an application for the maintenance of the rights in force,

- a certificate of the identity of the plan or model,

- a declaration of non-cessation of use of the plan or model.

**Article 31:**

Any plan or model exploited at later date than 3rd July 1962 within a State company or within the self-managed sector is considered as being one of the elements of this company.

**Article 32:**

The periods prescribed in the order hereto run from date to date ; when the last day of a period is a legal bank holiday, the period is extended to the next following working day.

**Article 33:**

All arrangements going against the present order are abrogated.

**Article 34:**

Decreed will determine the measures of execution of the present order and mainly the amount of taxes prescribed by them.

**Article 35:**

The present order will be published in the Official Journal Of the People's Democratic Republic of Algeria.

**Done in Algiers, on 28th April 1966**

**Houari BOUMEDIENE**